



AD HOC MIDDLE HOUSING CITIZENS ADVISORY COMMITTEE
January 20, 2021 6:00 PM
Virtual Meeting <https://zoom.us/j/93413422139>

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Webinar ID: 934 1342 2139

- I. 6:00 p.m. Call Meeting to Order
- II. 6:01 p.m. Roll Call
- III. 6:03 p.m. Approval of Minutes (November 4 and November 18, 2020)
- IV. 6:05 – 6:20 p.m. Public Outreach Results Steve Faust, 3J Consulting
- V. 6:20 – 7:45 p.m. Draft Code Updates Elizabeth Decker, JET Planning
 - Duplex Code Updates
 - Design Standards for Other Middle Housing
- VI. 7:45 – 7:50 p.m. Next Steps Steve Faust, 3J Consulting
- VII. 7:50 – 8:00 p.m. Public Comment
- VIII. Adjournment

QUESTIONS? COME TO THE COMMUNITY DEVELOPMENT DEPT. AT 414 E FIRST STREET, OR CALL 503-537-1240

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the Office Assistant II of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the Office Assistant II at (503) 544-7788. For TTY services please dial 711.

AD HOC MIDDLE HOUSING CITIZENS ADVISORY COMMITTEE

Meeting Minutes

November 4, 2020 6:00 PM

NEWBERG CITY HALL

Meeting held electronically due to COVID-19 pandemic

(This is for historical purposes as meetings are permanent retention documents and this will mark this period in our collective history)

CDD Doug Rux called meeting to order at 6:01pm

ROLL CALL

Members Present: Melisa Dailey, Chair
Robert Bonner, Vice Chair
Gabriel Skulec
Dominic Seymour
Leslie Murray
Robert Moxley

Members Absent: Robert Bonner, excused
Shy Montoya, excused
Irma Vera

Staff Present: Doug Rux, Community Development Director

Consultants: Steve Faust, 3J Consulting
Heather Austin, 3J Consulting
Elizabeth Decker, JET Planning

APPROVAL OF MINUTES:

MOTION: Member Leslie Murray and Member Domenic Seymour moved to approve the October 14, 2020 Middle Housing Meeting Minutes, Motion carried 5/0

WELCOME AND INTRODUCTIONS:

CDD Rux introduced himself as project manager. The Members introduced themselves followed by the Consultants from 3J Consulting and Jet Planning, each giving a brief introduction.

PROJECT OVERVIEW:

Steve Faust, 3J Consulting gave the project objective considerations, which are to build on the momentum of the HNA, expand opportunities for middle housing options in the future and the main goal is to comply with House Bill 2001. He noted by population Newberg is a medium sized city (>10,000) as opposed to a large city (>25,000) it is right on the cusp. We will be not only looking at duplexes in Newberg but other middle housing opportunities.

Steve went over the project schedule and noted we have until June 15, 2021 to complete this project. He noted getting our work done on this project includes adopting some provisions around duplexes and other middle housing types. He noted there is a lot of content to this task, looking at the City's code and developing concepts. In December we'll begin drafting the actual code update and another round of meetings with this Committee and with the public. Based on comments from the Committee and the public we'll put together the final code update. We than can move into the adoption process.

DRAFT HOUSING CODE AUDIT AND CODE CONCEPTS:

Elizabeth Decker, JET Planning started the presentation on housing code and concepts. She noted a bit of background with the direction that came out of the HNA in 2019. Starting with Housing Mix which is showing currently 71% single family detached which is Newberg's dominant housing type, 23% single family attached and 6 % multifamily. The new housing forecast is 60% single family detached, 8% single family attached and 32% multifamily. She noted there's opportunity to meet some of Newberg's future housing needs through a mix of middle housing types.

Elizabeth continued with the housing need and analysis 2020 to 2040. The City is looking at a little over 4,000 dwelling units expected in the next 20 years. There is already 40% not single family detached projected and we're looking to add some variety into that mix. The most substantial ways the City can encourage development of housing is through ensuring enough land is zoned for residential development, eliminating barriers to residential development where possible and providing infrastructure in a cost effective way. She noted we are focusing in on the zoning piece and eliminating barriers in codes.

Elizabeth noted HB 2001 was passed in 2019 by the Legislature and the two key provisions are that medium cities, with a population over 10,000 people, have to allow that duplexes can be constructed on all lots where single family detached dwellings are allowed. She noted they are using a new acronym SFDD for single family detached dwellings. Newberg needs to comply with this by June of 2021 so that is what is driving this schedule to have these provisions not only drafted but fully adopted by the Planning Commission and City Council. The second part is that large cities with a population over 25,000 have to allow triplexes, quadplexes, townhouses and cottage clusters in areas where SFDD are allowed. Newberg is in a unique position where the 2019 population was estimated at 24,045 and it's continuing to grow. The population projection is coming out in December of 2020 and the City could cross the 25,000 threshold. She noted the two part scope that the City laid out on this project was to adopt the duplex rules by June 2021 and comply with HB 2001. Second to develop draft middle housing rules and adopt those as a second phase after June 2021 which gives us a little bit more flexibility in terms of having more time to review our initial phase of work.

Elizabeth noted when you start thinking about the duplexes on all lots and other middle housing types in all area there are some exceptions that's been a part of the statewide discussion. There are some resource areas that are protected by other Statewide Planning Goals, so to avoid a conflict with other statewide planning requirements, historic landmarks, stream corridors, floodplains and greenways have some additional protections. A critical piece is were not looking at high density residential so the R-4 and non-residential zones are not included in this project. This project and HB 2001 is intended to focus on those neighborhoods where single family detached dwellings are the predominant dwelling type to increase the variety of housing allowed in those areas. There are some exceptions for infrastructure constrained areas, there is the short-term and long-term infrastructure constraints. The City has secured additional funds from DLCD to evaluate infrastructure and see if there are particular neighborhoods that have constraints and to identify ways of rectifying those to support the greater density that could come along with middle housing. There's a different exemption in HB 2001, the City's infrastructure constrained areas after going through that process and it just becomes clear that the constraint is a very long-term constraint then there's a different way to treat those areas. Primarily is for rural areas that have no water and are on septic and could create health hazard or other concerns. The other is working with Master planned communities and that middle housing gets treated differently in those areas.

Elizabeth continued with Paths to Compliance, model code and minimum compliance. She noted the DLCD staff with the Rulemaking Committee of people across the State, nonprofits, other agencies and stakeholders have all gotten together on the rulemaking process and has delivered two different pathways to satisfy HB 2001 requirements. The first is they put together a model code for how to allow all the different housing types into your communities and minimum compliance to better meet the City's specific needs.

Elizabeth noted in Newberg when you take into account all the different features of HB 2001 and the City's HNA, local priorities are the initial project focus and has shown us that we're going to be looking at the residential zones where single family detached dwellings are permitted. Were looking at R-1, R-2 and R-3 zones as well as the residential professional RP zone. Within those we are looking for ways to allow duplexes, triplexes, quadplexes, townhouses, cottage clusters and the objective standards and review processes. Uses will be permitted uses and any standards that apply to them can be reviewed through a simple Type I application.

Elizabeth noted on the zoning map of Newberg where we're contemplating adding these areas essentially which are shown in yellow and orange areas on the map.

Elizabeth continued with the duplex analysis. What we're looking at is making duplexes a permitted use in the R-1, R-2, R-3, RP and treating them the same as a single family detached dwelling. Specific text in HB 2001 is that duplexes are allowed on all of the same lot size as a single family detached dwelling which is a 5,000 square foot minimum lot size. The design standards are identical for duplexes and single family detached dwellings. Dimensional standards are things like height, setbacks and lot coverage, which complies with minimum compliance and the model code. There are some minimal design standards that apply to duplexes if you can apply clear an objective design standards just as long as you evaluate and they apply to single family detached dwellings as well as duplexes, you need to treat them identically.

Elizabeth noted every community has parking requirement issues. The City's code requires two parking spaces per unit and that would be a total of four spaces for a duplex lot. The State minimum compliance requirements are the highest number of parking spaces the City can require for duplexes is one space per unit. The model code encourages cities to go further and reduce that reducing required parking to 0 spaces so that it gives the builder flexibility to either add parking or no parking depending on the site configuration. Parking is one change we are recommending for compliance. The other concept is allowing the conversion of existing single family detached dwellings into duplexes without triggering any additional parking or design standards. The standard of two spaces for a duplex can't be applied to this conversion. When thinking about conversion and having two units on a lot we need to clarify the relationship to an accessory dwelling units. ADU's are typically a larger house with an ADU where a duplex is side by side and the same design.

Elizabeth noted the other concept we will be looking at is the duplex concepts whether we allow attached or detached duplex structure. The stacked and the side by side duplexes come from the model code. We will be looking at allowing detached duplexes. She noted looking at the diagrams of how we are going to start to overlap with ADU's quickly, particularly when we're talking about detached structures.

Elizabeth opened up for discussion on duplexes, attached or detached, parking standards and the number of parking spaces and the minimum lot size reductions for single family detached dwellings and duplexes.

Member Seymore noted his mother lives in a neighborhood with quadplexes and there is almost all on street parking. He also noted he is in his garage conversion and is currently working with the City Planning Department about parking. I have a driveway that fits two parking spaces but because it's not 20 feet setback from the street they consider it as one parking space. He noted we can adjust those codes to make things more livable.

Member Skulec suggested to choose the style that allows the maximum of daylight coming into those units. Rearranging units differently for sun exposure and how the sun travels around the unit so that people get better quality light.

Chair Dailey asked if Elizabeth could go over the definition of a duplex again.

Elizabeth noted the definition of a duplex is two dwelling units on a single lot. The option is whether an attached configuration or any configuration which allow attached or detached. It is an option of whether it's two separate structures or one. Cottage clusters are two cottages that are smaller, they don't have to face each other or share yard space between them but are supposed to be oriented towards each other differently. Cottages are going to pick up five units or more.

Chair Dailey noted garages seem to be used more for storage than for parking. She has observed over parking in driveways blocking the sidewalk and you can't walk continuously through the neighborhoods which is frustrating. Also noting back to the duplexes I think allowing as many types of housing, we want to be flexible and do as much as you can to allow as many housing types for owners and developers.

Member Seymour noted looking at the different designs from a contractor's standpoint and the cost of building separate units that they would go with side by side or the stacked duplex when it seems like with larger homes and it's less material cost.

Member Moxley agrees.

Elizabeth noted one thing just to underline in terms of our job in writing code is we don't have to predict which of these is going to be a winner. It's just about if we allow these detached duplexes to have more options and if people never use

them that's fine. I think you make a great point about construction economics, a lot of this middle housing discussion is focused on how we can produce smaller more affordable housing units.

Member Moxley noted the parking situation with the code might end up being a contentious issue throughout the neighborhood. If you have a single family dwelling that has two parking spots where they take one up on the street, the duplex has one parking spot where they will take up all the street parking. He feels this would cause conflict within the community of neighborhood.

Member Murray noted her concern is the parking as well. By living in Newberg you start thinking about all these neighborhoods that parking is an issue. She noted she lives in a cul-de-sac and there is no parking on the street because our driveways all butt up to each other. In all the downtown housing there's no parking and the street it's always full especially when you get closer to the college.

Elizabeth noted it's one of those codes where there's some specifics in the State code that we're going to have to meet. It might come down to making sure off street parking is required and usable. She noted we can look at some of those pieces and how it comes together. I'm not hearing any vocal support for eliminating all minimum parking at this point, would this be a fair assessment?

Member Moxley noted he agreed.

Chair Dailey agreed because some of the homes are being built more narrowly and there's barely one spot of parking in front of them.

Elizabeth noted when you think about a duplex coming in with only one parking there could be some overflow parking onto the street. The key context in which we should be considering is that in an infill situation where it's one duplex coming in or being built we want to do our best to make duplexes a feasible development option. The estimates for how many of these are going to be built in one neighborhood are relatively low at 5% duplexes in 10 years. We are projected closer to 1% to 3%. So even if there are some on street parking impacts that result from some duplexes, hopefully they will be spread out enough that it will be an impact similar to how we've seen ADU production in the past.

Member Seymour asked with these new rules are people with current ADU's, or building them are they going to be able to sell them and sell a portion of their land or is it that going to open up a new window of issues, especially if the parking doesn't have to be changed if the ADU is already existing.

Elizabeth noted none of these rules change the land division standards. Right now the options to sell an ADU would require a condo, you would have to do a condo for the main house to sell the ADU separately or if the lot was large enough to do a partition.

Elizabeth continued noting if there is any interest in taking a look at those minimum lot sizes and considering any further reductions that would apply across the board for single family detached dwellings and duplexes.

CDD Rux noted there is 3,000 square feet in R-2 and 5,000 square feet in R-1, and there are 1,500 square feet per unit in R-3.

Elizabeth noted those are fairly reasonable minimum lot size for those zones. She asked if there's any interest in reducing them further.

Member Moxley responded not now, we already made concessions in the R-1 zone. Lot size is getting pretty skinny for multifamily. He doesn't feel we would need to reduce any further because it would cause issues and is not doable. Noting if you're looking at 1,500 or 3,000 square foot lot and putting a multifamily you have no parking, no backyard and no front yard. The structure of the building is going to be a skinny house straight up in the air. There is just no room on such a small lot.

CDD Rux noted back in 2010 the City went through a process and reduced the lot sizes. In R-1 went from 7,500 square feet down to 5,000 square feet and in R-2 went from 5,000 square feet to 3,000 square feet. It was done at that time because we were not meeting our target densities of 4.4 dwelling units per acre in R-1 and 9 dwelling units per acre in R-2. The City staff at that time looked at using the land more efficiently than what it had been used historically and reduced those lot sizes.

Chair Dailey asked if we are meeting our minimums.

CDD Rux noted we're doing some updates right now to our HNA and buildable land and the numbers are coming in. In R-1 we are coming in at about 4.9 dwelling units per acre which is above the target and in R-2 were coming in at 7.9 dwelling units per acre. In R-2 zone it allows single family and multifamily which is market driven about what a developer wants to do with a particular parcel of land.

Member Moxley noted he was thinking before HB 2001 he believed duplexes had to have a 20,000 square foot lot.

CDD Rux noted the way the code is written is that to do a duplex in R-1 you would have to have a 10,000 square foot lot and to do a duplex and in R-2 you would have to have a 6,000 square foot lot. We have not seen any duplex development because the developers have shared that if they have a 10,000 square foot lot instead of a duplex they'll just do two detached single family homes.

Member Moxley noted doesn't HB 2001 change that and it's exactly the same minimum lot size that apply to single family detached and duplexes.

Elizabeth noted it's a 5,000 square foot lot for both in R-1 zone right now. The question is there an option to reducing that lot size any further and if so, it would affect single family detached dwellings and duplexes now that there is no differentiation between the lot sizes. Not hearing any support, she noted we're not recommending it at this time and it isn't required by the model code or minimum compliance but is just an option.

Elizabeth continued with triplex and quadplex analysis. The City is being proactive in addressing this now. With triplexes and quadplexes there might be a few lots where triplex and quadplexes can be permitted if they're in certain areas or if there's infrastructure constraints. We're generally looking at the model code and minimum compliance which is looking at ways to allow those in single family neighborhoods. When we start from that goal and requirement and review the current code, we see that triplexes and quadplexes right now fall under the broader multifamily definition which triggers a host of other development design standards that are really tailored to bring in more multifamily development. What would be necessary to allow an apartment building is different than what is needed for a triplex or quadplex. Historically in Newberg you don't see many triplexes and quadplexes. Triplex and quadplex as a part of multifamily dwelling would be a conditional use in the R-1 zone. It would be permitted in R-2, R-3 and RP but the minimum lot sizes are based on the number of units. Under the current standards for a duplex you have twice as large a lot and to build a quadplex you have to have four times as large a lot which is not practical or an economical use of land. Currently the way the code is written the triplex and quadplex are multifamily and would trigger the multifamily design and open space standards. The parking standards for multifamily range from 1 to 2 parking spaces per unit which depends on the size of the unit based on how many bedrooms.

Elizabeth continued with the concepts of triplex and quadplexes. We're thinking about how we will treat triplexes and quadplexes going forward. We are looking to create a new use category for each with the definition so that triplexes and quadplexes get removed from the multifamily category. They will have their own use type that allows the triplex and quadplex to be allowed an use in R-1, R-2, R-3 and RP zones. The minimum lot size will get a makeover which is intended to be the same as a single family duplex, single family detached dwelling. Elizabeth noted the minimum lot sizes 5,000 square foot lot for triplexes and 7,000 square foot lot for quadplexes. She noted those are optional and doesn't mean you have to require 7,000 you could also allow a quadplex on a 5,000 square foot lot, you could require up to a 7,000 square foot minimum lot size for that because there are additional units. You could keep it as 4,000 square foot lot for triplex and 7,000 square foot lot for quadplex or you can bring it down. You don't have to set a different minimum lot size for quadplexes it is just that you are allowed to.

Elizabeth continued with the design standard objectives. There needs to be a clear and objective design standards if the City wants to require any for triplexes and quadplexes, the model code is very specific. There is entryway, window coverage, garage location and driveway approach standards. If you want any of those to apply to triplexes and quadplexes you can add that to the code and there isn't a lot of flexibility to add design standards that address different aspects of design. She noted the weight of what is written is parking standards for triplexes and quadplexes. The City is allowed to require up to one parking space per unit. Rather than those per bedroom fluctuations it could be reduced further. She noted looking at ways to add some flexibility on how parking is treated and try to get out of that parking lot design. If we're

thinking of these as infill or integrated neighborhoods of single family detached, adding a parking lot in the middle does not add to the neighborhood characteristic and takes up too much land.

Elizabeth noted the last piece we are looking at adding to the code is allowing the conversion of a single family detached dwelling into a triplex and quadplex and exempt from adding any additional parking or design standards beyond what was applied initially to that dwelling. She noted the building code changes on these conversions. The residential building code applies to individual one or two unit structures and the commercial building code kicks in at three units or more. Converting a single family detached dwelling built under the residential building code to a triplex would now be under the commercial building code which is being reviewed now under the State code.

Elizabeth noted the design standard options which are entry way, 15% minimum window coverage, garage, off street parking location and driveway approach. She noted the Model Code has more diagrams that are in your packet.

Elizabeth continued with triplex and quadplex concepts whether attached or detached configurations. Noting the different diagrams and graphics that came up within the model code to help start thinking about what attached verses detached structures might look like. Follow up on our discussion about the spectrum of housing choices, the detached quadplex example starts to look similar to a cottage cluster. The only distinction is the number of units if you allow detached quadplexes. Essentially a four unit cottage cluster would be interesting for the right site and has more flexibility.

Elizabeth opened for discussion on triplex and quadplex issues. What is the level of interest in allowing the detached configuration in addition to attached for these plex units. Attached is the baseline, but there could be additional flexibility added with the detached option.

Chair Dailey noted she is fine with the flexibility. The only thing noticed is the one that's the two on the bottom and two on the top, some design standards could be called for there to have some articulation so it doesn't just look like a box.

Elizabeth asked for any thoughts about parking standards and how is it the same or different from duplexes in your opinion.

Member Moxley noted as far as the parking he feels it could be a problem unless the lot is big enough. Detached units would be a problem for parking and it's going to cause a diversion in the neighborhood. To separate the units wouldn't be a problem as long as we have a very large lot for parking. He noted he doubts there will be much desire to build detached units.

Member Seymour noted he was worried when he saw single family dwelling conversion to a quadplex without making any additional parking requirements. Which means a house with two parking spaces can now have four homes on it. He noted the free market will determine.

Elizabeth noted it is an interesting provision that they added to the State requirements about allowing those conversion and it will be interesting to see how it plays out.

Chair Dailey wonders if something can come into play if you're closer to the downtown area the fewer parking spots allowed. A lot of people that live close enough to walk do, but they still have to park their car somewhere.

Elizabeth responded that differentiating parking requirements based on distance is definitely something we could do. There is a tool for parking requirements that parking demand will scale in distance to destinations. The only thing is we have a compressed scale. We could work between 0 and 1 parking spaces. If you're within a quarter mile you could have 2 parking spaces for a quadplex, but we can't go any higher than 1 for any dwelling.

Member Seymour noted there are some jurisdictions in California that allow you to put a bike rack and count it as a parking space, which is a function of how far away you are, for example a bus stop. He feels like those kind of rules are kind of a work around and they don't end up being used and you still end up with cars flooding the street. From what he is hearing it sounds like parking is the number one issue and is not a fan with the minimum requirement going down to zero parking.

Member Skulec noted that corner lots allow plenty of parking.

Elizabeth responded that some jurisdictions use on street parking credits, where you have 20 to 25 feet frontage along your lot you can count that as one of your spaces and if you have a corner lot you're going to have more than one space. It might make sense to contemplate that as a way of meeting the parking demands and recognizing the additional frontage. She noted philosophically the tricky thing about on street parking credits is there's always people that think that parking space in front of my house is mine and therefore if a triplex moved in next door and they're taking their space and allowing on street parking credits fuel that sense of ownership. She noted it could be written in a way that is more specific to corner lots.

Member Moxley noted not everyone wants the 1976 international four wheel drive rusted out pickup parked in front of their house.

Elizabeth noted another area is to look at the dimensional standards, particularly on lot coverage and setbacks. When we have the smaller lots and if they're capped at a certain lot coverage, you can easily fit a 2,000 or 3,000 square foot home on and only take up half the lot but you are balancing for feasibility. She also noted there are multiple issues to consider. If you build four 1,000 square foot units then that would be 4,000 square feet on a 5,000 square foot lot which would be 80% coverage which is higher than what is allowed in code now. There are two ways of thinking about this, one supports development feasibility to actually get these plexes built, and there can be concerns about compatibility within the neighborhoods if the scale of these plexes are larger than some of the other residential structures in the neighborhood.

Chair Dailey asked what the lot coverage is for a single family lot.

CDD Rux responded in our R-1 zone for the house and driveway is 60% and is the same in R-2. There is some subset to that, R-1 a one story house can be 50% and a two story house can be 40%. Most of our developments that are occurring now are the typical detached single family home is under the 60%, but they're kind of pushing that 40% - 50% window of that 60% max.

Member Seymour noted the storm water implications when you get into the larger coverage you have to worry about providing room for storm water and that this is something to consider.

Member Moxley noted were going to have to make concessions for the duplexes and triplexes in regards to utilizing as much of the lot as possible. If we're going to make this happen in regards to promoting affordable housing we're going to have to do something and make concessions here. I would be all for utilizing as much of the lot as possible to incentivize middle row housing. He noted most tenants have no desire to maintain a yard and there are a lot of parks in Newberg. We need to come up with options to incentivize middle row housing.

Elizabeth noted the other middle housing topic is townhouses which the City of Newberg already permits single family attached dwellings. They require a special use permit in the R-1, R-2, R-3 and RP zones. They require a higher level of review as a Type 2 rather than Type 1 which you can take a little more time for review. The minimum lot size is the same as single family detached dwelling. If you think about it you probably want a smaller lot size for a townhouse to make it more feasible. They require two parking spaces per unit and you cannot use any on street parking credits.

Elizabeth continued with the townhouse concepts. We're looking first to make them outright permitted use in the four residential zones. The minimum compliance from the State minimum lot size is 1,500 square feet, minimum lot width cannot be greater than 20 feet. There are some changes to the setbacks in the dimensional standards, allowing a reduced front setback which is 10 feet and increasing the building height to 35 feet in order to allow full three stories of construction and a garage. The reduced parking standard is one space per unit.

Elizabeth talked about design standards. The entryway orientation is to bring the front door closer and more visible to the street. There is some unit definition where we pick up these articulation concepts such as bay windows and trim options. You can allow 15% minimum window coverage. The driveway access and parking layouts seems to be one of the trickiest with townhouse design. You want to prevent a solid row of garage doors and driveways especially when we're talking about 20 foot wide lots. There are different standards that require either shared driveways or rear ally or shared access to parking.

Elizabeth continued with opening the discussion. First how many attached units do you want a permit as part of a townhouse project. Should that be differentiated by the difference zones? The minimum requirement from the State is at

least four attached units have to be permitted in any zone. In most cities that have a limit I've seen as high as 8 units which is the highest. You could consider 4 units in R-1 and 8 units in R-2 and R-3 and there is some flexibility. Design standards in the Newberg code map well with the model code design standards so we could keep them with some small modifications.

Member Seymour noted he has no problem with allowing as many units as possible because it saves cost. Issues might be with utilities bringing into all the separate units. Window standards marked at 15% minimum I don't see any need to have minimum there, I think the market is going to decide how many windows are needed.

Member Skulec noted designs are more sensitive to needs to be aesthetic and in sync with the environment where the townhouses will be built.

Elizabeth noted back to the HNA that there is definitely forecasted growth for demand for townhouses in Newberg.

Member Moxley noted he agrees with member Seymour's comments.

Elizabeth continued with cottage cluster types and there are no existing standards yet. She noted the Newberg code doesn't have anything on this subject. Cottage clusters is a new use and most cities don't have anything to address this yet, which is the whole purpose of HB 2001. What we're looking to do with this new cottage cluster concept is to define and permit it in zones R-1, R-2, R-3 and RP. A cottage cluster is a collection of detached units that's 5 to 8 units or more. No unit limit at all can add flexibility for different sized lots. The concept is to allow more smaller homes that are not necessarily facing the street like you see in a traditional subdivision layout, it would be clustered around a common open space. She noted there is very specific requirement in HB 2001. A cottage is limited to a 900 square foot footprint and cities have no discretion to increase that. The building area can be capped at 900 square feet for a one story house, up to 1800 square feet if it is two stories. There is some flexibility in the total size of the cottages but the footprint of 900 square feet cannot be changed. The tradeoff is you get more smaller units because there's effectively no maximum density that gets applied to cottage clusters. You can fit five or more units on a lot of 7,000 square feet or more. She noted some of the analysis she read show it is hard to fit 5 detached units of 900 square footprints onto a 7,000 square foot lot, especially when you add in parking, the perimeter setbacks and the open space that needs to be in the middle. A more reasonable minimum lot size estimate is needed.

Elizabeth showed an example of how the cottage cluster might play out. There are smaller individual detached homes clustered around a common courtyard with some internal pedestrian walkways. They have the same front, rear and perimeter setbacks as any other development in the R zones. In the example shown the parking is clustered in a parking lot pod rather than being individual garages associated with the cottages.

Elizabeth noted she feels that if Newberg is interested there are ways that we could increase the feasibility of cottage clusters over and above the model code and still meet the minimum compliance but would exceed the model code.

Elizabeth showed a layout example by Hayden Homes and their take on something similar to the Cottage code and the Cottage Cluster concept. It is smaller individual homes on a larger lot, there not all facing the street, but instead arranged around a courtyard with greenspace spread throughout the development. There is parking throughout the site so that each unit has little parking lots more proximate to the individual units and easier to access. She noted right now Newberg couldn't build this layout under the current model code. Newberg could consider adding more flexibility to the courtyard orientation standard and how the parking is arranged.

Elizabeth showed another example of Hayden Homes Cottage Cluster which achieved similar objectives. These were done for fee simple ownership. They created individual lots for all of the Cottage Clusters but at a much smaller scale at 1,500 square feet. There is green space throughout and the option for individual garages for each of the cottages. In the model code right now you couldn't do this because of the orientation requirements and because the building footprint is capped at 900 square feet and you can't spend 400 square feet of that on a garage. So the model code is still needing some final revisions. There has definitely been some movement to add some square footage to allow garages, an additional 200 square feet would make this a little bit more feasible. She noted this example and the other get us more towards the traditional cottage code that the model code is built around. There is more latitude here depending on where you want to take it.

Elizabeth opened up to the discussion points. How many units could be allowed per cluster? She noted another point that Newberg could choose to exceed the model code, is that the cottage cluster is all about detached cottages and some cities have experimented with allowing attached units in the same cluster configuration, which there is some cost savings of having attached units. Duplex cluster is one thing that the City could consider, another one is like the second Hayden Homes example. Whether to create a path through the subdivision code to allow for cottage projects to create these individual lots and require some flexibility about lot frontage requirements, utility and other easement issues. Other item is parking spaces, how are they arranged and making it feasible to add the individual garages to cottages which would require some changes to the model code.

Member Seymour was wondering how ownership and maintenance of those Cottage Clusters usually work. Is there an HOA or renters paying into a larger entity or people getting ownership of these homes?

Elizabeth noted the cottage clusters she is familiar with were done as condos, so people were able to buy their individual cottages and also there is an HOA to take care of the common spaces. She noted an important choice is allowing the subdivision option, the condo option runs into a lot of condo defect liability legislation that can make a lot of developers shy away from condos. So having the subdivision option would allow more feasible ownership and there probably would be an HOA.

Member Moxley noted there are some similar builds in Newberg that are attached cottage clusters over by Newberg High School. There are 8 of them, they have a common area, no garages, affordable and are on 20,000 square foot lots.

Member Seymour noted parking is important no matter which cottage you go with and keeping the one space minimum.

Steve Faust suggested a survey to get extra feedback on the master plan before the next meeting on November 18, 2020.

Elizabeth continued with the master planned communities. There are 4 different master planned areas, five including the Airport, Springbrook District, Northwest Newberg, Springbrook Oaks and the Riverfront District. Together these total about 50% of the buildable land and nearly all the vacant land. There's some partially vacant land within the City limits, Springbrook up in the north, Airport residential district, Northwest Newberg in the northwest, Springbrook Oaks east of Newberg and the Riverfront Subdistrict in the south. These highlighted areas can be treated differently under HB 2001. We will need to go in and amend the specific plans and different agreements and codes that apply in each of these areas to allow duplexes on every lot, because that is a requirement. The other middle housing types, the State is cognizant of the fact that when communities master plan areas they served a vision for infrastructure and the size to meet the number of units that are being expected. In areas that have master plans at X density and all of a sudden they quadruple their potential production by allowing quadplexes, that could undermine a lot of the long range planning that communities have done across the State through these master plans. For these master plans that were approved prior to this process, which Newberg has five approved, middle housing types can be limited and permitted. If there isn't interest to do this in these areas, those housing types can be limited for initial build out only, provided that the master plans allow density of 8 units per acre as a minimum. You can average that if there are different pockets of density throughout the master plan, provided that subsequent redevelopment of middle housing is permitted.

Elizabeth opened discussion, should other middle housing types be limited in master plan areas, or permitted similar to residential zones.

Member Moxley noted he would permit them in all zones and incentivize affordable housing and middle housing. He noted that would be enough to open the floodgates.

Member Murray said allow it if they want to do it.

Chair Dailey noted she is trying to understand the master plan areas that have been mapped out for development. By saying that we open the floodgates then the builder isn't required to do that, they just have the option.

Member Moxley noted some residents in nice developments might be a little upset which might be a concern.

NEXT STEPS:

Elizabeth noted we do have time reserved for a second meeting on November 18th. The idea is that we could get some written comments or survey specific questions and feedback from the Committee. She asked the group if they would be

interested in a survey with some of these questions and to provide some thoughts, written comments, or questions before the next meeting.

Member Moxley noted he would be okay with the survey, anything he can do to help and wants to make a difference.

Elizabeth noted maybe we could split up the questions and send out an email with 5 to 10 questions to help you all focus your feedback. She noted they would have to send comments individually to CDD Rux rather than as a group.

Steve noted he will send out the PowerPoint and some targeted questions, members can send thoughts or questions to CDD Rux or wait for the November 18th meeting.

Elizabeth noted they will keep working through these issues and then our next meeting we will give a road map of the next step. We will use all your feedback to get to the open house in December and then on to drafting some code.

ADJOURNMENT:

Chair Dailey adjourned meeting at 8:02pm

**APPROVED BY THE AD HOC MIDDLE HOUSING CITIZENS ADVISORY COMMITTEE this
January 20, 2021**

Melisa Dailey, Middle Housing Chair

Doug Rux, Recording Secretary

AD HOC MIDDLE HOUSING CITIZENS ADVISORY COMMITTEE

Meeting Minutes

November 18, 2020 6:00 PM

NEWBERG CITY HALL

Meeting held electronically due to COVID-19 pandemic

(This is for historical purposes as meetings are permanent retention documents and this will mark this period in our collective history)

CDD Chair Dailey called the meeting to order at 6:05pm

ROLL CALL

Members Present: Melisa Dailey, Chair
Robert Bonner, Vice Chair
Gabriel Skulec
Irma Vera
Leslie Murray

Members Absent: Dominic Seymour, excused
Robert Moxley, excused

Staff Present: Doug Rux, Community Development Director

Consultants: Heather Austin, 3J Consulting
Elizabeth Decker, JET Planning

AGENDA REVIEW:

Elizabeth Decker, JET Planning started with the PowerPoint on Middle Housing code updates. We will go over the overview about the Code audit, concepts and the Middle Housing feasibility to give us an idea of what we are planning for. There will be more discussion about parking and considerations for all housing types. We will talk more about Cottage Clusters, Master Plan Communities and key issues we didn't have much time to talk about last meeting. We will hear from the Committee about your interest areas in the code, development regulations, and Middle Housing that we haven't highlighted so far.

Elizabeth continued with the presentation. What is this future planning for, duplexes, triplexes, quadplexes, townhouses or cottage clusters for 2021? There could be projects of new construction or additions and conversions of existing buildings, such as adding another structure to an existing lot and ending up with two, three or four units. Some could be sited in existing neighborhoods or new neighborhoods. Units be built on an entire lot from scratch and with that comes the opportunity for some of these to be sited in existing neighborhoods, either through conversions or through purchasing a lot, demo and then a building construction. She noted there is opportunity to have these located across the City.

Elizabeth did a tour to show a sense of what these new housing types might look like, based on some of the first ones that were seeing built and how they might differ from historical examples. They are not building houses like they used to and with all the same trends that we've seen that effect single-family detached construction over the years are likely going to affect Middle Housing as well.

Elizabeth continued with showing the different design images. She wanted the Committee to think about some of the challenging design issues, for example when looking at the different types from the perspective of the building itself, is it feasible to build this triplex or townhouse in this location. What are some design challenges that might limit the ability to get these housing types built? How these housing types get integrated into surrounding neighborhoods. Keep in mind some of these are going to be more of an infill scenario where most blocks already have a good mix of different housing types. There are going to be opportunities in newer neighborhoods where things are going to be more similar.

Elizabeth showed pictures of new and old duplexes. She noted duplexes and Middle Housing haven't been built for the last 50 to 75 years. The picture showed an old duplex which is not the same architectural style or design features than some of the newer duplexes that you also see in the pictures. She showed an example of a corner duplex where there's a lot of the similar construction trends that you're seeing in new construction in terms of material choices, roof slopes which are a little different, and they are able to take advantage of the corner. She showed another corner duplex where there is a blurring of the lines between these types, whether this is truly a corner duplex or whether it's two townhouses on the corner. She talked about these detached duplex options and showed an example of what a detached duplex might look like. It is two smaller homes that are situated on the same lot. Another newer example, a different architectural style, is the new duplex with no driveway in front and you are able to see more of the front yard, the driveway is tucked behind where the garage access is. In the next example of a new duplex there is a balancing of getting driveways in those garages onto the front and having a presence on the street and main entrances.

Elizabeth noted potentially you could have a scenario where you see a row of duplexes all built similar but have different detailing choices. She showed a triplex on the corner that could be townhouses, the idea is three attached units on a single lot. She showed one that was built by an affordable housing developer in Portland with parking on the street that did not include a rear driveway or garage in order to maximize these units and get them to fit on the corner lot. She showed a different approach to a triplex, this lot was kind of a triangle shape, with a staggered setback for the three units, access to parking in the back, double car garages, and front porches with direct connection to the sidewalk.

Elizabeth showed the next example of a quadplex with multiple entrances and a new quadplex infill. In an older residential neighborhood it does not have off street parking, all the parking is on the street in order to fit four units on a corner lot, but each have individual entrances and connections to the street. There are also opportunities for quadplexes in new neighborhoods and she showed a new quadplex being built in South Hillsboro by Lennar Homes.

Elizabeth continued with townhouses, noting there is a blurring of the lines between the different housing types whether it's a duplex or townhouse. It is the invisible lot line which could be shrubberies or you cannot see with the naked eye. There is more in common than not uncommon for us to think about from a regulatory perspective. She showed a six unit townhouse on two lots on a corner, they were able to combine and take advantage for these six units. They put in a rear driveway that loops around the back of the site and provides access to parking. She showed a five unit townhouse project that has parking in the rear where they were able to have that presence on the street. Next she showed townhouses with front garages and driveways, which are taking direct access from the street which creates impacts in terms of the driveways and garages. There's not a lot of pedestrian opportunities here, even if there is a sidewalk it would get pretty broken up by those repetitive driveways. This is something to think about as we contemplate access options for townhouses.

Elizabeth noted we now get to cottage clusters that were hoping to talk more about tonight in detail. She showed some examples with a lot of good details, well scaled and are smaller. These types of cottages have been the few examples that have come forward. Many of them are less affordable than you would hope. The big question going forward with cottage development is, will we see some changes to the architectural styles being used on cottages in order to appeal to a broader price point. She showed an example of a cottage cluster layout from Florence, OR, they have 12 units clustered around a shared lawn and garden space in the center. Shared parking bays that aren't directly adjacent to the sites which doesn't seem like an appealing option. We have also seen some builders experimenting with some alternative layouts. Showing some flexibility around the courtyard orientation, instead of making every unit face the common greenspace but are able to have a lot closer proximity to parking areas. It allowed more units to fit onto this site and some amenities for future residents to make a little more livable. She then showed units with the garage oriented toward the alleyways and front of the homes are oriented towards the green spaces in the center. She showed one that couldn't be built under the State Model Code.

Elizabeth noted this is where our questions come in as we start our discussion and how much flexibility we want to put into the cottage cluster standards to allow alternative layouts and some greater flexibility bringing price points down and making it more feasible to get some of these projects built.

Elizabeth noted some takeaways are a range of architectural styles, some mirror broader industry trends for residential development, some individual subdivisions within the City in terms of regional preferences. The scale of the units in the building can be pretty large, so you will want to think about how the scales make sense in various situations. Think about

parking because it has impacts on the site design, relationship to the street, impact for future residents, neighborhoods and feasibility of building the housing.

Elizabeth opened up to take a pause to go around the group to hear initial impressions.

Chair Dailey noted she finds herself thinking in terms, is this going to be a rental or something that's sold for ownership. The price points and who you're serving are a lot different. Some of those homes whether duplexes or townhome are nice but are a high price point. We need more housing which is good but more affordable housing is needed and it feels necessary to balance the market. There are larger pieces of land that are master planned in areas that might have more of an impact for affordable housing in terms of volume.

Elizabeth noted the images are of higher end and don't help with affordability. She will work on finding more images of more affordable housing units as we get closer to the open house. One thing with regards to Middle Housing is that newer housing is always more expensive, so a higher number of units to inventory in newly built areas could bring down competition. She will ask an economist if it's really going to work but has heard it described as a game of musical chairs and there is not enough chairs.

Member Murray noted why not give the developer and homeowner as many options as possible because they are looking for more creative options.

Elizabeth noted some concerns is you get some large scale buildings, parking is the biggest one and if you let it be flexible the impacts can be externalized. Those are some of the commonly cited concerns about giving flexibility in not regulating these housing types.

Chair Dailey asked, what are some of the challenges to implement some of these housing types? What about smaller units and the likelihood of having more Airbnb or short term rental properties.

Elizabeth responded in terms of challenges that we've detailed are in the code audit. Existing setbacks and lot coverage standards or other zoning standards could limit the development of these types.

Member Vera brought up the question about renting or selling these units and how many rooms are the units going to have.

Elizabeth noted it's going to be according to the individual projects. We hope to create opportunities both for units that can be sold, owned or rented. Some of the housing types are more conducive than others. Townhouses generally make better ownership products. Quadplexes for example, four units on a single lot it is likely that they would get rented out, where condos sell as individual units and townhouses make better ownership products. How many bedrooms depends on the site and the project.

Member Vera noted on affordable housing using a townhouse as example, they are around \$200,000 to \$210,000 which is affordable housing, is the price going to stay around this range or go below this amount.

Elizabeth noted with Middle Housing we talk about affordable housing. The City doesn't have a lot of power to directly impact the prices to the resulting homes. I don't have a lot of forecasts about how much these homes are going to cost. Generally you make them smaller, with smaller lot sizes, and creating a lot of ways to reduce the costs. New construction is still going to be expensive to develop. We will have to wait and see to get a better sense of what the prices will be.

Middle Housing Forecast:

Elizabeth continued with the Middle Housing forecasts, when, where and how many of these new housing types are we likely to see to help us have a sense of what the magnitude of impact might be as we are developing zoning standards. Newberg is not Portland or a part of the Metro area, but we looked around for case studies about what could happen with Middle Housing. Looking at accessory dwelling units (ADU) in the City of Portland, it has a lot of interesting parallels. In the last 18 years of permitting history of about 20 per year, in 2010 it started picking up and hit 600 units per year. The City opened the door by allowing these zoning code regulations, even before 2000 they made some incremental revisions to the zoning code reforms. There was greater consumer homeowner awareness, changes in the market, and financial incentive from the City by waving the system development charges (SDCs). This reduced the price of homes about 5% to 10% for homeowners to develop. The takeaway here is that Newberg and in the State, in terms of Middle Housing is

likely to see very low numbers of permits for these new housing types. We're trying to take the first step with this project of opening the door making these permissible to do and we will continue as a City and State to look for other financial, educational and other incentives that are going to help these projects take off in areas where there is interest and demand.

Elizabeth noted what we're going to see is uneven distribution of where these Middle Housing types land. Showing the map of Portland, the inner east side is flatter and has the more traditional 5,000 square foot lots with single family residences and you see where most of the ADU's are clustered. She noted whatever the pattern is going to be in Newberg, it will probably be neighborhoods that are more conducive to infill development and newer neighborhoods. That might be more conducive to larger new development projects of Middle Housing, but is likely not to be distributed, with some even spacing and some areas where there clustered more than others.

Elizabeth noted some lessons we see is the incremental zoning reforms accompanied by financial policies seem to make the difference for ADU's, which is the same story for Middle Housing. We are looking at slow growth in permits over the next 20 years. She noted the impact is that ADU's only total about 1% of the total dwelling units in Portland which is a small percentage. We don't expect the Middle Housing types in Newberg to take over the market overnight.

Elizabeth went over materials that ECONorthwest put together as part of their Feasibility Analysis to help the State understand how to write zoning regulations for Middle Housing that supports options developmentally feasible in terms of providing a rate of return on a project. She noted the graphs are to show the few scenarios that were tested, cool market, warm market, and hot market. None of the cool market triplexes are feasible under any scenarios. It's going to make market sense to develop triplexes and guessing that Newberg's going to be a warmer/hot market. It will be interesting to see how many triplexes are built in Newberg given this limited financial outlook. She also showed the graph on quadplexes where there is a lot more scenarios where quadplexes start to look feasible.

Other Estimates:

Elizabeth noted a few things we're seeing in the State of Oregon is no more than 3% increase in residential density capacity, which can be assumed to result from the Middle Housing development in an existing UGB. She noted Minneapolis is also on the graph and just passed some reforms that allow triplexes on every lot with single family detached and have seen a total of 3 new permits in the first year of zoning code implementation.

Takeaways:

Elizabeth noted single family detached dwellings will remain the predominate type of housing and new construction. Middle Housing types may be feasible in limited scenarios. It will be interesting to see how these housing units get built over time, we have a slow growth expected, we will be lucky to total 2% to 3% of total housing units.

Role of Code Update:

Elizabeth noted building codes, SDCs, public improvements, requirements, land availability that's influenced by the UGB, private landowner's willingness, and factors outside the City's control financing consumer preferences and willing sellers and buyers. Our zoning code update is the important first step but not the only step that's going to make these projects actually take off and get built. We want to focus on what we can do knowing that there are some additional pieces that will need to come into play later.

Goals for Code Updates:

Elizabeth noted we are at the start and our goal is we want to do our best to set the tone for these Middle Housing types. She noted when writing code it's important to remember we don't have to predict the winning design, it's not about designing projects for developers, and it is more about setting some minimums for regulatory purposes and making sure that all development complies. With these zoning code updates that we're doing and because of the State's role in Middle Housing we need to make sure that we meet their minimums. With the design standards we get to choose among some available options, you can choose one or two or choose all of them but we will want to regulate how we choose the design standards and set minimums.

Parking:

Elizabeth noted the State requirements cap minimum off street parking which cannot be greater than one space per unit for all these housing types. Some development feasibility suggests that having no minimum parking better supports the creation of housing types and greater affordability. The City has the option to set it at one or bring it down lower.

Elizabeth noted the zoning code is not saying this parking is the right number for every site. There could still be sites that exceed the minimums because that's what makes sense for what the builders doing or the market that they're type of consumer is aiming for. You probably have not seen many single family homes developed without parking recently and that's not necessarily a function of the zoning code, it's more about what developers are trying to sell. In research around the State, it shows that some lower parking minimums are able to better support housing development with reduced energy demands and greater affordability. Bringing the parking down to one is a first step and thinking about whether it goes any lower is something we can discuss.

Elizabeth noted parking needs might change over time. What is built today is going to be serving neighborhoods in the next 50 years. If these housing types do start to get built in larger numbers, there could be some on street parking issues. The State has some tools and other communities have experimented with on street parking management tools and there are other tools more appropriate for residential neighborhoods.

Elizabeth opened for discussion to talk about the neighborhood impacts. What is the overall direction that you can provide in terms of setting the parking minimums, considering on street parking credits and how parking ultimately gets configured on a site?

Chair Dailey noted the meeting has gone close to an hour and wanted to see if everyone is available to continue until 7:30pm. All five Committee members can stay until 7:30pm. She also noted we need to talk more about parking in the future.

Elizabeth noted we can talk about parking and comments about parking with specific housing types. We could talk about cottage clusters and parking which is a different application.

Member Bonner noted as we think about parking is there any research on how many cars a typical family has with certain kinds of housing. For example, if someone with a two bedroom unit does that mean there is going to be two cars or one car. Can the information be broken down by unit?

Elizabeth noted they can look into existing and past uses, it would be up to the Committee to think about how we balance current demand versus future needs.

Member Vera noted the requirement is two parking spaces per house.

Elizabeth noted as we get into Middle Housing types it is going to come down to one parking space per unit with an option to reduce it further if the City is interested.

Chair Dailey noted some of the links that are in the packet had some interesting points. If parking is occupied at 85% on the street, then that is considered good. If you look at our neighborhoods around Newberg none are at 85%, we have this perception of parking being a problem, but is it really a problem? She noted every time you provide another parking spot it increases the value of the home, therefore decreasing affordability. All those costs make housing more expensive for the buyer. Do we have neighborhoods in Newberg that are considered having parking problems where it would border on needing permits?

CDD Rux noted at this time no we don't. For the downtown area we did a parking utilization study when we did the Downtown Plan. We have a few blocks where we have some hot spots and visually we're seeing more parking occurring on Second Street, which is that transition area from the commercial to residential. Just north of downtown between downtown and the railroad tracks we get some comments on parking issues but they are related to the very narrow streets from curb to curb. When you get north of the railroad tracks we haven't heard any issues about parking.

Member Vera noted she lives on Third Street near Walgreens and they do have a parking problem in the area, because of the students and apartments. But you go to the next street and there is no parking issue.

Cottage Clusters:

Elizabeth continued with cottage clusters. We are looking at bringing in cottage clusters as a permitted use on a single lot in the R-1, R-2, R-3 and RP zones. The cottage cluster State rules have a maximum footprint of 900 square feet and an area depending on whether you cap it at one story or two stories, there's a range of 900 to 1,800 square feet for the maximum area. It can be set anywhere in that range if the City wants to set a standard or looking at clusters of at least five to eight or up to a larger number of units. These can be on any lot 7,000 square feet or more with the common open space and minimum parking space. The minimum parking could be set at one space per unit or the option to go lower.

Elizabeth shared a graphic from the State about some of the specifics of how cottages have to be laid out in terms of having half of them face onto a courtyard and parking away from units. She showed a layout that would not meet the State requirements currently, but could have some flexibility if we change the percentage of units and have them oriented to the common courtyard. The next layout does not have the detached parking area, it has individual garages integrated into each of the courtyard, and we would have to make some changes to the footprint standards. There is some flexibility if we're allowing some garages and whether those count towards the footprint.

Discussion:

Elizabeth asked for a discussion on the desired size of the units and if the code caps the maximum size anywhere between 900 to 1,800 square feet or leave it open. Is there a number of units per cluster that you think is an important standard to set? There was a question about rental versus ownership. Should we look at adding a subdivision option that would allow individual lots for these? How many units have to be facing the green space? Parking questions on the number whether to allow some flexibility with garages or continue with shared parking areas.

Member Skulec asked if there is a requirement on how many units should be built for people who have accessibility issues with access from outside as well as inside. These kind of units may be popular for people who are in a wheelchair or they have other issues.

Elizabeth noted it would not be covered by the code if these were all built on a single lot and rented out. If you hit a certain number of units, you're required to have an ADA accessible unit, but it hasn't come up in this study. You get greater density of units or other flexibility if you allow some that are ADA accessible inside, but I don't know what the status is of those so I will look into it.

Member Vera noted she would like to see houses with 3 or 4 rooms and 1.5 baths with 2 parking units for big families.

Elizabeth noted specifically we're talking about cottage clusters. It's up to the builder if they want to do larger units but they might not be able to fit as many. The premise of these is that we could trade off smaller size of units in order to fit more. One way to say is perhaps the City doesn't want to regulate the maximum size of units so there's more flexibility to add some family size units.

Chair Dailey asked would having higher size units be allowed which would add more flexibility or is there a desire to see these cottage units stay regulated at a smaller scale. Knowing this is just one of the many Middle Housing types we will be adding to the City.

Member Murray noted an example is Friendsview Retirement Community would love something like this.

CDD Rux noted his market perspective, if you provide the flexibility that gives the developer more options. You go with no greater than 900 square feet, but the building envelope could be up to 1,800 square feet, that gives the builder flexibility to build different sizes. You could choose to do some at 900 square feet, 1,200 square feet building envelope or 1,800 square feet, let the market respond.

CDD Rux noted for Cottage Clusters, 5 to 8 cottages is good but you might want to allow up to 10 or 12 cottages in a cluster. For the minimum lot size, 7,000 square feet, if the developer found a 9,000 square foot lot and wanted to put in cottages, there's some flexibility on the building envelope size and different product could go on the ground. The idea of common space, by requiring everything to face the common area has limitations to it. Something more flexible you have a portion of the Cottage Cluster that has common space and another portion is not required to have the common space, provides some flexibility.

CDD Rux noted for consideration on the parking component his takeaway was at least one parking space on site.

Chair Dailey noted it seems like these would be rentals or entry level housing condominiums if you could make that work.

Elizabeth noted you could do condos or if the City's is interested we can pursue changes to the subdivision ordinance so that a developer could create individual fee simple lots for cottages and sell them the same as any other home.

Member Bonner asked what the requirement for the common space is.

Elizabeth responded the common space is 150 square feet per unit. It has to be centrally located and meet minimum dimensions so that it isn't just a sliver of land. The Model Code requires 50% of the units to be oriented onto that open space, which is a number that could go up or down.

Member Bonner noted on 750 square foot lot for five units, what is the livability and is it enough space for children to play. Can we write into the code how much percentage is needed for the common space?

Chair Daily noted it is similar to parking, the more spaces that are required then it's less building area.

Elizabeth noted under the State Model Code 150 square feet is the maximum that can be required and we don't have the flexibility to increase that. This 150 square feet is how much is needed for the common open courtyard. That's not saying every other square foot of the site is going to be paved in and covered with homes. There is still going to be green spaces surrounding individual units and throughout the site.

Master Plans:

Elizabeth noted Newberg is unique in having available buildable land over 58%. Of the buildable land in these sub-districts and specific plan areas that have Master Plans eligible for potentially different treatment under the zoning regulations for Middle Housing. Duplexes have to be allowed on every lot in these areas, where the Middle Housing types, triplexes, quadplexes, townhouses and cottage clusters there is some more flexibility in terms of how they get integrated.

Elizabeth showed the geographic areas for the Master Planned Communities. Because they have had some special planning for those districts, at the State level and potentially the local level about whether Middle Housing is integrated into these areas that have already been planned in a different ways.

Elizabeth noted duplexes have to be permitted on every lot. There are options to tailor the allowances for other Middle Housing types, provided that some overall net density targets are met, and subsequent redevelopment of Middle Housing is permitted.

Discussion:

Elizabeth noted what she heard last meeting was the question, should these housing types be treated differently in these master planned communities or permitted more broadly similar to the residential zones.

Chair Dailey asked what is left to develop in these master planned areas. What is the zoning or density in these areas and would it be helpful to allow more housing types.

CDD Rux noted Springbrook Oaks is essentially built out, for the last residential site we have completed a land use approval. Friendsview is going to build Springbrook Community Phase 2 and is going to be duplexes. The last phase of that is a 58 unit apartment building. In the Northwest Specific Plan there is one large lot that's off of Aspen Way, it goes back to the west, to be developed in the future and there's a couple of infill parcels about 1 acre. The Riverfront Area is a mix, there is some medium density where duplexes or cottage clusters could occur. The Airport District is essentially for residential and built out. Springbrook hasn't been developed yet and has more of an opportunity. We already know we're going to allow duplexes, the question is with the 1,345 units that are planned in that development, could there be some triplexes, quadplexes, cottage clusters or some townhomes.

Chair Dailey asked what it would look like to allow these types.

Elizabeth noted the current regulations for these areas are of a mix specific to the area. Some technical aspects about how we would permit them is we could rewrite the R-1, R-2 and R-3 zones to allow the Middle Housing types. We could say

for these master planned communities you can develop similar to the R-1 with refinements that are applicable to that master planned community.

Chair Dailey asked once we hit the 25,000 population mark would all these other types be rolled into the duplex allow ability as well?

Elizabeth noted no they would not, the distinction is that the other Middle Housing types can be treated differently even for communities over 25,000 in population. She noted getting the Committees initial impressions is useful. The LCDC is still working on these sections and have not made a final decision, at our next meeting some of the specifics could be changing.

Open House:

Heather Austin noted the public open house will be on December 15. We will show the different housing types making sure we're clear on what Middle Housing is, including triplexes, quadplexes, townhomes and cottage clusters. Parking is an issue that we have heard many times, so we want to make sure we're clear about the State requirements. Should we get into the master plan areas, housing types, parking and anything else that you think is important? You can follow up with an email to CDD Rux if there is something you would like on the agenda.

Elizabeth noted they will be integrating all of this and the open house feedback into a final draft of the code assessments and concepts. Then we'll be able to move into the draft code language in early next year. She noted we look forward to seeing you at the open house and any help that you can provide with advertising the open house would be useful and any groups that you can connect with.

Member Bonner and Member Murray made a motion to adjourn the meeting, motion carried 5-0

ADJOURNMENT:

Chair Dailey adjourned meeting at 7:33pm

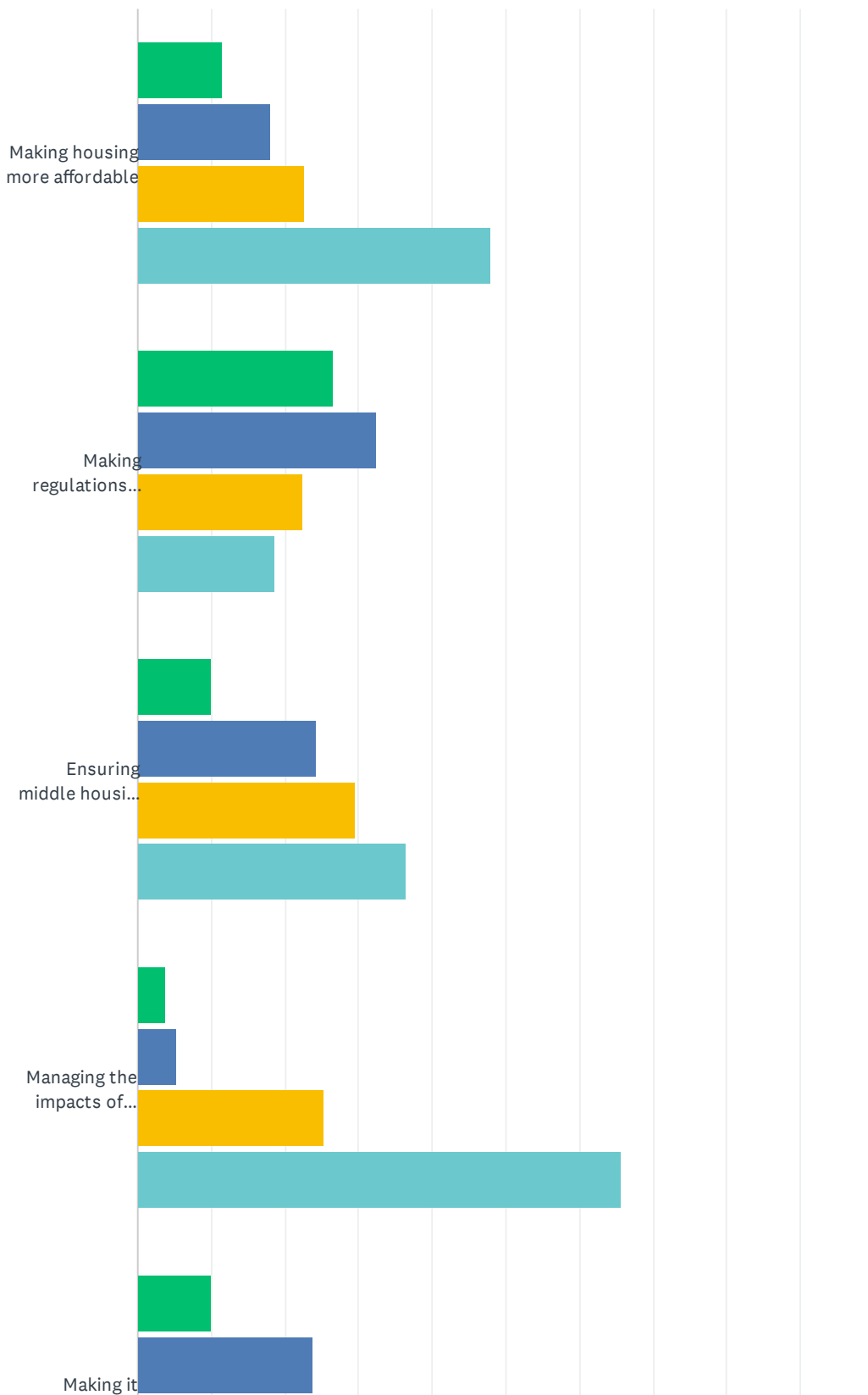
**APPROVED BY THE AD HOC MIDDLE HOUSING CITIZENS ADVISORY COMMITTEE this
January 20, 2021**

Melisa Dailey, Middle Housing Chair

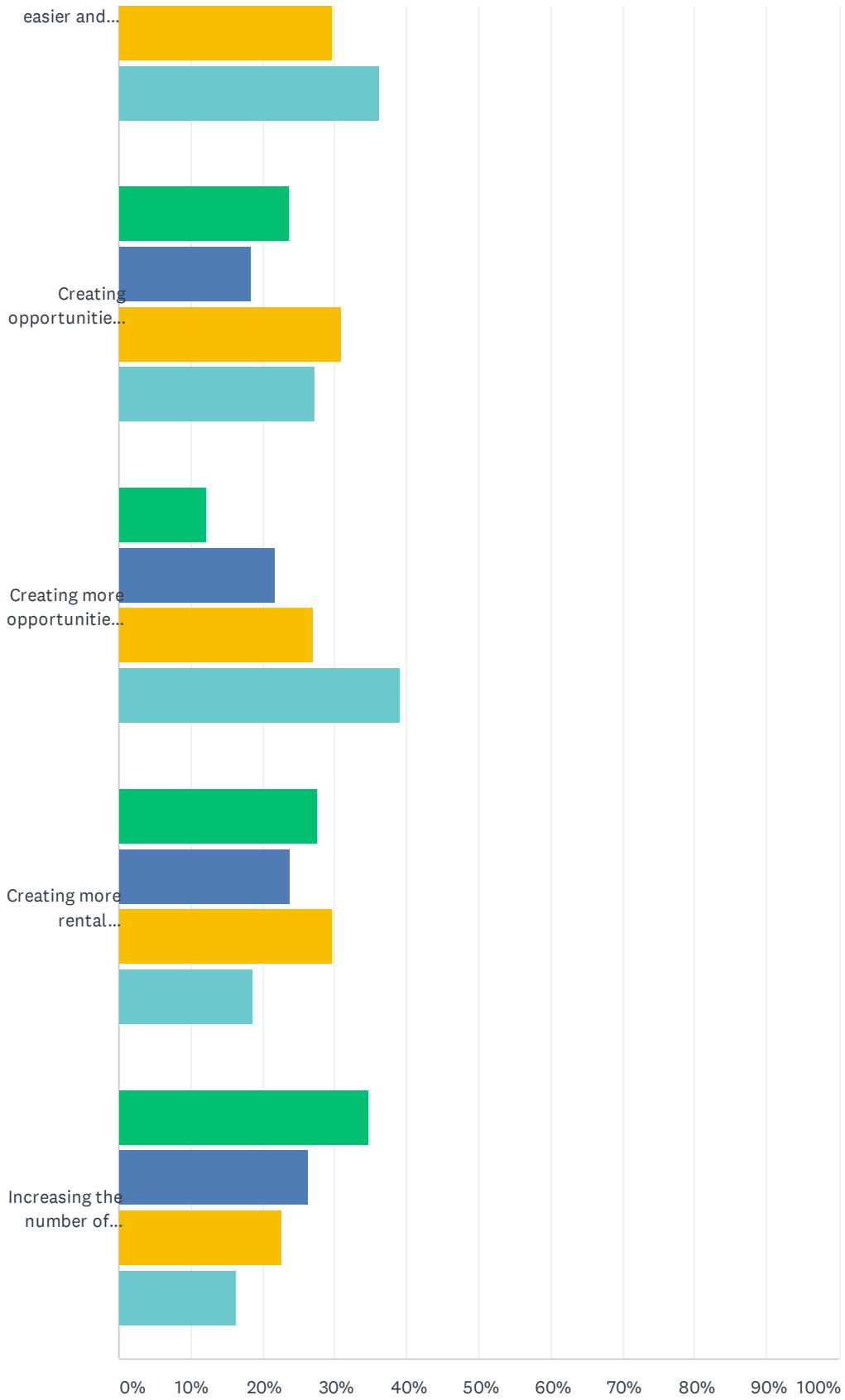
Doug Rux, Recording Secretary

Q1 1. What should be the top policy goals for introducing middle housing zoning standards?

Answered: 192 Skipped: 0



Newberg Middle Housing Code Project



■ Not important
 ■ Somewhat important
 ■ Important
 ■ Very important

Newberg Middle Housing Code Project

	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Making housing more affordable	11.58% 22	17.89% 34	22.63% 43	47.89% 91	190	3.07
Making regulations more flexible	26.60% 50	32.45% 61	22.34% 42	18.62% 35	188	2.33
Ensuring middle housing is compatible with existing development	10.00% 19	24.21% 46	29.47% 56	36.32% 69	190	2.92
Managing the impacts of parking within neighborhoods	3.70% 7	5.29% 10	25.40% 48	65.61% 124	189	3.53
Making it easier and safer to get around by walking	10.11% 19	23.94% 45	29.79% 56	36.17% 68	188	2.92
Creating opportunities for a broader variety of housing types	23.56% 45	18.32% 35	30.89% 59	27.23% 52	191	2.62
Creating more opportunities for homeownership	12.17% 23	21.69% 41	26.98% 51	39.15% 74	189	2.93
Creating more rental opportunities	27.66% 52	23.94% 45	29.79% 56	18.62% 35	188	2.39
Increasing the number of housing units that can be built	34.74% 66	26.32% 50	22.63% 43	16.32% 31	190	2.21

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#	COMMENTS:	DATE
1	HB 2001 will burden neighborhoods with over-building of lots. Not making parking required on-site for new construction will flood roads with new cars and emergency vehicles will not be able to get through. Also, the school's will be flooded with new children and over-crowded. Real estate will buy all the houses and tear them down and make big apartment buildings where neighbors can get no sunlight in their yards. There will be no room for street trees and parks will be flooded. No one is going to make new parks. This bill was a give away to the real estate market and big interest money backers..	1/11/2021 8:18 AM
2	Please do not let this turn into a crowd place to live where its infested with apartments and high traffic	1/10/2021 3:06 PM
3	Any development team that does not ask for local participation from the outset is not generating equitable outcomes.	1/8/2021 1:49 PM
4	Development teams must ask for local participation from the outset in order to generate equitable outcomes.	1/8/2021 12:27 PM
5	Developers are reaping HUGE profits building junky cramped housing to justify making it "more affordable". No room for children to play, not enough parking, no privacy, cheap materials are ruining our neighborhoods while millions of dollars are leaving the community and ending up in the pockets of bankers and developers. We have to find a way to get off the inflation of home prices. Banks should not be allowed to drive up prices by mortgaging such dense and tiny homes for hundreds of thousands of dollars. They don't do that in the US SE and Central states, only in NE and West coast. It's unfair as our incomes are not higher than Texas or Ohio.	1/8/2021 11:39 AM
6	Do not mix middle housing with single family homes, keep separate	1/6/2021 11:31 PM
7	zoning needs to embrace Tiny houses and a permanent campground.	1/6/2021 11:17 AM
8	This was not a well designed survey. I just by chance stumbled across it, therefore I'm sure that the majority of the communities opinions are not going to be reflected in the results. The new skinny houses going up in our neighborhood reflects the greed of developers. They are poor quality and not family friendly. They don't have sufficient outdoor space and are not varied in design. Street maintenance is less than poor in our neighborhood as it is, therefore more traffic is taking the more maintained roads. We don't have Stop Signs as it is and 25 mph is too fast for a neighborhood with no Stop Signs and a lot of children. Please take care of what we have before building more. And no parking only forces people to park in front of our houses.	1/5/2021 9:49 PM
9	parking is really important. most families have 2 cars and groups of renters have more than 2. it's really hard when there's no parking on your street.	1/3/2021 6:55 PM
10	As a senior citizen I want to strongly encourage you to make it mandatory that all new housing be required to install a hand railing by the entrance. Older homes almost always provided this and we need to again provide this essential safety help for every new home. It is not only a help for older citizens, it also helps the handicapped and children as well. Even one step up is difficult for some people without a railing to help.	12/31/2020 9:58 PM
11	Biggest problem is the permitting process. Really \$100000 in permits to build a house really.	12/31/2020 2:09 PM
12	We need truly affordable options and options for all walks of life. Why is the city not considering land trust options?	12/31/2020 11:09 AM
13	Our city needs to be more appealing to young families as a place to settle and grow. More and more of our younger families have had to leave our city because they can't afford living here. That takes money from our city projects and our schools, and reduces our city's diversity.	12/31/2020 9:38 AM
14	We have lived in a house in Newberg that has rats for the past 2 yrs. We can afford anything else. The house before this one had black mold and got kicked out cuz i complained all the time. We need affordable and safe houses that rich people aren't gonna come and buy and rent them for ridiculous amount	12/30/2020 7:29 AM
15	Low cost ADUs and fees need to be fully supported by the city and its code	12/28/2020 2:45 PM
16	Adding tiny homes and mobile home opportunities	12/28/2020 12:39 PM
17	Housing must match the jobs available in our town. Commuting degrades our neighborhoods,	12/27/2020 9:58 PM

Newberg Middle Housing Code Project

puts additional strain on our infrastructure, and eats up a sizeable portion of families' budgets. As long as most of the people who live here work elsewhere, and the people who work here live elsewhere, we are sitting on an untenable, unsustainable, carbon-abusing situation. Walkways must be safe, attractive, and contiguous, linking where people live to where they want to go (business, shopping, school, church)

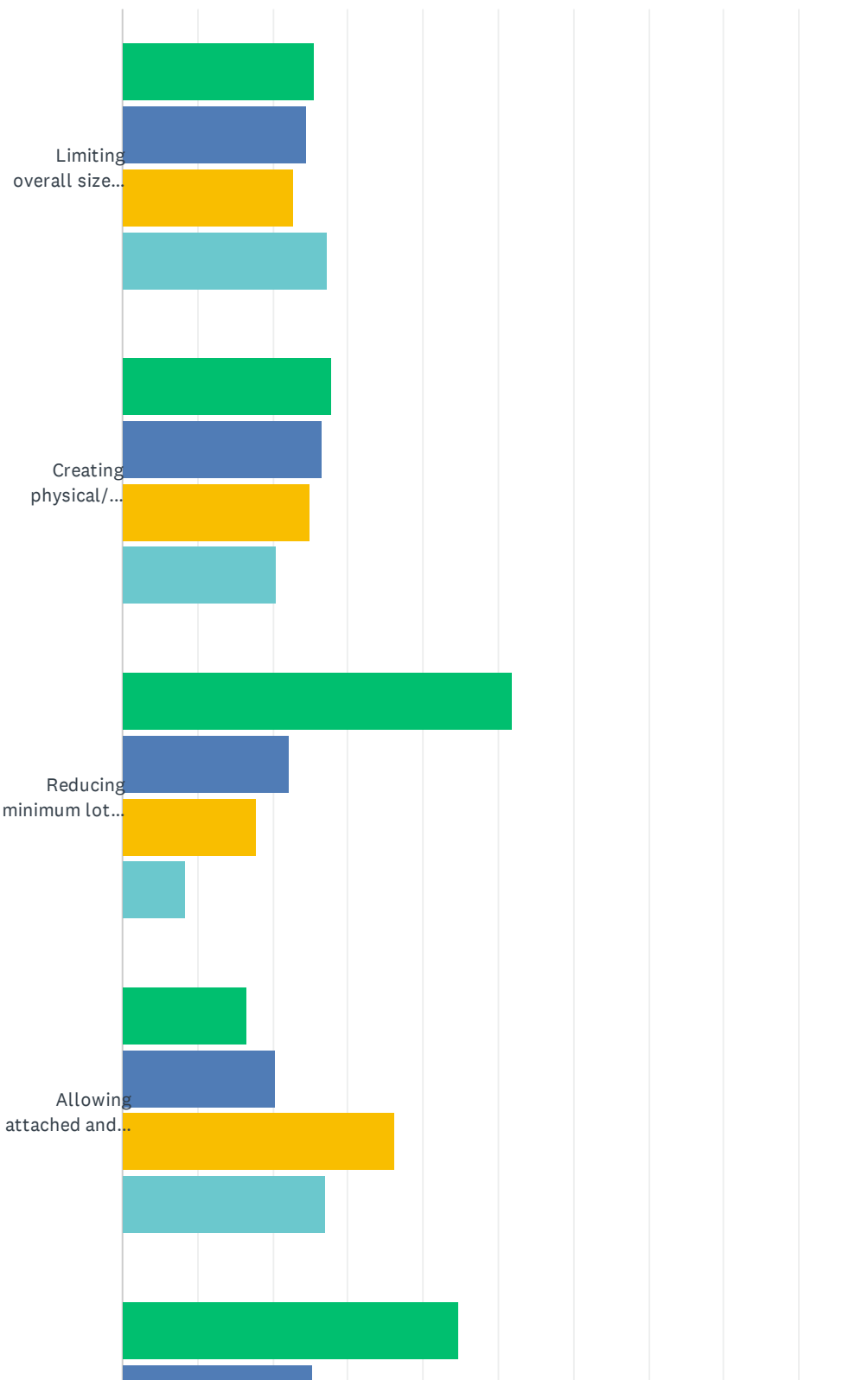
18	Usually it's the over flow of cars when it is a rental complex. It makes the neighborhood trashy. People start living there when they are not residents. Too much traffic. No rentals. More opportunities to buy	12/27/2020 4:21 PM
19	Reduce cost of housing so people can continue to live in newberg and afford homes. Right now the market is crazy and even an apartment is out of reach for most people.	12/27/2020 8:44 AM
20	Everywhere I have ever lived that has adopted this approach has seen an increase in crime and a decrease in quality of life. This is a terrible plan for Newberg	12/26/2020 11:31 PM
21	It's difficult to answer the "walking" item without knowing what sorts of middle housing zoning standards would support that.	12/26/2020 5:43 PM
22	Parking MUST be a priority. Do not allow the builders to decide, they will always do the minimum. Drive by ANY complex in newberg at night and see the cars stacked up for blocks around. An apartment or duplex expected to house a family of 4 should have at least 2.5 parking spaces.	12/26/2020 3:18 PM
23	Require adequate parking and don't count those tiny garages as a parking spot. Our sidewalks are horrible too.	12/26/2020 2:38 PM
24	Consider housing for the homeless.	12/26/2020 2:35 PM
25	Your first priority should be to get your engineering department under control. They are the detractors from affordable housing.	12/26/2020 1:30 PM
26	I believe there should be cottage housing for senior on low income.... give a way to have dignity in our senior years.	12/26/2020 12:06 PM
27	People will always park on the street, even if they have a driveway/garage. I think it's important to recognize that and ensure the streets are wide enough for the vehicles to park and vehicles to drive by. Often times I fear I might clip a mirror driving down my street with newly developed homes and terrible street parking. Also, the space between similar home styles should be kept at a different standard than the space between different styles. For example, a house should not be allowed 20 feet from an apartment complex (Wynooski). It looks terrible and is going to have future parking problems for the home owner/resident because they are on top of each other and it's crowded.	12/26/2020 11:07 AM
28	more low income housing a must	12/26/2020 9:52 AM
29	Diversity of housing types is important as the community grows and our ability to provide adequate housing options. However, planned development coupled with appropriate parking and access is critical. At this time there appears to be a significant imbalance. Higher density developments completely overlook the need for appropriate parking, not only for the residence but for visitors and emergency services as well. This doesn't create healthy livable communities for the longer term. Off-street and on-street parking requirements are long overdue for reshaping.	12/26/2020 8:18 AM
30	The taxpayers should not be asked to subsidize housing. Cars have to go somewhere. When you pack housing units into a small space with limited parking, the cars end up illegally blocking others or lining the street.	12/23/2020 10:07 PM
31	Private roads should not be permitted for more units. Too narrow and diminish value.	12/22/2020 2:59 PM
32	Not like Ella ct was agreed to and the rules never followed for NO street parking	12/22/2020 10:50 AM
33	Middle housing equals crime and over population. DON'T TURN NEWBERG INTO BEAVERTON, HILLSBORO, OR PORTLAND! I grew up here and hate seeing what you people continue to do.	12/22/2020 9:16 AM
34	Parking is a HUGE issue, already developed areas are NOT designed to deal with the extra cars. Everyone knows more than 1 car will come with each new "home". Honestly this is a terrible idea. Believe it will destroy currently pleasant and functional neighborhoods.	12/22/2020 8:08 AM

Newberg Middle Housing Code Project

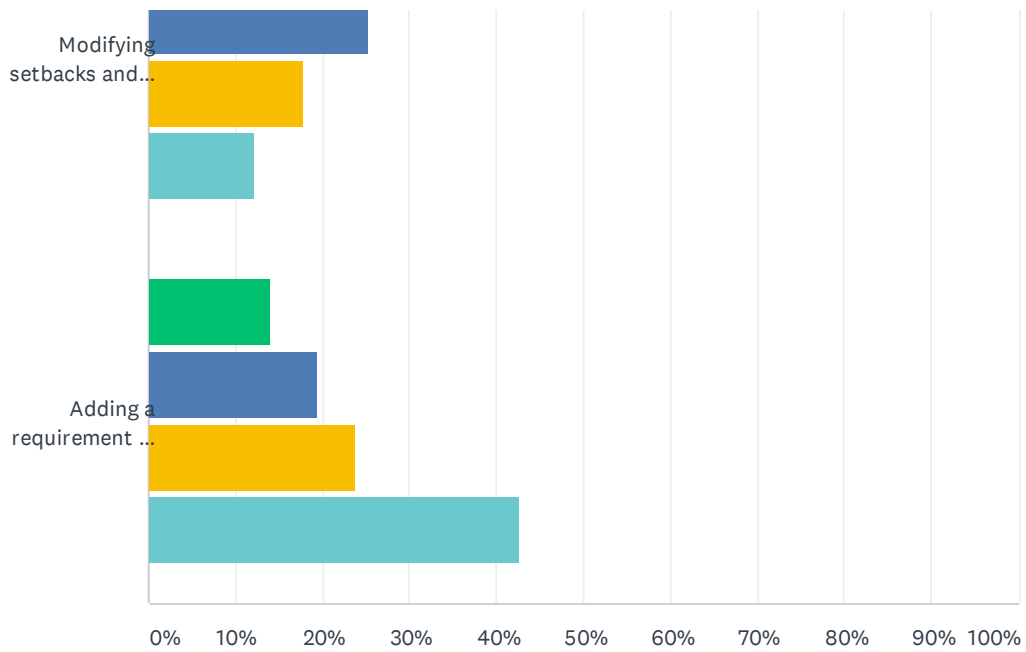
35	We do not need more duplex's or buildings of that nature, just look at The area near the air park, parking is horrible and the streets are crowded.	12/22/2020 5:30 AM
36	Housing that is actually affordable for people ie. Rent. Rent places people cant afford even if they are on housing section 8, its less than 1100.00\$ VERY hard to find a place to rent for under that	12/22/2020 1:27 AM
37	Off street parking makes it look nasty. Lots of broken down cars. Just trashy, if everyone has two parking spots instead of one, would make for a nicer area.	12/22/2020 1:09 AM
38	Street parking is a huge issue in our neighborhood. Makes it unsafe for kids to play.	12/21/2020 9:29 PM
39	Just say no to the crammed housing and car clusters. Like the houses by the air park. On top of it nothing has been done about the traffic in the area. It gets more dangerous every week. Fix the existing problems before you create more!	12/21/2020 8:55 PM
40	No fucking cheap housing!	12/21/2020 7:46 PM
41	Affordable is Minimum wage x 60 not well food is overrated again this month	12/21/2020 5:35 PM
42	Newberg does a very poor job of parking enforcement. It's all about increased property tax dollars at the cost of citizen inconvenience	12/21/2020 4:54 PM
43	Need to keep in mind parking when approving building permits	12/21/2020 4:50 PM
44	Having the housing fit with the character of the town is important. Wooden buildings and classic styling like our Main Street and older houses give newberg an inviting home feeling. Green and open spaces are also important.	12/18/2020 6:15 PM
45	Newberg is not a big city. I get that Portland is overpopulated but we cannot take them all in. Some housing needs to be single family housing so that we can maintain the small-town feel of Newberg. I don't want to become Sherwood. I want to live in a quiet, rural town where I can still go grocery shopping if I need to at 9pm (not as small as Lafayette or Dayton). We aren't Portland and people do need cars to get around - the bus system isn't robust enough to handle more Newbergers without cars. So, people need places to park their cars. We live in a single family neighborhood (Edwards area) and our streets are already maxed out with people parking. Please stop building houses with only one car spot, or no car spot. Most houses take 2 incomes to buy, so that's 2 people with jobs who need cars to get there. Stop thinking about making "progress" and start thinking about what we already have that is broken.	12/17/2020 10:53 PM
46	All this middle housing is wreaking havoc on parking and traffic in the Newberg area. Please stop. Houses here are already much more affordable than anything around Portland. Please quit splitting properties up and making less space for existing home owners!!!	12/17/2020 9:42 PM
47	Don't need anymore apartments or townhouse	12/17/2020 9:40 PM
48	Lets make Newberg a nice town with nice homes. Bringing in rentals, trailers and townhomes will make it look like dayton or lafayette	12/17/2020 9:32 PM
49	Rather than making regulations more flexible, you need to make permits less expensive! The permitting costs are a driving factor in the housing costs for new construction homes. Those costs get passed directly to the consumer.	12/17/2020 7:29 PM
50	Limit on street parking. Parking along street sides causes accidents.	12/17/2020 7:13 PM
51	Just having somewhere to live would be nice.	12/17/2020 5:32 PM
52	Property taxes are already super high in Newberg. I don't mind paying to live in a nice place. I don't want low income housing to affect my home's worth.	12/17/2020 4:02 PM
53	Provide more options to affordably stop renting and start owning under 350k in Newberg.	12/17/2020 2:25 PM
54	Let's not make Newberg like Sherwood. Keep Newberg small.	12/17/2020 12:16 PM

Q2 2. Knowing that standards must be applied equally to duplexes and single family detached dwellings, how important are the following duplex code standards?

Answered: 185 Skipped: 7



Newberg Middle Housing Code Project



■ Not important
 ■ Somewhat important
 ■ Important
 ■ Very important

	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Limiting overall size of buildings	25.56% 46	24.44% 44	22.78% 41	27.22% 49	180	2.52
Creating physical/ visual connections between dwellings and the street	27.78% 50	26.67% 48	25.00% 45	20.56% 37	180	2.38
Reducing minimum lot sizes to allow for more duplexes	51.93% 94	22.10% 40	17.68% 32	8.29% 15	181	1.82
Allowing attached and detached configurations	16.48% 30	20.33% 37	36.26% 66	26.92% 49	182	2.74
Modifying setbacks and lot coverage standards to allow for more units	44.75% 81	25.41% 46	17.68% 32	12.15% 22	181	1.97
Adding a requirement for a garage or carport	14.05% 26	19.46% 36	23.78% 44	42.70% 79	185	2.95

Newberg Middle Housing Code Project

#	COMMENTS:	DATE
1	Too much over building. Every place in every part of the city will look like some new York high rise. How do you keep covid out of This dense type of housing. I would not want to live in a sense cramped neighborhood like this.	1/11/2021 8:22 AM
2	Do not pack the community with homes	1/10/2021 3:09 PM
3	Just because you can squeeze in more units, does not mean that you have made it more walkable. Density needs to not be in overdrive.	1/8/2021 1:49 PM
4	Density has to be balanced with livability. A neighborhood is not necessarily more walkable just because there is a lot of housing there.	1/8/2021 12:32 PM
5	Never forget, real PEOPLE have to actually live in these buildings.	1/8/2021 11:41 AM
6	housing is an urgent need. fees should be reduced for builders and requirements should be adjustable within reason.	1/6/2021 11:19 AM
7	Again, very poorly designed survey. The choices for answers are very vague. Important and Not Important don't reflect ones thoughts. For example, I would like to modify setbacks to enable more privacy, not for more units.	1/5/2021 9:56 PM
8	if there is plenty of street parking a garage is less important. but families need somewhere to store their "stuff".	1/3/2021 6:57 PM
9	Space for a small porch swing would be wonderful. Would be nice to have enough space between buildings for pyramidal trees. Also space for small garden in the sunny part of a yard. There should be no "hate strip" between street and sidewalk.	12/31/2020 10:05 PM
10	Needs to be affordable to people on limited incomes & minimum wage earners.	12/31/2020 11:11 AM
11	We want an appealing community, one that encourages people from various backgrounds to settle in our city. The dwellings needs to be homes a person is proud to own.	12/31/2020 9:40 AM
12	Duplex codes should be different from single family detached dwellings. SFDD may want a yard and the activity that goes with it. Many who live in duplex/condo/three/fourplexes do not need or want a yard. Lot sizes for duplexes and the others should reflect that flexibility.	12/30/2020 12:49 PM
13	Not just duplexes: We need to promote zero-lot line building. The codes make this very difficult, especially for setbacks and green space requirements. Habitat for Humanity purchased a large lot on S 3rd. It was clearly large enough for six units if they were all owned by the same landlord. Because of the codes, we ended up building fewer homes on this R3 lot, than if it were zoned R2. Home ownership is the major path to wealth in our history and society. Let's make it easier for people to own their homes, even if attached to a neighbor's home. Businesses do this all of the time, and individually owned townhouses are a feature of most communities who see themselves as cities.	12/27/2020 10:04 PM
14	2 and 3 story takes the privacy away. Too much traffic.	12/27/2020 4:23 PM
15	Reduce the number of homes built so that they aren't just stacked up on each other	12/27/2020 8:45 AM
16	We do not need smaller lots and more homes jammed into an area. Have you seen the nightmare that is villebois? Or even the neighborhood next to our airport is outrageous! It is so dangerous! If ever there is a need for a fire truck, there is no way for it to access the area. If anything the min lot size needs increased again and parking needs to be onsite not on the street.	12/27/2020 7:25 AM
17	Most are tough to answer without details. For example, would the garage or carport be instead of or in addition to other off-street parking? How would a dwelling NOT have a physical connection to the street? Reducing minimum lot sizes may be useful, but that's highly dependent on how much you reduce them.	12/26/2020 5:47 PM
18	Its not about the number of units, its about MORE parking. A required single car garage does not help when families have 3 cars.	12/26/2020 3:20 PM
19	Stop cramming in housing without addressing parking and sidewalks. You are making Newberg worse than Medford	12/26/2020 2:40 PM
20	There seem to be no options to oppose some of these statements. You have them worded as	12/26/2020 12:13 PM

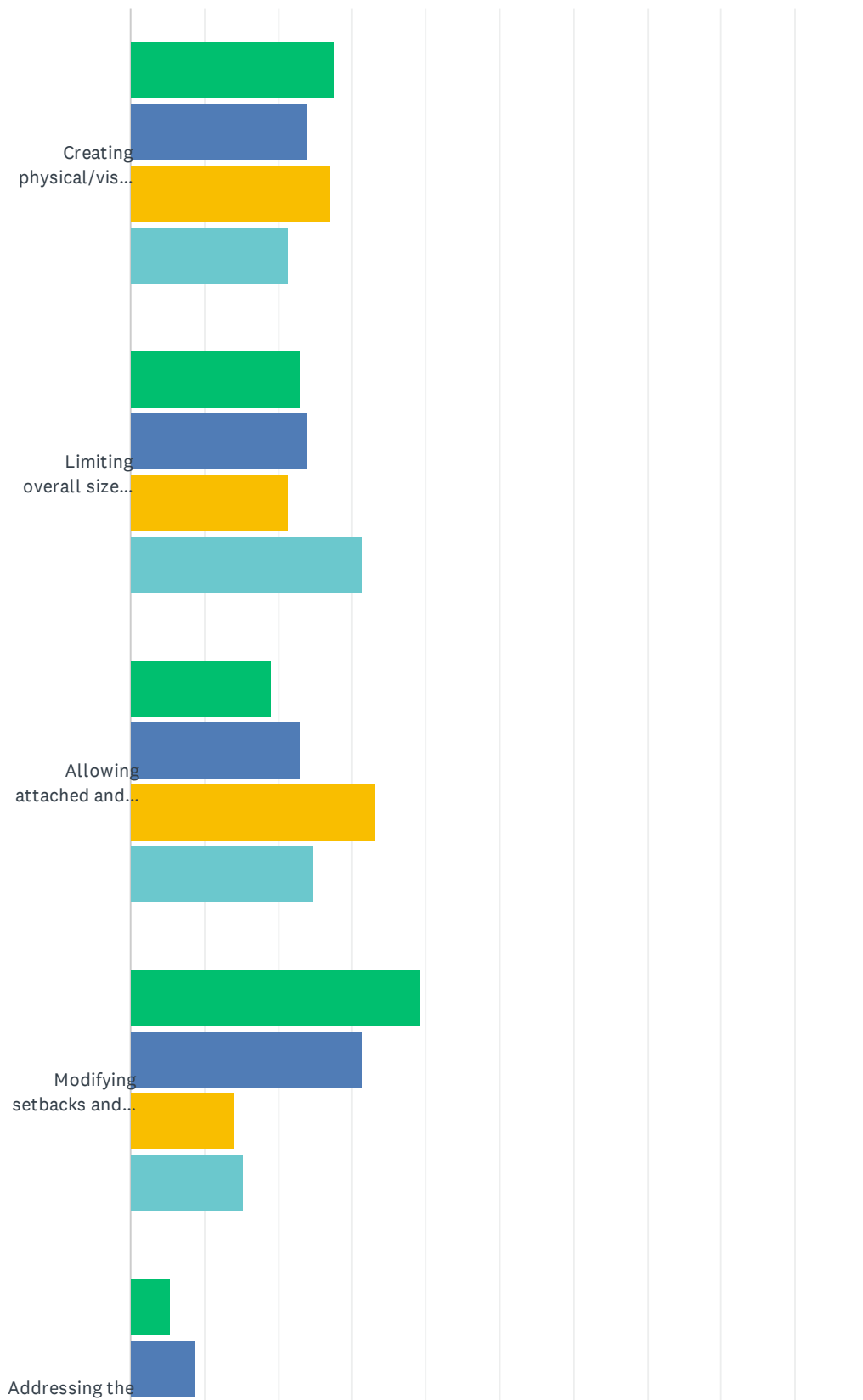
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support, or basically doesn't matter. There is no option to oppose a standard.

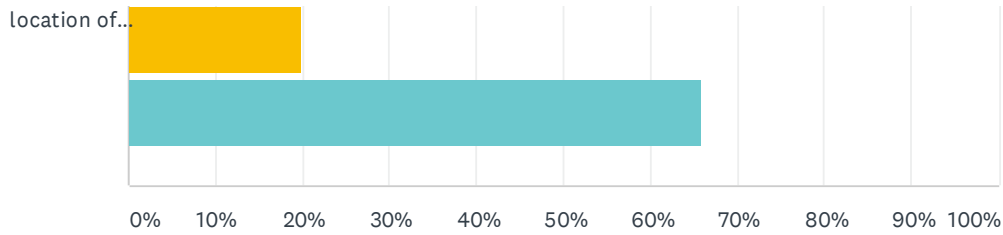
21	Again, thoughtful parking considerations are critical as Newberg continues to grow. I understand the need for density to create affordable housing but please don't overlook the balance of parking and access in terms of livability. We have too many examples already of poor neighborhood design and overly congested streets and limited access.	12/26/2020 8:23 AM
22	These duplex plans to not create livable neighborhoods.	12/23/2020 10:08 PM
23	when changed, visibility from roads should be considered a major factor for road safety. Also, setbacks should allow for wide sidewalks to promote walking where possible.	12/23/2020 3:32 PM
24	The town houses on Foothills are great- reasonable hoa, garages, beautiful and great layouts.	12/22/2020 3:01 PM
25	Not like giving away free parking in teh City lot to teh rentals above on College and first to put more money in the owners pocket	12/22/2020 10:52 AM
26	Yards and space are important for families. Please do not jeopardize the importance of children being outside to squeeze more compact housing in small places.	12/22/2020 6:16 AM
27	No more duplex's, triplets or apartments!	12/22/2020 5:31 AM
28	Stop reducing lot sizes.	12/21/2020 8:56 PM
29	Take your cheap housing to McMinnville	12/21/2020 7:47 PM
30	Reducing lot sizes is a terrible idea. Again, all about increase in collecting property tax \$\$	12/21/2020 4:56 PM
31	Having the duplex not share a wall is great idea. Having a shared carport or garage connect them gives privacy. Staking them on top of each other does the opposite. It makes you feel like your stacked up on top of each other and can't be yourself in your home	12/18/2020 6:35 PM
32	Duplexes should be built at the very minimum, meaning they should be the smallest/most attached new housing being built. I lived in a lot of attached housing growing up and I didn't think I would ever make it out. Lots of row-houses and multiplexes are not actually helpful in getting low income families out of that cycle. It doesn't work. They can't afford to put enough away to put a down payment on a house because rent is just as much as a mortgage, but they are doing it with no earned equity. Stop building large multiplex/tiny homes. Plan out parking to allow for multiple cars.	12/17/2020 11:01 PM
33	The city does not need anymore townhomes.	12/17/2020 9:41 PM
34	You are trying to get like Portland and have multiple houses on a lot this is idiotic	12/17/2020 12:24 PM

Q3 3. How important are the following triplex and quadplex code standards?

Answered: 182 Skipped: 10



Newberg Middle Housing Code Project



■ Not important
 ■ Somewhat important
 ■ Important
 ■ Very important

	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Creating physical/visual connections between dwellings and the street	27.59% 48	24.14% 42	27.01% 47	21.26% 37	174	2.42
Limiting overall size of buildings	23.03% 41	24.16% 43	21.35% 38	31.46% 56	178	2.61
Allowing attached and detached configurations	19.10% 34	23.03% 41	33.15% 59	24.72% 44	178	2.63
Modifying setbacks and lot coverage standards to allow for more units	39.33% 70	31.46% 56	14.04% 25	15.17% 27	178	2.05
Addressing the location of parking areas relative to the street and dwellings	5.49% 10	8.79% 16	19.78% 36	65.93% 120	182	3.46

Newberg Middle Housing Code Project

#	COMMENTS:	DATE
1	This is a very bad idea getting worse. This is total over building and will overwhelm the utilities in the streets and city services. This is guaranteed to make people move away from this town or area. A lot of people didn't even know the bill got passed. We sure would have voted no on it if anyone had bothered to tell us about it!!	1/11/2021 8:26 AM
2	no overcrowding	1/10/2021 3:10 PM
3	Multifamily housing needs integrated services and family friendly criteria.	1/8/2021 1:49 PM
4	Cookie cutter configurations make for depressing neighborhoods. Livability is key.	1/8/2021 12:35 PM
5	Again, never forget that PEOPLE need to live here. They need space and parking, play areas for their children and safe walking areas.	1/8/2021 11:43 AM
6	with the large amount of students in the area multiplex housing is an important option. many of them from GFU are walkers...	1/6/2021 11:21 AM
7	see previous comments	1/5/2021 9:57 PM
8	Move house closer to the street to allow for larger "yard" or landscaped area for all the buildings to enjoy together . Having usable natural areas that are private is very important. I personally do not like so many fences since I feel that makes for alienation from our neighbors. Backyards should be as large as possible.	12/31/2020 10:10 PM
9	We need to allow for various sizes and configurations to encourage people in various stages of life to settle and consider Newberg their home. That requires allowing for various housing styles.	12/31/2020 9:43 AM
10	All units need 2x parking spots minimum.	12/28/2020 2:47 PM
11	Too many units. Creates too much traffic	12/27/2020 4:25 PM
12	Same answer as with duplexes: We do not need smaller lots and more homes jammed into an area. Have you seen the nightmare that is villebois? Or even the neighborhood next to our airport is outrageous! It is so dangerous! If ever there is a need for a fire truck, there is no way for it to access the area. If anything the min lot size needs increased again and parking needs to be onsite not on the street.	12/27/2020 7:26 AM
13	See comments from previous question as they apply here.	12/26/2020 5:48 PM
14	Parking, parking Parking.	12/26/2020 3:21 PM
15	Parking and sidewalks, otherwise you are ruining the town	12/26/2020 2:41 PM
16	Limiting size: especially applies to height	12/26/2020 12:44 PM
17	Parking requirements should be addressed. All units should accommodate on and off street parking for residents/owners.	12/26/2020 11:11 AM
18	Heights of buildings is important. Allowing over two stories dramatically changes the character of neighborhoods.	12/26/2020 10:45 AM
19	adding in garages for parking and keeping prices affordable!	12/26/2020 9:54 AM
20	Same story. Parking and access.	12/26/2020 8:24 AM
21	Again, setbacks should take road visibility and wide sidewalks into account.	12/23/2020 3:33 PM
22	Short term problems shouldn't be ugly longterm solutions	12/22/2020 3:02 PM
23	Not like that towering mess of Sect. 8 in peoples back yards built on Meridain st.	12/22/2020 10:54 AM
24	Developers will want the city to modify housing codes to allow maximum building space on minimum land. They'll claim this allows them to create affordable housing. But they will design projects with insufficient off street parking, pushing vehicles associated with middle housing to park on streets in front of existing single family homes. So any push for middle housing without adequate parking is asking existing homeowners to bear the burden of increased street parking while developers take their profit.	12/22/2020 7:01 AM
25	Yards and space are important for families. Please do not jeopardize the importance of children	12/22/2020 6:17 AM

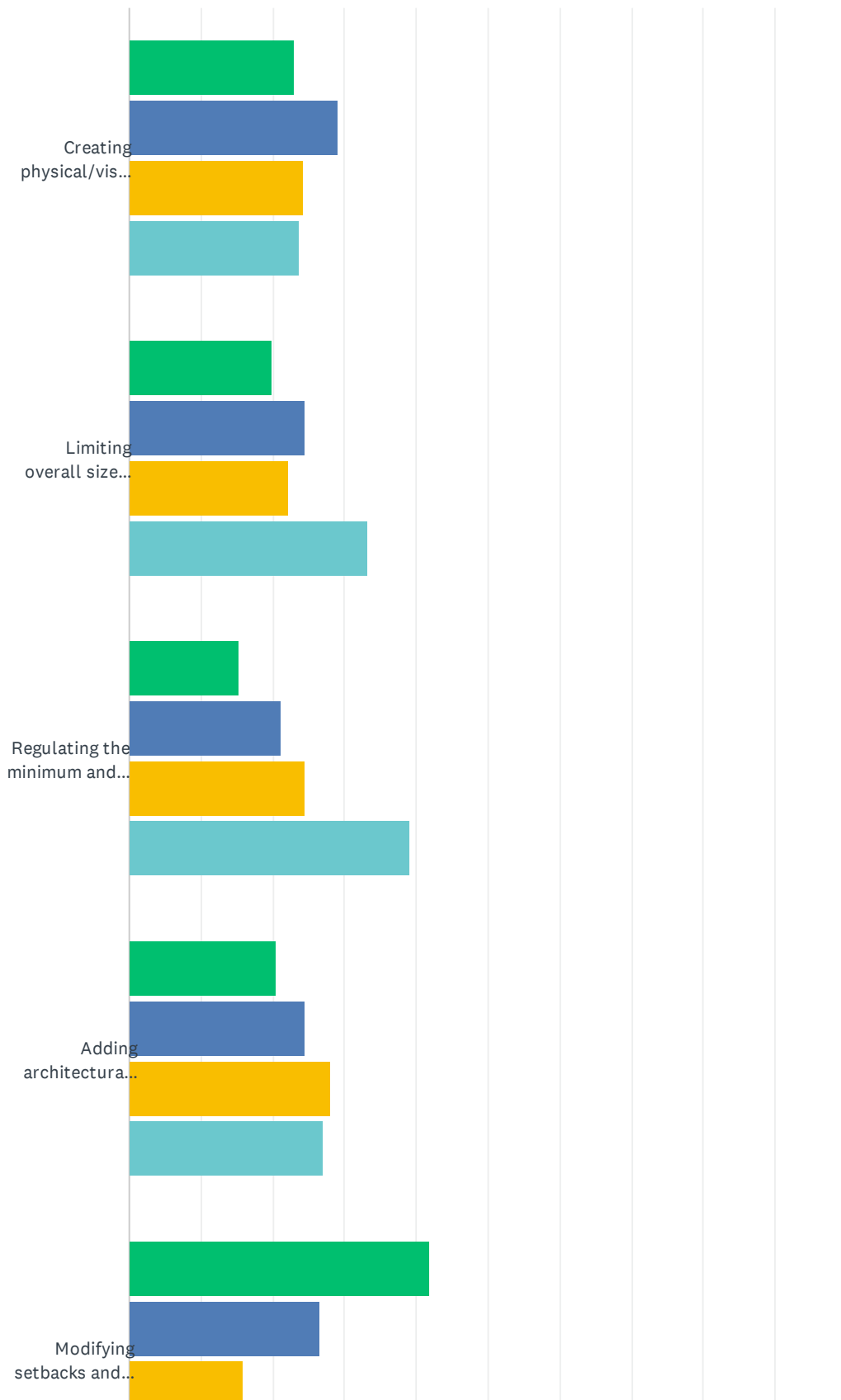
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being outside to squeeze more compact housing in small places.

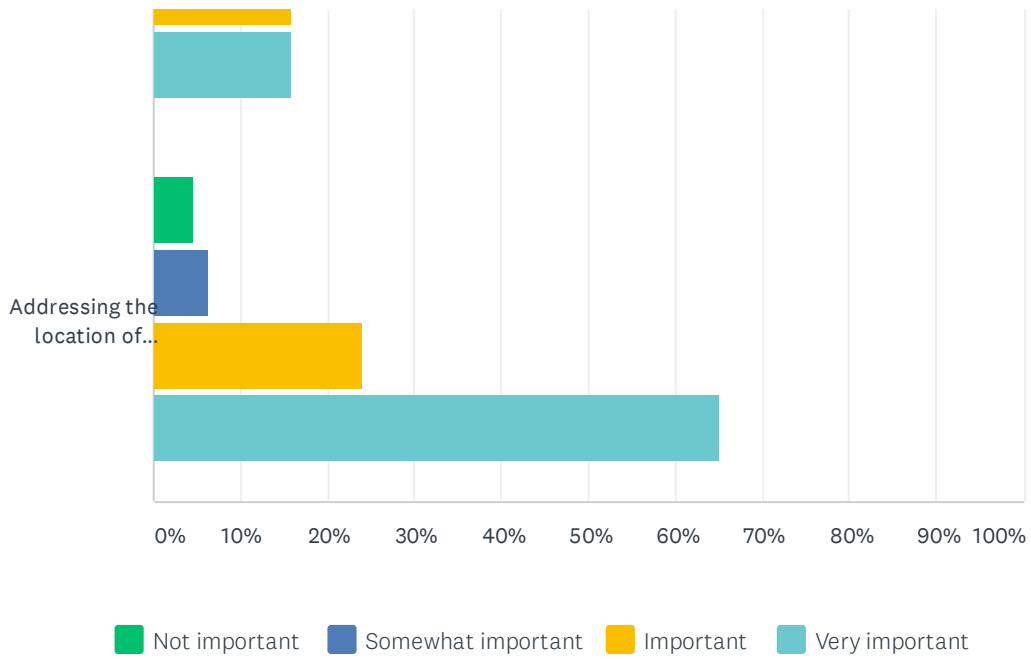
26	No more mult family housing units!	12/22/2020 5:32 AM
27	Take your garbage housing somewhere else	12/21/2020 7:48 PM
28	City of Newberg needs to field trip to Beaverton's Scholls Ferry & Roy Rogers intersect to see how stacked up the living areas area. And, how poorly the roads & infrastructure is not keeping up.	12/21/2020 4:58 PM
29	The second design in the photos looks great. It achieves shared space while still looking attractive and not over crowded.	12/18/2020 6:38 PM
30	Stop building these terrible houses. They don't help people. Most of them are shoddily built and some have been known to harbor black mold. It is awful to live in.	12/17/2020 11:03 PM
31	Please stop building all of these housing units. All of them. The duplexes, triplexes, etc.	12/17/2020 9:48 PM
32	All of those look like apartments. Don't Newberg into Orange County	12/17/2020 9:43 PM

Q4 4. How important are the following townhouse code standards?

Answered: 175 Skipped: 17



Newberg Middle Housing Code Project



	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Creating physical/visual connections between dwellings and the street	23.08% 39	28.99% 49	24.26% 41	23.67% 40	169	2.49
Limiting overall size of buildings	19.88% 34	24.56% 42	22.22% 38	33.33% 57	171	2.69
Regulating the minimum and maximum number of units in a single building	15.20% 26	21.05% 36	24.56% 42	39.18% 67	171	2.88
Adding architectural detailing standards to differentiate units	20.47% 35	24.56% 42	28.07% 48	26.90% 46	171	2.61
Modifying setbacks and lot coverage standards to allow for more units	41.76% 71	26.47% 45	15.88% 27	15.88% 27	170	2.06
Addressing the location of parking areas relative to the street and dwellings	4.57% 8	6.29% 11	24.00% 42	65.14% 114	175	3.50

Newberg Middle Housing Code Project

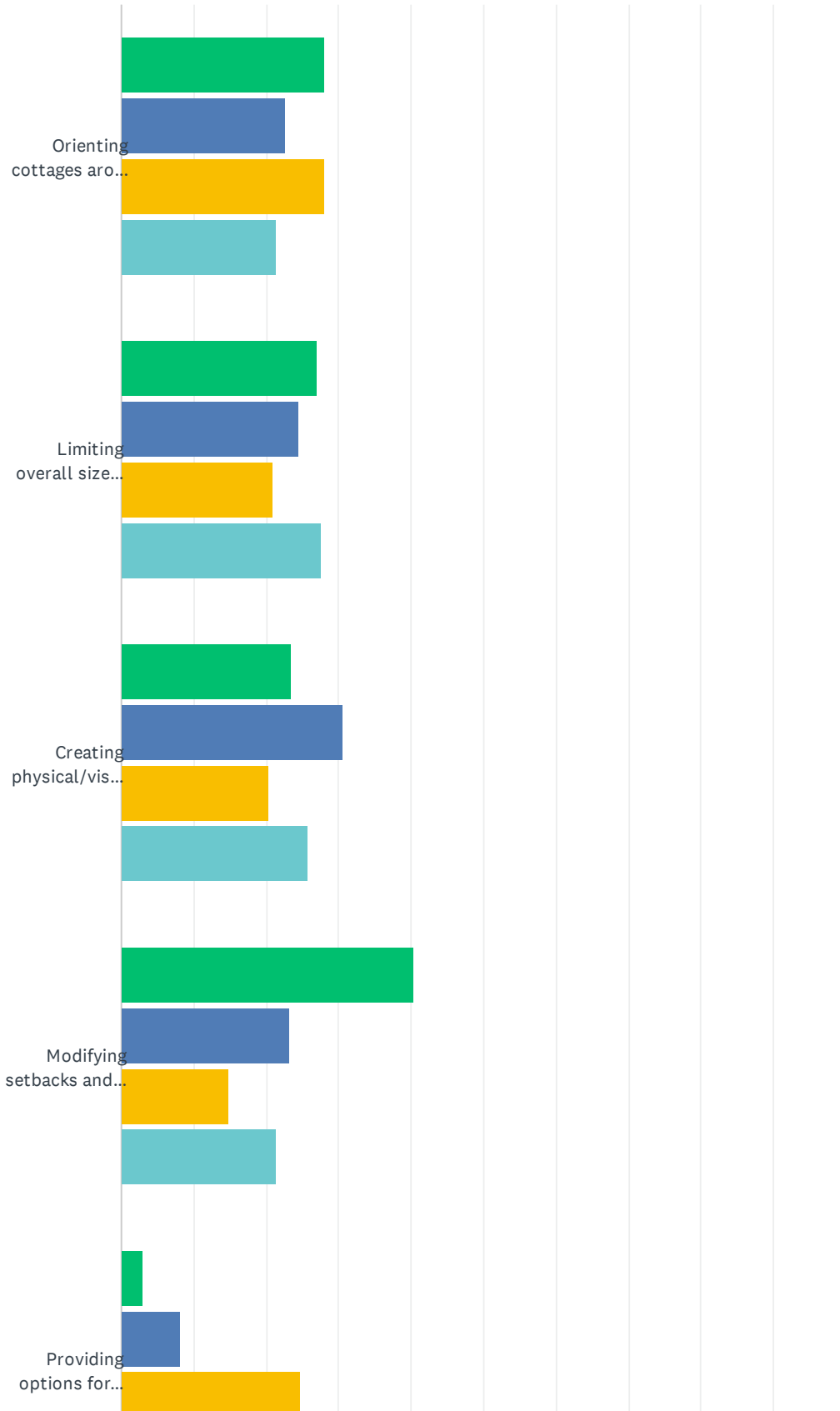
#	COMMENTS:	DATE
1	Stack it up housing. Total disgrace to the neighborhood. This is the worst abuse of power I have ever seen in this city. So real estate gets the money from this mess. Cars parked all over the roads. No trees.no grass. No parks. Taking our city over for profit.	1/11/2021 8:29 AM
2	don't overcrowd this town	1/10/2021 3:12 PM
3	Integration is key. It does include environment and community.	1/8/2021 1:49 PM
4	Mixed unit sizes per lot helps support a diverse tenant population and enriches the neighborhood.	1/8/2021 12:39 PM
5	It can never be about where to put "residents" but how to enhance the lives or HUMAN BEINGS.	1/8/2021 11:45 AM
6	in this time of need regulations need to be adjusted temporarily. the city needs to look towards communities that have successfully embrace new trends in housing.	1/6/2021 11:23 AM
7	I think the above opinion system is unclear. I did not feel clear as to my being for or against the description or just that it was important to be felt with.?? Are underground garages not an option? I think garages in the front are UGLY and take up good area that could be a natural area. Garages should be in the rear or underground.	12/31/2020 10:15 PM
8	People needs to feel they have some choices with where and how they live. The houses also must be seen as home. The ability to own a home or rent a nicely developed space, correlates to a more successful life.	12/31/2020 9:46 AM
9	Not impressed with this concept; too many units.	12/30/2020 3:04 PM
10	Many people will live in these dwellings. Parking is always a challenge and leads to safety problems for children and others when everyone parks on the street and visibility is limited.	12/30/2020 12:51 PM
11	Alley / Rear parking is the preferred	12/30/2020 7:05 AM
12	In a place with soaring property values, you logically cannot grow without either suburban sprawl or higher density housing. We should reward higher density residential--more people who can afford to live here where they work, the less strain on infrastructure.	12/27/2020 10:08 PM
13	More opportunities to buy. Less traffic riff raff	12/27/2020 4:26 PM
14	We do not need smaller lots and more homes jammed into an area. Have you seen the nightmare that is villebois? Or even the neighborhood next to our airport is outrageous! It is so dangerous! If ever there is a need for a fire truck, there is no way for it to access the area. If anything the min lot size needs increased again and parking needs to be onsite not on the street.	12/27/2020 7:27 AM
15	Townhouses should have a minimum of 3 parking spaces NOT including the garage.	12/26/2020 3:22 PM
16	There is already a population density issue in town and parking and sidewalks are a joke. Make del Boca vista fix up our town for a change and stop letting them rape us for profit	12/26/2020 2:43 PM
17	Rear garages have more curb appeal	12/26/2020 2:02 PM
18	Visual impact on neighborhoods is super important	12/26/2020 12:45 PM
19	Do not permit no onsite parking units please! Parking problems impact neighborhoods dramatically.	12/26/2020 10:48 AM
20	Again, setbacks should take road visibility and wide sidewalks into account	12/23/2020 3:34 PM
21	Affordable shouldn't mean cheaply smashed together with high hoa	12/22/2020 3:03 PM
22	Dont need a towering ugly structure that is over bearing on neighbors like the new GFU building on Villa rd.	12/22/2020 10:55 AM
23	Yards and space are important for families. Please do not jeopardize the importance of children being outside to squeeze more compact housing in small places.	12/22/2020 6:17 AM
24	No more town houses.	12/22/2020 5:33 AM
25	No Modifying set backs to allow more units for any form of multi family housing.	12/21/2020 5:34 PM

Newberg Middle Housing Code Project

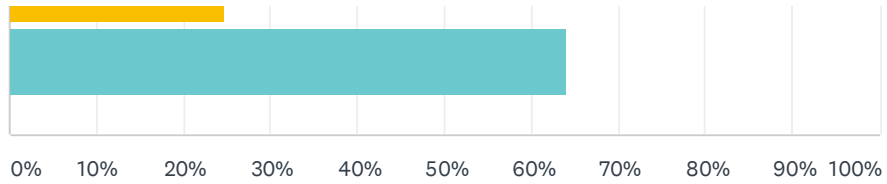
26	Newberg streets will never be able to handle the increased traffic & support of fire & public safety departments.	12/21/2020 4:59 PM
27	Having parking in the back with shared green space in between rows of driveways for kids to play.	12/18/2020 6:45 PM
28	This is a rural community. Don't turn it into a big city with huge rows of houses. They did it in Beaverton and it's awful. All of these additions of tons of houses on small lots don't contribute to the overall economy of our town. They just feed money into the pockets of big corporations who swoop in and build things up. It's not good for our town.	12/17/2020 11:07 PM
29	Looks like Beaverton or Orange County CA. Don't ruin Newberg with all theses attachment homes	12/17/2020 9:44 PM
30	Who cares what they look like? The rent prices in Newberg are unaffordable. Just having more places to tip the market in the favor of renters/buyers is a great start.	12/17/2020 5:34 PM

Q5 5. How important are the following cottage cluster code standards?

Answered: 171 Skipped: 21



Newberg Middle Housing Code Project



■ Not important
 ■ Somewhat important
 ■ Important
 ■ Very important

	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Orienting cottages around a shared courtyard area	27.98% 47	22.62% 38	27.98% 47	21.43% 36	168	2.43
Limiting overall size of the cottages	26.95% 45	24.55% 41	20.96% 35	27.54% 46	167	2.49
Creating physical/visual connections between dwellings and the street	23.35% 39	30.54% 51	20.36% 34	25.75% 43	167	2.49
Modifying setbacks and lot coverage standards to allow for more units	40.48% 68	23.21% 39	14.88% 25	21.43% 36	168	2.17
Providing options for shared parking or parking close to each cottage	2.94% 5	8.24% 14	24.71% 42	64.12% 109	170	3.50

Newberg Middle Housing Code Project

#	COMMENTS:	DATE
1	These places have no ysrds. Children must play in the road. No yards for dogs. Pets get run over. How do you have your kids play ball in the back yard. Such a sad building future. These dont care about families of kids. Just want to sell to millennials who have no kids. Really bad plan. No parking for elderly or mothers dragging groceries home. Really a pipe dream. Who came up with this stuff in the first place? Real estate people who sell to millenials? Tunnel vision!!	1/11/2021 8:34 AM
2	do not overcrowd this town	1/10/2021 3:12 PM
3	Even cottages in the same complex do not need to be cookie cutters just because it pencils out better.	1/8/2021 1:49 PM
4	Integrating clusters with the larger neighborhood is vital to the success of the development. Clear lines of sight to community areas help occupants feel safe.	1/8/2021 12:45 PM
5	This stuff is easy if every decision maker thinks "How would I want it to be if I lived here?"	1/8/2021 11:46 AM
6	this type of housing is not new its just been phased out because of the codes. in the eary 20th century this was a common setup. you see remnants still used in many communities including Newberg. These would be very useful and very similar to tiny housing pods used in Portland. The city needs to look outward to communities that has successfully embraced nonstandard forms of new construction.	1/6/2021 11:26 AM
7	important and not important are not great answer choices. Was my comment important or not important	1/5/2021 10:00 PM
8	These are good. Best to be able to sit on the porch and not see or be seen by neighbors next door.	12/31/2020 10:18 PM
9	Needs to be affordable!	12/31/2020 11:15 AM
10	People need these choices to feel like they have a real home, we need creative ways to house our people, and we need our community to grow and thrive	12/31/2020 9:47 AM
11	This is the best concept of all, I believe. Creates a sense of community, is attractive, accessible for older people, and more attractive personal space.	12/30/2020 3:08 PM
12	If builders and developers can make money with residential units they can sell, they will build more affordable housing. Fewer units per acre, more expensive each becomes.	12/27/2020 10:10 PM
13	Too many units too much traffic and riff raff	12/27/2020 4:27 PM
14	This is my favorite option for our town. they remain small and unobstructive	12/27/2020 8:42 AM
15	We do not need smaller lots and more homes jammed into an area. Have you seen the nightmare that is villebois? Or even the neighborhood next to our airport is outrageous! It is so dangerous! If ever there is a need for a fire truck, there is no way for it to access the area. If anything the min lot size needs increased again and parking needs to be onsite not on the street.	12/27/2020 7:28 AM
16	Size should be market driven	12/26/2020 8:32 PM
17	More Parking!	12/26/2020 3:23 PM
18	Don't forget adequate parking	12/26/2020 2:43 PM
19	Consider a cluster for low income families.	12/26/2020 2:39 PM
20	Not a fan of this layout altogether	12/26/2020 2:03 PM
21	Overall size limits: especially height	12/26/2020 12:46 PM
22	would be nice to have detached garages for these too	12/26/2020 9:56 AM
23	These units have created problems over near old 99w.	12/23/2020 10:11 PM
24	Again, setbacks should take road visibility and wide sidewalks into account. Also, promoting off road parking, walkability of areas, adding parks should be a top priority.	12/23/2020 3:37 PM
25	Privacy is important.	12/22/2020 3:04 PM

Newberg Middle Housing Code Project

26	Yards and space are important for families. Please do not jeopardize the importance of children being outside to squeeze more compact housing in small places.	12/22/2020 6:18 AM
27	This is a bad idea also	12/22/2020 5:33 AM
28	Take this shit to McMinnville	12/21/2020 7:50 PM
29	No modifications of set backs or anyother codes	12/21/2020 5:35 PM
30	This is likely the best option presented in this survey	12/21/2020 5:01 PM
31	These look great and I'm sure collage kids from George Fox would like the shared space. I love that you can walk or bike almost anywhere in newberg easily. If these units were small enough to be affordable and located close enough to business centers they would be a good fit for peoples needs.	12/18/2020 6:58 PM
32	Just build regular single family houses so that there are good options to move to. Then we can sell our one-family house and another family can move in and grow here. Don't rush the process by building a ton of tiny homes.	12/17/2020 11:09 PM
33	These are over 50 homes and they need garages or the streets of Newberg will be all cars	12/17/2020 9:45 PM

Q6 6. Can you think of any other barriers to developing middle housing in Newberg?

Answered: 87 Skipped: 105

Newberg Middle Housing Code Project

#	RESPONSES	DATE
1	Walkability to services-i.e. restaurants, shops The livability of Newberg-i.e. lack of childcare, unwelcoming atmosphere for diverse populations	1/11/2021 12:31 PM
2	Reality. This stuff is totally ludicrous. No input from public. Just another sell out by state politicians to big money real estate. Take our land. Take our houses. Why not just use eminent domain to force us out of our homes now and build this stuff to sell to cry baby millenials.	1/11/2021 8:38 AM
3	Allow for some more mobile homes so people can afford a decent home.	1/10/2021 3:14 PM
4	Potential impact on schools/student population #'s	1/9/2021 7:52 AM
5	Lack of local participation in the development process	1/8/2021 1:50 PM
6	While outside investment plays an important role in development, community participation in planning mitigates the potential dissatisfaction the current population. 0 community input times any variable of investment \$ = unsatisfactory product.	1/8/2021 12:52 PM
7	We want to resist urbanization as much as possible. Human beings need privacy and breathing room, a quiet space for intimacy with their selves and relations. Overcrowding just to create "housing" leads to unhappiness. Parks, streets, walkways all need keep up with population. The high cost of housing is due to manipulation by banks and developers and has little to do with actual demand. If someone can buy a new 2500 sq ft house in Ohio for \$300,000, then we in Oregon should also be able to get that house here.	1/8/2021 11:54 AM
8	Fees charged to the developer that disincentives building low income housing.	1/7/2021 11:39 AM
9	Homeowner's associations. They're terrible and usually classist and should not be a thing, especially in middle housing that is supposed to be more affordable.	1/7/2021 12:58 AM
10	Don't loose the city to make this happen. Keep newberg what it is growing into. A destination for tourist	1/6/2021 9:44 PM
11	being sure there are schools and other community services for new population in the community	1/6/2021 7:13 PM
12	Zone for it. Push back against a house bill no one here voted on.	1/6/2021 3:50 PM
13	Regulations that will not permit such dwellings	1/6/2021 2:28 PM
14	zoning, strict sets of beautification requirements and fears of property values being effected. Tiny housing pods are not the devil.	1/6/2021 11:35 AM
15	More housing equals more cars and people. Do we have the infrastructure to support this? Even the police drive around the potholes in our neighborhood. That is, the few police that we have.	1/5/2021 10:04 PM
16	Not affordable for locals.	1/3/2021 7:20 PM
17	No	1/3/2021 10:52 AM
18	no	1/2/2021 6:09 PM
19	do water, stormwater, and wastewater systems need to be enlarged for higher density housing?	1/2/2021 2:14 PM
20	The insides need sensitive practical treatment. consider pocket doors, window over kitchen sink, solar, skylights.	12/31/2020 10:22 PM
21	Government	12/31/2020 2:11 PM
22	People who employ NIMBY. Don't want rentals or lower income housing in their neighborhoods.	12/31/2020 11:17 AM
23	Parking issues are important. School crowding is a big issue, as well.	12/31/2020 8:20 AM
24	Available land in City or incorporating county property into City.	12/30/2020 3:10 PM
25	The NIMBY mindset	12/30/2020 2:42 PM
26	Adequate parking and good green space allocation, so folks have open spaces to use, but not maintain.	12/30/2020 12:54 PM
27	parking requirements (less), lot coverage ratios (more lot coverage allowed)	12/30/2020 7:08 AM

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28	Consider communities around the place where these middle housing are built. For example, maybe that community is mostly single family house neighborhood and resident there may not like to have middle housing community; for example, maybe the place is in the middle of factory land, and it is not good for middle housing resident.	12/29/2020 10:52 AM
29	Visual impact. No huge buildings overpowering the neighborhoods. Keep visual effect compatible with neighborhood.	12/28/2020 7:33 PM
30	Support of more cottages and ADUs, less townhomes. Greenspace is very important.	12/28/2020 2:47 PM
31	opposition to developing alternative housing options for existing properties. Make it easy for people to add a bathroom and a bedroom to rent.	12/27/2020 10:18 PM
32	Need opportunities to buy.	12/27/2020 4:29 PM
33	The cost is to high	12/27/2020 8:48 AM
34	Yeah, everywhere that has tried this type of approach has failed. People that actually pay taxes don't want to live next to low income housing. It drives out all the higher income people, and then decreases property values leading to crime. Do a basic amount of research on areas that have tried it. I watched the Villa in Portland try the same tactic and it failed miserably.	12/26/2020 11:37 PM
35	Proximity to public transit, amenities	12/26/2020 8:33 PM
36	No.	12/26/2020 6:49 PM
37	Greed	12/26/2020 6:18 PM
38	Other than which barriers?	12/26/2020 5:50 PM
39	Lack of available land parcels, older narrow streets, many already small lots, unfinished streets, lack of sidewalks, lack of bike paths not in roadways, deteriorating sewer and water sysyrms	12/26/2020 5:27 PM
40	Never enough parking.	12/26/2020 3:24 PM
41	Don't do it	12/26/2020 2:44 PM
42	Your engineering department with rain garden requirements.	12/26/2020 1:34 PM
43	Consider the visual impact on existing neighborhoods	12/26/2020 12:47 PM
44	High cost of building permits	12/26/2020 12:41 PM
45	Parking will be the biggest ongoing issue.	12/26/2020 11:13 AM
46	Aesthetics! In Portland new, three-story glass and steel units, usually without onsite parking, overshadow and overpower existing traditional craftsman style homes, ruining the character of neighborhoods. Please, please don't let that happen here.	12/26/2020 11:04 AM
47	Parking is the biggest issue, along with adding more street lights at intersections vs. stop signs. As well as safe, walkable sidewalks.	12/26/2020 10:16 AM
48	cost. to many are built and to pricey for average person	12/26/2020 9:56 AM
49	Thoughtful design, reasonable adjustments to setbacks and community space/buffers, and ADEQUATE parking and access for these types of developments. We have done a poor job of managing this aspect for the sake of higher density. We have the opportunity to create quality liveable communities or we can continue to allow developers to simply slam as many units in as possible with little to no thought about long term implications.	12/26/2020 8:31 AM
50	Contractors get majority of lots making it harder for average person to buy a lot. Property tax is very high	12/25/2020 4:12 PM
51	None	12/23/2020 4:58 PM
52	More areas in a walkable distance to downtown Newberg should be opened for development, especially near-waterfront areas.	12/23/2020 3:41 PM
53	Systems Development Charges should be reduced in proportion to building size or even subsidized by large home development. Greater density for cottage development will not be achieved if current stormwater standards are applied. The city should allow rain gardens for	12/23/2020 11:08 AM

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storm detention and provide a standard design method similar to the LIDA design sheet so that a developer does not need to spend \$3K-\$6K on engineering design effort.

54	Appeal, do not want to lose the charm or quality of life a a small town and turn it into Beaverton.	12/23/2020 4:46 AM
55	Zoning will be important. I hate developers making lots of money by shoving too many houses in small lots. Also condo hoa doesn't go toward any equity causing a cycle of income inequality with house values.	12/22/2020 3:08 PM
56	It brings crime	12/22/2020 9:18 AM
57	High permit fees	12/22/2020 8:59 AM
58	Parking is a HUGE issue. Size of the other homes in the area.	12/22/2020 8:14 AM
59	We do not need middle housing, we need business.	12/22/2020 5:37 AM
60	Price	12/22/2020 1:37 AM
61	No	12/22/2020 1:13 AM
62	The completely stupid attitude that housing density is important. Look at history, housing density means more health problems. Just look at the mental illness of the illiberal liberals!	12/21/2020 11:47 PM
63	Make them actually affordable and available to those who can't afford the overpriced housing that is already available.	12/21/2020 9:58 PM
64	Cost. There needs to be more housing options for low income and no income families. There has to be something else besides putting a name on a list and having to wait three or more years for help.	12/21/2020 9:45 PM
65	Needs to be affordable for seniors who are very dependable but have limited income	12/21/2020 9:38 PM
66	The traffic issues have not been addressed as well as lack of parking and pedestrian safety.	12/21/2020 9:02 PM
67	We don't want it in Newberg	12/21/2020 7:52 PM
68	Neighborhood associations? Expensive/time-consuming permitting process?	12/21/2020 6:31 PM
69	Permit fees	12/21/2020 5:38 PM
70	Limit multi family housing as much as possible keep Newberg liveable with nice neighborhoods and single family dwellings and less Crime Hubs such as apartment complexes ect	12/21/2020 5:38 PM
71	Lack of a comprehensive plan that makes it realistic for working class people to spend no more than 30% of their net income on housing, let alone provide a path to home ownership.	12/21/2020 11:48 AM
72	Unclear, contradicting rules/regulations. Limit ability to have homes (ie. tiny homes) brought in on an axle.	12/20/2020 8:50 AM
73	Parking is a huge issue.	12/19/2020 9:50 AM
74	Newberg lacks Space to develop while still maintaining the small town character that draws people here. Cleaning up and developing existing lots will improve the town. Keeping new construction matching the older buildings styling so it is harmonious while using modern construction techniques is challenging. I think creative solutions can be found.	12/18/2020 7:40 PM
75	Reaching out to people locally before you reach out to outsiders	12/18/2020 2:59 PM
76	Newberg is already becoming overpopulated. We moved here 4 years ago after getting married and living 2 years in a duplex in Sherwood. We started our family here. And we are having trouble moving forward because we don't want to live in a town that is overrun with tiny houses with no parking. Newberg is the nice middle in between my and my spouses' full time jobs (one in Portland, one in McMinnville) so we can't move in either direction, we would like to stay here in this town. But we aren't in Portland and this shouldn't be like Portland, or Beaverton, or Hillsboro.	12/17/2020 11:15 PM
77	Please quit ruining Newberg with these units! Housing is already very affordable here in the grand scheme of Oregon housing. Please stop.	12/17/2020 9:51 PM
78	Stop all the low income housing. The churches can't handle all the needs	12/17/2020 9:47 PM

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79	Lets have nice lots 7500sq ft minimum with 1 level homes for our retired folks that have money, guaranteed income and keep up their yards and don't have a bunch of junk cars sitting around like many of the apartment complexes.	12/17/2020 9:38 PM
80	No	12/17/2020 8:33 PM
81	Permitting costs. The city fees associated with building have become prohibitive to affordable housing.	12/17/2020 7:35 PM
82	Traffic on both sides of the street can be a nightmare.	12/17/2020 4:05 PM
83	Parking is a huge issue. I live in a duplex and there needs to be enough parking for multiple cars. Especially in Newberg with all the Fox students.	12/17/2020 4:02 PM
84	Will it still be affordable for the people that we are in need of rental housing?	12/17/2020 2:49 PM
85	I'm reminded of when GFU built another dorm building on Villa Rd. The amount of parking spaces was apparently according to code and the Newberg Planning Commission approved it. Once the dorm was finished and students moved in, parking was a horrible issue on Villa Rd and other nearby roads. It is still an issue. My concern with developing middle housing is that parking will continue to be a bigger issue. On-street parking does help alleviate that issue, but only if the road is well equipped for that. Many roads in Newberg are not wide enough to accommodate parking on both sides and will only receive more wear and tear that they already can't handle. Despite this, I do think middle housing is a great idea and would provide more affordable housing for our community.	12/17/2020 2:31 PM
86	costs -- keeping costs affordable for everyone	12/17/2020 1:23 PM
87	Sewer system capacity	12/17/2020 11:57 AM

Q7 7. Is there anything else you would like to share about the Newberg Middle Housing Project?

Answered: 75 Skipped: 117

Newberg Middle Housing Code Project

#	RESPONSES	DATE
1	Total sell out to big money interests and big deal estate. Worst example of state government selling city out I have ever seen.	1/11/2021 8:38 AM
2	Please do not densely pack this town with homes.	1/10/2021 3:14 PM
3	Please proceed with caution. Many mistakes are being made because people do not know how to respond to a crisis, especially crises that have so many layers of policy, financing, and livability. Stakeholder engagement should be visibly documented and translated to encourage broad participation and build trust before bricks and sticks. Thank you for asking these important questions. I would like to be kept in the loop. Please feel free to contact me with instructions about how to sign up for updates.	1/8/2021 1:50 PM
4	I am middle income and am part of the target demographic. This matters to me.	1/8/2021 12:52 PM
5	Thank you for requesting feedback. I don't envy your position of getting between the Housing Code and the greed of developers and banks.	1/8/2021 11:54 AM
6	I'm excited about this, both as someone who believes housing is a human right and as someone who has been trying to buy their first home for several months now, and not had success because of being constantly out-offered. I would also like to share my hope that middle housing will allow pets, because pet ownership should not be limited to only those who can afford to own houses with big yards. And in support of pet ownership in middle housing, as well as just people's ability to spend time outside in their own neighborhood, middle housing should always be near well-maintained, walkable sidewalks and hopefully within walking distance of accessible green spaces, for the enjoyment of people and (well behaved/under control) pets alike.	1/7/2021 12:58 AM
7	No	1/6/2021 9:44 PM
8	Thank you for addressing the need for affordable housing in Newberg!	1/6/2021 1:00 PM
9	http://www.luxtiny.com/az-tiny-home-models/ https://tinyhousegiantjourney.com/2020/07/02/coastal-tiny-house-community	1/6/2021 11:35 AM
10	Please find a way to get the majority of residents opinion in a new, higher quality survey.	1/5/2021 10:04 PM
11	with a surplus of single family (R-1) land, middle housing provides a good opportunity to increase the supply of affordable housing.	1/4/2021 8:36 AM
12	Let's do it!	1/3/2021 7:01 PM
13	Density of population in terms of impact on traffic.	1/3/2021 10:52 AM
14	no	1/2/2021 6:09 PM
15	These tend to be cheaply built housing and within a few years are run down. They turn into rentals and a lot of the tenants don't care about the appearance in and around the neighborhood. A suggestion might be to have HOA's for each new development.	1/1/2021 12:24 PM
16	I always have plenty of ideas (ha). If I could see specific plans and details I could probably come up with more observations or ideas.	12/31/2020 10:22 PM
17	Stop the permit abuse	12/31/2020 2:11 PM
18	We need truly affordable housing for people who earn minimum wage & those on limited incomes.	12/31/2020 11:17 AM
19	An excellent idea and would benefit many.	12/30/2020 3:10 PM
20	Multi stories and mixed use	12/30/2020 2:42 PM
21	Not totally sure if this could fit here, but I would like to see zoning support tiny houses, if it does not already.	12/30/2020 1:33 PM
22	This will be the most needed housing in the future as so many begin to leave the unruly metropolitan areas for suburbia.	12/30/2020 12:54 PM
23	100% behind this, we need more middle housing - it provides opportunities for small landlords, and for owner occupants to defray the cost of ownership through renting 1-2-3 units.	12/30/2020 7:08 AM

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24	Keep it transport of how tax money, investor money is handled during this middle housing project.	12/29/2020 10:52 AM
25	Parking is huge. Every dwelling must have off street parking.	12/28/2020 7:33 PM
26	Include tiny homes along with cottage layouts	12/28/2020 12:43 PM
27	Higher density should be one of the highest priority goals. Land prices are outrageous here, which makes traditional thinking about housing development obsolete. If a buildable lot costs \$100,000, even two units will not be affordable to most of the people who work in Newberg. Quit building to attract commuters. When I was a child, our family of 5 lived comfortably in a 700 square foot house. Now that would be considered almost poverty housing. Let's get out in the lead for smaller footprint options. It is more automobiles, not bigger buildings, that will strip Newberg of its small town feel. Now it is commonly the case that graduates from Newberg High School--people who have lived here all of their lives--cannot afford to live here if they don't live with their parents. This is shameful, regressive, and in the medium-term will do great damage to our community.	12/27/2020 10:18 PM
28	Too many apartments cause riff raff and trashiness in the neighborhood	12/27/2020 4:29 PM
29	Include more native plants and trees in your builds	12/27/2020 8:48 AM
30	I will move out of Newberg and take my tax dollars with me if this is the direction the city is headed.	12/26/2020 11:37 PM
31	No.	12/26/2020 6:49 PM
32	I hope this survey isn't an indication of how the Project is being conducted. It is a fairly poorly written survey. Questions are far too vague.	12/26/2020 5:50 PM
33	No	12/26/2020 5:27 PM
34	This will not help our town	12/26/2020 2:44 PM
35	Please consider to address the homeless in our area. It costs more to care for someone homeless than it is to actually give them a place to live.	12/26/2020 2:42 PM
36	I don't feel that there should be any middle housing developments in Newberg	12/26/2020 2:10 PM
37	Keep neighborhoods livable and in character with existing buildings	12/26/2020 12:47 PM
38	Tiny homes should be allowed; since many are "pre-fab" the permit fees should be reduced to reflect the lack of work required by permit department	12/26/2020 12:41 PM
39	Parking, parking, parking. Easy access from parking to unit.	12/26/2020 12:30 PM
40	Preserving the character and livability of existing neighborhoods is paramount. Ensuring onsite parking, limiting height, and requiring new dwellings to be stylistically compatible with existing dwellings are the best ways to ensure character and livability are preserved.	12/26/2020 11:04 AM
41	no	12/26/2020 9:56 AM
42	None	12/23/2020 4:58 PM
43	Affordable buying options need to be considered more than rental options. Rental options are important, but owning a house is the main way citizens build wealth since a home is usually the largest asset a person owns.	12/23/2020 3:41 PM
44	Middle housing should be permitted on minimum lot sizes per the underlining zoning, not 7,000sf.	12/23/2020 11:08 AM
45	Can decrease value of property nearby and single family homes; quality of life issues.	12/23/2020 4:46 AM
46	If the city has high expectations of developers they'll rise to meet it, don't settle. Help our town keep charm and provide excellent affordable housing.	12/22/2020 3:08 PM
47	If older adults (over 65) are the target buyers for some of the middle housing options, it would be strategic to have these new developments be close to community resources and grocery stores or at least a bus stop. May elderly people can remain in their own home and continue living independently if they are in walking or close driving distance to grocery stores.	12/22/2020 2:40 PM
48	Don't do it and destroy our city	12/22/2020 9:18 AM

Newberg Middle Housing Code Project

49	Hope this also applies to all the upper end neighborhood developments in the city too.	12/22/2020 8:14 AM
50	Don't ask existing homeowners to have their streets clogged with parked vehicles from new higher density housing.	12/22/2020 7:05 AM
51	This is not a project the city council should be working on, stop trying to to put the problems of other metro cities into your agenda. Focus on getting new business's into Newberg and taking care of the citizens that already live here, instead of trying to pack as many people into city limits like you're trying to do.	12/22/2020 5:37 AM
52	It would be nice to have standard houses built instead of mini condos or apartments. Nice neighborhoods bring family's.	12/22/2020 1:13 AM
53	It is stupid!	12/21/2020 11:47 PM
54	I know that Newberg is progressing but at some point there needs to be an end to it.	12/21/2020 9:58 PM
55	Please create help for low income and no income families.	12/21/2020 9:45 PM
56	Much needed housing	12/21/2020 9:38 PM
57	To many houses crammed together with a small-slice of pavement is bad for Newberg. We need more green spaces and access to the river and recreation to improve the livability of this town.	12/21/2020 9:02 PM
58	Take your bullshit low income house and the crime that goes with it to Portland where it belongs	12/21/2020 7:52 PM
59	Thanks for thinking ahead! People who work in Newberg must be able to afford living in Newberg	12/21/2020 6:31 PM
60	Limit multi family housing as much as possible keep Newberg liveable with nice neighborhoods and single family dwellings and less Crime Hubs such as apartment complexes ect	12/21/2020 5:38 PM
61	What areas is Newberg considering to place these homes? Sincerely hope Newberg is not thinking oof tearing down existing homes & buildings.	12/21/2020 5:02 PM
62	Expand this project to help make it more doable to have ADU's and other smaller footprint homes to be added to properties.	12/20/2020 8:50 AM
63	Feel having enough parking and access to outside areas is very important for the sake of both our town and residents.	12/19/2020 1:21 PM
64	Allow for lots of parking. Give folks some space with their homes. Bigger lot sizes.	12/19/2020 9:50 AM
65	Making sure there is enough parking.	12/19/2020 1:39 AM
66	I appreciate the need and requirements for affordable housing. We need to make sure it fits the town and do it in a thoughtful manner. The bi pass was sold to newberg as an answer to traffic but drops you out at a random section of the 18 with no good path to continue. The traffic times listed on the sign for the 99 vs the bipartisan are almost always the same. It has hurt the character of Newberg by casting a shadow on some of the houses in town and goes within yards of the second story of a duplex.That is awful. We want projects that make us feel good about where we live. Properly done new housing can gel with the town and serve the needs of people. Affordable units within walking distance of services are a perfect fit. Blocking views of the river and the forested hills would be bad.	12/18/2020 7:40 PM
67	Stop middle housing!!!	12/17/2020 9:51 PM
68	Where are all the kids going to go to school? Build new schools and staff before we build more low income housing.	12/17/2020 9:47 PM
69	I think all this focus on affordable housing is ridiculous. Look at north newberg compared to south newberg. The north is much more desired because it has been kept and has nice appealing homes not a duplex with 5 junk cars parked out front.	12/17/2020 9:38 PM
70	I think location is important. Placing new housing developments in places where amenities can be easily accessed is crucial. Also, irritating housing into neighborhoods is critical. Is prefer many smaller clusters of housing throughout the town versus one large development.	12/17/2020 8:33 PM
71	It is extremely important that these types of developments are not built within existing	12/17/2020 7:35 PM

Newberg Middle Housing Code Project

neighborhoods. Citizens purchased within those neighborhoods expecting similar constructions around them based on the single family zoning. If a developer now crams in multi-family properties, it will impact parking, livability and have a massive impact on property values. We must protect property values for those that have invested hundreds of thousands of dollars into their homes.

72	Just glad this is being talked about, thanks.	12/17/2020 5:35 PM
73	Thank you for taking the time to do this. We need more housing options for our community.	12/17/2020 4:02 PM
74	Great idea. Building more single-family units smashed into smaller and smaller lots is not the answer to 'affordable' housing. Creating liveable, desirable, and affordable multi-unit rentals is going to go a long way to meeting the demand.	12/17/2020 2:49 PM
75	Cookie cutter housing is ugly	12/17/2020 11:57 AM

Q8 Sign up here to receive project updates! Your contact information will not be shared and responses will be reported in aggregate.

Answered: 49 Skipped: 143

ANSWER CHOICES	RESPONSES	
Name	100.00%	49
Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	97.96%	48
Phone Number	0.00%	0

Newberg Middle Housing Code Project

#	NAME	DATE
1	Tiona Cage	1/9/2021 7:52 AM
2	Joyce Allegra del Rosario	1/8/2021 1:50 PM
3	Leif Lidin-Lamon	1/8/2021 12:52 PM
4	Russell Johnson	1/8/2021 11:54 AM
5	Karen A Moore	1/7/2021 11:39 AM
6	Sarah Staples-Kelley	1/7/2021 12:58 AM
7	Beth Woolsey	1/6/2021 1:00 PM
8	Sue Pruitt	1/6/2021 1:00 PM
9	laura lehman	1/6/2021 11:35 AM
10	Amy Ashcroft	1/5/2021 10:04 PM
11	Jared C Jones	1/4/2021 7:50 PM
12	Charlie Harris	1/4/2021 8:36 AM
13	Wilma McNulty	12/31/2020 10:22 PM
14	Rick Lipinski	12/31/2020 5:18 PM
15	Dave miller	12/31/2020 2:11 PM
16	Pauline Metoxen	12/31/2020 11:17 AM
17	Lydia Schramm	12/31/2020 9:47 AM
18	Mary Shroll	12/31/2020 8:20 AM
19	Leslie Morse	12/30/2020 3:10 PM
20	Rob Leslie	12/30/2020 1:33 PM
21	Julie Jo Ann Marshall	12/30/2020 12:54 PM
22	Philip Higgins	12/30/2020 7:08 AM
23	Roy Gathercoal	12/27/2020 10:18 PM
24	Brian Zwingelstein	12/27/2020 8:43 AM
25	Michelle Morrison	12/26/2020 8:33 PM
26	Rod Federwisch	12/26/2020 6:49 PM
27	Randy Miller	12/26/2020 3:09 PM
28	Vicki Barnes	12/26/2020 2:04 PM
29	Lynette Goodwin	12/26/2020 12:30 PM
30	Carol Richards	12/26/2020 12:08 PM
31	Jillian Felizarta	12/26/2020 10:16 AM
32	Cody Swanson	12/23/2020 3:41 PM
33	Daniel Danicic	12/23/2020 11:08 AM
34	greg allen	12/23/2020 10:14 AM
35	Rachelle Staley	12/22/2020 3:08 PM
36	Tori Seipel	12/22/2020 8:53 AM
37	Andrew	12/22/2020 8:14 AM

Newberg Middle Housing Code Project

38	Kari	12/21/2020 9:58 PM
39	Sarah Ruth Snyder	12/21/2020 9:45 PM
40	FuckUcityPlanner	12/21/2020 7:52 PM
41	Victor Abramson	12/21/2020 6:31 PM
42	Pete Nelson	12/21/2020 5:52 PM
43	Carol Morter	12/19/2020 1:21 PM
44	Matthew Pruitt	12/18/2020 7:40 PM
45	Caitlin Collins	12/17/2020 8:33 PM
46	Anthony Pepitone	12/17/2020 8:21 PM
47	Margo Lane	12/17/2020 5:35 PM
48	Chris Pucci	12/17/2020 2:49 PM
49	Amanda	12/17/2020 11:42 AM
#	COMPANY	DATE
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#	ADDRESS	DATE
	There are no responses.	
#	ADDRESS 2	DATE
	There are no responses.	
#	CITY/TOWN	DATE
	There are no responses.	
#	STATE/PROVINCE	DATE
	There are no responses.	
#	ZIP/POSTAL CODE	DATE
	There are no responses.	
#	COUNTRY	DATE
	There are no responses.	

Newberg Middle Housing Code Project

#	EMAIL ADDRESS	DATE
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7	svpruitt@gmail.com	1/6/2021 1:00 PM
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13	rlipjr@gmai.com	12/31/2020 5:18 PM
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17	mshroll@hotmail.com	12/31/2020 8:20 AM
18	ljmorse39@gmail.com	12/30/2020 3:10 PM
19	1.mediator@gmail.com	12/30/2020 1:33 PM
20	laetismom@yahoo.com	12/30/2020 12:54 PM
21	phiggins@pacificcrestrea.com	12/30/2020 7:08 AM
22	rgathercoal@frontier.com	12/27/2020 10:18 PM
23	brian.zwingelstein@gmail.com	12/27/2020 8:43 AM
24	morrisonml@comcast.net	12/26/2020 8:33 PM
25	rod.federwisch@yahoo.com	12/26/2020 6:49 PM
26	millerrandy@hotmail.com	12/26/2020 3:09 PM
27	luvmotherearth@hotmail.com	12/26/2020 2:04 PM
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29	cari_sonblest2@outlook.com	12/26/2020 12:08 PM
30	jillianfelizarta@gmail.com	12/26/2020 10:16 AM
31	codyswanson4@gmail.com	12/23/2020 3:41 PM
32	djdanicic@gmail.com	12/23/2020 11:08 AM
33	drgregorypallen@gmail.com	12/23/2020 10:14 AM
34	rachellestaley@gmail.com	12/22/2020 3:08 PM
35	torimseipel@gmail.com	12/22/2020 8:53 AM
36	beesbuzzin@gmail.com	12/22/2020 8:14 AM
37	psychopenguinbabble@hotmail.com	12/21/2020 9:58 PM

Newberg Middle Housing Code Project

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41	tbcpn1@gmail.com	12/21/2020 5:52 PM
42	email4carolmorter@gmail.com	12/19/2020 1:21 PM
43	blackglasscube@live.com	12/18/2020 7:40 PM
44	caitlin.collins.ma@gmail.com	12/17/2020 8:33 PM
45	Apepitone@gmail.com	12/17/2020 8:21 PM
46	thextonhall@gmail.com	12/17/2020 5:35 PM
47	pucci.christopher.a@gmail.com	12/17/2020 2:49 PM
48	alynch8509@gmail.com	12/17/2020 11:42 AM
#	PHONE NUMBER	DATE
	There are no responses.	

AD HOC MIDDLE HOUSING CODE UPDATE PUBLIC OPEN HOUSE

Meeting Minutes

December 15, 2020 6:00 PM

Meeting held electronically due to COVID-19 pandemic

(This is for historical purposes as meetings are permanent retention documents and this will mark this period in our collective history)

Staff Present: Doug Rux, Community Development Director

Consultants: Elizabeth Decker, JET Planning, Steve Foust, 3J Consulting

WELCOME AND INTRODUCTIONS:

CDD Rux welcomed all those who have taken the time to attend the Community Forum to talk about the Middle Housing aspects. Steve Foust and Elizabeth Decker will give a detailed presentation and go through segment by segment. We are going to talk about duplexes and have an opportunity to do a Q & A. We will go through duplexes, triplexes, quadplexes, cottage clusters and townhomes based on the work that our consultants have done. Steve Faust, 3J Consulting is our prime consultant on this project and Elizabeth Decker, Jet Planning is our sub-consultant. The legislature adopted House Bill 2001 to address Middle Housing. The first piece that Newberg has to comply with, because our population is between 10,000 but less than 25,000, is the aspect of duplexes. That is the first piece of information that will have to go before the Planning Commission and then City Council as we move into the spring of 2021. We have an Ad Hoc Committee that has had three meetings so far. This is our first opportunity to talk with the Community about Middle Housing and what that may mean for Newberg moving forward, and being more efficient with the land supply that we have.

PRESENTATION:

Steve Foust noted tonight we want to expand a little bit and give you an idea of what this project is and what we are trying to accomplish. Elizabeth is going to provide some background on what Middle Housing is. We will go into more details of zoning for Middle Housing in Newberg and some time for Q & A. We will wrap up our meeting with our next steps in ways that you can stay engaged in the project.

Project Objectives:

Steve noted what we're trying to accomplish first is to build off of the findings from the City's Housing Needs Analysis that was completed in 2019. We will provide opportunities for Middle Housing options to address Newberg's housing needs and complying with House Bill 2001 requirements.

Project Schedule:

The overall project began in late August and we are required to complete the project by the end of June 2021. He showed the Middle Housing Code Update schedule from September 2020 to June 2021. He noted the Advisory Committee is meeting three more times throughout the project and coming back in the second half of February with the proposed draft code updates for the Community to review and comment on. Then will go to the Planning Commission and onto City Council in late March through the first half of June.

Project Outcomes:

We need to have the duplex code provisions adopted by June 30, 2021 and the other Middle Housing Provisions by the end of June, 2022. The City will take the next steps towards adoption separately from what we're contracted right now with the State.

HNA Findings:

Steve noted on the key findings that people need to keep in mind as we start talking about Middle Housing. The first is that housing is expensive, not just in Newberg but in most cities. 38% of Newberg households are cost burdened, including 56% of renters. Newberg households are smaller, 57% of households are 1 to 2 people. This tells us the future housing in Newberg on average needs to be smaller and more diverse to accommodate these changing demographics.

Housing Mix / Housing Need (2020 – 2040):

Steve noted currently 71% of homes in Newberg are single family detached homes, 6% are single family attached and 23% are multi-family. The Housing Needs Analysis (HNA) shows a forecast for the next 20 years a shift in the percentages, seeing more of an increase in single family attached and multi-family residences, aiming for a shift to see 60% single family detached, 8% single family attached and 32% multi-family. When we take these percentages and apply them to the 20 year housing need in Newberg, we see overall Newberg has a forecasted housing need of 4,035 dwelling units. Approximately 2,400 single family detached units, 320 single family attached units and 1,300 multi-family units to reach that total of 4,035 dwelling units.

Middle Housing Background:

Elizabeth talked about Middle Housing and the project focus on making improvements to get towards 4,034 housing units for Newberg in the next 20 years. The project is focusing in on Middle Housing also called Missing Middle Housing which the term came from Dan Parolek of Opticos Design in the Bay Area. He used this term to describe the rich variety of housing types that are somewhere in the middle between the traditional detached single family homes and the larger multi-family apartment buildings. These have been traditional parts of many communities dating back for the last hundred years. They have been missing for the last seventy five years in part because of zoning code regulations and land use planning. Missing Middle Housing includes, duplexes, triplexes, fourplexes, cottage clusters and townhouses. These units can be smaller in scale and because there's less costs associated with construction and land prices it will help with the missing gap in our housing markets both in Newberg and across the State.

Old Ideas, New Housing:

Elizabeth noted we take the old idea and think about how it could meet our new housing need and shifting Newberg's housing mix to an increasing percentage of single family attached, which are town houses and multi-family. The 32% multifamily could include a 100 unit apartment or any three units and above. Many of these Middle Housing types like triplexes and quadplexes could meet part of that Newberg housing need. She noted providing greater variety about how we meet the need moving forward that was identified in the Housing Needs Analysis. One of the first steps is to look at the zoning code and the low density residential zoning districts in particular to explain why we haven't seen Middle Housing Development in the last 75 years.

House Bill 2001:

Elizabeth noted the State of Oregon took action with HB 2001 in 2019 so that there would be a greater variety of housing choices available. The first step is for all cities over 10,000 people, which includes Newberg, to allow duplexes on all lots where Single Family detached dwellings are permitted currently. This is the City's first priority and will be working to get it adopted in Newberg before June 2021. The second step for larger cities over 25,000 people an additional range of Middle Housing types to include triplexes, quadplexes, townhouses and cottage clusters to be permitted in the same areas where single family detached dwellings are permitted depending on lot size. Newberg's population is getting close to 25,000 and the need has been identified for this greater variety of housing types. The City has prioritized regulations for these housing types and will be working on drafting language as a part of this project as well.

What are we planning for:

Elizabeth noted we are planning for duplexes, triplexes, quadplexes, townhouses and cottage clusters added to the zoning code where single family detached dwellings are permitted. We will be thinking about how these regulations can apply to new construction, additions and conversions of an existing building, adding additional units or internally dividing an existing single family home to create a quadplex. Additional smaller units could be added to create a cottage cluster. We are looking at both new and existing neighborhoods. There could be more infill opportunities where there is more of a neighborhood fabric where new development will be fitting into as well as new neighborhoods. The need for Newberg to

have significant area planned for new growth to meet the 4,035 housing units needed in the next 20 years. Opportunities to allow for these housing types to be built from the beginning is also part of this work. There are some exceptions for historic landmarks, stream corridor, floodplains, Willamette River Greenway and mixed use. There are some additional standards that can be applied to balance the need for Middle Housing with the need for minimizing impact to those resource areas. Legislation is focused on residential zoning districts, so we don't need to look at expanding these Middle Housing types into mixed use.

What areas will be affected:

Elizabeth noted when we translate that to the map and what that means for Newberg, we are looking at primarily the residential areas in yellow tones on the map, from low density residential, medium density residential and various permutations of those depending on some special planning areas. We will be looking at the full scope of residential areas and how we incorporate Middle Housing.

What scale and pace of development will we see:

Elizabeth noted that updating the zoning code is the first step along this path and then we will see more incremental growth of these Middle Housing types. It has been decades since they've been permitted so it is going to be a slow process both in Newberg and across the State. Newberg has had some experience already beginning with accessory dwelling units (ADU) regulations and has streamlined those regulations and made it easier to build. There has been about 10 to 12 ADUs permitted over the last three years and interest is starting slow. The State of Oregon had to develop some overall projections about what communities might see for Middle Housing to inform Housing Needs Analysis. They came up with about 3% of total housing stock coming from missing Middle Housing infill. In Newberg housing solutions is going to be relatively modest at the start.

What role for zoning code:

Elizabeth noted the zoning code is an important step in terms of permitting these Middle Housing types which is part of a team of factors influencing development feasibility. The other supporting factors are building codes, SDCs, public improvements, access to financing, consumer preferences and land availability. There are a lot of factors that need to come together to support these missing Middle Housing types. As a Community, the project is taking one of the first steps in making sure that Middle Housing is permitted in the zoning code, to open the door to all future development and changes that will be needed to support those changes.

How to balance priorities:

Elizabeth noted to balance these priorities first is we need to update the zoning code. Planning regulations need to be written to address various needs across the Community. We have had a series of stakeholder interviews, and initial meetings with the Advisory Committee. As our review of the zoning code in the City's Vision and Comprehensive Plan that there is a variety of priorities, allowing more variety of housing types, creating opportunity for more housing units, making regulations more flexible, supporting development of less expensive housing, providing opportunities for homeownership as well as rentals, and addressing compatibility within existing neighborhoods including parking impacts. There are some tradeoffs that need to be made, the overall Community priorities and thinking about the balance is important as we develop these regulations.

Discussion:

Elizabeth asked if there were any questions or comments about Middle Housing and what the requirements mean for Newberg. She also noted there is an on line survey that closely follows the structure of this presentation and will give you another opportunity for questions or comments. The survey will be posted on the project website along with a recording of this meeting and a copy of the PowerPoint presentation.

There were no other comments at this time.

Zoning for Middle Housing in Newberg

Elizabeth presented a tour of some Middle Housing types and what they might look like. Thinking about the priorities for implementation, the designs and the best zoning regulations for Newberg. There are two perspectives that we're

evaluating in these housing type regulations, feasibility of building under these regulations and whatever is developed on the site is able to be integrated with surrounding neighborhoods whether it is an infill or new development.

Duplex Concepts:

Elizabeth noted the HB 2001 is direct in saying the goal here is to make every duplex regulated the same as a single family detached dwelling. Whatever is permitted use for single family detached dwelling will also be allowed for a duplex on the same size lot, same dimensional standards, setbacks, height, and design standards. The State requirements for parking standards will need to be implemented in Newberg. The City can set minimum number of off street parking spaces required. The City minimums for duplexes cannot exceed one parking space per unit or a total of two spaces for duplex.

Elizabeth shared slides on different styles of duplexes. She noted it has been at least 75 years since many of these housing types have been built. She noted we're going to see some big differences between older style duplexes and newer style architectural design. We will be looking at the corner duplexes which can be great in terms of taking advantage of the two lot frontages. Side by side attached duplexes rather than stacked are different opportunities. We look at the parking, garages and driveways and how they are organized. Some of the duplexes designs are separated by the shared driveway. She also showed a side by side attached duplex that has separate driveways, also a duplex with no driveway and has the parking in the rear. Another option we will be whether to permit detached duplexes, which are two smaller detached dwellings on a single lot rather than having the two units attached. Multiple duplexes might be built in a new neighborhood on a single block and that might affect the neighborhood character impact compared to having a single family dwellings built.

Duplex Discussion:

No questions or comments received.

Triplex and Quadplex concepts:

Elizabeth noted flexibility in terms of allowing triplexes and quadplexes in all the residential zones depending on the lot size and zone, which would be the same minimum lot size for triplexes and quadplexes as for single family detached dwelling and similar dimensional standards. The smallest possible lot size for a triplex would be 5,000 square feet and the smallest lot size for a quadplex would be 7,000 square feet or larger if the lot size in the zone is larger. There are some opportunities for triplexes and quadplexes to apply some clear and objective design standards that have to do with appearance, function of the building. Clear objective is an important concept in Oregon land use and means there is only one way to interpret the rules, either yes you pass or no more discretionary language needed, for example must be compatible with the neighborhood or use similar features and design approaches. The State has outlined some very clear objective standards that we can use for triplexes and quadplexes. What you're going to see repeated is the minimum parking requirements for triplexes and quadplexes. Maximum of one space per unit and that could be up to three or four spaces required off street or less with some flexibility depending on what's right for the Community.

Elizabeth showed what a new triplex might look like starting with a corner lot housing type, which is a three unit project with on street parking to allow more housing units to fit onto the site. This brought the units closer to the sidewalk rather than having the frontage dominated by garages and driveways. She showed another project similar of scale in terms of height to existing residential development in the area. Another triplex example is one able to keep the frontages/entrances along the front and bring all the parking to the rear in the alley, or shared driveway. Next is a quadplex with an approach where they are four side by side units in line rather than stacked, with rear parking or on street parking. Another quadplex is an infill on a corner lot, where they made the choice to use on street parking. We are also seeing new quadplex designs coming from some major builders. She showed one in South Hillsboro with a different architectural approach, but another way to get four units in the configuration that could be permitted.

Triplex and Quadplex discussion:

Question #1: Most households own two vehicles, do you see parking being a potential issue for triplexes and quadplexes?

Elizabeth responded it's interesting the numbers show that it's different community by community, but the Census Data shows that half of all households in Oregon have zero to one vehicle. There is a number of households that have two or

more vehicles, but there is nearly half of the population of households that have zero to one. Given the whole range of housing types she feels the question becomes, what is the City's role in setting a minimum and does it make sense for the City to set a minimum parking requirement. Where the City's minimum should be set in relationship to those household car ownership patterns. The State has preempted this by saying you can only require one and have taken that Statewide. In terms of what that means for households that have two cars and only a minimum of one parking space. There are definitely some questions about how that could work for triplexes or quadplexes. I would imagine that there's some individual preferences that come into play if you're a builder for example trying to go after a certain subset of the market. Is it worth to build additional parking above the City requirements because that's going to help my units sell better? Or if a triplex or quadplex is being built with only one parking space and you are a household with two vehicles, than that isn't the right unit to buy. Middle Housing is only part of the future housing need for Newberg. There is going to need to be some sorting among household and what housing is right.

Question #2: Many infill projects have an angular or boxy look and tend to have walls with few to no windows. This doesn't fit well with the traditional look of Newberg. What can be done in terms of giving more flexibility on requirements such as setbacks and maximum heights to allow more flexibility to developers? What are the options that the City can pursue to encourage housing that is more compatible with Newberg's older neighborhoods?

Elizabeth noted it is getting down to what are those features of the existing neighborhoods that are of interest to preserve or to replicate. We talk about overall mass or roof angles which are very clear and objective standards. You can set standards about maximum or minimum roof slope, or maximum building sizes and by calculating the building envelope with height and setbacks. Those things we can get through zoning regulations, but as far as HB 2001 and introducing these Middle Housing types, the approach that we have to take at the community level is any regulation that you want to apply to Middle Housing types also has to apply to single family dwelling types. In Newberg there has not been a lot of design standards, such as roof angle or materials and architectural design details applied to single family homes. We don't regulate single family homes so we can't really regulate Middle Housing that way.

Elizabeth noted on the windows question, there is an objective standard that was developed at the State level to directly address the question for triplexes, quadplexes and townhouses is to have a minimum percentage of window glazing for those housing types and the number is set at 15%. This is one tool we have that adds a good number of windows when you think of the overall balance of façade in the different elements and if that is of interest we can implement it with our regulations in Newberg.

Question #3: How many building permit were issued in the last four years for duplexes?

CDD Rux noted zero, but we are working with a development for a subdivision where there will be duplexes on three lots. We have talked to another developer who is looking to do six or seven duplex units in another development.

Townhouse Concepts:

Elizabeth noted the next Middle Housing type is townhouses. Newberg has some history and built examples of townhouses and we are looking to expand those options in part by allowing them in all residential zones and scaling the minimum lot sizes and dimensions to better fit attached units. Requirement in HB 2001 is the minimum lot size for townhouses should be no larger than 1,500 square feet in all zones, similar to the triplexes and fourplexes. There are clear and objective design standards, such as window standard, that can be applied to these townhouses. They also address the issue about driveway approach and relative size of the garage and driveway to the width of the house on the lot. A lot of questions about the arrangement of parking, but the parking standard is similar to all the other housing types where the City can require one parking space per unit.

Elizabeth shared a number of examples of a mix of recent development from Newberg and the Southern Metro area, Wilsonville, Tualatin and Tigard. Townhouses are usually two stories sometimes three in order to fit the parking under the first floor and getting a balance between the driveway, the garage, the rest of the house and the front door. This is one of the central design challenges for townhouses. She showed an example of different architectural variations in paint colors and shingles. There are townhouses with different roof angles across the building. One example is shown that the parking is off of the front so that individual entrances can be more prominent and room for landscaping yards and it has the parking in the back. Also a home forward façade example with the parking in the back. Next example of a townhouse is a four unit with different rooflines, with two pairs of driveways and front doors. Elizabeth noted four units is a good spot for

lending and that you can get a residential mortgage rather than a commercial loan. If you're a builder often times it will be a two to four unit project rather than five or more.

Townhouse Discussion:

Steve noted we have heard in other communities questions about the relationship to the parking and the reason the State is pursuing these Middle Housing types is to try to diversify housing options and provide options that are less costly. What do you think about what the relationship is between parking spaces and housing cost?

Elizabeth noted generally more parking can increase the cost of housing units and as a State we are in a statewide housing emergency and are looking for a greater variety of housing. One tool to provide more housing units and more different price points is to decrease the regulatory parking requirements, which means that many of these housing types have more parking spaces. Townhouses is somewhere that we're likely to see at least one or two spaces going forwards.

Cottage Cluster Concepts:

Elizabeth noted Cottage Clusters are multiple smaller detached homes, clustered together around a shared open common courtyard, garden or paved space similar to a plaza. With the greater number of smaller units they can fit within the residential fabric of a traditional neighborhood zone. Similar to the other types were looking to allow these on all the residential zones. The lots are 7,000 square feet or larger, allowing 4 or more of the smaller scale units between 900 square feet to 1,800 square feet. A lot of communities are looking at a max around 1,200 square feet to 1,400 square feet, one to two stories. We are looking at one parking space per unit and with some flexibility with Cottage Clusters. Parking could be clustered on one portion of the lot or shared garage, with the Cottages clustered together in another part of the lot. There are other cottage examples where the parking has become more integrated with the individual cottages, which is more functional for the residence.

Elizabeth noted cottages have many of the same features as a single family detached house just on a smaller scale. They are not in the realm of tiny homes. Tiny homes are often as small as 100 to 200 square feet and cottages are closer to 1,200 square feet. They have full bathrooms, multiple bedrooms and sometimes two stories. The next slide shared was another cottage cluster layout with the central organizing principle, clustering them around a shared space. They are one to three bedroom units with parking away from the dwellings. It increases the interconnectivity between dwellings and the relationship to open space. The next slide developers are finding opportunities to do modifications to this layout and looking for ways parking can be brought more conveniently closer to the dwelling units themselves. There is parking throughout the site and they still have access to open space with the main cluster in the center. She noted we would need to look at some additional flexibility in terms of the orientation requirements and parking arrangements if we wanted to add the flexibility to do this kind of layout. Another alternative is where every cottage is served directly by an alley with garage parking as opposed to a surface parking lot and the cottages are oriented towards the common green space where their front doors open onto the green space.

Elizabeth noted there are definitely some different configurations and depending on which ones are of interest for cottages we can look at different ways to write the regulations and where to add some flexibility.

Cottage Discussion:

Comment #1: This is an exciting concept that provides reasonably priced housing and is very much in keeping with the traditional feel of Newberg. There are several older cottage clusters nearby downtown, it is good that there's a track record in Newberg.

Question #2: Are the cottage cluster homes intended to be sold or rented?

Elizabeth noted one misconception can often be that because these are half the size of a regular home, they should be half the price. The thing about cottages is they still have all the most expensive parts of homes, such as in the kitchens and bathrooms. I understand from the builders that is really what adds to the costs. They are not necessarily the lowest cost option, but we can provide some flexibility so they can fall somewhere along the cost spectrum and provide some different options.

Elizabeth replied to the question about ownership. The short answer is both. The initial draft of the way these regulations come out through HB 2001. The main focus is on allowing the cottages to be built on a single undivided lot. In this case it is more likely they would be rentals or possibly turned into condos and sold as individual condo units. There are some broader regulatory problems with the condo legislation that makes it less likely for developers to be interested. Under the current standard we're more likely to see a rental product and possibly some condos that could be owned. She noted as we get these initial regulations in place moving forward how we create a fee simple subdivision option to create individual cottage lots that could be sold to create home ownership. This would fall into a phase II of Cottages.

Question #3: The option for detached duplexes, triplexes and Quadplexes, how did those detached plexes differ from a cottage cluster?

Elizabeth noted the two main differences are the number of units. A detached triplex is three individual units on a lot. A cottage cluster is four or more units with the orientation requirements, such as getting them in a cluster with a certain percentage of them facing onto the shared open space. For duplexes, triplexes or quadplexes there is no requirement for a shared open space.

CDD Rux noted in response to an earlier question on how many duplexes have we done in the last 4 years. We have some projects in the queue. Friendsview is doing a cottage project as part of their continuum of Care Program. They are adding some additional duplex units over off of Providence Drive. We have issued the land use decision for that and they started doing some site work. A couple other projects based on current regulations we did a Planned Unit Development (PUD) off S River Street south of the Bypass and the lots are 2,000 square feet and 2,200 square feet. The concept is how to provide some lower cost housing options from what traditionally the history has been of 72% of our housing stock is detached single family homes. These are detached single family homes, not cottages, just on smaller lots. Another project that we have approved working on the public infrastructure is Crestview Crossing. This is a project where they'll be a variety of lot sizes that can be in the 7,000 square foot range down to 1,500 square foot range. Some are 2 to 3 stories, they're narrow and longer, some of the units have parking off the back, and some have front parking or a parking field. Habitat is building a duplex. With the existing regulation we currently have adopted within our Development Code, we have been working with developers to be creative to provide some smaller lots and smaller size homes rather than the traditional 1,800 to 2,500 square foot single family home on a 3,000 to 5,000 square foot lot with two to three bathrooms and four to five bedrooms. We have changed our regulations in R-2 zones to allow lot widths of 25 feet, and on these lots we can have skinny homes with single car garages. Typically a two or three bedroom home with a bath and a half or two baths. More of the entry level component of the market that is in Newberg currently.

Steve shared ways to comment. Survey is available online at: <https://surveymonkey.com/r/newbergmiddlehousing> Additional comments by email go to doug.rux@newbergoregon.gov, and a recording of this presentation will be online for viewing also. The next advisory Committee meeting will be on January 20, 2021, we will have a draft code update at this meeting. There will be a public meeting in February 2021.

Steve noted one more question came in.

Question #4: Is there any kind of financial encouragement for builders to build more of these Middle Housing units, for example grants, tax breaks etc.?

CDD Rux noted one of the things that City Council recently adopted was a construction excise tax. We will be implementing that starting on January 2021, which will be 1% tax on the building permit values for new residential, commercial and industrial. If you work with the City and provide housing that would be 80% or less of the median family income within Newberg, you would not have to pay that tax and we would be generating funds from other development to partner with developers to have units that are affordable for 80% or less but would require a deed restriction for 60 years. We have a program in place that we allow two units per year to waive their SDCs if they are 80% or less. We are working on an Urban Renewal Program which part of this program could be infrastructure components that could dovetail with Middle Housing Development to help reduce some of those costs, it could be paying some SDCs, cover some of the building permit cost or public infrastructure costs, sewer, water and storm drainage. The Council looked at a work program on November 2nd where we had 42 work items identified to address housing in Newberg, so we have broken that out to five projects each fiscal year over the next five years.

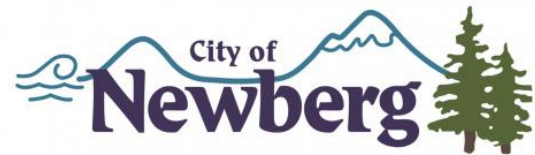
CDD Rux thanked Melissa, Dominique, Bob and David for participating. He noted as Steve indicated we have a survey that is out and we will continue to promote through social media and on our website. If you have the opportunity to share with your friends have them take the survey. If you have any comments or question send to him by email. He noted we are always looking for public engagement and the opportunity to get the input. This is going to be a change for Newberg, some of the projects we've been migrating towards to try to get some smaller lot size and different housing product than what has traditionally been done. We are in the process of updating our Housing Needs Analysis (HNA) and that will go before the Planning Commission in January and City Council in February. A few of the numbers will change because our population growth is going to be a little slower, but it still keeps with that percentage split where we're looking at 32% of our new housing stock over the next 20 years to be multifamily and 8% for the attached single family. He noted we have not done any townhouses in the last 4 years. The last time a developer came forward and proposed a townhouse development project was south of Fred Meyer about a decade ago.

Steve said thank you to Doug, the Advisory Committee members and to the attendees either live or watching and that they will look for their feedback via the online survey.

ADJOURNMENT:

Steve Foust adjourned the Public Open House at 7:14pm

**Middle Housing
Citizens Advisory Committee (CAC)
Meeting #3
January 20, 2021**



DUPLEXES

Our first task for the middle housing code updates is to permit duplexes on all lots where single-family detached dwellings are permitted, including within all master plan areas, under the same terms. Code updates were drafted to comply with House Bill 2001 and the provisions of Oregon Administrative Rule (OAR) 660-046, Middle Housing in Medium and Large Cities. These code amendments, which span multiple sections, will be packaged and adopted by the City prior to the June 30, 2021 deadline, separately from the other middle housing code amendments.

User's Guide to the Draft Development Code Revisions:

The code amendments are included as **Attachment A**. The overall document is quite long but the proposed changes are limited. The relevant text of chapters is provided for context. The specific changes are highlighted and marked with underline and strikeout.

Overview of Duplex Code Changes

- Revise “two family dwelling” to “duplex dwelling” in all references
- Amend “duplex” definition to allow attached or detached configurations
- Allow duplexes with the same requirements as single-family detached dwellings in the R-1, R-2, R-3, RP and AR zones
- Revise parking requirement to one per dwelling unit
- Allow duplexes on the same size lots as single-family detached dwellings by revising minimum lot sizes *per dwelling unit* and effectively exempting duplexes from maximum density standards
- No initial changes proposed to lot coverage, setbacks or height, which apply equally to single-family detached dwellings and duplexes, but further changes could be considered:
 - Height is currently allowed at 30 feet, which allows 2.5 stories, in the R-1 and R-2 zones. This is likely sufficient for duplexes, however, the Model Code sets height for triplexes, quadplexes, and townhouses at 35 feet, so it may be beneficial to review height for duplexes and single-family detached dwellings to match.
 - Total lot coverage in the R-1 zone is 60%, which is likely sufficient if not generous for duplexes. There may be opportunities to simplify how this is measured for greater flexibility.

- Allow duplexes within Master Plan Areas subject to the same standards as single-family detached dwellings:
 - Airport Residential (AR) District: Changes proposed to the Zoning Use Table and AR District standards in NMC 15.336.020 to allow duplexes.
 - Springbrook (SD) District: No changes needed to code section in NMC 15.326. A change will be needed to the Springbrook Master Plan Development Standards Matrix to include “duplexes” as an allowed use in the “low density residential zone”.
 - Northwest Newberg Specific Plan: Changes proposed to NMC 15.346.070(A) to address effect of duplexes on density. Use allowances are controlled through reference to the base zone standards, which have already been updated to allow duplexes.
 - Springbrook Oaks Specific Plan: Changes proposed to NMC 15.346.070(B) to address effect of duplexes on density. Use allowances are controlled through reference to the base zone standards similar to Northwest Newberg.
 - Riverfront (RD) Overlay Subdistrict: No changes needed to the plan text to allow duplexes as a permitted use where single-family detached dwellings are permitted. Changes are proposed to NMC 15.352.050 to apply the same design standards to duplexes and single-family detached dwellings.
 - *Note:* Proposed changes to plan text, as needed, will be provided separately.

TRIPLEXES, QUADPLEXES, TOWNHOUSES, AND COTTAGE CLUSTERS

The next round of code updates will include provisions to permit triplexes, quadplexes, townhouses and cottage clusters in all residential zones, consistent with the adopted state requirements. The updates can be divided into *siting* and *design* standards. The *siting* standards are the more numerical standards for minimum lot sizes, setbacks, and required minimum parking, among others. These are relatively straightforward.

The primary opportunity for discretionary implementation at the city level comes with the *design* standards for these housing types. The Newberg Development Code includes limited design standards for middle housing types other than duplexes. There are existing standards for townhouses in NMC 15.415.050 Rules and exceptions governing single-family attached dwellings. Triplexes and quadplexes are currently subject to NMC 15.220.060, Additional Requirements for multifamily residential projects), though these are largely scaled for larger apartment development and are not particularly comparable to the proposed triplex and quadplex-scale design standards. After implementation, the standards of 15.220.060 will only apply to housing developments with 5 or more units.

The Model Code for Large Cities is included as **Attachment B** to this memo to support a discussion of design standards Newberg should require with triplexes, quadplexes, townhouses and cottage clusters.

Triplexes and Quadplexes

The model code standards that could apply to triplexes and quadplexes are found on pages 10-20 of Attachment B, and include:

- Entry Orientation (pages 12-15)
- Windows (page 15)
- Garages and Off-Street Parking Areas (page 16)
- Driveway Approach (pages 16-20)

Townhouses

The model code standards that could apply to townhouses are found on pages 21-27 of Attachment B, and include:

- Entry Orientation (page 23)
- Unit Definition (pages 23-24)
- Windows (page 24)
- Driveway Access and Parking (pages 24-27)

Cottage Clusters

Newberg, like most other cities in Oregon, does not currently have design standards for cottage cluster developments. Our proposal is to adopt the model code design standards for each of the middle housing types in full, subject to advisory group commentary and revisions. Any changes to the model code sections would need to be either less restrictive than the model code, or to eliminate a model code standard.

The model code standards that could apply to cottage clusters are found on pages 27-33 of Attachment B, and include:

- Cottage Orientation (page 29)
- Common Courtyard Design Standards (page 29-30)
- Community Buildings (page 31)
- Pedestrian Access (page 31)
- Windows (page 31)
- Parking Design (pages 31-33)
- Accessory Structures (page 32)
- Existing Structures (page 32)

Chapter 15.05 GENERAL PROVISIONS

Sections:

15.05.010 Title.

15.05.020 Purpose.

15.05.030 Definitions.

15.05.040 Scope and compliance.

15.05.050 Interpretation, conflict and separability.

15.05.060 Saving provision.

15.05.070 Conditions.

15.05.080 Amendments.

15.05.090 Fee schedule.

15.05.100 Enforcement.

15.05.110 Adoption of zoning map.

15.05.120 Penalty.

15.05.010 Title.

This title shall be known as the Newberg development code. [Ord. 2451, 12-2-96. Code 2001 § 151.001.]

15.05.020 Purpose.

A. The purpose of this code is to coordinate city regulations governing the development and use of land and to implement the Newberg comprehensive plan.

B. The Newberg development code constitutes the development and land use regulations for the incorporated area of the city. These regulations are adopted to protect and promote the public health, safety, and general welfare, and to provide the economic and social advantages which result from an orderly, planned use of land resources. Such regulations are designed to achieve the following objectives:

1. To implement the comprehensive plan for the city.
2. To advance the position of the city as a regional center of commerce, industry, recreation and culture.
3. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open spaces.

Attachment A

4. To protect residential, commercial, industrial and civic areas from the intrusions of incompatible uses, and to provide opportunities for compatible uses to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
5. To ensure preservation of adequate space for commercial, industrial, agricultural, and other activities necessary for a healthy economy.
6. To promote safe, fast and efficient movement of people and goods without sacrificing the quality of the city's environment, minimize street congestion, and to provide for adequate off-street parking.
7. To achieve excellence and originality of design in all future developments and preserve the natural beauty of the city's setting.
8. To stabilize expectations regarding future development, thereby providing a basis for wise decisions with respect to such development.
9. To preserve and enhance the quality of the city's environment.
10. To secure safety from fire, flood, geological hazards, pollution and other dangers.
11. To provide adequate light and air, and to facilitate adequate provisions for transportation, water supply, wastewater disposal, drainage, education, recreation and other services and facilities. [Ord. 2451, 12-2-96. Code 2001 § 151.002.]

15.05.030 Definitions.

...

Duplex. See "**dwelling, two-family (duplex)**."

"Dwelling" means a building or portion of a building which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily by one or more persons families, but excluding hotels, motels and tourist courts.

"Dwelling, accessory" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

"Dwelling, caretaker" means a dwelling provided on an industrial site for an employee or owner to provide around the clock surveillance or service for the industry.

Commented [HA1]: Consider whether to revise all dwelling definitions around dwelling units rather than families, or to amend the family definition that may have discriminatory impacts. Affects the definitions of "dwelling", "dwelling, duplex", "dwelling, multifamily", "dwelling, single family", "dwelling, single family detached", and "family".

Attachment A

“Dwelling, two-family (duplex)” means two dwelling units on one lot or parcel in any configuration, a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

“Dwelling, mixed use” means a dwelling on a lot that has separate nonresidential uses on the same lot, such as an apartment provided on a second floor of a commercial building. **“Mixed-use dwelling”** excludes a caretaker dwelling.

“Dwelling, multifamily” means a building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family. **“Dwelling, multifamily”** includes assisted living facilities.

“Dwelling room” means:

1. An enclosed room containing more than 70 square feet of floor space and commonly used for living purposes, but excluding:
 - a. Lobbies, halls, closets, or storage space.
 - b. Unfinished attics, cellars or basements.
 - c. Bathrooms, utility rooms or kitchens or other cooking spaces.
 - d. Dinette alcoves, dinettes or other dining spaces, if these are not separated by walls or doors from other dwelling rooms or cooking spaces.
 - e. Dining rooms in dwellings containing three or more bedrooms.
2. The room count for any dwelling unit is the number of dwelling rooms plus the constant figure of one and one-half, which represents the nondwelling rooms listed above. The minimum count for a dormitory or hotel type of structure shall be two for each dwelling room.

“Dwelling, single-family” means one dwelling unit on one lot or parcel, a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

“Dwelling, single-family attached” means a single-family dwelling having one or more walls attached to and in common with one or more single-family dwellings, with each dwelling unit on a separate lot or parcel.

“Dwelling, single-family detached” means one dwelling unit on one lot or parcel with no common walls attached to another dwelling unit, means a detached building designed or used

Attachment A

exclusively for the occupancy of one family and having housekeeping facilities for only one family.

“Dwelling unit” means a single unit of one or more habitable rooms providing complete independent facilities for occupants, including permanent provisions for living, sleeping, eating, cooking and sanitation.

...

“Family” means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons (excluding household employees) who need not be related by blood or marriage, living together in a dwelling unit. **“Family”** may include two or more people with disabilities, as defined in the Fair Housing Amendments Act of 1988, living as a single housekeeping unit.

Commented [HA2]: Further discussion on how to address this definition (see above).

Chapter 15.100

LAND USE PROCESSES AND PROCEDURES

Sections:

Article I. Procedure Types and Determination of Proper Procedures

- 15.100.010 Procedures for processing development permits.**
- 15.100.020 Type I procedure – Administrative decision.**
- 15.100.030 Type II procedure.**
- 15.100.040 Repealed.**
- 15.100.050 Type III procedure – Quasi-judicial hearing.**
- 15.100.060 Type IV procedure – Legislative.**
- 15.100.070 Legislative enactments not restricted.**
- 15.100.080 Determination of proper procedure type.**

Article II. Processing Type I – IV Development Actions

- 15.100.090 Development permit application.**
- 15.100.100 Submission and acceptance of applications for land use decisions.**
- 15.100.110 Responsibility of director.**
- 15.100.120 Referral of development permit applications.**
- 15.100.130 Permit decision – Type I.**
- 15.100.140 Permit decision – Type II.**
- 15.100.150 Decision, findings and order – Types III and IV.**

Article III. Appeals

- 15.100.160 Appeal procedures.**
- 15.100.170 Notice of appeal – Type I, II and III.**
- 15.100.180 Scope of review.**
- 15.100.190 Review body decision on appeal of a Type I, II or III.**

Article IV. Notice

- 15.100.200 Compliance required.**
- 15.100.210 Mailed notice.**
- 15.100.220 Additional notice procedures of Type II development applications.**
- 15.100.230 Additional notice procedures for Type III quasi-judicial hearing.**
- 15.100.240 Additional notice for Type III quasi-judicial hearing for annexations.**
- 15.100.250 Notice procedures for Type IV legislative hearing.**
- 15.100.260 Procedure for posted notice for Type II and III procedures.**
- 15.100.270 Procedure for published notice on Type III and Type IV procedures.**

Article V. Hearing

- 15.100.280 Challenges to impartiality.**
- 15.100.290 Disqualification.**
- 15.100.300 Participation by interested officers or employees.**
- 15.100.310 Ex parte contacts.**
- 15.100.320 Abstention or disqualification.**
- 15.100.330 Rights of abstaining or disqualified member.**
- 15.100.340 Burden and nature of proof.**
- 15.100.350 Order of proceedings.**
- 15.100.360 Record of proceedings.**

Article VI. Development Permit

- 15.100.370 Development permit required.**
- 15.100.380 Exclusions from development permit requirement.**

Article I. Procedure Types and Determination of Proper Procedures

15.100.010 Procedures for processing development permits.

 SHARE

All development permits shall be classified as one of the following: Type I, Type II, Type III, or Type IV procedures. [Ord. 2451, 12-2-96. Code 2001 § 151.020.]

15.100.020 Type I procedure – Administrative decision. SHARE

A. Type I development actions shall be decided by the director without public notice or public hearing. Notice of a decision shall be provided to the applicant.

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

1. Design review permits for single-family dwellings, duplexes dwellings, additions, accessory dwelling units, accessory structures, or other additions specifically listed in NMC 15.220.020(A)(1).
2. Home occupation permits.
3. Signs, not in conjunction with a new development or major remodel.
4. Adjustments.
5. Processing final land division maps and plats.

Attachment A

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

C. A Type I decision may be appealed by an affected party, Type I, in accordance with NMC 15.100.160 et seq.

D. The director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Newberg comprehensive plan and this code. The director may add conditions to the permit to ensure compliance with all requirements of this code, the comprehensive plan and other relevant policies and regulations. [Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2451, 12-2-96. Code 2001 § 151.021.]

15.100.030 Type II procedure.

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

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

1. Site design review.
2. Variances.
3. Manufactured dwelling parks and mobile home parks.
4. Partitions.
5. Subdivisions, except for subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).

C. The applicant shall provide notice pursuant to the requirements of NMC 15.100.200 et seq.

D. The director shall make a decision based on the information presented and shall issue a development permit if the applicant has complied with all of the relevant requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.

E. Appeals may be made by an affected party, Type II, in accordance with NMC 15.100.160 et seq. All Type II development action appeals shall be heard and decided by the planning commission.

F. If the director's decision is appealed as provided in subsection (E) of this section, the hearing shall be conducted pursuant to the Type III quasi-judicial hearing procedures as identified in NMC 15.100.050.

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G. The decision of the planning commission on any appeal may be further appealed to the city council by an affected party, Type III, in accordance with NMC 15.100.160 et seq. and shall be a review of the record supplemented by written or oral arguments relevant to the record presented by the parties.

H. An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedure. [Ord. 2813 § 1 (Exh. A § 3), 9-5-17; Ord. 2747 § 1 (Exh. A § 4), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.022.]

...

15.100.130 Permit decision – Type I.

A. The director shall approve or deny the development permit for Type I action within 60 days of accepting a complete permit application.

B. The decision of the director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.

C. The director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of the Newberg comprehensive plan and this code.

D. The director shall deny the permit application if required approvals are not granted or the application otherwise fails to comply with code requirements.

E. The director shall notify the applicant of the disposition of the application. The notice shall indicate that the decision is final unless appealed by the applicant. The notice shall describe the right of appeal pursuant to NMC 15.100.160 et seq. [Ord. 2451, 12-2-96. Code 2001 § 151.044.]

15.100.140 Permit decision – Type II.

A. The director shall approve or deny the development permit for a Type II action within 60 days of accepting a complete permit application, unless it is a subdivision which has been converted to a Type III process pursuant to NMC 15.235.030(A).

B. The applicant shall provide notice pursuant to NMC 15.100.200 et seq. together with a 14-day comment period for the submission of written comments prior to the decision.

C. The decision of the director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.

D. The director shall notify the applicant and others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the

Attachment A

right of appeal pursuant to NMC 15.100.160 et seq. A decision on a Type II development shall take effect on the fifteenth day following the notice of a decision unless an appeal is filed pursuant to NMC 15.100.160 et seq.

E. Approval or denial of a Type II development permit application shall be accompanied by written findings that explain the criteria, facts and justification for the decision.

F. The director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.

G. The director shall deny the permit application if required approvals are not obtained or the application otherwise fails to comply with code requirements.

H. Notice of approval or denial of a Type II decision shall be provided to the applicant, parties providing written testimony, or anyone requesting such notice. Notice shall include a description of the item, the decision, conditions that may have been added, and the rights of appeal.

I. Type II applications are required to be reviewed under the Type III procedures at the request of the applicant, or the application is a subdivision which has been converted to a Type III process pursuant to NMC 15.235.030(A), or through an appeal of the director's decision. Type II development permit applications that require a Type III procedure must conclude the hearing procedure before a land use or construction permit application can be considered to be complete by the director. Upon receiving a final decision by the hearing body on a Type III application, the subsequent review of a permit application may be reviewed by the director as a Type I process. [Ord. 2813 § 1 (Exh. A § 6), 9-5-17; Ord. 2451, 12-2-96. Code 2001 § 151.045.]

...

Chapter 15.205 NONCONFORMING USES AND BUILDINGS

Sections:

- 15.205.010 Purpose.**
- 15.205.020 Nonconforming use of land and agricultural exception.**
- 15.205.030 Nonconforming use abandonment (excluding single-family).**
- 15.205.040 Nonconforming uses and modifications to existing buildings.**
- 15.205.050 Nonconforming buildings with legally conforming uses.**
- 15.205.060 Single-family nonconforming use exemption.**
- 15.205.070 Partially destroyed buildings or structures.**
- 15.205.080 Repairs and maintenance.**
- 15.205.090 Nonconforming use when annexed.**
- 15.205.100 Nonconforming signs.**

15.205.010 Purpose.

A. Within the zones established by this code, there exist lots, structures, and uses of land and structures which were lawful before this code was passed or amended, but which are now prohibited, regulated, or restricted under the terms of this code and amendments.

B. It is the intent of this code to permit these nonconformities until they are removed or abandoned, but not to encourage their survival. Such uses are declared by this code to be incompatible with permitted uses in the zones involved. It is further the intent of this code that nonconformities shall not be enlarged upon, significantly modified, expanded, or extended, except as provided for in this code.

C. To avoid undue hardship, nothing in this code shall be deemed to require changes in plans, construction, or use of any building on which a building permit in accordance with this code has been legally issued prior to the effective date of the ordinance codified in or amendment of this code, except that applications for extension of a building permit shall not be approved to exceed a period of one year from the date of adoption or amendment of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.140.]

15.205.020 Nonconforming use of land and agricultural exception.

A. Use to Be Abated When No Main Building Involved. Where no main buildings are used in connection with the nonconforming use of land, or where the only buildings are accessory or incidental to such use, the nonconforming use of such land shall be discontinued not later than three years after such use becomes nonconforming, and all uses thereafter shall conform to the regulations of the applicable district classification and the provisions of this code.

B. Expansion. A nonconforming use of land shall not be expanded or extended in any way either on the same or any adjoining land.

C. Discontinue or Change. The discontinuance of a nonconforming use of land or a change of a nonconforming use of land to some other kind of a nonconforming use constitutes abandonment and termination of the nonconforming use, and thereafter the use of the land must conform to the regulations of the applicable district classification.

D. Legally occurring agricultural uses, including, but not limited to, orchards, hay or grain farming, row crops, or other similar uses, may be allowed to retain their nonconforming status indefinitely. [Ord. 2451, 12-2-96. Code 2001 § 151.141.]

Penalty: See NMC 15.05.120.

15.205.030 Nonconforming use abandonment (excluding single-family).

Legally existing nonconforming uses may not be expanded, changed, modified, or altered in any way, except that a use may be modified to be less intensive in nature. Should a nonconforming use be abandoned for a period of at least 12 months, the nonconforming status of the use is lost, except as follows; provided, that there are extenuating circumstances (as determined by the planning commission), the planning commission may, through the use permit process, allow the reestablishment of the nonconforming use subject to conditions and an agreement on a specific date (not to exceed 10 years) at which time the nonconforming use will be permanently abandoned. [Ord. 2451, 12-2-96. Code 2001 § 151.142.]

Penalty: See NMC 15.05.120.

15.205.040 Nonconforming uses and modifications to existing buildings.

Legally existing nonconforming use of buildings or structures may be maintained subject to the following conditions; provided, that said building or structure is not abated or specifically regulated by this and other chapters of this code. No additions or enlargements shall be made to a nonconforming use of a building or structure except:

A. Additions or enlargements required by law.

B. Additions or enlargements to existing churches and schools if such otherwise conform to the regulations then in effect for the district in which located, including height, yard and area provisions. [Ord. 2451, 12-2-96. Code 2001 § 151.143.]

Penalty: See NMC [15.05.120](#).

15.205.050 Nonconforming buildings with legally conforming uses.

Unless completely or partially destroyed, pursuant to NMC [15.205.070](#), nonconforming [buildings](#) or [structures](#) with legal conforming [uses](#) may be altered or modified, [including conversion of a detached single-family dwelling to a duplex dwelling](#), subject to any of the following requirements. This shall be processed as a Type I application for single-family [homes dwellings](#) and [duplexes dwellings](#) and as a Type II application for all commercial, industrial, and multifamily [uses dwellings](#).

A. The addition or modification affects a part of the [structure](#) which will meet the current setback, height, [yard](#) or similar regulations and the addition or modification will not worsen the nonconforming status of the [building](#).

B. The addition or modification provides a logical expansion of the [building](#) and is within the existing [building](#) setback lines where:

1. In the opinion of the [director](#), the expansion or modification will not adversely affect neighboring properties;
2. [Building](#) code requirements can be met;
3. The expansion or modification proposed is similar to other nonconforming [buildings](#) or [structures](#) in the area; and
4. Reasonable provisions have been made to minimize the impact of the nonconforming status of the [building](#) or [structure](#).

C. A [building](#) or parking area that is nonconforming to the standards of this [code](#) but otherwise conforms to the [use](#) provisions of the zoning district may be expanded; provided, that the portion of the [building](#) or parking area proposed for expansion complies with the provisions of this [code](#). [Ord. [2451](#), 12-2-96. Code 2001 § 151.144.]

Penalty: See NMC [15.05.120](#).

15.205.060 Single-family nonconforming use exemption.

A. Where a single-family, [duplex](#), or [multifamily dwelling](#) is a legal, [nonconforming use](#) in any zoning district, it may be rebuilt if partially or completely destroyed. If a single-family, [duplex](#), or [multifamily dwelling](#) is completely or partially destroyed, it may be rebuilt either in

conformance with the setback, height restriction, and other regulations of the district in which it is located or with the standards of the R-2 zoning district. The minimum lot area requirement does not apply.

B. In addition, if a structure was originally constructed and legally occupied as a single-family dwelling or a duplex dwelling, and it has since been converted to a different use, the structure may be reconverted back to a single-family dwelling or a duplex dwelling, subject to applicable building codes. The dwelling shall either meet current parking requirements, or shall provide the same parking that was provided prior to the conversion from dwelling to another use. No more than one two dwelling units per lot may be allowed under this provision. [Ord. 2730 § 1 (Exh. A (8)), 10-18-10; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.145.]

Penalty: See NMC 15.05.120.

15.205.070 Partially destroyed buildings or structures.

A. Conditions for Restoration – Extension.

1. Whenever, in any district, a building or structure occupied by a nonconforming use is damaged or destroyed to the extent of 50 percent or less of its assessed value by fire, explosion or other casualty, it may be restored and the occupancy or use of such building or structure, or part of such building or structure, which existed at the time of such partial destruction may be continued, if such restoration is started within a period of 12 months of such damage or destruction and is diligently prosecuted to completion.

2. An extension of the 12-month period may be approved by the planning commission through a Type III process. In order to receive an extension the applicant must demonstrate compliance with the following criteria. The planning commission may deny the extension based on inadequate demonstration that all of the criteria can be met.

- a. There are unusual or extraordinary circumstances which prohibit the owner from beginning restoration;
- b. The owner or applicant has diligently pursued the restoration process and can adequately demonstrate their ability to continue to pursue the restoration;
- c. There are permits required from other agencies besides the city which have prevented the restoration process from occurring sooner; and
- d. The requested extension is no longer than one year from the date in which the first 12-month period expired.

B. In the event such damage or destruction exceeds 50 percent of the assessed value of the building or structure occupied by a nonconforming use, no repair or reconstruction shall be made unless every portion of such building or structure is made to conform to the height, yard, parking area and use regulations of the district classification in which it is located. [Ord. 2451, 12-2-96. Code 2001 § 151.146.]

Penalty: See NMC 15.05.120.

15.205.080 Repairs and maintenance.

Nothing in this chapter shall be deemed to prevent the repair or maintenance of any building or part of a building. [Ord. 2451, 12-2-96. Code 2001 § 151.147.]

15.205.090 Nonconforming use when annexed.

When a nonconforming use is annexed into the city, at time of annexation the applicant shall provide the planning commission and city council a schedule for the removal of the nonconforming use per NMC 15.250.100. [Ord. 2451, 12-2-96. Code 2001 § 151.148.]

15.205.100 Nonconforming signs.

A. Compliance for Temporary and Portable Signs. All temporary or portable signs not in compliance with the provisions of this code shall be removed immediately.

B. Compliance for All Other Signs. The owner of any sign that was placed legally but does not now conform to the requirements of this code shall either remove the sign or register it with the city on a form provided by the director prior to January 1, 2000. All signs that do not comply with the standards of this code shall be removed prior to March 31, 2010. Exceptions are:

1. Any legal nonconforming sign that exceeds that maximum allowable size or height by less than 10 percent may remain.
2. Prior to March 31, 2009, the owner of any legal nonconforming sign may apply to allow the legal nonconforming sign to remain. Such requests shall be heard by a hearings officer appointed by the city manager, and shall be approved, approved with conditions, or denied based on the following:
 - a. The sign is in a good state of repair and maintenance.
 - b. The number, size, and height of signs to remain is minimal and contributes to an attractive appearance to the neighborhood.
 - c. The use of bold and bright colors, lighting, and designs is minimal.

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d. Other elements of the site are well maintained and attractive.

Except as specifically determined by the hearings officer, any sign allowed to remain under the provisions of this subsection is subject to removal under the provisions of subsections (C), (D), and (E) of this section.

C. Abandonment. Any sign not in compliance with the provisions of this code shall be removed by the owner if the site on which the sign is located is vacant for a period of one year or more. If the owner fails to remove the sign, the city may abate the sign as provided in NMC 15.05.100.

D. Site Improvements. Any sign not in compliance with the provisions of this code shall be removed if the buildings or site improvements on the site on which the sign is located are replaced or modified, except additions and remodels allowed under a Type I design review, NMC 15.220.020(A).

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

1. Maintenance and repairs such as cleaning, painting, refacing, replacing damaged portions of the sign, or similar activities that do not involve a change in copy.
2. A change of a panel on a sign for three or more tenants designed to have removable panels.
3. A modification of the existing cabinet and/or face of the sign that results in a reduction in size and/or height of the sign and that does not involve a change in copy.

F. Historic Landmarks and Cultural Landmarks Exemption. The provisions of subsections (A) through (E) of this section shall not apply to any sign located in a historic landmarks subdistrict or on a historic landmark, or a sign over 50 years old designated by the city council as a cultural landmark.

G. Signs Approved Through Approval of Sign Program. Any sign that was approved through approval of a sign program under prior codes but that does not now meet the provisions of this code shall be removed prior to January 1, 2015. Prior to January 1, 2014, the owner may apply for the sign to remain under the process described in subsection (B) of this section. [Ord. 2706 § 1 (Exh. A(1)), 10-6-08; Ord. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.149.]

Penalty: See NMC 15.05.120.

15.240

PD PLANNED UNIT DEVELOPMENT REGULATIONS

Sections:

15.240.010 Purpose.

15.240.020 General provisions.

15.240.030 Preliminary plan consideration – Step one.

15.240.040 Final plan consideration – Step two.

15.240.050 Enforcement.

15.240.010 Purpose.

The city's planned unit development regulations are intended to:

- A. Encourage comprehensive planning in areas of sufficient size to provide developments at least equal in the quality of their environment to traditional lot-by-lot development and that are reasonably compatible with the surrounding area; and
- B. Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations; and
- C. Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types; and
- D. Provide for economy of shared services and facilities; and
- E. Implement the density requirements of the comprehensive plan and zoning districts through the allocation of the number of permitted dwelling units based on the number of bedrooms provided. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2451, 12-2-96. Code 2001 § 151.225.]

15.240.020 General provisions.

- A. Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.
- B. Processing Steps – Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:
 - 1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable

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environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.

2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.

C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.

D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

F. Density. Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:

1. Maximum Density.

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

District	Density Points
R-1	175 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section

Commented [ED3]: Because PDs are a discretionary alternative to the allowed uses in the residential zones, we are not required to amend this section. However, consider optional revisions to this section to align with any changes to density for middle housing in the base R zones. Changes could go further to use the density points system to incentivize middle housing types, much like affordable housing types are incentivized here.

District	Density Points
R-2	310 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
R-3	640 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
RP	310 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
C-1	As per required findings
C-2	As per required findings
C-3	As per required findings

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

Density Point Table

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

The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.

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2. Approved Density. The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval only if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.

3. Easement Calculations. Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.

4. Dedications. Density calculations may include areas dedicated to the public for recreation or open space.

5. Cumulative Density. When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.

G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:

1. R-1, R-2, R-3 and RP Zones.

a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.

b. Accessory buildings and uses.

c. Duplexes dwellings.

d. Dwellings, single, manufactured, and multifamily.

e. Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.

2. C-1, C-2 and C-3 Zones.

a. When proposed as a combination residential-commercial planned unit development, uses and buildings as listed in subsection (G)(1) of this section and those listed as permitted outright or conditionally in the use district wherein the development will be located.

b. When proposed as a residential or commercial planned unit development, uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

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3. M-1, M-2 and M-3 Zones. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

4. M-4 Zone. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located. Proposed sites, structures and uses must work together to support a common theme, product or industry. Applicants for an industrial planned development in M-4 must demonstrate conformance with any adopted master plan for the subject area and provide a plan describing how the proposed structures and uses will work together to support a common theme, product or industry. Prior to subdivision, covenants must limit occupancy to the types of industrial and related uses identified in the development plan.

H. Professional Coordinator and Design Team. Professional coordinators and design teams shall comply with the following:

1. Services. A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall ensure that the required plans are prepared. Plans and services provided for the city and between the applicant and the coordinator shall include:

- a. Preliminary design;
- b. Design development;
- c. Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and
- d. Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.

2. Address and Attendance. The coordinator or the coordinator's professional representative shall maintain an Oregon address, unless this requirement is waived by the director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.

3. Design Team Designation. Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice the team member's profession in the State of Oregon.

4. Design Team Participation and Waiver. Unless waived by the director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all three steps.

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5. Design Team Change. Written notice of any change in design team personnel must be submitted to the director within three working days of the change.

6. Plan Certification. Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.

I. Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this code and those regulations. Departures from the hearing authority upon a finding by the engineering director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this code.

J. Lot Coverage. Maximum permitted lot and parking area coverage as provided in this code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.

K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of "**sun exposure plane**" in NMC 15.05.030). The hearing authority may further modify heights to:

1. Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.
2. Protect lines of sight and scenic vistas.
3. Enable the project to satisfy required findings for approval.

L. Dedication, Improvement and Maintenance of Public Thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:

1. Streets and Walkways. Including, but not limited to, those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.

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2. Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.

a. An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC 15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.

i. A plan for managing on-street parking, maintenance and financing of maintenance of the private street, including a draft reserve study showing that the future homeowners association can financially maintain the private street;

ii. A plan demonstrating that on- and off-street parking shall be sufficient for the expected parking needs and applicable codes;

iii. Proposed conditions, covenants and restrictions that include a requirement that the homeowners association shall be established in perpetuity and shall continually employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions;

iv. Evidence that the private street is of sufficient width and construction to satisfy requirements of the fire marshal and city engineer; and

v. The PUD shall be a Class I planned community as defined in ORS Chapter 94.

b. If the PUD is established, the homeowners association shall provide an annual written report on the anniversary date of the final approval of the PUD approval to the community development director that includes the following:

i. The most recent reserve study.

ii. The name and contact information for the retained community management association.

iii. A report on the condition of the private street and any plans for maintenance of the private street.

3. Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.

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M. Underground Utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.

N. Usable Outdoor Living Area. All dwelling units shall be served by outdoor living areas as defined in this code. Unless waived by the hearing authority, the outdoor living area must equal at least 10 percent of the gross floor area of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor living space may be offered for dedication to the city, in fee or easement, to be incorporated in a city-approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.

O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.

P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.

Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2763 § 1 (Exh. A §§ 9, 10), 9-16-13; Ord. 2730 § 1 (Exh. A § 9), 10-18-10; Ord. 2720 § 1(4), 11-2-09; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.226.]

...

Chapter 15.302 DISTRICTS AND THEIR AMENDMENT

Sections:

- 15.302.010 Establishment and designation of use districts and subdistricts.**
- 15.302.020 Establishment of districts.**
- 15.302.030 Procedures for comprehensive plan map and zoning map amendments.**
- 15.302.032 Purposes of each zoning district.**
- 15.302.040 Subdistricts.**
- 15.302.050 Continuance of use.**
- 15.302.060 Establishment of districts and subdistricts by map.**
- 15.302.070 Division of zoning map.**
- 15.302.080 Uncertainty of district boundaries.**

15.302.010 Establishment and designation of use districts and subdistricts.

In order to classify, regulate, restrict and segregate the uses of lands and buildings, to regulate and restrict the height and size of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, the following classes of use districts and subdistricts are established:

A. Use Districts.

1. R-1 low density residential district.
2. R-2 medium density residential district.
3. R-3 high density residential district.
4. RP residential professional district.
5. C-1 neighborhood commercial district.
6. C-2 community commercial district.
7. C-3 central business district.
8. C-4 riverfront commercial district.
9. CF community facilities district.
10. I institutional district.

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11. M-1 limited industrial district.
12. M-2 light industrial district.
13. M-3 heavy industrial district.
14. M-4 large lot industrial district.
15. AI airport industrial district.
16. Airport residential (AR) district.
17. SD Springbrook district.
18. M-E mixed employment district.

B. Subdistricts of Use Districts.

1. AO airport overlay subdistrict.
2. CC civic corridor overlay subdistrict.
3. H historic landmarks subdistrict.
4. IO institutional overlay subdistrict.
5. LU limited use overlay subdistrict.
6. RD riverfront subdistrict.
7. SC stream corridor overlay subdistrict.
8. SP specific plan subdistrict.
9. AIO airport industrial overlay subdistrict.
10. Airport residential overlay subdistrict.
11. Bypass interchange overlay subdistrict.
12. Interim industrial overlay subdistrict. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2720 § 1(8), 11-2-09; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.120.]

15.302.020 Establishment of districts.

On the effective date of the ordinance codified in this code, the provisions of this code shall apply to and govern the use or maintenance of any land or other property in the city, exclusive of streets, alleys, and public lands used or reserved for governmental purposes as provided by law. The city shall be divided by the city council into parts and each such part may be subdivided into units, for the purposes of imposing or establishing districts and subdistricts on land and property. Such parts of units may be zoned and rezoned whenever the city council, after investigation and report by the commission, finds that criteria in NMC 15.302.030 are satisfied. [Ord. 2451, 12-2-96. Code 2001 § 151.121.]

Cross-reference: For lands used or reserved for governmental purposes as provided by law, see Section 5 of Article VIII of the Oregon Constitution and Chapter 271 of Title 25 ORS, generally. See also Chapter 271 of Title 25 ORS pertaining to public lands.

15.302.030 Procedures for comprehensive plan map and zoning map amendments.

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

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

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

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

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

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

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

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

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

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

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

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

2. Amendment Criteria. The city must demonstrate:

- a. The proposed change is consistent with and promotes the objectives of the Newberg comprehensive plan and this code;
- b. There is a public need for a change of the kind in question;
- c. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property;
- d. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

C. Amendment of Land Use Regulation. A change in requirements, general provisions, exceptions or other provisions of a land use regulation may be initiated by a resolution of

the planning commission or the city council. No notice is required to initiate the amendment. Amendments to land use regulation shall be reviewed under the Type IV procedure. [Ord. 2733 Att. A, 2-7-11; Ord. 2693 § 1 (Exh. A(5)), 3-3-08; Ord. 2619, 5-16-05; Ord. 2612, 12-6-04; Ord. 2451, 12-2-96. Code 2001 § 151.122.]

15.302.032 Purposes of each zoning district.

SHARE

Commented [HA4]: Much of this section will change again with other middle housing types; changes shown here are limited to duplexes.

A. R-1 Low Density Residential District.

1. The purpose of this land use designation is to provide for low density urban single-family residential uses at an average overall density of 4.4 units per gross buildable acre in the district. It is intended to provide a stable and healthful environment together with the full range of urban services.

Commented [HA5]: Density discussion result needed.

2. Typical housing types will include single-family dwellings, duplex dwellings and planned unit developments. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-1 district is intended to be consistent with the low density residential (LDR) designation of the comprehensive plan.

B. R-2 Medium Density Residential District.

1. The purpose of this land use designation is to provide a wide range of dwelling types and styles at an average overall density of nine units per gross buildable acre in the district.

2. Typical housing types will include single-family dwellings on small lots, attached single-family, duplex dwellings or multifamily dwellings, and manufactured dwelling parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-2 district is intended to be consistent with the medium density residential (MDR) designation of the comprehensive plan.

C. R-3 High Density Residential District.

1. The purpose of this land use designation is to provide multifamily dwellings of different types and styles at an average overall density of 16.5 units per gross buildable acre in the district.

2. Typical housing types will include duplexes dwellings, multifamily dwellings, and manufactured dwelling and mobile home parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. Density may vary depending on lot size, off-street parking area, transportation, landscaping and other site considerations. The R-3 district is

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intended to be consistent with the high density residential (HDR) designation of the comprehensive plan.

D. R-4 Manufactured Dwelling District.

1. 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.

2. This district allows manufactured homes, mobile home parks, or manufactured home subdivisions at a density of up to 12 units per gross buildable acre. The R-4 district is intended to be consistent with the medium density residential (MDR) or high density residential (HDR) designation of the comprehensive plan.

E. RP Residential-Professional District. The RP residential-professional district provides for a desirable mixing of residential land uses with medical and local business office uses in possible close proximity to adjacent residential areas. The office building and parking coverage, traffic generation, open space and other external factors are intended to be compatible with the residential uses permitted. This district may be appropriate in transition areas between major land uses as indicated in the adopted plan. The RP district is intended to be consistent with commercial or residential designations on the Newberg comprehensive plan. RP districts shall be located as to conform to goals and policies identified within the Newberg comprehensive plan and in areas which have a minimal impact on the livability or appropriate development of abutting property.

F. C-1 Neighborhood Commercial District. The C-1 neighborhood commercial district is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations. It is typically appropriate for small convenience stores or neighborhood shopping centers located within residential neighborhoods. The C-1 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.

G. C-2 Community Commercial District. The C-2 community commercial district is intended to create, preserve and enhance areas with a wide range of retail sales, commercial services, and office establishments. Typical development types include individual commercial buildings on small and large sites, community shopping centers, and some outdoor retail uses. This district is typically located along highways and arterials. This district also includes some development which does not strictly fit the description of "commercial" but also does not merit a separate zoning district. The C-2 district is intended to be consistent with the commercial (COM) and mixed use (MIX) designations of the comprehensive plan.

H. C-3 Central Business District. The C-3 central business district is intended to preserve and enhance areas within which the greatest possible concentration of retail sales and business will occur. The district will be applied to the "core" area based upon the guidelines established in the comprehensive plan. The buildings and uses permitted reflect the desire to have parking

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provided on a district-wide basis rather than having each individual building or use provide parking. The C-3 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.

I. C-4 Riverfront Commercial District.

1. The purpose of the C-4 riverfront commercial district is to allow a mix of uses that:
 - a. Provides a variety of retail, commercial, and residential uses that benefit from proximity to the river.
 - b. Encourages access to and enjoyment of the Willamette River.
 - c. Ensures compatibility of development with the surrounding area and minimizes impacts on the environment.
2. Properties zoned in this district must comply with the development standards of the riverfront overlay subdistrict, as described in NMC 15.352.010 through 15.352.060.
3. The C-4 district is intended to be consistent with the commercial/riverfront district (COM/RD) designation of the comprehensive plan.

J. M-1 Limited Industrial District. The M-1 limited industrial district is intended to create, preserve and enhance areas containing manufacturing and related establishments with limited external impact, and with an open and attractive setting. The M-1 limited industrial district is typically appropriate to locations near highways and arterials and nonmanufacturing areas. The M-1 district is intended to be consistent with the industrial (IND) and mixed use (MIX) designations of the comprehensive plan.

K. M-2 Light Industrial District. The M-2 light industrial district is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The M-2 district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.

L. M-3 Heavy Industrial District. The M-3 heavy industrial district is intended to create, preserve and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments and are typically appropriate to areas which are most distant from residential areas, and which have extensive rail or shipping facilities. The M-3 district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.

M. M-4 Large Lot Industrial District. The M-4 industrial employment district is divided into two subdistricts: the industrial employment subdistrict and the industrial commercial subdistrict.

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One of the main intents of these districts is to provide a variety of employment opportunities for the citizens of Newberg. Providing adequate jobs for our citizens leads to other related benefits, including a diversified and stable local economy, a stronger tax base, and environmental benefits from less out-commuting to jobs. In addition, providing adequate local jobs helps fulfill the stated desire of many citizens to "live here, work here, shop here." The M-4 district has two subdistricts:

1. Employment Subdistrict. Through a comprehensive planning process, the city identified a need for large lot industrial sites of at least 20 acres in size. Further analysis of potential areas identified the area south of Newberg, on either side of Highway 219, as the area best suited to meet the city's needs for large site industrial development. As part of the city's strategy for preserving large size industrial sites within industrial districts, the M-4 industrial employment subdistrict is intended to create, preserve and enhance areas containing large parcels (20+ acres) suitable for large industrial users and industrial planned unit developments. An approved plan for an industrial planned unit development is required prior to dividing a large parcel into lots or parcels that are less than 20 acres. The purpose of the planned unit development is to bring related industries and services that complement each other close together, resulting in synergistic effects arising from regular face-to-face communications, economies of scale, and reduced transportation time and cost.

2. Commercial Subdistrict. The industrial commercial subdistrict is intended to create, preserve and enhance areas for retail establishments serving the specific needs of the M-4 industrial employment area. The subdistrict is similar to the C-1 neighborhood commercial district, although the type and scale of uses permitted are limited to those that will directly support allowed uses within the M-4 industrial employment area. The area is not intended to serve pass-by traffic or provide for the general commercial needs of the community. The intent is to allow uses that complement the area while limiting or eliminating those uses that would have detrimental impact on the overall district.

Potential adverse impacts of industrial activity on adjacent uses are minimized by design and development standards as required by NMC 15.220.090. Large industrial sites and planned unit developments are configured and designed to minimize use-to-use conflicts within the industrial districts, as well as conflicts between industrial uses and those allowed in other districts. The M-4 district is intended to be consistent with the industrial (IND) and commercial (COM) designations of the comprehensive plan.

N. CF Community Facilities District. The purpose of the CF community facilities district is to provide for appropriate development of community facilities, primarily by public agencies or nonprofit organizations. It encourages the preservation of natural resources and open space resources inventoried in the comprehensive plan. The CF district is intended to be consistent with the parks (P) and public/quasi-public (PQ) designations in the comprehensive plan. It may also be consistent with any other designation of the comprehensive plan as determined by the city council.

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O. I Institutional District. The I institutional district is intended to support and promote institutional uses. The district provides for the establishment and growth of large institutional campuses as well as accessory and compatible uses. The institutional district is intended to be consistent with the public/quasi-public (PQ) designation of the comprehensive plan.

P. AR Airport Residential District. The purpose of the AR airport residential district is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. Maximum overall density shall be 8.8 units per gross buildable acre. The AR district is intended to be consistent with the airport residential (AR) designation in the comprehensive plan.

Q. AI Airport Industrial District. The purpose of the AI airport industrial district is to encourage and support the continued operation and vitality of Sportsman Airpark by allowing airport-related industrial uses, and as such to promote economic development for the City of Newberg and Yamhill County. The AI airport industrial district is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require or benefit from a location within or immediately adjacent to primary flight operations and passengers or cargo service facilities. It is further intended to provide appropriate locations for airport-related light industrial uses that are compatible with and benefit from air transportation. The AI district is intended to be consistent with the industrial (IND) and public/quasi-public (PQ) designations in the comprehensive plan.

R. M-E Mixed Employment District. The M-E mixed employment district is intended to create a mix of light industrial and limited commercial uses that provide employment opportunities for the City of Newberg while also creating a high-quality urban environment. This designation can provide a buffer between industrial uses with a high degree of external impact and other uses such as residential and recreational areas. The M-E designation is intended to be consistent with the industrial (IND) and mixed use (MIX) designations of the comprehensive plan. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2763 § 1 (Exh. A § 4), 9-16-13.]

15.302.040 Subdistricts. SHARE

Subdistricts of each of the use districts may be established. The parent residential district requirements shall apply to those respective subdistricts except those regulations pertaining to lot area per dwelling unit or density.

A. Suffix Numbers Noting Density. Suffix numbers, including but not limited to the following examples, shall be noted on the zoning map indicating the maximum number of dwelling units permitted per gross acre. For the purposes of maximum density calculation, duplex dwellings on one lot or parcel shall count as one dwelling unit. The following are examples of suffixes for subdistricts and their density equivalents:

Commented [HA6]: Our initial direction is to update the AR zone similar to other residential zones. We are looking for DLCD direction about whether the AR district should be treated differently.

Commented [HA7]: This may need further revision as part of a broader discussion about how density applies to middle housing, but this initial proposal addresses duplexes to ensure that maximum density standards do not limit development of duplexes on the same size lot as SFDDs, as required by OARs.

Suffix	Density Maximum
5/A	5 <u>dwelling units per gross acre</u>
6/A	6 <u>dwelling units per gross acre</u>
7.5/A	7-1/2 <u>dwelling units per gross acre</u>
.33/A	1 <u>dwelling unit per three gross acres</u>

As further examples of subdistricts:

1. The subdistrict of an R-1 district which permits five dwelling units per gross acre is R-1-5/A.
2. The subdistrict of an R-1 district which permits one dwelling unit per five gross acres is R-1-.2/A.

B. AO Airport Overlay Subdistrict. An airport overlay subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix AO added to the symbol of the parent district. The AO symbol shall be added to the zoning map for properties affected by the airport imaginary surfaces. Except as may otherwise be limited by this code, all uses permitted in the parent zone shall be allowable in the AO subdistrict.

C. CC Civic Corridor Overlay Subdistrict. The CC subdistrict is intended to emphasize the civic and historic character of that portion of downtown Newberg generally bounded by Sherman Street on the north, Blaine Street on the west, 5th Street on the south and Howard and School Streets on the east and as depicted on the zoning map. The subdistrict overlay may be applied within any zoning district. The subdistrict shall be designated by the suffix CC added to the symbol of the parent district.

D. H Historic Landmarks Overlay Subdistrict. The historic landmarks overlay subdistrict may be created within any zoning district. The overlay shall be designated by the suffix H added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the H overlay zone except as otherwise may be limited by this code.

E. IO Institutional Overlay Subdistrict. The institutional overlay subdistrict may be created within any zoning district. The overlay shall be designated by the suffix IO added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the IO overlay zone except as otherwise may be limited by this code.

F. RD Riverfront Overlay Subdistrict. The riverfront overlay subdistrict may be applied to R-1, R-2, R-3, M-1, M-2, M-3, M-E, C-1, C-4, and CF zoning districts. This subdistrict may be applied to lands south of Ninth Street to the Willamette River. The overlay shall be designated by the suffix RD added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the RD overlay zone except as otherwise may be limited in this code. Where provisions of the subdistrict are inconsistent with the parent district, the provisions of the subdistrict shall govern.

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G. SC Stream Corridor Overlay Subdistrict. The stream corridor overlay subdistrict may be created within any zoning district. The stream corridor subdistrict is applied to areas which are classified as Statewide Goal 5 resources. The overlay shall be designated by the suffix SC added to the symbol of the parent district. The SC subdistrict provides additional land use regulations which govern properties located within the subdistrict. Where the provisions of the subdistrict are inconsistent with the parent district, the provisions of the subdistrict shall govern.

H. SP Specific Plan Subdistrict. The SP subdistrict identifies the area in which a specific plan has been approved. The subdistrict overlay may be applied within any zoning district. The subdistrict shall be designated by the suffix SP added to the symbol of the parent district. Uses allowed in the parent district may be limited or expanded under the approved specific plan.

I. LU Limited Use Overlay Subdistrict. The limited use overlay subdistrict identifies an area where special use restrictions or standards apply. These restrictions or standards are defined in the ordinance creating the LU subdistrict and may include prohibiting uses otherwise allowed in the underlying zone, requiring conditional use permits for certain uses that are otherwise permitted outright, or creating special standards, such as special setbacks or height restrictions. The limited use overlay subdistrict may be applied within any zoning district.

J. Bypass Interchange (BI) Overlay. The bypass interchange overlay shall apply to lands within the city limits and within approximately one-quarter mile of the end of ramps of the East Newberg and Oregon 219 interchanges to the bypass. The bypass interchange overlay may be applied in combination with any zoning district. The overlay shall be designated by the suffix BI added to the symbol of the parent district. All uses permitted in the parent zone shall be allowed within the bypass interchange overlay except as specifically limited by this code. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2602, 9-20-04; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2537, 11-6-00; Ord. 2451, 12-2-96. Code 2001 § 151.123.]

15.302.050 Continuance of use.

Any variance or permit of any kind and any nonconforming use existing pursuant to any repealed district classification may continue under the applicable new district classification but shall not in any manner be extended or enlarged in time or rights, except as provided in NMC 15.205.010 et seq. [Ord. 2451, 12-2-96. Code 2001 § 151.124.]

15.302.060 Establishment of districts and subdistricts by map.

The location and geographical boundaries of various districts and subdistricts shall be shown on a map or maps setting forth the district and subdistrict classifications applicable to the land and property contained in the zoning map. [Ord. 2451, 12-2-96. Code 2001 § 151.125.]

15.302.070 Division of zoning map.

The zoning map may, for convenience of use and for purposes of more readily identifying locations within such zoning map, be subdivided into units; and such parts and units may be separately employed for identification purposes when amending the zoning map or for any official reference to the zoning map. [Ord. 2451, 12-2-96. Code 2001 § 151.126.]

15.302.080 Uncertainty of district boundaries.

Where uncertainty exists as to the boundaries of any district as shown on any zoning map or part of a zoning map, the following rules shall apply:

A. Where such boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.

B. In the case of unsubdivided property and where a zone boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of the scale appearing on such zoning map.

C. Where a public street or alley is officially vacated, the zoning regulations applicable to abutting property on each side of the centerlines shall apply up to the centerline of such vacated street or alley on each respective side.

D. Areas of dedicated streets or alleys and railroad rights-of-way, other than those designated on the zoning map as being classified in one of the districts provided in this code, shall be deemed to be unclassified and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, and other operative devices and the movement of rolling stock. [Ord. 2451, 12-2-96. Code 2001 § 151.127.]

Chapter 15.303 USE CATEGORIES

Sections:

- 15.303.010 Purpose.
- 15.303.100 Agricultural uses.
- 15.303.200 Residential uses.
- 15.303.300 Institutional and public uses.
- 15.303.310 Institutional care and housing.
- 15.303.312 Day care category.
- 15.303.315 Group care facility category.
- 15.303.316 Hospital category.
- 15.303.320 Assembly uses.
- 15.303.321 Religious institutions and places of worship category.
- 15.303.322 Private club, lodge, meeting hall category.
- 15.303.330 School uses.
- 15.303.331 School, primary or secondary category.
- 15.303.332 College category.
- 15.303.333 Commercial educational services category.
- 15.303.340 Parks and open spaces uses.
- 15.303.341 Open space category.
- 15.303.342 Park category.
- 15.303.350 Public services uses.
- 15.303.351 Community services category.
- 15.303.352 Emergency services category.
- 15.303.360 Transportation uses.
- 15.303.370 Utility uses.
- 15.303.400 Commercial uses.
- 15.303.410 Commercial office uses.
- 15.303.411 Medical office category.
- 15.303.412 Local business office category.
- 15.303.420 Commercial sales and rentals.
- 15.303.421 Retail sales - General category.
- 15.303.422 Retail sales - Bulk outdoor category.
- 15.303.423 Retail sales - Convenience category.
- 15.303.425 Retail food and beverage production category.
- 15.303.430 Eating and drinking establishments category.
- 15.303.440 Commercial services uses.
- 15.303.441 Personal services category.
- 15.303.442 Commercial services category.
- 15.303.443 Commercial vehicle services category.
- 15.303.450 Commercial recreation uses.
- 15.303.451 Commercial recreation - Indoor category.
- 15.303.452 Commercial recreation - Outdoor category.

15.303.453 Commercial recreation – Motor-vehicle-related category.

15.303.460 Commercial lodging uses.

15.303.500 Industrial uses.

15.303.501 Traded sector industry office category.

15.303.502 Industrial services category.

15.303.503 Wholesale and industry sales category.

15.303.504 Warehouse, storage and distribution category.

15.303.505 Self-service storage category.

15.303.506 Light manufacturing category.

15.303.507 Heavy manufacturing category.

15.303.508 Waste-related category.

15.303.600 Miscellaneous uses.

15.303.010 Purpose.

A. Defined and Categorized Uses. Chapter 15.305 NMC lists the allowable uses in each zoning district. The uses listed are of two types:

1. Defined Uses. Defined uses are those uses that fit a specific definition contained in the definition section under NMC 15.05.030. For example, a “family child care home” is a specific defined use that is different than other day care type uses.

2. Use Categories. Use categories are used to describe land uses and activities that may be known by several common names, but are organized on the basis of common functional, product, or physical characteristics. For example, beauty salons, tanning salons, and body art studios are classified into a general category, “personal services.” Uses are assigned to the category whose description most closely describes the nature of the primary use. The “characteristics” subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.

B. Interpretation. When a use’s category is not clearly identifiable, the director, through a Type I procedure, determines the applicable use category or similar use. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

1. The description of the activity(ies) in relationship to the characteristics of each use category;
2. The relative amount of site or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;

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5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the activity;
10. How the use advertises itself; and
11. Whether the activity would function independently of the other activities on the site.

C. Developments with Multiple Primary Uses. When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a grocery store, a gift shop, and a pharmacy would be classified in the general retail sales category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

D. Accessory Uses. The “accessory uses” subsection lists common accessory uses that are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.

E. Use of Examples. The “examples” subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “wholesale liquidation,” but that sells mostly to consumers, would be included in the general retail sales category rather than the wholesale and industry sales category. This is because the actual activity on the site matches the description of the general retail sales category.

F. Exclusions. The “exclusions” subsection of each use category indicates uses that are classified not included in that particular use category. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]

15.303.100 Agricultural uses.

The following agricultural uses are defined in NMC 15.05.030:

- A. Horticulture.
- B. Livestock and poultry farming.

C. Home gardening.

D. Home livestock and poultry raising. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]

15.303.200 Residential uses.

The following residential uses are defined in NMC 15.05.030:

A. Dwelling, single-family detached.

B. Dwelling, single-family attached.

C. Manufactured home.

D. Manufactured dwelling park.

E. Mobile home park.

F. Manufactured home subdivision.

G. Dwelling, two-family (duplex).

H. Dwelling, multifamily.

I. Dwelling, accessory.

J. Dwelling, mixed use.

K. Dwelling, caretaker.

L. Dormitory.

M. Home occupation. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]

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Chapter 15.305 ZONING USE TABLE

Sections:

- 15.305.010 Classification of uses.**
- 15.305.020 Zoning use table - Use districts.**
- 15.305.030 Zoning use table - Use subdistricts.**

15.305.010 Classification of uses. SHARE

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

- P Permitted Use. The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.
- C Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.
- S Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
- (#) A note indicates specific limits on the use. These notes are listed at the bottom of the table.
- X Prohibited Use. The use is specifically prohibited.

If none of the codes above are indicated, then the use is not permitted within the zone. [Ord. 2763 § 1 (Exh. A § 6), 9-16-13.]

15.305.020 Zoning use table - Use districts. SHARE [Edited to R-zones only for purposes of duplex code review]

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special <u>Use</u> Standards
100	AGRICULTURAL USES							
Def.	<u>Horticulture</u>	P	P	P(1)	P(1)	P(1)	P(1)	
Def.	<u>Livestock and poultry farming</u>	X	X	X	X	X	X	

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#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
Def.	<u>Home gardening</u>	P	P	P	P	P	P	
Def.	<u>Home livestock and poultry raising</u>	S	S				S	NMC Title 6
200	RESIDENTIAL USES							
Def.	<u>Dwelling, single-family detached</u>	P(2)	P	P(3)		P	P(6)	Subject to density limits of NMC 15.405.010(B)
Def.	<u>Dwelling, single-family attached</u>	S(2)	S	S(3)		S	P(6)	NMC 15.415.050; subject to density limits of NMC 15.405.010(B)
Def.	<u>Manufactured home on individual lot</u>	S(2)	S	S(3)	P(7)	S	P(6)	NMC 15.445.050 – 15.445.070; subject to density limits of NMC 15.405.010(B)
Def.	<u>Manufactured dwelling park</u>		S	S	S			NMC 15.445.075 – 15.445.160
Def.	<u>Mobile home park</u>		S	S	S			NMC 15.445.075 – 15.445.160
Def.	<u>Manufactured home subdivision</u>		S		S			NMC 15.445.075 – 15.445.160
Def.	<u>Dwelling, two-family (duplex)</u>	P(2)	P	P	C	P	P(6)	Subject to density limits of NMC 15.405.010(B)
Def.	<u>Dwelling, multifamily</u>	C	P	P	C	P		Subject to density limits of NMC 15.405.010(B)
Def.	<u>Dwelling, accessory</u>	S	S	S		S	S	Chapter 15.445 NMC, Article V
Def.	<u>Dwelling, mixed use</u>							
Def.	<u>Dwelling, caretaker</u>							Limited to one per lot, and allowed whenever the use requires the on-site residence of such person.
Def.	<u>Dormitory</u>		C	P		P		
Def.	<u>Home occupation</u> (no more than one outside paid employee)	S	S	S(13)	S	S	S	NMC 15.415.060
Def.	<u>Home occupation</u> (more than one outside paid employee)	C	C	C(13)	C	C	C	NMC 15.415.060
300	INSTITUTIONAL AND PUBLIC USES							
310	INSTITUTIONAL CARE AND HOUSING							

Commented [HA8]: May need further revisions depending on direction on maximum density, and the interplay with minimum lot sizes.

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#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
Def.	Family child care home	P	P	P(13)	P(13)	P	P(13)	ORS Chapter 657A
312	Day care	P	P	P	C	P		ORS Chapter 657A
Def.	Residential care home (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	ORS 197.665
Def.	Residential care facility (6 - 15 people)	C	P	P	C	P		ORS 197.665
315	Group care facility (16+ people)	C	C	C		C		
316	Hospital	C	C	C		C		
Def.	Prison							
320	ASSEMBLY							
321	Religious institution, place of worship	P	P	P	P	P		
322	Private club, lodge, meeting hall			C	C			
330	SCHOOLS							
330	School, primary or secondary	P	P	P		P		
331	College	P	P	P		P		
332	Commercial educational services	C	C	C		C		
340	PARKS AND OPEN SPACES							
341	Open space	P	P	P	P	P	P	
342	Park	P	P	P	P	P		
Def.	Golf course	P	P	P				
350	PUBLIC SERVICES							
351	Community services	C	C	C	C	P		
352	Emergency services	P	P	P	P	P	P	
Def.	Pound, dog or cat							
Def.	Cemetery	C	C	C	C	C	C	ORS Chapter 97.46
360	TRANSPORTATION							
Def.	Transportation facilities and improvements	P	P	P	P	P	P	
Def.	Transit center							
Def.	Parking facility			P		C		
Def.	Airport, landing field							

Attachment A

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
Def.	<u>Heliport, helipad</u>	C	C	C	C	C	C	
Def.	<u>Marina</u>							
	Pilings, piers, docks, and similar in-water <u>structures</u>							
370	UTILITIES							
Def.	<u>Basic utilities</u>	P	P	P	P	P	P	
Def.	<u>Utility distribution plant or yard</u>							
Def.	<u>Wastewater treatment plant</u>							
Def.	<u>Telecommunication facility</u> incorporated into existing structure/utility pole and no taller than 18 feet above existing structure/utility pole	C	C	C	C	C		Chapter <u>15.445</u> NMC, Article IV
Def.	<u>Telecommunication facility</u> , including <u>radio</u> towers and transmitters, which are 100 feet or less in height, except those incorporated into an existing <u>structure</u> no taller than 18 feet above that <u>structure</u>							Chapter <u>15.445</u> NMC, Article IV
Def.	<u>Telecommunication facility</u> , including <u>radio</u> towers and transmitters, which are over 100 feet							Chapter <u>15.445</u> NMC, Article IV
400	COMMERCIAL USES							
410	COMMERCIAL OFFICES							
411	<u>Medical office</u>			C		P		
412	<u>Local business office</u>					P(22)		
420	COMMERCIAL SALES AND RENTALS							
421	<u>Retail sales - General</u>							
422	<u>Retail sales - Bulk outdoor</u>							
423	<u>Retail sales - Convenience</u>							
Def.	<u>Temporary merchant</u>							NMC 5.15.050 et seq.
425	<u>Retail food and beverage production</u>							Chapter <u>15.445</u> NMC, Article VIII
430	EATING AND DRINKING ESTABLISHMENTS							

Attachment A

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
430	Eating and drinking – Alcohol-related							Requires liquor license
430	Eating and drinking – Non-alcohol-related							
440	COMMERCIAL SERVICES							
441	Personal services					P		
442	Commercial services							
443	Commercial vehicle service							
Def.	Kennel, commercial							
450	COMMERCIAL RECREATION							
451	Commercial recreation – Indoors							
452	Commercial recreation – Outdoors							
453	Commercial recreation – Motor-vehicle-related							
460	COMMERCIAL LODGING							
Def.	Vacation rental home	C	C	S	S	S		Chapter <u>15.445</u> NMC, Article VII
Def.	Bed and breakfast (2 or fewer rooms)	C	S	S		S		NMC <u>15.445.010</u>
Def.	Bed and breakfast (3 or more rooms)	C	C	C		C		NMC <u>15.445.010</u>
Def.	Hotel or motel							
Def.	Recreational vehicle park							NMC <u>15.445.170</u>
500	INDUSTRIAL USES							
501	Traded sector industry office					P(30)		
502	Industrial services							
503	Wholesale and industry sales							
504	Warehouse, storage, and distribution							
505	Self-service storage							
506	Light manufacturing							
507	Heavy manufacturing							
508	Waste-related							

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#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
600	MISCELLANEOUS USES							
Def.	<u>Accessory building</u> and <u>use</u> incidental to other permitted <u>uses</u> in the zone	P	P	P	P	P	P	
	<u>Uses</u> similar to permitted <u>uses</u> in the zone and not defined or categorized	P	P	P	P	P	P	
	<u>Uses</u> similar to conditional <u>uses</u> in the zone and not defined or categorized	C	C	C	C	C	C	
	<u>Medical marijuana dispensary</u>	X	X	X	X	X	X	
	<u>Medical marijuana processor</u>	X	X	X	X	X	X	
	<u>Medical marijuana grow site</u>	P(36)	P(36)	P(36)	C	C	C	
	<u>Medical marijuana wholesaler</u>	X	X	X	X	X	P(38)	
	<u>Recreational marijuana processor</u>	X	X	X	X	X	X	
	<u>Recreational marijuana producer (indoor)</u>	X	X	X	X	X	X	
	<u>Recreational marijuana producer (outdoor)</u>	X	X	X	X	X	X	
	<u>Recreational marijuana retailer</u>	X	X	X	X	X	X	
	<u>Recreational marijuana wholesaler</u>	X	X	X	X	X	P(38)	
	<u>Marijuana laboratories</u>	X	X	X	X	X	X	
	<u>Marijuana research certificate</u>	X	X	X	X	X	X	

Key:

P: Permitted use

S: Special use - Use requires a special use permit

C: Conditional use - Requires a conditional use permit

X: Prohibited use

(#): See notes for limitations

Notes.

(1) Limited to sites with preexisting agricultural uses, including at time of annexation.

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

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- (3) Permitted on individual lots created prior to November 17, 1992. Homes on individual lots created on or after November 17, 1992, will only be permitted through the planned unit development process.
- (4) The permitted density shall be stated on the conditional use permit.
- (5) The dwelling units must front onto Hancock Street. No more than 30 percent of a single street frontage of a block may be occupied by residential uses. Contiguous residential street frontage must be less than 60 lineal feet. Density and parking standards for allowable dwelling units must be met.
- (6) One residence single-family dwelling or duplex dwelling per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision. See Chapter 15.336 NMC.
- (7) The homes are not subject to the development standards set forth in NMC 15.445.050 through 15.445.070.
- (8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street), except on E/W Second Street where dwelling units are permitted to occupy the first floor of a building. There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (9) Permitted on the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone. On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.
- (10) Permitted above any permitted use in the C-2 zone. There shall be no density limitation. Parking shall be provided in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (11) The units must be located on the same lot as another use permitted or conditionally permitted in the C-4 district and may not occupy the first-floor storefront area (the portion of the building closest to the primary street). There shall be no density limitation. Parking shall be provided for all new dwelling units in private parking areas or garages on the basis of a maximum of one parking space for each dwelling unit.

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- (12) One residence of area not more than 40 percent of the area of the hangar floor, up to a maximum of 1,500 square feet, for an airport caretaker or security officer on each separate parcel.
- (13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.
- (14) Allowed exclusively for employers or employees of businesses located within this district.
- (15) Facility over 40,000 square feet gross floor area requires a conditional use permit.
- (16) Allowed in areas designated in industrial area plans.
- (17) Limited to facilities owned or operated by a public agency.
- (18) Parking garages are a conditional use, and must have first floor street frontage of 40 feet or less for ingress or egress. First floor development must be commercial.
- (19) A conditional use permit is required if the facility is less than 2,000 feet from the nearest telecommunication facility.
- (20) Businesses in the C-1 zone that have hours of operation between 10:00 p.m. and 7:00 a.m. require a conditional use permit.
- (21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a conditional use permit. Otherwise, drive-up service windows, except those in service on April 1, 2002, are prohibited. Changes in use will not be allowed.
- (22) Retail sales of goods on site not allowed.
- (23) Limited to secondhand stores.
- (24) Store size is limited to 2,000 square feet gross floor area.
- (25) Store size is limited to 5,000 square feet gross floor area.
- (26) Use must demonstrate that it is compatible with airport operations.
- (27) Limited to service stations.
- (28) Limited to card lock fueling only. Retail services are limited to self-vending services.

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

(30) Limited to 10,000 square feet maximum floor area.

(31) Allowed indoors only.

(32) Allowed indoors only. Outdoor use requires a conditional use permit.

(33) Must be aviation-related. See Chapter 15.332 NMC.

(34) Limited to expansion or change of existing heavy manufacturing uses.

(35) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS

339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 10:00 p.m.

(36) Allows up to 12 mature plants; indoor operations only.

(37) Indoor use only.

(38) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational processor, wholesaler or retailer, or medical marijuana processor and wholesaler.

(39) One-thousand-foot separation between retailer to retailer premises and 1,000-foot separation between retailer to dispensary premises.

(40) Operating hours limited to the hours between 9:00 a.m. and 10:00 p.m. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2857 § 1 (Exh. A §§ 1, 2), 3-16-20; Ord. 2851 § 1 (Exh. A § 1), 1-21-20;

Ord. 2840 § 1 (Exh. A § 1, Att. 1), 10-15-18; Ord. 2832 § 1 (Exh. A, Att. 1), 7-2-18; Ord. 2820 § 1 (Exh. A § 1, Att. 1), 9-18-17; Ord. 2809 § 1 (Exh. A § 1), 9-19-16; Ord. 2801 § 1 (Exh. A § 2), 6-6-16; Ord. 2798 § 1 (Exh. A § 2), 4-4-16; Ord. 2793 § 2 (Exh. A § 1), 2-1-16; Ord. 2780 § 1 (Exh. A § 2), 4-6-15; Ord. 2763 § 1 (Exh. A § 6), 9-16-13.]

15.305.030 Zoning use table – Use subdistricts. [limited to R-zones for duplex code review]  [Edited to R-zones only for purposes of duplex code review]

#	Use	R-1/PD	R-1/0.1	R-1/0.4	R-1/6.6	R-1/SP	R-2/PD	R-2/SP	R-2/RD	R-3/RD	R-3/PD	RP/SP	RP/LU	CF/RD
600	MISCELLANEOUS USES													
	Medical marijuana dispensary	X	X	X	X	X	X	X	(5)	(5)	X	X	X	(5)
	Medical marijuana processor	X	X	X	X	X	X	X	(5)	(5)	X	X	X	(5)
	Medical marijuana grow site	C	C	C	C	C	C	C	(5)	(5)	C	C	C	(5)
	Medical marijuana wholesaler	X	X	X	X	X	X	X	(5)	(5)	X	X	X	(5)
	Recreational marijuana processor	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana producer (indoor)	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana producer (outdoor)	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana retailer	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana wholesaler	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Marijuana laboratories	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Marijuana research certificate	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
#	Use	M-1/SP	M-E/RD	M-1/RD	M-2/RD	SD/E	FHO	II	AIO	H	SC	BI		
600	MISCELLANEOUS USES													
	Medical marijuana dispensary	X	(5)	(5)	(5)	X	X	X	X	X	X	(5)		

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#	Use	M-1/SP	M-E/RD	M-1/RD	M-2/RD	SD/E	FHO	II	AIO	H	SC	BI
	Medical <u>marijuana</u> processor	P	(5)	(5)	(5)	P	X	X	X	X	X	(5)
	Medical <u>marijuana</u> grow site	C	(5)	(5)	(5)	C	C	C	C	C	C	C
	Medical <u>marijuana</u> wholesaler	P(1)	(5)	(5)	(5)	P(1)	X	P(1)	X	X	X	(5)
	Recreational <u>marijuana</u> processor	P	(6)	(6)	(6)	P	X	X	X	X	X	(6)
	Recreational <u>marijuana</u> producer (indoor)	P	(6)	(6)	(6)	P	X	P	X	X	X	(6)
	Recreational <u>marijuana</u> producer (outdoor)	C	(6)	(6)	(6)	C	X	C	X	X	X	(6)
	Recreational <u>marijuana</u> retailer	X	(6)	(6)	(6)	X	X	X	X	X	X	(6)
	Recreational <u>marijuana</u> wholesaler	P(1)	(6)	(6)	(6)	P(1)	X	P(1)	X	X	X	(6)
	<u>Marijuana</u> laboratories	P	(6)	(6)	(6)	P	X	P	P	X	X	(6)
	Marijuana research certificate	P	(6)	(6)	(6)	P	X	P	P	X	X	(6)

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#): See notes for limitations

Notes.

(1) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational retailer or wholesaler, or medical marijuana wholesaler.

(2) One-thousand-foot separation between retailer to retailer premises and 1,000-foot separation between retailer to dispensary premises.

(3) Operating hours limited to the hours between 9:00 a.m. and 10:00 p.m.

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(4) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 10:00 p.m.

(5) See NMC 15.305.020, Zoning use table – Use districts, for districts where medical marijuana dispensaries, processors, grow sites, and wholesalers are allowed or prohibited.

(6) See NMC 15.305.020, Zoning use table – Use districts, for districts where recreational marijuana processors, producers (indoor and outdoor), retailers, wholesalers, and marijuana laboratories and research certificates are allowed or prohibited.

[Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2840 § 1 (Exh. A § 2, Att. 2), 10-15-18; Ord. 2820 § 1 (Exh. A § 2, Att. 2), 9-18-17; Ord. 2809 § 1 (Exh. A § 2), 9-19-16; Ord. 2801 § 1 (Exh. A § 3), 6-6-16; Ord. 2798 § 1 (Exh. A § 3), 4-4-16; Ord. 2793 § 3 (Exh. A § 2), 2-1-16.]

1

Code reviser's note: Section 25 of Ordinance 2763 provides:

SECTION 25: Grace period for previously permitted or conditional uses. Where an applicant demonstrates that a particular use was a permitted or conditional use on a specific property immediately prior to adoption of this ordinance, but that the use is no longer either a permitted or conditional use on that property due to this ordinance, the applicant may establish the use as either a permitted or conditional use, as provided in the prior code, provided the use is legally commenced prior to January 1, 2018.

Chapter 15.336 AIRPORT RESIDENTIAL (AR) DISTRICT

Sections:

15.336.010 Description and purpose.

15.336.020 Permitted buildings and uses.

15.336.010 Description and purpose.

The purpose of the City of Newberg AR airport residential district is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. Maximum overall density shall be 8.8 units per gross acre. [Ord. 2647, 6-5-06. Code 2001 § 151.449.1.]

15.336.020 Permitted buildings and uses.

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

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

1. Residential airpark development, meaning one single family or duplex dwelling residence per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision.
2. Accessory uses and structures.
3. Aircraft hangar. No aircraft hangar shall be constructed on any parcel or lot without a residential dwelling at least one single family or duplex dwelling, except if it is provided with permanent rights to a nearby airpark residence as per subsection (B)(1) of this section. An aircraft hangar cannot be used as a residence dwelling.
4. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; construction and maintenance of airport facilities; and other activities incidental to the normal operation of an airport.
5. Greenways, including but not limited to bicycle and pedestrian paths.
6. Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.

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7. Transportation facilities and improvements.

8. Private streets that function as taxiways are allowed in the AR district and may include gates with designs approved by the fire marshal, at the limit of the taxiways.

9. Accessory dwelling unit. [Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2647, 6-5-06. Code 2001 § 151.449.2.]

Chapter 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT

Sections:

15.342.010 Purpose.

15.342.020 Where these regulations apply.

15.342.030 General information.

15.342.040 Activities exempt from these regulations.

15.342.050 Activities requiring a Type I process.

15.342.060 Restoration standards for Type I process.

15.342.070 Activities requiring a Type II process.

15.342.080 Plan submittal requirements for Type II activities.

15.342.090 Mitigation requirements for Type II activities.

15.342.100 Type III process for exceptions and variances.

15.342.110 Prohibited uses and activities.

15.342.120 Density transfer.

15.342.130 Procedure for adjusting and amending the delineated stream corridor.

15.342.140 Stream corridor impact report (SCIR) and review criteria.

15.342.010 Purpose.

The purpose of the stream corridor (SC) overlay subdistrict is to implement the goals and policies of the comprehensive plan relating to open space, scenic, and natural resources which are intended to “. . . ensure that adequate land shall be retained in permanent open space use and that natural scenic and historic resources are protected.” Furthermore, this subdistrict is intended to “. . . protect, conserve, enhance, and maintain the Willamette River Greenway.” The subdistrict allows for a balance of protection of open space, scenic and natural resources and environmentally sensitive development. The designation of lands within this subdistrict is used to provide reasonable regulation of development in or adjacent to stream corridors. This subdistrict does not provide for or authorize public access to private properties designated

within this subdistrict. Additionally, the provisions of this subdistrict do not provide measures for the public acquisition of private property. [Ord. [2451](#), 12-2-96. Code 2001 § 151.465.]

15.342.020 Where these regulations apply.

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

- A. New [structures](#), additions, accessory [structures](#), decks, addition of concrete or other impervious surfaces;
- B. Any action requiring a [development permit](#) by this [code](#);
- C. Changing of topography by filling or grading;
- D. Installation or expansion of [utilities](#) including but not limited to phone, cable TV, electrical, wastewater, storm drain, water or other [utilities](#);
- E. Installation of pathways, bridges, or other physical improvements which [alter](#) the lands within the [stream corridor](#) overlay subdistrict. [Ord. [2451](#), 12-2-96. Code 2001 § 151.466.]

15.342.030 General information.

The delineated [stream corridor](#) overlay subdistrict is described by boundary lines delineated on the [City](#) of Newberg zoning map indicated with an SC symbol. The boundaries of the SC areas were established by an ecologist analyzing several environmental values including erosion potential, wildlife habitat, riparian water quality protection, floodplain water quality protection, natural condition, and ecological integrity. This information is contained in more detail in a document titled "[City](#) of Newberg, [Stream Corridors](#) as a Goal 5 Resource." This document includes a Goal 5 ESEE (economic, social, environment and energy consequences) analysis and was the basis for the preparation of this chapter. The boundaries of the SC overlay subdistrict are typically located at a logical top of bank, or where no obvious top of bank exists, are located at a distance 50 feet from the edge of the wetland. [Ord. [2451](#), 12-2-96. Code 2001 § 151.467.]

15.342.040 Activities exempt from these regulations.

The following public or private [uses](#) and activities are exempt from the regulations of this chapter:

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

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

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

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

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

1. Mowing of hay, grass or grain crops.

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

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

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

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

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

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

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

L. Airport Area.

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

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

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

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

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

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

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

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

15.342.050 Activities requiring a Type I process.

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

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

1. The expansion of a single-family or duplex dwelling, structure or improvement (including decks and patios); provided, that it is located no closer to the stream or wetland area than the existing structure or improvement;
2. The coverage of all structures within the SC overlay subdistrict on the subject parcel shall not be increased by more than 1,000 square feet of the coverage in existence as of December 4, 1996;
3. The disturbed area is restored pursuant to NMC 15.342.060; and
4. No portion of the improvement is located within the 100-year flood boundary.

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

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

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

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

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

G. Single-family or duplex dwellings or structures which are nonconforming to the standards of this chapter may be rebuilt in the event of damage due to fire or other natural hazard; provided, that the single-family or duplex dwelling or structure is placed within the same foundation lines. [Ord. 2451, 12-2-96. Code 2001 § 151.469.]

15.342.060 Restoration standards for Type I process.

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

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

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

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

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

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

F. Except as provided below, all restoration work must occur within the SC overlay subdistrict and be on the same property. The director may authorize work to be performed on properties within the general vicinity or adjacent to the overlay subdistrict; provided, that

the applicant demonstrates that this will provide greater overall benefit to the stream corridor areas. [Ord. 2451, 12-2-96. Code 2001 § 151.470.]

15.342.070 Activities requiring a Type II process.

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

- A. Public or private street crossings, sidewalks, pathways, and other transportation improvements that generally cross the stream corridor in a perpendicular manner.
- B. Bridges and other transportation improvements that bridge the wetland area.
- C. Railroad trackage crossings over the SC overlay subdistrict that bridge the wetland area.
- D. Water, wastewater, and stormwater systems already listed within approved City of Newberg master infrastructure plans.
- E. New single-family or duplex dwellings residences which meet all of the following requirements:
 - 1. The lot was created prior to December 4, 1996, is currently vacant, has at least 75 percent of the land area located within the SC overlay subdistrict and has less than 5,000 square feet of buildable land located outside the SC overlay subdistrict.
 - 2. No more than one single-family or duplex dwelling house and its expansion is permitted on the property, which shall occupy a coverage area not to exceed 1,500 square feet in area.
 - 3. The single-family or duplex dwelling structure shall be sited in a location which minimizes the impacts to the stream corridor.
 - 4. The improvements and other work are not located within the 100-year flood boundary.
- F. Reduced front yard setback. Properties within the SC subdistrict may reduce the front yard setback for single-family or duplex dwellings residences or additions where the following requirements are met:
 - 1. The reduction in the front yard setback will allow no less than five feet between the property line and the proposed structure.
 - 2. The reduction in the setback will allow the footprint of the proposed dwelling structure or addition to be located entirely out of the SC overlay subdistrict.

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

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

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

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

I. Public parks.

J. Stream corridor enhancement activities which are reasonably expected to enhance stream corridor resource values and generally follow the restoration standards in NMC 15.342.060. [Ord. 2451, 12-2-96. Code 2001 § 151.471.]

15.342.080 Plan submittal requirements for Type II activities.

 SHARE

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

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

1. Location of the boundaries of the SC overlay subdistrict.
2. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed, and existing utility locations.
3. Location of any wetlands or water bodies on the site and the location of the stream centerline and top of bank.
4. Within the area to be disturbed, the approximate location of all trees that are more than six inches in diameter at breast height must be shown, with size and species. Trees outside the disturbed area may be individually shown or shown as crown cover with an indication of species type or types.
5. Topography shown by contour lines at five-foot vertical intervals or less.
6. Photographs of the site may be used to supplement the above information but are not required.

B. Proposed development plan including all of the following:

1. Outline of disturbed area including all areas of proposed utility work.
2. Location and description of all proposed erosion control devices.
3. A landscape plan prepared by a landscape architect, or other qualified design professional, shall be prepared which indicates the size, species, and location of all new vegetation to be planted. [Ord. 2451, 12-2-96. Code 2001 § 151.472.]

15.342.090 Mitigation requirements for Type II activities.

 SHARE

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

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

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

1. At least eight species of plants shall be used.
2. At least two species must be trees and two species must be shrubs.
3. No more than 50 percent of any seed mix used can be grass.
4. A minimum of one tree and three shrubs shall be used for every 500 square feet of planting area.
5. Areas to be replanted must be completed at the time of final inspection or completion of the work, except as otherwise allowed by this code.
6. Existing vegetation that can be saved and replanted is encouraged, although not required.

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

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1. Trees from six to 18 inches in diameter shall be replaced with a minimum of three new trees for every tree removed.
2. Trees over 18 inches but less than 30 inches shall be replaced with a minimum of five trees for every tree removed.
3. Trees over 30 inches shall be replaced with a minimum of eight trees for every tree removed.
4. All trees replaced pursuant to this section shall have an average caliper measurement of a minimum of one inch. Additional trees of any size caliper may be used to further enhance the mitigation site.

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

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

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

15.342.100 Type III process for exceptions and variances.

 SHARE

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

1. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section.
2. The expansion of a single-family house or duplex dwelling, including expansion associated with the conversion of an existing single-family dwelling into a duplex dwelling, is permitted within the SC overlay subdistrict, provided:

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- a. The single-family or duplex dwelling structure shall occupy a coverage area not to exceed a maximum of 1,500 square feet in area; and
- b. The single-family or duplex dwelling structure shall be placed in a location which is located no closer to the wetland.

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

- a. The expansion is limited to no more than 1,500 square feet of coverage;
- b. The proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site;
- c. Any alterations to a delineated stream corridor shall be the minimum necessary to allow for the reasonable use of the property;
- d. The development conforms to the regulations of the Newberg development code; and
- e. The expansion shall be placed in a location which is no closer to the wetland.

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

1. A stream corridor impact report (SCIR) shall be submitted which meets the criteria indicated in NMC 15.342.140; and
2. The proposed development will result in equal or greater conservation of the identified resources and functional values on the site and will, on balance, be consistent with the purpose of the applicable regulation.

C. Nothing contained herein shall be deemed to require a hearing body to approve a request for a Type III permit under this section. [Ord. 2451, 12-2-96. Code 2001 § 151.474.]

15.342.110 Prohibited uses and activities.

The following activities or uses are prohibited within this subdistrict:

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- A. Except as provided in NMC 15.342.040(R), the planting or propagation of any plant identified as a nuisance plant as determined by a qualified botanist or indicated as a nuisance plant on the Newberg plant list.
- B. The removal of native trees that are greater than six inches in diameter at breast height, except as is otherwise permitted within this chapter.
- C. Any use dealing with hazardous substances or materials, including but not limited to gas service stations.
- D. Public pathways, except those in conjunction with public lands, public parks or public easements that have been acquired by other than eminent domain.
- E. Recreational marijuana producer and recreational marijuana processor.
- F. Recreational marijuana wholesalers, laboratories, research certificates and retailers.
- G. Recreational marijuana dispensaries. [Ord. 2809 § 1 (Exh. A § 3), 9-19-16; Ord. 2801 § 1 (Exh. A § 4), 6-6-16; Ord. 2798 § 1 (Exh. A § 4), 4-4-16; Ord. 2451, 12-2-96. Code 2001 § 151.475.]

15.342.120 Density transfer.

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

- A. Step 1. Calculate expected maximum density. The expected maximum density (EMD) is calculated by multiplying the acreage of the property by the density permitted within the Newberg comprehensive plan.
- B. Step 2. The density that shall be permitted on the property shall be equal to the EMD obtained in Step 1, provided:
 - 1. The density credit can only be transferred to that portion of the development site that is not located within the designated stream corridor; and
 - 2. The minimum lot size required for residential dwellings, in the base zone, shall not be reduced by more than 20 percent; and
 - 3. The maximum dwelling units per net acre of buildable land, outside the SC boundary, shall not be increased by more than 20 percent; and

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

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

15.342.130 Procedure for adjusting and amending the delineated stream corridor.

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

1. The location of the delineated stream corridor boundary is not reduced to less than 50 feet from the edge of a wetland or 100-year flood elevation, whichever is higher; and
2. The lands to be eliminated do not contain sloped areas in excess of 20 percent; and
3. The lands to be eliminated do not significantly contribute to the protection of the remaining stream corridor for water quality, stormwater control and wildlife habitat; and
4. A stream corridor impact report which complies with the provisions of this chapter is provided; and
5. The line to be adjusted has not been previously adjusted from the boundary location originally adopted as part of this chapter.

B. Type III Process. The applicant may propose to amend the delineated stream corridor boundary through a Type III quasi-judicial zone change proceeding consistent with the provisions of this code (see standard zone change criteria). [Ord. 2451, 12-2-96. Code 2001 § 151.477.]

15.342.140 Stream corridor impact report (SCIR) and review criteria.

A stream corridor impact report (SCIR) is a report which analyzes impacts of development within delineated stream corridors based upon the requirements of this section. The director shall consult with a professional with appropriate expertise to evaluate the report prepared under this section, in order to properly evaluate the conclusions reached in it. If outside consulting services are required to review the report, the cost of such review shall be

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paid by the applicant. By resolution, the city council shall establish a maximum fee which will be paid by the applicant.

A. Application Requirements. In addition to required materials for the site design review application, a stream corridor impact report (SCIR) must be submitted. The SCIR shall be conducted and prepared by experienced professionals who are knowledgeable and qualified to complete such a report. The qualifications of the person or persons preparing each element of the analysis shall be included with the SCIR. The SCIR shall include the following:

1. Physical Analysis. The analysis shall include, at a minimum, a description of the soil types, geology, and hydrology of the site plus related development limitations. The analysis shall include development recommendations including grading procedures, soil erosion control measures, slope stabilization measures, and methods of mitigating hydrologic impacts. For projects which affect possible wetlands, a copy of the state wetland inventory map pertaining to the site shall be provided. Notice of the proposal shall be given to the Oregon Division of State Lands and the Army Corp of Engineers.

2. Ecological Analysis. The analysis shall include, at a minimum, an inventory of plant and animal species occurring on the site, a description of the relationship of the plants and animals with the environment, and recommended measures for minimizing the adverse impacts of the proposed development on unique and/or significant features of the ecosystem, including but not limited to migratory and travel routes of wildlife.

3. Enhancement Proposal. The applicant must propose a stream corridor or wetland enhancement to be completed along with the proposed development. The enhancement shall increase the natural values and quality of the remaining stream corridor lands located on the lot.

B. SCIR Review Criteria. The following standards shall apply to the issuance of permits requiring an SCIR, and the SCIR must demonstrate how these standards are met in a manner that meets the project purpose.

1. Where possible, the applicant shall avoid the impact altogether.
2. Impact on the stream corridor shall be minimized by limiting the degree or magnitude of the action, by using appropriate technology, or by taking affirmative steps to avoid, reduce or mitigate impacts.
3. The impacts to the stream corridor will be rectified by restoring, rehabilitating, or creating comparable resource values on the site or within the same stream corridor.
4. The remaining resource values on the stream corridor site shall be protected and enhanced, with consideration given to the following:

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- a. Impacts to wildlife travel and migratory functions shall be maintained to the maximum extent possible; and
 - b. Native vegetation shall be utilized for landscaping to the extent practicable; and
 - c. The stream bed shall not be unnecessarily or detrimentally altered.
5. The fill shall primarily consist of natural materials such as earth or soil aggregate, including sand, gravel, rock, and concrete. Culverts, bridges, reinforced retaining walls, or other similar structures which require manmade structural materials shall be permitted.
6. The amount of fill used shall be the minimum required to practically achieve the project purpose.
7. If the fill or grading is within a designated floodway, the proposed action shall maintain the flood storage capacity of the site.
8. The proposed fill or grading shall not significantly increase existing hazardous conditions or create significant new hazardous conditions related to geology, hydrology, or soil erosion.
9. Stream turbidity shall not be significantly increased by any change in a watercourse that results from the fill. Measures shall be taken to minimize turbidity during construction.
10. The removal of trees over six inches in diameter shall be minimized to the extent possible to provide the necessary improvements authorized by this chapter. [Ord. 2451, 12-2-96. Code 2001 § 151.478.]

Chapter 15.346 SPECIFIC PLAN (SP) SUBDISTRICT

Sections:

15.346.010 Purpose.

15.346.020 Plan development and approval process.

15.346.030 Approval criteria.

15.346.040 Plan implementation.

15.346.050 Amendments and adjustments to the specific plan.

15.346.060 Interim development.

15.346.070 Specific plan development standards.

15.346.010 Purpose.

The purpose of the SP subdistrict is to allow the development and approval of specific plans in the city. A specific plan is a master plan applied to one or more parcels in order to coordinate and direct development in terms of transportation, utilities, open space, and land use. The purpose is also to streamline the development process and encourage development according to the specific plan. Specific plans are intended to promote coordinated planning concepts and pedestrian-oriented mixed use development. [Ord. 2451, 12-2-96. Code 2001 § 151.505.]

15.346.020 Plan development and approval process.

A. Initiation. The process to establish a specific plan shall be initiated by the city council. The planning commission or interested property owners may submit requests to the city council to initiate the specific plan process. If owners request initiation of a specific plan process, the city council may require an application fee to be paid to cover the cost of creating the plan.

B. Steering Committee. The city council shall appoint a steering committee to guide development of the plan. The steering committee shall include persons representing affected property owners, neighbors, and the community at large.

C. Draft Plan. The steering committee shall develop a draft plan which shall be submitted to the planning commission and city council for review, modification, and approval.

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D. Specific Plan. A specific plan shall include text and a diagram or diagrams which specify all of the following in detail:

1. Plan objectives: a narrative shall set forth the goals and objectives of the plan.
2. Site and context: a map of the site and context shall indicate existing land use, slope, and natural features.
3. The distribution, location, and extent of the uses of land, including open space and parks, within the area covered by the plan (land use plan).
4. The proposed distribution, location, and extent of major components of public and private transportation, wastewater, water, drainage and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
5. Standards and criteria by which development will proceed and standards for conservation, development and utilization of natural resources, where applicable.
6. The plan shall identify the existing property ownership.
7. A circulation/transportation plan shall be included which identifies the proposed street pattern, including pedestrian pathways and bikeways. Design standards and street cross-sections shall be included.

E. Type III Hearings and Decisions. The planning commission shall hold a public hearing on the plan using a Type III procedure and shall make a recommendation to the city council. The city council shall have final approval authority. The hearing process to be followed shall be the same as that set forth for zoning map amendments pursuant to NMC 15.302.010 et seq. If the specific plan affects land outside the city limits, provisions and procedures required under the urban growth management agreement with Yamhill County shall also be met. [Ord. 2451, 12-2-96. Code 2001 § 151.506.]

15.346.030 Approval criteria. SHARE

Adoption of the specific plan and its related subdistrict shall be based on compliance with the zone change criteria of NMC 15.302.010 et seq. [Ord. 2451, 12-2-96. Code 2001 § 151.507.]

15.346.040 Plan implementation. SHARE

A. Overlay Subdistrict. The specific plan shall be implemented as a zoning overlay subdistrict. If the plan applies to land outside the city limits, the SP specific plan zoning subdistrict classification shall indicate where the SP overlay zone will be applied upon annexation. The

specific plan shall be adopted as an exhibit to the SP overlay zone subdistrict and the SP overlay plan district.

B. New Construction. New construction subject to site design review or building permit review shall meet the special development and design standards of the specific plan.

C. Priority of Standards and Procedures. Unless otherwise noted, the standards and procedures of the specific plan overlay subdistrict shall supplement and supersede standards and procedures of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.508.]

15.346.050 Amendments and adjustments to the specific plan.

 SHARE

Amendments to the specific plan may be either major or minor amendments.

A. Minor and Major Amendments.

1. Major amendments are those which result in any of the following:

- a. A change in land use.
- b. A change in the circulation/transportation plan that requires a major street (collector or arterial) to be eliminated or to be located in such a manner as to not be consistent with the specific plan.
- c. A change in the development standards.
- d. A change in the planned residential density.
- e. A change not specifically listed under the major and minor amendment definitions.

2. Minor amendments are those which result in any of the following:

- a. Changes related to street trees, street furniture, fencing, or signage that were approved as part of the specific plan.
- b. A change in the circulation/transportation plan that requires a local street, easement, or pathway to be shifted more than 50 feet in any direction.
- c. A change in the utility plan other than what would be necessary for authorized adjustment of lot lines.

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B. Major Amendment – Type III Procedure. A major amendment to a specific plan shall be processed as a Type III comprehensive plan amendment. The amendment shall meet the criteria of NMC 15.346.030. In addition, findings must demonstrate that the change will not adversely affect the purpose, objectives, or functioning of the specific plan.

C. Minor Amendment – Type II Procedure. A minor amendment to a specific plan may be approved by the director through a Type II procedure. The director's decision shall include findings that demonstrate that the change will not adversely affect the purpose, objectives, or functioning of the specific plan.

D. Authorized Adjustment of Lot Lines – Type I Procedure. As part of the final platting process, the director is authorized to grant adjustments to proposed lot lines consistent with flexible density standards (if included) as part of the specific plan subdistrict. [Ord. 2451, 12-2-96. Code 2001 § 151.509.]

15.346.060 Interim development.

To encourage platting in conformance with the specific plan, the following modifications to street, subdivision, and development standards may be granted by the director through the Type I procedure:

A. Temporary Dead-Ends. The director may authorize temporary cul-de-sacs or vehicle turnarounds where a through street will eventually be provided. Due to their temporary nature, the dimensions and improvement requirements for these cul-de-sacs and turnarounds may vary from standards set forth in the subdivision ordinance.

B. Temporary Street Improvements. Three-quarter-width streets may be provided temporarily to access lots where a full street will eventually be provided when all abutting lots are developed, unless otherwise approved as a half-street by the director and fire chief.

C. Tracts. Tracts of land which do not meet specific plan density requirements may be created and developed when it is demonstrated that the tracts can be developed in accordance with the specific plan in the future. If construction occurs on the tract, it shall be done in a manner that will meet specific plan development standards when full improvements are provided. [Ord. 2451, 12-2-96. Code 2001 § 151.510.]

15.346.070 Specific plan development standards.

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

A. The Northwest Newberg Specific Plan.

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1. Report Adopted. The northwest Newberg specific plan final report, dated August 1994, is adopted by reference. The development standards listed in this section shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.

2. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the SP subdistrict shall be the same as those uses permitted in the base zoning districts. An exception to this is the commercial zone, which may be located on either side (north or south) of the extension of Foothills Drive. Such commercial area must be located in one node of not more than five acres in size and not split by a public street. This alternative is indicated as Appendix B of the northwest Newberg specific plan.

3. Street and Pedestrian Walkway Standards.

a. Street and public walkway standards are as follows:

	<u>Right-of-Way</u>	<u>Paved Surface</u>
Local <u>street</u>	60'	32'
<u>Collector</u> street	74'	36'
<u>Public walkway</u>	16'	6'

b. Five-foot bike lanes shall be provided along collector streets. Five-foot sidewalks shall be provided along local and collector streets. A six-foot-wide planter strip shall separate the sidewalk and the local street. A 12-foot-wide planter strip shall separate the sidewalk and the collector street. Local streets shall be designed as through streets. Cul-de-sacs shall be used only if a through street cannot be developed. The regulations for collector street standards may be waived when in the judgment of the director waiving of the standards is warranted based on traffic volume, reduced speed, type of usage and access limitations, pursuant to the City of Newberg transportation system plan.

4. Setbacks. Figures 9 and 10 of the northwest Newberg specific plan identify special setback standards that apply to the property.

a. Area 1 Setbacks – Figure 10. Minimum and maximum front setbacks for structures shall be met in area 1 of the northwest Newberg specific plan. Residential structures shall be no closer nor further from the front property line than as follows:

	<u>Minimum</u>	<u>Maximum</u>
Porch	10'	25'
<u>Dwelling</u>	15'	25' (without porch)
Garage or <u>carport</u>	20'	None

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The front of a garage may not be closer to the property line than the front of the house unless each front on different streets.

b. Area 2 Setbacks – Figure 10. Special minimum front setbacks for residential structures shall be met in area 2 of the northwest Newberg specific plan. No maximum setback is required. Front setbacks are as follows:

	Minimum	Maximum
Porch	10'	None
<u>Dwelling</u>	15'	None
Garage or <u>carport</u>	20'	None

c. Interior Setbacks. Interior yard setbacks shall be the same as the base zone.

d. Commercial and Institutional Setbacks. Except as set forth in subsection (A)(8) of this section, setbacks for commercial and institutional use shall be set by the base zone or as otherwise required in this code.

5. Street Trees. Street trees shall be required along all streets where designated planter strips and/or raised medians are provided. One tree shall be required for every 40 feet of street frontage or fraction of 40 feet; e.g., a lot with 50 feet of frontage will provide two street trees; a lot with 100 feet of frontage will provide three street trees. Trees shall be provided in accordance with the list of trees included in the specific plan. Trees shall have a minimum of a one-and-one-half or one-and-three-fourths-inch caliper tree trunk and shall be balled and burlapped or boxed.

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

a. Minimum Lot Size.

i. Single-family dwellings or duplex dwellings: 5,000 square feet.

ii. Attached dwellings: 3,750 square feet.

b. Maximum Lot Coverage. R-1-SP and R-2-SP zones: 40 percent (including garage).

c. Maximum Density.

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

ii. MDR districts: 8.8 dwellings per acre.

Commented [HA9]: Need to add something here when density issue is resolved/ready to move forward

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d. Flexible Minimum Density Requirements. The following standards may be applied at the time of platting:

i. Lots may be increased to 7,500 square feet.

ii. Lot size may be increased above 7,500 square feet, provided the overall density of the original parent parcel at the time of specific plan approval remains at or above 80 percent of the original planned density. If other parcels have built out at densities exceeding 80 percent of the original planned density, the overall density of the combined parcels may be used for the calculation. For these calculations, the planned density for LDR areas shall be assumed to be 6.5 dwelling units per acre (5,000-square-foot single-family lots) and MDR at 8.8 dwelling units per acre.

7. Building Orientation. All development shall be oriented to a local or collector street. Orientation shall be achieved by the provision of an entry door fronting upon the street with a direct sidewalk connection from the door to the public sidewalk.

8. Commercial Standards. In addition to site review standards, the following standards shall apply to commercial development:

a. Commercial structures shall be set back no further than 20 feet from the Foothills Drive right-of-way. This setback area shall not be used for any type of vehicular access or parking.

b. A minimum of a 300-square-foot plaza or pedestrian seating area at the intersection of Foothills Drive and the adjacent north-south local street shall be provided.

c. All walls adjacent to and visible from the public right-of-way shall include windows. An exception to this standard may be granted by the planning and building director if the wall is screened.

9. Sign Standards. Freestanding signs shall not exceed five feet in height, 30 square feet in area, and one per street frontage. Wall and window signs shall not exceed one square foot per lineal foot of wall. Roof signs are prohibited. Projecting fin signs shall not exceed 20 square feet in size.

B. Springbrook Oaks Specific Plan.

1. Report Adopted. The Springbrook Oaks specific plan dated August 2, 1999, is adopted by reference. The development standards listed in this section are intended to implement the policies of the Springbrook Oaks specific plan. Development of Springbrook Oaks shall follow the standards of this code section as well as the policies of the plan. If a conflict

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exists between the Springbrook Oaks specific plan policies and the development code, the Springbrook Oaks specific plan shall govern.

2. Permitted Uses and Conditional Uses. Eight development areas have been established with corresponding zones within the Springbrook Oaks specific plan. The permitted and conditional uses allowed under the SP subdistrict shall be the same as those uses permitted in the base zoning districts. Exceptions to this standard include the following:

- a. A golf course shall be permitted within the M-1 area, adjacent to the stream corridor; and
- b. Densities and lot sizes shall be in accordance to the standards established in subsection (B)(8)(a) of this section.
- c. In addition to the permitted uses in the RP zone, area F-1 permits:
 - i. Medically related industrial uses, such as medical laboratories, manufacture and wholesale distribution of medical equipment, medical research facilities, and laundries and similar services for medical facilities.
 - ii. Medically related retail uses, such as a pharmacy, gift shop or cafe (limited to 3,000 square feet), or medical appliance sale and rental store.
 - iii. Barber and beauty shops.

Area F-1 permits residential uses.

d. Area F-2 does not permit single-family dwellings.

e. Areas shown in the bypass corridor overlay (LUBCO) district are subject to the standards of that overlay.

3. Street and Pedestrian Pathway Standards. Street and pedestrian pathway development standards are established in NMC 15.505.010 et seq. and NMC 15.505.210 et seq.

4. Residential Design. Multiple, nonrepetitive home designs (detached dwelling units) shall be used in the development. No two identical designs shall be located closer than every three residences on any street frontage.

5. Setbacks. Figures 1 and 2 of the Springbrook Oaks specific plan identify special setback standards that apply to the property.

6. Residential, Professional and Industrial Setbacks.

a. Residential.

i. Development Areas A through F Setbacks – Figure 1 of the Springbrook Oaks Specific Plan. Minimum and maximum front setbacks for structures shall be met in development areas A through F of the Springbrook Oaks specific plan. Residential structures shall be no closer nor further from the front property line than as follows:

	Minimum	Maximum
Porch	10'	25'
<u>Dwelling</u>	15'	25' (without porch)
Garage or <u>carport</u>	20'	None

The front of a garage may not be closer to the property line than the front of the house unless each front on different streets.

ii. Development Area H Setback – Figure 2 of the Springbrook Oaks Specific Plan. Special minimum front setbacks for residential structures shall be met in development area H of the Springbrook Oaks specific plan. No maximum setback is required. Front setbacks are as follows:

	Minimum	Maximum
Porch	10'	None
<u>Dwelling</u>	15'	None
Garage or <u>carport</u>	20'	None

iii. Interior Setbacks. Interior yard setbacks shall be the same as the base zone. An exception to this standard is made for single-family attached housing, where no interior setback is required for the zero lot line. Another exception is development within the R-P zones of area F which may have a five-foot interior setback.

iv. Staggered front setbacks of at least two feet shall be established for attached homes. No two attached dwelling units with the same setback shall be located closer than every two residences on any street frontage.

b. Professional and Industrial Setbacks. Except as set forth in subsection (B)(5) of this section, setbacks for professional and industrial developments within development areas A, F, and G of the Springbrook Oaks specific plan shall be set by the base zone or as otherwise required in this code.

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c. **Building Heights.** Building height limits shall be the same as those in the base zone. An exception is for areas F-1 and F-2, which shall have a maximum building height of 50 feet.

7. **Street Trees.** Street trees shall be provided adjacent to all public rights-of-way abutting or within a subdivision or partition. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4). Trees shall be selected from the street tree species list authorized by the city council. Preference should be given towards the selection of oak species to maintain the character of the development's namesake: Springbrook Oaks.

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

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

Commented [HA10]: Revise consistent with overall direction for density, or develop a unique approach for this subdistrict if needed to better implement the plan.

Area	Zone	Minimum Lot Size (Square Feet)	Minimum Lot Area per Dwelling Unit (Square Feet)	Maximum Density (Dwelling Units per Acre)
A	C-2	5,000	NA	NA
B ¹	RP	1,500*	1,500*	21.8* ¹
C ¹	R-3	2,500*	2,500*	13.1*
D ¹	R-2	3,750*	3,750	8.8
E ¹	R-2	5,000	5,000*	6.6*
F-1 ¹	RP	1,500*	1,500*	21.8*
F-2 ¹	RP	1,500*	None* ²	None* ²
F-3 ¹	RP	1,500*	1,500*	21.8*
G ¹	M-1	20,000	NA	NA
H ¹	R-1	5,000*	10,000* ³	3.3*

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

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

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

³ Average lot area per dwelling in any one subdivision.

⁴ Duplex dwellings are subject only to the Minimum Lot Size and are exempt from Minimum Lot Area per Dwelling Unit. Duplex dwellings count as a single dwelling for the purpose of calculating maximum density.

b. Density Shifting.

i. A density shift of up to 20 percent is permitted between any two lots or portions of lots of equal acreage within the same or different residential areas (areas B, C, D and E). The shift may be up to 20 percent of total units permitted within the lower density zone regardless of which direction the shifting is occurring. Any such shift shall be approved through a Type I process. An agreement must be drafted and signed by all parties involved.

ii. An example of density shifting is as follows:

Present maximum density permitted by zone A five-acre lot in area B = 109 units

A five-acre lot in area C = 65.5 units

(20 percent = 13.1 units)

Proposed 20 percent Lot in area B = 122* units shift:

Lot in area C = 52* units

OR

Lot in area B = 95* units

Lot in area C = 78* units

* Rounded down to a whole unit number.

c. Increases in density of residential areas B, C, D and E may be permitted in consideration for land designated for public purposes such as schools, neighborhood parks, plazas, and the like (excluding stream corridors). For any given acreage designated for the aforementioned purposes, the density of an equal amount of acreage may be increased 20 percent in another area of Springbrook Oaks which has the same zone type as that of where the public area is located. The density shift may also be directed to a different zone, in a similar manner to the above. For example:

Present maximum density of public land: A five-acre lot in area D zoned R-2 = 44 units (20 percent = 8.8

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Proposed 20 percent density shift to another five acres in area D zoned R-2

units)	44 units + 8.8
	units = 52 units*

OR

Proposed 20 percent density shift to another five acres in area B zoned R-3

109 units + 8.8
units = 117
units*

* Rounded down to a whole unit number.

d. Any area of land whose allowed density has increased due to a density shift may include a corresponding decrease in the area's minimum lot size and minimum lot area per dwelling unit.

e. No lot within any given zone may increase density due to a density shift more than once.

f. Maximum lot coverage is described in NMC 15.405.040.

9. Commercial and Industrial Standards. In addition to site review standards, all commercial and industrial development will conform to the covenants, conditions, and restrictions (CC&Rs) approved for the Springbrook Oaks development. A certificate of compliance with these CC&Rs shall be submitted with a design review application for any commercial or industrial development.

10. Sign Standards. Signs must comply with NMC 15.435.010 through 15.435.120.

11. Tree Management Plan. Any proposed development within development area H must follow the approved tree management plan for development area H. The plan shall be developed by a third-party licensed arborist.

12. Permitting Process. Any proposed development shall follow the permit approval process described in NMC 15.100.010 through 15.100.150. Exceptions to this standard are as follows:

a. Proposed subdivisions will be reviewed under the Type II process; and

b. Any proposed development within development areas A through F that meet the building design and development standards in Appendix C (see Springbrook Oaks specific plan) will be reviewed under the Type I process. The applicant shall provide written documentation showing that each development standard has been met.

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13. Plan Amendments. Proposed amendments and adjustments to the specific plan will follow the procedure described in NMC 15.346.050. Exceptions to this amendment and adjustment procedure are as follows:

- a. Proposed boundary modifications for development areas B through E (see Appendix A, Figure 20) that increase any individual area no more than five percent of its original total acreage will be reviewed under a Type I process. Proposed boundary modifications that change the total acreage of any of the aforementioned development areas more than five percent will be reviewed under a Type III process.
- b. Proposed boundary modifications for development areas F and G that move a boundary less than 50 feet and do not change the total acreage in a development area by more than 0.1 acre will be reviewed under a Type I process. Other proposed boundary modifications will be reviewed under a Type III process.
- c. Proposed boundary changes for areas A and H will be reviewed under a Type III process.

14. Residential Development Near the Bypass. In order to minimize conflicts between the proposed bypass and proposed residential development in area F, the director shall approve a management plan prior to residential subdivision or development approval in area F. The management plan shall be developed in coordination with the director, ODOT, and the developer. The management plan may require any of the following or other conditions necessary to minimize conflicts:

- a. Separation between the bypass and residential development, either within or outside the eventual right-of-way.
- b. Specific orientation of buildings.
- c. Specific layout of streets, walkways, pedestrian paths, alleys, driveways, open spaces, and sound walls. [Ord. 2833 § 1 (Exh. A), 8-6-18; Ord. 2657 § 1, 10-16-06; Ord. 2619, 5-16-05; Ord. 2517, 8-2-99; Ord. 2513, 8-2-99; Ord. 2451, 12-2-96. Code 2001 § 151.511.]

Chapter 15.352 RIVERFRONT (RD) OVERLAY SUBDISTRICT

Sections:

15.352.010 Purpose.

15.352.020 Where these regulations apply.

15.352.030 The Riverfront Plan general provisions.

15.352.040 Commercial design standards.

15.352.050 Residential design standards.

15.352.060 Mixed employment design standards for commercial development.

15.32.070 Mixed employment design standards for industrial development.

15.352.010 Purpose.

The purpose of the riverfront overlay subdistrict is to create a unique identity based on the district's special character as a result of its proximity to the Willamette River. The riverfront overlay subdistrict is also intended to encourage access to and enjoyment of the Willamette River and to protect and enhance views of and connections to the river. Specific building design standards for commercial, residential, and industrial buildings, streetscapes, and parking within the riverfront overlay subdistrict are included to achieve development that is consistent with the vision identified in the 2019 Riverfront Master Plan. This vision includes, but is not limited to, attractive pedestrian-oriented streets; an integrated mix of residential, commercial and industrial development; preservation of natural spaces along the riverfront; a network of off-street paths and trails; and space for large group activities such as concerts, cultural gatherings, or sporting events. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.1.]

15.352.020 Where these regulations apply.

The regulations of the chapter apply to the portion of any lot or development site which is within an RD overlay subdistrict. The delineation of the RD overlay subdistrict is described by boundary lines delineated on the City of Newberg zoning map indicated with an RD symbol. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.2.]

15.352.030 The Riverfront Plan general provisions.

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A. Report Accepted. The 2019 Newberg Riverfront Master Plan was accepted by the city council on September 16, 2019 (Resolution No. 2019-3596). The development standards listed in this chapter shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.

B. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the RD overlay subdistrict shall be the same as those uses permitted in the base zoning districts, subject to the provisions of subsection (l) of this section.

C. Street, Bike Path, and Pedestrian Walkway Standards. All development improvements shall comply with standards contained in the 2019 Newberg Riverfront Master Plan.

D. View Corridors. Key views of the Willamette River shall be protected. Key views include the view from the top of the bluff, on the south side of the intersection of E Fourteenth Street and S River Street, and the view from the top of the bluff south of E Fourteenth Street generally between S College and S River Streets. These key views shall be protected as follows:

1. Any development on the south side of the intersections of E Fourteenth Street and S River Street, E Fourteenth Street and S College Street, and NE Waterfront Street shall provide a public viewing area accessible from E Fourteenth Street and NE Waterfront Street that allows views from the top of the bluff to the river. Any viewing area at this location shall be connected to the public esplanade or the E Fourteenth Street public sidewalk.

2. Development south of E Fourteenth Street and NE Waterfront Street shall protect views of the river by providing a public esplanade with a public walkway.

3. Development on the Riverfront Mill Site shall protect views of the river from the top of the bluff along the southern edge of the site, including at the northern terminus of the waterline bridge. Developments shall provide a public viewing area accessible from the future extension of E Fourteenth Street that allows views from the top of the bluff to the river and connects to a public sidewalk.

4. Additional key views of the Willamette River may be identified through the land use approval process. Additional views identified through the land use process may be protected through conditions of approval.

E. Significant Tree Grove. Oregon White Oaks within the significant tree grove located north of E Fourteenth Street and between S College and S River Streets shall be preserved, with the exception of removal necessary for a public infrastructure project or removal of trees deemed hazardous by a certified arborist.

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F. Separate Rail Traffic from Other Modes. Transportation improvements to collector and arterial streets shall be designed with considerations intended to mitigate conflicts between rail traffic and other modes such as at-grade rail crossings.

G. Esplanade Development. Prior to the development of the riverfront esplanade, a slope stability and flood study shall be performed.

H. Limits to the Floor Area of Commercial and Office Development within the M-E/RD subdistrict. Within the M-E/RD subdistrict, limits to total floor area shall be imposed in order to (a) preserve the predominantly employment-focused nature of the district east of S River Street and (b) limit traffic impacts of development within the M-E/RD subdistrict on nearby intersections, as identified in the 2019 Riverfront Master Plan and its Transportation Planning Rule (TPR) findings. The limits are as follows:

1. Commercial Retail Development. Within the M-E/RD Subdistrict, the total combined floor area for development within the categories of commercial sales and rental uses, eating and drinking establishments, commercial services, and commercial recreation shall not exceed 60,000 square feet.

2. Commercial Office Development. Within the M-E/RD subdistrict, the total combined floor area for development in the category of commercial office shall not exceed 60,000 square feet. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.3.]

15.352.040 Commercial design standards.

A. General. The commercial design standards apply to any development located within the commercial zoning district(s) within the riverfront overlay subdistrict. These standards are in addition to the standards and requirements of the Newberg development code. The development standards listed in this chapter shall take precedence over those listed elsewhere in this code.

B. Minimum Lot Size. Within the commercial zoning district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

C. Lot Coverage. The development site is permitted to have 100 percent lot coverage.

D. Building Maximum Square Footage Requirements. Except as otherwise may be approved through a conditional use permit, the ground floor of buildings shall not exceed 15,000 square feet.

E. Setbacks.

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1. Minimum. No front yard setbacks are required. No side or rear yard setbacks are required, except where adjacent to residentially zoned property. Where interior lot lines are common with residentially zoned property, setbacks of not less than 10 feet shall be required.

2. Maximum.

a. The maximum front yard setback shall be 10 feet for at least 50 percent of the length of the street-facing lot line. A building must be constructed that is located within 10 feet of the street-facing lot line for at least 50 percent of the length of the street-facing lot line. If the development is on a corner lot, this standard applies to both streets.

b. The maximum front yard setback may be increased to 20 feet if the following conditions are met:

i. Landscaping or a hard-surfaced expansion of the pedestrian path must be provided between the front of the building and the sidewalk.

ii. For each 100 square feet of hard-surfaced area between the building and the street lot line, at least one of the following amenities must be provided:

(A) A bench or other seating that will accommodate at least three people.

(B) A tree with a minimum caliper of two and one-half inches.

(C) A landscape planter not less than 20 square feet in area.

(D) A drinking fountain.

(E) Similar pedestrian-scale amenities.

F. Vision Clearance. There is no vision clearance requirement within the commercial zoning districts located within the RE overlay subdistrict.

G. Signs. Signs shall comply with sign standards for the C-3 zone under this code, NMC 15.435.040 through 15.435.120.

H. Parking.

1. Interior Lots. Within a development site, parking is not permitted between a building and a public street. Parking must be located to the side or rear of buildings.

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2. Corner Lots. Parking may be located no closer than 40 feet from the intersection of two public streets.

3. Minimum Required Off-Street Parking. The minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.

4. Off-Site Parking. Required off-street parking is permitted to be located off-site, as long as the off-street parking is located within 400 feet of the development.

5. Shared Parking. Shared parking facilities shall be exempt from setback and building square footage requirements, provided the parking facility does not abut Fourteenth Street. An intervening building must be provided between Fourteenth Street and the parking facility, or the facility must be set back a minimum of 40 feet from Fourteenth Street. Accessways to Fourteenth Street are permitted.

6. Bicycle Parking. Two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided, whichever is greater.

7. Loading. Except as permitted in this subsection, loading areas shall be set back at least 10 feet from property lines and screened from the street and neighboring properties. Loading areas that are directly visible from the street or neighboring properties shall be screened using one of the following ways:

a. The loading area shall be incorporated into the building design and located internally to the building, with a door to the exterior.

b. The loading area shall be screened by a hedge, fence, or wall at least six feet in height. A hedge must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted as a form of screening loading areas.

I. Screening.

1. Refuse and Recycling. Refuse collection containers (dumpsters) and recycling areas shall be screened from the street and neighboring properties. Trash receptacles for pedestrian use are exempt from this requirement. One of the following standards must be met for refuse collection screening:

a. Refuse collection and recycling areas may be screened by being located completely within a building.

b. If located outside of a building, refuse collection and recycling areas must be located within an enclosure at least six feet in height. The enclosure shall be a sight-

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obscuring masonry wall or nonflammable sight-obscuring fence. The material selected for the enclosure must be consistent with the building materials permitted on the surrounding buildings. Slatted chain link fencing is not permitted.

2. Roof-Mounted Mechanical Equipment. All roof-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, communications equipment, and similar equipment, excluding solar panels) must be screened from public view in one of the following ways:

- a. A parapet as tall as the tallest part of the equipment;
- b. A screen around the equipment that is as tall as the tallest part of the equipment; or
- c. The equipment is set back from the street-facing perimeters of the building three feet for each foot of height of the equipment.
- d. The review body may allow exemptions for equipment that contributes to the architectural design of the structure, such as piping in a brewery.

3. Ground-Mounted Equipment. Mechanical equipment on the ground must be screened from view by walls, fences, or vegetation as tall as the tallest part of the equipment. Any vegetation must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted.

J. Building Design.

1. Building Height. Maximum building height in the C-4 zone in the riverfront overlay subdistrict is 45 feet. Maximum building height in the C-1 zone in the riverfront overlay subdistrict is 30 feet. Minimum building height for all commercial zones in the riverfront overlay subdistrict is 16 feet on the exterior elevation, and a parapet can be included in the measurement.

2. Street-Facing Building Facades. Street-facing facades shall be varied and articulated to provide visual interest to pedestrians.

- a. Street-facing building facades shall extend no more than 30 feet without providing a variation in building material or building offsets. Building offsets must articulate at least two feet.
- b. Street-facing building facades shall be articulated into planes of 500 square feet or less either by setting part of the facade back at least two feet from the rest of the

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facade, or by the use of fascias, canopies, arcades, windows, breaks in relief, or other similar features.

c. Buildings must include changes in relief on 10 percent (in area) of facades facing public rights-of-way. Relief changes include cornices, bases, arcades, setbacks of at least two feet, canopies, awnings, projecting window features, or porticos.

3. Building Length. Building length shall not exceed 200 feet without a pedestrian connection through the building or between buildings. This is applicable to both a single building and to a group of individual buildings connected by common walls.

4. Building Materials. Building materials for all exterior sides with a primary or secondary entrance, excluding loading zones, shall convey an impression of durability.

a. Masonry, stone, stucco, and wood are permitted as the primary material for exterior appearance. Metal is not permitted as a primary exterior building material but may be used as an accent or awning.

b. Where concrete masonry units (concrete block) are used for exterior finish, decorative patterns must be used, such as split-face concrete block or by incorporating layering or patterns.

c. Where brick, rusticated concrete block, or stone masonry is used as a veneer material, it must be at least two and one-half inches thick. Brick and stone street-facing facades shall return at least 18 inches around exposed side walls.

d. Wood or wood-look siding must be lap siding, board and batten, shingle siding or channel siding and is not permitted to be applied in a diagonal or herringbone pattern. T1-11 and all other wood-based "full sheet" or panel-type siding is prohibited. Lap siding, shingles, and shakes shall be exposed a maximum of six inches to the weather. In board and batten siding, battens shall be spaced a maximum of eight inches on center.

e. Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be used for trim or accent colors but are not permitted as primary wall colors.

5. Ground-Floor Windows. Exterior walls on the ground level which face a street lot line or other public right-of-way must have windows at least 50 percent of the length and 25 percent of the ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine feet above the finished grade. To qualify as ground-floor windows, window sills must be no more than four feet above exterior grade. The ground-floor window requirement does not apply to the walls of residential units. Qualifying window

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features must be either windows or doors that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. See Appendix A, Figure 25.

6. **Window Glazing.** Any windows facing public rights-of-way on the ground floor shall have clear glazing. Restroom windows are exempt from this requirement. On any floor, tinted or reflective glass shall not be visible from public rights-of-way, other than ornamental stained glass windows.

7. **Main Building Entrance.** Within the riverfront commercial district, the main building entrance shall connect to adjacent public rights-of-way with a paved walkway at least six feet in width. For buildings with more than one major entrance, only one entrance is required to meet the main building entrance standard. The walkway must not be more than 120 percent or 20 feet longer than the straight line distance between the entrance and the closest improved right-of-way, whichever is less.

8. **Pedestrian Access to Esplanade.** Buildings on properties adjacent to the esplanade shall provide pedestrian access to and a door facing the esplanade.

K. **Landscaping.** Where 100 percent of a lot is covered by a building, no landscaping is required.

1. All setback areas and lands not otherwise developed shall be landscaped. Courtyards, plazas and pedestrian walkways, esplanades and natural riparian vegetation are considered to be landscaping.

2. **Parking Lot Landscaping.** In addition to other Newberg development code standards for interior parking lot landscaping, special screening standards shall apply to parking lots. Parking areas shall be screened from neighboring properties and public rights-of-way. Perimeter landscaping at least five feet in width shall be provided. The following standards must be met for the perimeter landscaping areas:

- a. Enough low shrubs to provide a continuous screen at least three feet high and 95 percent opaque year-round.
- b. One tree per 30 linear feet or enough trees to provide a tree canopy over the landscaped area.
- c. Ground cover plants, perennials, or shrubs must fully cover the remainder of the landscaped area.
- d. A three-foot-high masonry wall may substitute for the shrubs, but trees and ground cover at the above-cited rates are still required.

L. **Outdoor Storage and Display.**

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1. Outdoor Storage. Outdoor storage of merchandise or materials directly or indirectly related to a business is prohibited.

2. Outdoor Display. Outdoor display of merchandise is permitted during business hours only. A minimum pedestrian walkway of six-foot clear width must be maintained at all times.

M. Outdoor Seating. Outdoor seating is encouraged on public sidewalks and the esplanade. A minimum pedestrian walkway of six-foot clear width must be maintained at all times. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.4.]

15.352.050 Residential design standards.

In addition to the development standards of the base zone, the following standards shall apply:

A. Single-Family Dwellings and Duplex Dwellings.

1. For single-family dwellings and duplex dwellings, including manufactured homes on individual lots, at least two of the following design features must be provided on the street-facing facade:

- a. Covered front porch at least six feet in width and length.
- b. Eaves (minimum 12-inch overhang).
- c. Bay or bow windows.
- d. Dormers.
- e. Window shutters.
- f. Cupolas.
- g. Horizontal lap siding.

2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

B. Standards for Garage Doors and Parking in Residential Zones.

1. Garage Location. All residential structures shall have a pedestrian entrance facing the street. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

Commented [HA11]: DR question:
Can we have these requirements as we do not have similar requirements in other residential areas of town outside of Specific Plan requirements?

Commented [HA12]: DR question:
Can we have more prescriptive requirements in the Riverfront area compared to other residential areas in the community?

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- a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.
 - b. The front of the garage can be no closer to the front lot line than the front facade of the primary structure house.
 - c. Individual garage doors may be no more than 90 square feet in area for a single-car garage or 180 square feet in area for a two-car garage.
 - d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.
2. Surface parking areas shall be located behind or to the side of residential structures.
3. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2747 § 1 (Exh. A § 12), 9-6-11; Ord. 2564, 4-15-02. Code 2001 § 151.527.5.]

15.352.060 Mixed employment design standards for commercial development.

A. General. The mixed employment (M-E) design standards for commercial development apply to any commercial uses located within the M-E zoning district within the riverfront overlay subdistrict, including retail, commercial offices, sales, and commercial services. These standards are in addition to the standards and requirements of the Newberg Development Code. The development standards listed in this chapter shall take precedence over those listed elsewhere in this code.

B. Minimum Lot Size. There is no minimum lot size required, provided the other standards of this code can be met.

C. Lot Coverage. There is no maximum lot coverage.

D. Building Ground Floor Maximum Square Footage Requirements. Except as otherwise may be approved through a conditional use permit, the ground floor of buildings shall not exceed 20,000 square feet.

E. Setbacks.

1. Minimum. No minimum setbacks are required.
2. Maximum.

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a. The maximum front yard setback shall be 10 feet for at least 50 percent of the length of the street-facing lot line. A building must be constructed within 10 feet of the street-facing lot line for at least 50 percent of the length of the street-facing lot line. If the development is on a corner lot, this standard applies to both street frontages.

b. The maximum front yard setback may be increased to 20 feet if the following criteria are met:

i. Landscaping or a hard-surfaced expansion of the pedestrian path is provided between the front of the building and the sidewalk.

ii. For each 100 square feet of hard-surfaced area between the building and the street lot line, at least one of the following amenities must be provided:

(A) A bench or other seating that will accommodate at least three people.

(B) A tree with a minimum caliper of two and one-half inches.

(C) A landscape planter not less than 20 square feet in area.

(D) A drinking fountain.

(C) Similar pedestrian-scale amenities.

F. Vision Clearance. Development shall comply with NMC 15.410.060.

G. Signs. Signs shall comply with Chapter 15.435 NMC.

H. Parking.

1. Off-Street Parking Lots. Within a development site, parking is not permitted between a building and a public street. Parking must be located to the side or rear of buildings.

2. Corner Lots. Parking may be located no closer than 40 feet from the intersection of two public streets.

3. Minimum Required Off-Street Parking. The minimum number of required off-street parking spaces is described in NMC 15.440.030.

4. Off-Site Parking. Required off-street parking is permitted to be located off site, as long as the off-street parking is located within 400 feet of the development site. Off-site parking is subject the requirements to NMC 15.440.050(B).

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5. Shared Parking. Shared parking facilities shall be exempt from setback and building square footage requirements, provided the parking facility does not abut E Fourteenth Street. An intervening building must be provided between E Fourteenth Street and the parking facility, or the parking facility must be set back a minimum of 40 feet from E Fourteenth Street. Accessways to E Fourteenth Street are permitted.

6. Bicycle Parking. Two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided, whichever is greater.

7. Loading. Except as permitted in this subsection, loading areas shall be set back at least 10 feet from property lines and screened from the street and neighboring properties. Loading areas that are directly visible from the street or neighboring properties shall be screened using one of the following ways:

- a. The loading area shall be incorporated into the building design and located internally to the building, with a door to the exterior.
- b. The loading area shall be screened by a hedge, fence, or wall at least six feet in height. A hedge must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted as a form of screening loading areas.

I. Screening.

1. Refuse and Recycling. Refuse collection containers (dumpsters) and recycling areas shall be screened from the street and neighboring properties. Trash receptacles for pedestrian use are exempt from this requirement. One of the following standards must be met for refuse collection screening:

- a. Refuse collection and recycling areas may be screened by being located completely within a building.
- b. If located outside of a building, refuse collection and recycling areas must be located within an enclosure at least six feet in height. The enclosure shall be a sight-obscuring masonry wall or nonflammable sight-obscuring fence. The material selected for the enclosure must be consistent with the building materials permitted on the surrounding buildings. Slatted chain link fencing is not permitted.

2. Roof-Mounted Mechanical Equipment. All roof-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, communications equipment, and similar equipment, excluding solar panels) must be screened from public view in one of the following ways:

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- a. A parapet as tall as the tallest part of the equipment;
- b. A screen around the equipment that is as tall as the tallest part of the equipment;
or
- c. The equipment is set back from the street-facing perimeters of the building three feet for each foot of height of the equipment.
- d. The review body may allow exemptions for equipment that contributes to the architectural design of the structure, such as piping in a brewery.

3. Ground-Mounted Equipment. Mechanical equipment on the ground must be screened from view by walls, fences, or vegetation as tall as the tallest part of the equipment. Any vegetation must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted.

J. Building Design.

1. Building Height. Maximum building height is 45 feet. Minimum building height is 16 feet on the exterior elevation, and a parapet can be included in the measurement.

2. Street-Facing Building Facades. Street-facing facades shall be varied and articulated to provide visual interest to pedestrians.

a. Street-facing building facades shall extend no more than 30 feet without providing a variation in building material or building offsets. Building offsets must articulate at least two feet.

b. Street-facing building facades shall be articulated into planes of 500 square feet or less either by setting part of the facade back at least two feet from the rest of the facade, or by the use of fascias, canopies, arcades, windows, breaks in relief, or other similar features.

c. Buildings must include changes in relief on a minimum of 10 percent (in area) of facades facing public rights-of-way. Relief changes include cornices, bases, arcades, setbacks of at least two feet, canopies, awnings, projecting window features, or porticos.

3. Building Length. Building length shall not exceed 400 feet without a pedestrian connection through the building or between buildings. This is applicable to both a single building and to a group of individual buildings connected by common walls.

4. Building Materials. Building materials for all exterior sides with a primary or secondary entrance, excluding loading zones, shall convey an impression of durability.

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a. Masonry, stone, stucco, and wood are permitted as the primary material for exterior appearance. Metal is not permitted as a primary exterior building material but may be used as an accent or awning.

b. Where concrete masonry units (concrete block) are used for exterior finish, decorative patterns must be used, such as split-face concrete block or by incorporating layering or patterns.

c. Where brick, rusticated concrete block, or stone masonry is used as a veneer material, it must be at least two and one-half inches thick. Brick and stone street-facing facades shall return at least 18 inches around exposed side walls.

d. Wood or wood-look siding must be lap siding, board and batten, shingle siding or channel siding and is not permitted to be applied in a diagonal or herringbone pattern. T1-11 and all other wood-based "full sheet" or panel-type siding is prohibited. Lap siding, shingles, and shakes shall be exposed a maximum of six inches to the weather. In board and batten siding, battens shall be spaced a maximum of eight inches on center.

e. Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be used for trim or accent colors but are not permitted as primary wall colors.

5. Ground-Floor Windows. Exterior walls on the ground level which face a street or other public right-of-way must have windows at least 50 percent of the length and 25 percent of the ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine feet above the finished grade. To qualify as ground-floor windows, windowsills must be no more than four feet above exterior grade. The ground-floor window requirement does not apply to the walls of residential units. Qualifying window features must be either windows or doors that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. See Appendix A, Figure 25.

6. Window Glazing. Any windows facing public rights-of-way on the ground floor shall have clear glazing. Restroom windows are exempt from this requirement. On any floor, tinted or reflective glass shall not be visible from public rights-of-way, other than ornamental stained-glass windows.

7. Main Building Entrance., The main building entrance shall connect to adjacent public rights-of-way with a concrete walkway at least six feet in width. For buildings with more than one major entrance, only one entrance is required to meet the main building entrance standard. The walkway must not be more than 120 percent or 20 feet longer than the straight-line distance between the entrance and the closest improved right-of-way, whichever is less.

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K. Landscaping. Where 100 percent of a lot is covered by a building, no landscaping is required.

1. All setback areas and lands not otherwise developed shall be landscaped. Courtyards, plazas and pedestrian walkways, esplanades and natural riparian vegetation are considered to be landscaping.

2. Parking Lot Landscaping. In addition to other Newberg Development Code standards for interior parking lot landscaping, special screening standards shall apply to parking lots. Parking areas shall be screened from neighboring properties and public rights-of-way. Perimeter landscaping at least five feet in width shall be provided. The following standards must be met for the perimeter landscaping areas:

- a. Enough low shrubs to provide a continuous screen at least three feet high and 95 percent opaque year-round.
- b. One tree per 30 linear feet or enough trees to provide a tree canopy over the landscaped area.
- c. Ground cover plants, perennials, or shrubs must fully cover the remainder of the landscaped area.
- d. A three-foot-high masonry wall may substitute for the shrubs, but trees and ground cover at the above-cited rates are still required.

L. Outdoor Storage and Display.

1. Outdoor Storage. Outdoor storage of merchandise or materials directly or indirectly related to a business is prohibited.

2. Outdoor Display. Outdoor display of merchandise is permitted during business hours only. A minimum pedestrian walkway of six-foot clear width must be maintained at all times.

M. Industrial Development. Industrial developments located in the mixed employment (M-E) zoning district within the riverfront overlay subdistrict shall comply with the standards in Chapter 15.220 NMC. [Ord. 2868 § 1 (Exh. A), 11-16-20.]

15.352.070 Mixed employment design standards for industrial development.

A. General. Industrial developments located within the M-E zoning district within the riverfront overlay subdistrict shall comply with the standards in Chapter 15.220 NMC. [Ord. 2868 § 1 (Exh. A), 11-16-20.]

Chapter 15.405 LOT REQUIREMENTS

Sections:

15.405.010 Lot area – Lot areas per dwelling unit.

15.405.020 Lot area exceptions.

15.405.030 Lot dimensions and frontage.

15.405.040 Lot coverage and parking coverage requirements.

15.405.010 Lot area – Lot areas per dwelling unit. SHARE

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

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 10,000 square feet.

2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 5,000 square feet.

3. In the AI, AR, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.

4. In the M-1, M-2, M-3, and M-E districts, each lot or development site shall have a minimum area of 20,000 square feet.

5. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.

6. Within the commercial and mixed employment district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

B. Lot or Development Site Area per Dwelling Unit.

Commented [HA13]: Further discussion is needed to revise minimum lot area and density standards in this section. This strikeout version could be the minimum necessary to meet HB 2001, but we recommend a more robust approach that addresses latent conflicts between minimum lot area and densities elsewhere in the code and comp plan.

Commented [ED14]: This section effectively functions as a maximum density standard. As such, it needs to be rewritten to exempt duplexes per OARs and to permit duplexes on the same size lot as SFDDs. The proposed text is one way to address this, and we are exploring several functional ways to accomplish this more holistically to encompass the next round of updates for all middle housing types.

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1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit, except that there shall be a minimum of 5,000 square feet per duplex.

2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit, except that there shall be a minimum of 3,000 square feet per duplex. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

3. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit. Lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

Commented [ED15]: Note that this allows a duplex on a 3,000-SF lot, the same as a SFDD in the R-3.

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

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2763 § 1 (Exh. A § 12), 9-16-13; Ord. 2730 § 1 (Exh. A (2)), 10-18-10; Ord. 2720 § 1(14), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.565.]

Penalty: See NMC 15.05.120.

15.405.020 Lot area exceptions.

The following shall be exceptions to the required lot areas:

A. Lots of record with less than the area required by this code.

B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.

C. Planned unit developments, provided they conform to requirements for planned unit development approval. [Ord. 2451, 12-2-96. Code 2001 § 151.566.]

15.405.030 Lot dimensions and frontage.

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- A. Width. Widths of lots shall conform to the standards of this code.
- B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.
- C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.
- D. Frontage.

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

- a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).
- b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.
- c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.
- d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.

2. The above standards apply with the following exceptions:

- a. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.
- b. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.
- c. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. [Ord. 2830 § 1 (Exh. A), 4-2-18; Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2720 § 1(15), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.567.]

Penalty: See NMC [15.05.120](#).

15.405.040 Lot coverage and parking coverage requirements.

SHARE

A. Purpose. The lot coverage and parking coverage requirements below are intended to:

1. Limit the amount of impervious surface and storm drain runoff on residential lots.
2. Provide open space and recreational space on the same lot for occupants of that lot.
3. Limit the bulk of residential development to that appropriate in the applicable zone.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC [15.05.030](#) and Appendix A, Figure 4.

1. Maximum Lot Coverage.
 - a. R-1: 40 percent, or 50 percent if all structures on the lot are one story.
 - b. R-2 and RP: 50 percent.
 - c. AR and R-3: 50 percent.
2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.
3. Combined Maximum Lot and Parking Coverage.
 - a. R-1, R-2 and RP: 60 percent.
 - b. R-3: 70 percent.

C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code. [Ord. [2832](#) § 1 (Exh. A), 7-2-18; Ord. [2746](#) § 1 (Exh. A § 1), 8-15-11; Ord. [2730](#) § 1 (Exh. A (3)), 10-18-10; Ord. [2647](#), 6-5-06; Ord. [2451](#), 12-2-96. Code 2001 § 151.568.]

Commented [ED16]: Initial recommendation is to keep existing lot coverage standards without increasing for duplexes. Consider, however, deleting the separate coverage limits for buildings and parking, and using just the combined coverage limit for flexibility and simplicity.

Chapter 15.410 YARD SETBACK REQUIREMENTS

Sections:

15.410.010 General yard regulations.

15.410.020 Front yard setback.

15.410.030 Interior yard setback.

15.410.040 Setback and yard restrictions as to schools, churches, public buildings.

15.410.050 Special setback requirements to planned rights-of-way.

15.410.060 Vision clearance setback.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

15.410.010 General yard regulations.

A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.

B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.

C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.

D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.

E. Dwellings Where Permitted above Nonresidential Buildings. The front and interior yard requirements for residential uses shall not be applicable; provided, that all yard requirements for the district in which such building is located are complied with.

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F. In the AI airport industrial district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.

G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel. [Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.550.]

Penalty: See NMC 15.05.120.

15.410.020 Front yard setback.

A. Residential (see Appendix A, Figure 10).

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.
2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.
3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

B. Commercial.

1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-1 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. Said yard shall be landscaped and maintained.
2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to

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accommodate a pedestrian amenity. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet. In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

4. All lots or development sites in the C-4 district will comply with the front yard requirements described in NMC 15.352.040(E).

C. Industrial. All lots or development sites in the M-1, M-2 or M-3 districts shall have a front yard of 20 feet. Lots or development sites in the AI district shall have a front yard of 10 feet. Lots or development sites in the M-4 district shall have a front yard of 20 feet where abutting Highway 219, arterials, and collectors, and a front yard of 10 feet along other streets.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have a front yard of 25 feet. Outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, are not permitted within the required setback.

E. Mixed Employment. All lots or development sites in the M-E district shall have no minimum front yard requirements. The maximum allowable front yard shall be 10 feet. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained. Lots or development sites within the riverfront overlay subdistrict will comply with the front yard requirements described in NMC 15.352.060(E). [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2862 § 1 (Exh. A § 4), 6-15-20; Ord. 2720 § 1(12), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.551.]

Penalty: See NMC 15.05.120.

15.410.030 Interior yard setback. SHARE

A. Residential.

1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.

2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.

B. Commercial.

1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.

2. All lots or development sites in the C-3 district shall have no interior yard requirements.

3. All lots or development sites in the C-4 district will comply with the interior yard requirements described in NMC 15.352.040(E).

C. Industrial and Mixed Employment. All lots or development sites in the AI, M-1, M-2, M-3, M-4, and M-E districts shall have no interior yards where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have interior yards of not less than 10 feet, except outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, shall have an interior yard setback of 25 feet when abutting a residential district. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2720 § 1(13), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.552.]

Penalty: See NMC 15.05.120.

15.410.040 Setback and yard restrictions as to schools, churches, public buildings.



A. Building Setback. No buildings shall be erected, used or maintained for a school, church or public or semi-public building or use, institution or similar use under the regulations of this code unless such building is removed at least 25 feet from every boundary line of any property included in any residential district.

B. Required Yard. No required front or interior yard of the lot on which such building or use is located shall be used for play or parking purposes. [Ord. 2451, 12-2-96. Code 2001 § 151.553.]

Penalty: See NMC 15.05.120.

15.410.050 Special setback requirements to planned rights-of-way.



Attachment A

A. Yard Requirements for Property Abutting Partial or Future Street Rights-of-Way.

1. Except as provided in subsection (A)(2) of this section, no building shall be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the yards provided and maintained in connection with such building have a width and/or depth needed to complete the street width plus the width and/or depths of the yards required on the lot by this code.

2. Where a comprehensive plan street design or a future street plan exists, the placement of buildings and the establishment of yards where required by this code shall relate to the future street boundaries as determined by said plans.

B. Planned Street Right-of-Way Widths. Planned street right-of-way widths are established as indicated in subsection (C) of this section for the various categories of streets shown in the transportation system plan.

C. A lot or parcel of land in any district adjoining a street for which the planned right-of-way width and alignment have been determined shall have a building setback line equal to the yard required in the district, plus a distance of:

1. Fifty feet from and parallel with the centerline of expressways.
2. Thirty-five feet from and parallel with the centerline of major and minor arterials.
3. Thirty feet from and parallel with the centerline of multifamily, commercial and industrial streets and single-family collector streets.
4. Thirty feet from and parallel with the centerline of single-family local streets.
5. Twenty-five feet from and parallel with the centerline of single-family hillside, cul-de-sacs and local streets which will never be extended more than 2,400 feet in length and which will have a relatively even division of traffic to two or more exits.

Exceptions to the above five classifications are shown in the transportation system plan.

D. The centerline of planned streets shall be either the officially surveyed centerline or a centerline as on a precise plan. In the event of conflict between the two, the latter-described line shall prevail. In all other cases, a line midway between properties abutting the right-of-way shall be the centerline for the purposes of this code. [Ord. 2763 § 1 (Exh. A § 13), 9-16-13; Ord. 2602, 9-20-04; Ord. 2451, 12-2-96. Code 2001 § 151.554.]

Penalty: See NMC 15.05.120.

15.410.060 Vision clearance setback. 

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The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.

B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.

C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.

D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict. [Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.555.]

Penalty: See NMC 15.05.120.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

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

A. Depressed Areas. In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.

B. Accessory Buildings. In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.

C. Projecting Building Features. The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:

1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
2. Chimneys and fireplaces, provided they do not exceed eight feet in width.

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3. Porches, platforms or landings which do not extend above the level of the first floor of the building.

4. Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).

D. Fences and Walls.

1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:

a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.

b. Not to exceed four feet in height. Located or maintained within all other front yards.

2. In any commercial, industrial, or mixed employment district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:

a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.

b. Not to exceed four feet in height. Located or maintained within all other front yards.

3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.

4. The requirements of vision clearance shall apply to the placement of fences.

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

1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.

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2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:

a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family or two-family dwelling or duplex dwelling on a single lot.

b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.

c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).

d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.

3. In any commercial or industrial district, except C-1, C-4, M-1, and M-E, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district and the M-E district within the riverfront overlay subdistrict are described in NMC 15.352.040(H).

4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

F. Public Telephone Booths and Public Transit Shelters. Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.

G. Hangars within the AR airport residential district may be constructed with no yard setbacks to property lines adjacent to other properties within the airport residential or airport industrial districts. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2647, 6-5-06; Ord. 2619, 5-16-05; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.556.]

Chapter 15.415 BUILDING AND SITE DESIGN STANDARDS

Sections:

15.415.010 Main buildings and uses as accessory buildings.

15.415.020 Building height limitation.

15.415.030 Building height exemptions.

15.415.040 Public access required.

15.415.050 Rules and exceptions governing single-family attached dwellings.

15.415.060 Home occupation.

15.415.010 Main buildings and uses as accessory buildings.

SHARE

A. Hereinafter, any building which is the only building on a lot is a main building.

B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.

C. In any residential district, there shall be no more than two accessory buildings on any lot or development site. [Ord. 2451, 12-2-96. Code 2001 § 151.535.]

15.415.020 Building height limitation.

SHARE

A. Residential.

1. In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:

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

b. Aircraft hangars in the AR district may be the same height as the main building.

2. In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited

Commented [HA17]: Initial recommendation is to keep height limit at 30 feet (2.5 stories) for SFDD and duplexes. We may revisit when we come to other middle housing types, where the Model Code standard is 35 feet for triplex, quadplex and townhouses to allow for a full third story; there may be a case to increase for SFDDs and duplexes as well, for parity.

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to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.

3. Single-family dwellings permitted in commercial or industrial districts shall not exceed 30 feet in height.

B. Commercial, Industrial and Mixed Employment.

1. In the C-1 district no main building or accessory building shall exceed 30 feet in height.

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

3. In the C-4 district, building height limitation is described in NMC 15.352.040(J)(1).

4. In the M-E district within the riverfront overlay subdistrict, building height limitation is described in NMC 15.352.060.

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

D. Institutional. The maximum height of any building or structure will be 75 feet except as follows:

1. Within 50 feet of an interior property line abutting a C-1, R-1, R-2 or R-P district, no main building may exceed 30 feet.

2. Within 50 feet of an interior property line abutting an R-3 district, no main building may exceed 45 feet.

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

4. To utilize the maximum permitted height standard, at least 80 percent of the building's ground coverage must be beyond the setback area designated in subsection (D)(3) of this section. The maximum encroachment may not exceed 25 feet.

E. Alternative Building Height Standard. As an alternative to the building height standards above, any project may elect to use the following standard (see Figure 24 in Appendix A). To meet this standard:

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

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

F. Buildings within the airport overlay subdistrict are subject to the height limits of that subdistrict. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2730 § 1 (Exh. A (4)), 10-18-10; Ord. 2720 § 1(10), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.536.]

Penalty: See NMC 15.05.120.

15.415.030 Building height exemptions.

Roof structures and architectural features for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, TV antennas, steeples and similar structures may be erected above the height limits prescribed in this code; provided, that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the airport overlay subdistrict. [Ord. 2730 § 1 (Exh. A (4)), 10-18-10; Ord. 2451, 12-2-96. Code 2001 § 151.537.]

15.415.040 Public access required.

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city. [Ord. 2720 § 1(11), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.538.]

Penalty: See NMC 15.05.120.

15.415.050 Rules and exceptions governing single-family attached dwellings.

In all residential districts, single-family attached dwelling units may be permitted, provided:

- A. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot which includes existing lots of record.
- B. The dwelling units shall have a common wall at the zero lot line.
- C. The combined area of lots shall not be less than the lot area required in the residential district.
- D. The lot or development site area requirement per dwelling unit listed in this code shall apply to each individual lot.
- E. The setback requirements will apply to each dwelling unit independently, except that the setback for the zero lot line shall be waived.
- F. Each dwelling unit shall have independent services which include, but are not limited to, wastewater, water and electricity.
- G. Authorization of single-family attached dwelling units does not waive any requirement specified within the current edition of the Oregon Residential Specialty Code or other applicable requirements.
- H. Maximum lot coverage requirements specified in this code shall apply to each individual lot.
- I. A site plan is approved by the director prior to issuance of a building permit. In approving a site plan, the director may attach any conditions necessary to fulfill the purpose of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.539.]

15.415.060 Home occupation.

Home occupations shall be processed as a Type I procedure. Home occupation uses shall comply with the following standards:

- A. Signs shall comply with the standards of NMC 15.435.010 et seq.
- B. There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
- C. The building retains the characteristics of a residence.

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D. There is no outside storage of materials, parts, tools, supplies, or other items related to the use as a home occupation, other than nursery plants.

E. No more than one outside paid employee shall be permitted to work at the residence at any given time.

F. The use does not destroy the residential character of the neighborhood.

G. All work being performed at the site is done within the confines of a building and no noise, odor, dust, smoke or other evidence of the home occupation permeates beyond the confines of the property.

H. The home occupation is incidental to the use of the building and site for residential purposes.

I. The work does not involve the use of hazardous substances or materials which might create a fire hazard or danger to the environment or neighboring properties, including but not limited to gasoline, paint, oxygen/acetylene tanks, or other flammable or hazardous materials. [Ord. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.540.]

Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS

Sections:

15.420.010 Required minimum standards.

15.420.020 Landscaping and amenities in public rights-of-way.

15.420.010 Required minimum standards. 

A. Private and Shared Outdoor Recreation Areas in Residential Developments.

1. Private Areas. Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.

2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any duplex or multifamily residential development, as follows:

a. One- or two-bedroom units: 200 square feet per unit.

b. Three- or more bedroom units: 300 square feet per unit.

c. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.

3. In the AR airport residential district a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement.

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family dwellings and duplex dwellings:

1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the

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AI airport industrial district, only a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.

2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.

3. The following landscape requirements shall apply to the parking and loading areas:

a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.

c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.

d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).

e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.

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g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.

h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:

i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).

ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.

a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.

b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.

c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in

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height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.

d. All broad-leaved evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.

e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

Gallon cans	3 feet on center
4" containers	2 feet on center
2-1/4" containers	18" on center
Rooted cuttings	12" on center

5. Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought-resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.

6. Required landscaping shall be continuously maintained.

7. Maximum height of tree species shall be considered when planting under overhead utility lines.

8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.

9. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.

C. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant. [Ord. 2720 § 1(16, 17), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2513, 8-2-99; Ord. 2451, 12-2-96. Code 2001 § 151.580.]

Penalty: See NMC 15.05.120.

15.420.020 Landscaping and amenities in public rights-of-way.

The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of multifamily, commercial, industrial, or institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A decision to include any amenity shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.

A. Pedestrian Space Landscaping. Pedestrian spaces shall include all sidewalks and medians used for pedestrian refuge. Spaces near sidewalks shall provide plant material for cooling and dust control, and street furniture for comfort and safety, such as benches, waste receptacles and pedestrian-scale lighting. These spaces should be designed for short-term as well as long-term use. Elements of pedestrian spaces shall not obstruct sightlines and shall adhere to any other required city safety measures. Medians used for pedestrian refuge shall be designed for short-term use only with plant material for cooling and dust control, and pedestrian-scale lighting. The design of these spaces shall facilitate safe pedestrian crossing with lighting and accent paving to delineate a safe crossing zone visually clear to motorists and pedestrians alike.

1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).
2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.
 - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).

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b. Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures.

3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.

a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.

b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.

c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).

d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.

4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.

a. Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.

b. Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.

5. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.

B. Planting Strip Landscaping. All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).

1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street

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parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.

2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4).

- a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.
- b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.

3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one-half feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.

- a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.
- b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).
- c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.

C. Maintenance. All landscapes shall be maintained for the duration of the planting to encourage health of plant material as well as public health and safety. All street trees and shrubs shall be pruned to maintain health and structure of the plant material for public safety purposes.

D. Exception. In the AI airport industrial district and AR airport residential district, no landscape or amenities except for grass are required for any area within 50 feet of aircraft operation areas including aircraft parking areas, taxiways, clear areas, safety areas, object-free areas, and the runway.

[Plant Material Matrix removed for duplex code review]

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

Sections:

Article I. Off-Street Parking Requirements

15.440.010 Required off-street parking.

15.440.020 Parking area and service drive design.

15.440.030 Parking spaces required.

15.440.040 Parking requirements for uses not specified.

15.440.050 Common facilities for mixed uses.

15.440.060 Parking area and service drive improvements.

15.440.070 Parking tables and diagrams.

15.440.080 Off-street loading.

Article II. Bicycle Parking

15.440.090 Purpose.

15.440.100 Facility requirements.

15.440.110 Design.

Article III. Private Walkways

15.440.120 Purpose.

15.440.130 Where required.

15.440.140 Private walkway design.

Article I. Off-Street Parking Requirements

15.440.010 Required off-street parking.

A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.

1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

B. Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.

1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

C. Off-street parking is not required in the C-3 district, except for:

1. Dwelling units meeting the requirements noted in NMC 15.305.020.

2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.

3. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

D. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses. For maximum number of off-street parking spaces refer to subsection (F) of this section.

E. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

F. Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to NMC 15.440.030, multiplied by a factor of:

1. One and one-fifth spaces for uses fronting a street with adjacent on-street parking spaces; or

2. One and one-half spaces for uses fronting no street with adjacent on-street parking; or

3. A factor determined according to a parking analysis. [Ord. 2862 § 1 (Exh. A § 2), 6-15-20; Ord. 2851 § 1 (Exh. A § 2), 1-21-20; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 15), 9-16-13; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.610.]

Penalty: See NMC 15.05.120.

15.440.020 Parking area and service drive design.

A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.

B. Groups of three or more parking spaces, except those in conjunction with single-family or duplex two-family dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

C. Gates. A private drive or private street serving as primary access to more than one lot or parcel dwelling unit shall not be gated to limit access, except as approved by variance.

D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, if required, and is approved by the fire marshal, planning director, and public works director. The following submittal must be made:

1. A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other nonsecured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications (refer to Federal Aviation Administration Advisory Circular No. 150/5300-13 regarding airport design, and AC/5370-10B regarding construction standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the private airport owner, and the FAA for airspace review. [Ord. 2670, 5-7-07; Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.611.]

Penalty: See NMC 15.05.120.

15.440.030 Parking spaces required. SHARE

Use	Minimum Parking Spaces Required
Residential Types	
<p>Dwelling, multifamily and multiple single-family dwellings on a single lot</p> <p>Studio or one-bedroom unit Two-bedroom unit Three- and four-bedroom unit Five- or more bedroom unit</p> <ul style="list-style-type: none"> • Unassigned spaces • Visitor spaces 	<p>1 per dwelling unit 1.5 per dwelling unit 2 per dwelling unit 0.75 spaces per bedroom</p> <p>If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the director.</p> <p>If a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit.</p>
<ul style="list-style-type: none"> • On-street parking credit • Available transit service 	<p>On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.</p> <p>At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.</p>
Commercial neighborhood district (C-1)	1 for each dwelling
Dwelling, single-family or two-family	2 for each dwelling unit on a single lot
Dwelling, duplex	1 for each dwelling unit Except that conversion of a detached single-family dwelling to a duplex dwelling shall not be subject to this requirement.
Fraternities, sororities, cooperatives and dormitories	1 for each three occupants for which sleeping facilities are provided
Hotels, motels, motor hotels, etc.	1 for each guest room
Rooming or boarding houses	1 for each guest room

Attachment A

Use	Minimum Parking Spaces Required
Special needs housing	1 space per 3 beds or actual parking needs as demonstrated through a parking analysis.
Institutional Types	
Churches, clubs, lodges	1 for every 4 fixed seats or every 8 feet of bench length or every 28 sq. ft. where no permanent seats or benches are maintained - in main auditorium (sanctuary or <u>place of worship</u>)
<u>Continuing care retirement community</u> not including nursing care	1 space per living unit
<u>Day care</u> facility	5 spaces per each 1,000 gross sq. ft.
Hospitals (including accessory retail wholly contained within a <u>hospital</u> building)	2 spaces for each 1,000 gross sq. ft.
Libraries, museums, art galleries	1 for each 250 sq. ft. of <u>gross floor area</u>
Medical/dental offices and laboratories	3.5 spaces for each 1,000 gross sq. ft.
<u>Nursing homes</u> , homes for the aged, group care homes, asylums, etc.	1 for each 3 beds
Schools	<u>Colleges</u> - "commuter" type, 1 for every full-time equivalent student (plus 1/2 of the requirements for <u>accessory buildings</u> , i.e., 1.-E* and 3.-G(1)**)
Schools	<u>Colleges</u> - "resident" type, 1 for every 3 full-time equivalent students (plus 1/2 of the requirements for <u>accessory buildings</u> , i.e., 1.-E* and 3.-G(1)**)
Schools	Elementary or junior high, 1-1/2 for each teaching station plus 4 for every classroom, or 1 for every 42 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area
Schools	High schools, 1-1/2 for each teaching station, plus 8 for every classroom, or 1 for every 28 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area
Schools	<u>Colleges</u> - commercial or business, 1 for every 3 classroom seats (plus 1/2 of the requirements for <u>accessory buildings</u> , i.e., 1.-E* and 3.-G(1)**)
Welfare or correctional <u>institutions</u>	1 for each 5 beds
Commercial Types	
Barber and beauty shops	1 for each 75 sq. ft. of <u>gross floor area</u>
Bowling alleys	6 for each bowling lane
Establishments or enterprises of a recreational or an entertainment nature:	
Establishments for the sale and consumption on the premises of food and beverages with a drive-up	1 for each 75 sq. ft. of <u>gross floor area</u>

Attachment A

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
window	
Establishments for the sale and consumption on the premises of food and beverages without a drive-up window	1 for each 100 sq. ft. of <u>gross floor area</u>
Participating type, e.g., skating rinks, dance halls	1 for each 75 sq. ft. of <u>gross floor area</u>
Spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly	1 <u>parking space</u> for each 4 seats
Office <u>buildings</u> , business and professional offices	1 for every 400 sq. ft. of <u>gross floor area</u>
Pharmacies	1 for each 150 sq. ft. of <u>gross floor area</u>
Retail establishments, except as otherwise specified herein	1 for each 300 sq. ft. of <u>gross floor area</u>
Retail stores handling bulky merchandise, household furniture, or appliance repair	1 for each 600 sq. ft. of <u>gross floor area</u>
Industrial Types	
Except as specifically mentioned herein, industrial <u>uses</u> listed as permitted in the M districts: M-1, M-2, M-3, and M-4	1 for each 500 sq. ft. of <u>gross floor area</u>
Aircraft storage <u>hangars</u> up to 3,600 sq. ft. each enclosed <u>hangar</u> area	None (parking occurs in <u>hangar</u>)
Aircraft storage <u>hangars</u> over 3,600 sq. ft. each enclosed <u>hangar</u> area	1 for every 700 sq. ft. of <u>hangar</u> area over 3,600 sq. ft.
Aircraft <u>hangars</u> intended for repair and maintenance operations	1 for each 5,000 sq. ft. of <u>hangar</u> , plus 1 for each 500 sq. ft. of shop area, plus 1 for each 400 sq. ft. of office area
Laboratories and research facilities	1 for each 300 sq. ft. of <u>gross floor area</u>
Machinery or equipment	1 for each 400 sq. ft. of gross sales floor area
Wholesale and storage operations	1 for each 700 sq. ft. of <u>gross floor area</u>

Notes:

- * "1-E" refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.
- ** "3.-G(1)" refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

[Ord. 2862 § 1 (Exh. A § 2), 6-15-20; Ord. 2763 § 1 (Exh. A § 16), 9-16-13; Ord. 2730: § 1 (Exh. A (13)), 10-18-10; Ord. 2720 § 1(19), 11-2-09; Ord. 2710 § 1, 3-2-09; Ord. 2647, 6-5-06; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.612.]

Penalty: See NMC 15.05.120.

15.440.040 Parking requirements for uses not specified.

 SHARE

The parking space requirements for buildings and uses not set forth herein shall be determined by the director through a Type I procedure. Such determination shall be based upon the requirements for the most comparable building or use specified herein. [Ord. 2451, 12-2-96. Code 2001 § 151.613.]

15.440.050 Common facilities for mixed uses.

 SHARE

A. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided below.

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

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

C. Commercial establishments within 200 feet of a commercial public parking lot may reduce the required number of parking spaces by 50 percent. [Ord. 2451, 12-2-96. Code 2001 § 151.614.]

15.440.060 Parking area and service drive improvements.

 SHARE

Attachment A

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

- A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.
- B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.
- C. All parking areas, except those required in conjunction with a single-family or two-family duplex dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.
- D. All parking areas, including service drives, except those required in conjunction with single-family or two-family duplex dwellings, shall be screened in accordance with NMC 15.420.010(B).
- E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.
- F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.
- G. Parking areas for residential uses shall not be located in a required front yard, except as follows:
1. Attached or detached single-family or duplex dwellings two-family: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.
 2. Three- or four-family: parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (see Appendix A, Figure 12).
- H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

Attachment A

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

J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2730 § 1 (Exh. A (14)), 10-18-10; Ord. 2628, 1-3-06; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.615.]

Penalty: See NMC 15.05.120.

15.440.070 Parking tables and diagrams. [SHARE](#)

The following tables provide the minimum dimensions of public or private parking areas:

Diagram 1

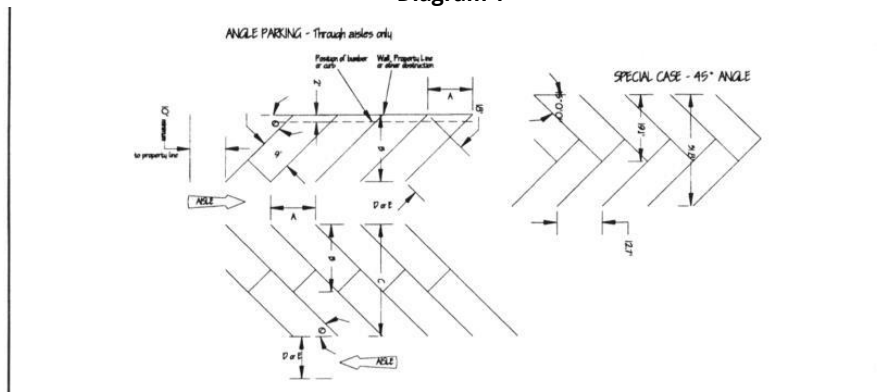
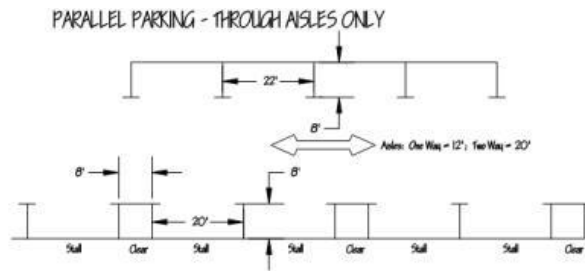


Table of Dimensions (In Feet)

Angle - °	Basic Stall		Back to Back	Aisles	
	A	B	C	D (One-Way)	E (Two-Way)
30°	18	16.8	25.8	12	20
38°	14.6	18.2	29.3	12	20
45°	12.7	19.1	31.8	12	20

Table of Dimensions (In Feet)

Angle - °	Basic Stall		Back to Back	Aisles	
	A	B	C	D (One-Way)	E (Two-Way)
52°	11.4	19.7	33.9	13	20
55°	11	19.9	34.6	14	20
60°	10.4	20.1	35.7	15	20
70°	9.6	20	36.9	18	20
80°	9.1	19.3	37	20	20



90° PARKING - THROUGH or DEAD-END AISLES

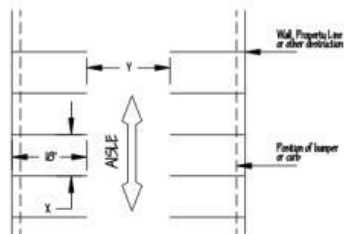


Diagram 2

Notes:

1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.

3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the community development department at 537-1210.

Table of Dimensions (In Feet)

Stall Width with Corresponding Aisle Width						
Stall Width = X	9	9.5	10	10.5	11	12
Aisle Width = Y	24	24	22	22	20	20

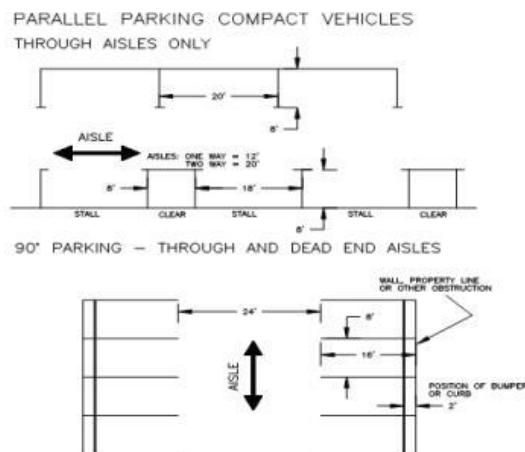


Diagram 3

Notes:

1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.

4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the planning department.

[Ord. 2451, 12-2-96. Code 2001 § 151.616.]

15.440.080 Off-street loading.

A. Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

1. The following standards shall be used in establishing the minimum number of berths required:

Gross Floor Area of the Building in Square Feet	No. of Berths
--	----------------------

Up to 10,000	1
10,000 and over	2

2. A loading berth shall contain a space 10 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

3. Additional off-street loading requirements within the C-4 district are described in NMC 15.352.040(H)(7).

4. Where a facility includes an aircraft hangar, the off-street loading requirement is not required since loading may occur through the hangar doors.

B. The following provisions shall apply to off-street loading facilities:

1. The provision and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of loading space required by this code. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until such time as the increased off-street loading requirements are met.

2. Owners of two or more buildings may agree to utilize jointly the same loading spaces when the hours of operation do not overlap; provided, that satisfactory legal

evidence is presented to the city attorney in the form of deeds, leases or contracts to establish the joint use.

3. A plan drawn to scale, indicating how the off-street loading requirements are to be fulfilled, shall accompany an application for a building permit.

4. Design Requirements for Loading Areas.

- a. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces of asphaltic concrete or portland cement concrete, maintained adequately for all-weather use and so drained as to avoid flow of water across the sidewalks.
- b. Loading areas adjacent to residential zones designed to minimize disturbance of residents.
- c. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- d. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
- e. Vision clearance standards as identified in NMC 15.410.060 shall apply. [Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2451, 12-2-96. Code 2001 § 151.617.]

Penalty: See NMC 15.05.120.

Article II. Bicycle Parking

15.440.090 Purpose. SHARE

Cycling is a healthy activity for travel and recreation. In addition, by maximizing bicycle travel, the community can reduce negative effects of automobile travel, such as congestion and pollution. To maximize bicycle travel, developments must provide effective support facilities. At a minimum, developments need to provide a secure place for employees, customers, and residents to park their bicycles. [Ord. 2564, 4-15-02; Ord. 2518, 9-21-99. Code 2001 § 151.625.1.]

15.440.100 Facility requirements. SHARE

Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.

<u>Use</u>	Minimum Number of Bicycle Parking Spaces Required
------------	--

Attachment A

Use	Minimum Number of Bicycle Parking Spaces Required
New multiple <u>dwelling</u> s, including additions creating additional <u>dwelling</u> units	One bicycle <u>parking</u> <u>space</u> for every four <u>dwelling</u> units
New commercial, industrial, office, and institutional developments, including additions that total 4,000 square feet or more	One bicycle <u>parking</u> <u>space</u> for every 10,000 square feet of <u>gross</u> <u>floor</u> <u>area</u> . In C-4 districts, two bicycle <u>parking</u> <u>spaces</u> , or one per 5,000 square feet of <u>building</u> area, must be provided, whichever is greater
<u>Transit</u> centers and <u>park</u> and <u>ride</u> <u>lots</u>	Four spaces or one per 10 vehicle spaces, whichever is greater ^{a + b}
<u>Parks</u>	Two bicycle <u>parking</u> <u>spaces</u> within 50 feet of each developed play-ground, ball field, or shelter
<u>Transit</u> stops	Two spaces ^a

Notes:

- a. Short-term bicycle parking is parking intended to be used for durations less than two hours. Short-term bicycle parking shall consist of a stationary rack or other approved structure to which the bicycle can be locked securely and shall be located within 50 feet of the main building entrance or one of several main entrances, and no further from an entrance than the closest automobile parking space. Shelter or cover may be required for a specified percentage of short-term parking.
- b. Long-term bicycle parking is parking intended to be used for durations over two hours. Long-term parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of fully sheltered and secure parking.

[Ord. 2862 § 1 (Exh. A § 3), 6-15-20; Ord. 2564, 4-15-02; Ord. 2518, 9-21-99. Code 2001 § 151.625.2.]

15.440.110 Design.

A. Bicycle parking facilities shall consist of one or more of the following:

1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.
2. An enclosed locker.
3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.
4. Other facility designs approved by the director.

B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.

C. All spaces shall be located within 50 feet of a building entrance of the development.

D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority responsible for maintenance of that right-of-way. [Ord. 2518, 9-21-99. Code 2001 § 151.625.3.]

Article III. Private Walkways

15.440.120 Purpose.

Sidewalks and private walkways are part of the city's transportation system. Requiring their construction is part of the city's plan to encourage multimodal travel and to reduce reliance on the automobile. Considerable funds have and will be expended to install sidewalks along the streets in the city. Yet there is little point to this expense if it is not possible for people to walk from the sidewalk to the developments along each side. The following requirements are intended to provide safe and convenient paths for employees, customers, and residents to walk from public sidewalks to development entrances, and to walk between buildings on larger sites. [Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.1.]

15.440.130 Where required.

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the airport industrial (AI) district and residential (AR) district, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways. [Ord. 2647, 6-5-06; Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.2.]

15.440.140 Private walkway design.

- A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.
- B. Required private walkways shall be a minimum of four feet wide.
- C. Required private walkways shall be constructed of portland cement concrete or brick.
- D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.
- E. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.
- F. The review body may require on-site walks to connect to development on adjoining sites.
- G. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards. [Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.3.]

1

Code reviser's note: Ordinance 2730 sets out amendments to this section without accounting for prior amendments from Ordinance 2710. The code reflects the intended amendments of both ordinances.

Large Cities Middle Housing Model Code

User's Guide:

Oregon House Bill 2001 (2019) (HB 2001) requires that "Large Cities" (defined as cities with a population of 25,000 or more and each county or city within a metropolitan service district) must allow: (1) all middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and (2) a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Middle housing, which HB 2001 defines as duplexes, triplexes, quadplexes, cottage clusters, and townhouses, provides an opportunity to increase housing supply in developed neighborhoods and can blend in well with detached single-family dwellings.

The bill allows local governments to regulate siting and design of middle housing, provided that the regulations do not, individually or cumulatively, discourage middle housing development through unreasonable costs or delay. When regulating siting and design of middle housing, Large Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon's housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of middle housing through unreasonable costs or delay.

Large Cities may develop their own standards in compliance with the requirements of HB 2001. This model code may provide guidance toward that end. However, if Large Cities do not wish to prepare their own standards or if Large Cities do not adopt the required code amendments by June 30, 2022, they must directly apply this model code prepared by the Department of Land and Conservation Development (DCLD) to development in their jurisdictions. The model code is intended to be straightforward and implementable by Large Cities throughout the state, and is consistent with the requirements and intent of HB 2001. The model code will be adopted by reference into Oregon Administrative Rules.

To the extent they are applicable, the Administrative Rules contained in Chapter 660, Division 46 apply to and may be used to interpret this model code.

Chapter 1. Combined Standards for All Middle Housing

Sections:

- A. Purpose
- B. Definitions
- C. Applicability
- D. Relationship to Other Regulations
- E. Duplex, Triplex, and Quadplex Examples

A. Purpose

The purpose of this middle housing model code (“code”) is to implement HB 2001, codified in ORS 197.758 et seq, by providing siting and design standards for middle housing developed in areas zoned for residential use that allow for the development of detached single family dwellings.

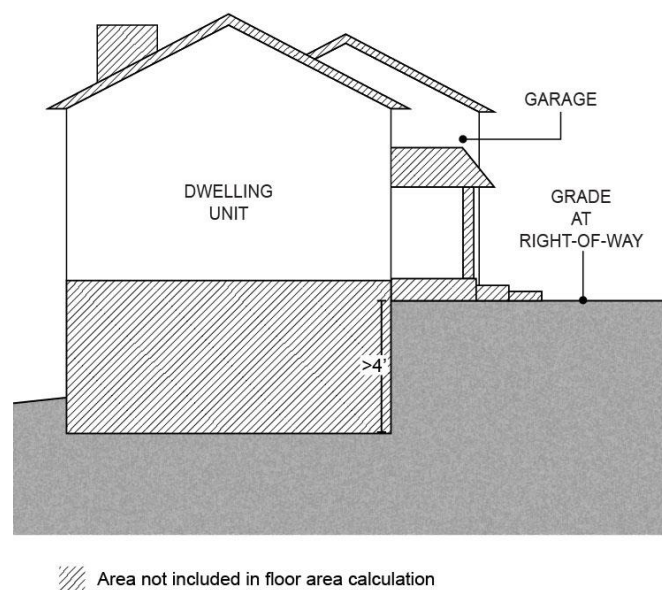
B. Definitions

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

1. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.
2. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
3. “Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
4. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
5. “Cottage cluster” means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”
6. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

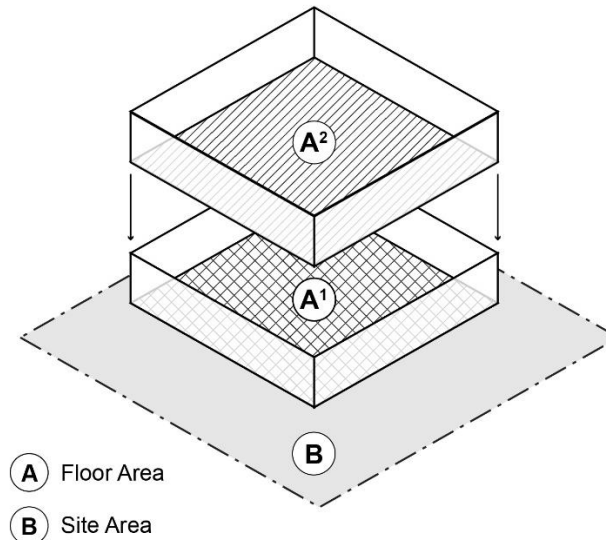
7. “Detached single family dwelling” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single family dwellings may be constructed off-site, e.g., manufactured dwellings or modular homes.
8. “Door area” is the area of the portion of a door other than a garage door that moves and does not include the frame.
9. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
10. “Duplex” means two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. See Figure 3 through Figure 8 in Section E for examples of possible duplex configurations.
11. “Floor area” means the total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):
 - Areas where the elevation of the floor is 4 feet or more below the adjacent right-of-way;
 - Roof area, including roof top parking;
 - Roof top mechanical equipment; and
 - Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

Figure 1. Areas Excluded from Floor Area Calculation



12. “Floor area ratio (FAR)” means the amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 2).

Figure 2. Floor Area Ratio (FAR) Calculation



$$\text{FAR} = \frac{A^1 + A^2}{B}$$

13. “Frontage” means the portion of a lot or parcel that abuts a street.
14. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
 - Goal 6 Air, Water, and Land Resource Quality
 - Goal 7 Areas Subject to Natural Hazards;
 - Goal 9 Economic Development;
 - Goal 15 Willamette River Greenway;
 - Goal 16 Estuarine Resources;
 - Goal 17 Coastal Shorelands; or
 - Goal 18 Beaches and Dunes.
15. “Lot or parcel” means any legally created unit of land.
16. “Middle housing” means duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

17. "Quadplex" means four dwelling units on a lot or parcel in any configuration. See Figure 11 and Figure 12 in Section E for examples of possible quadplex configurations.
18. "Site area" means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.
19. "Story" means a portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:
 - A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point;
 - An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.
20. "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:
 - Connection to a public sewer system capable of meeting established service levels.
 - Connection to a public water system capable of meeting established service levels.
 - Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 - Storm drainage facilities capable of meeting established service levels for storm drainage.
21. "Townhouse" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a "rowhouse," "attached house," or "common-wall house."
22. "Townhouse project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.
23. "Triplex" means three dwelling units on a lot or parcel in any configuration. See Figure 9 and Figure 10 in Section E for examples of possible triplex configurations.
24. "Window area" means the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.
25. "Zoned for residential use" means a zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation. This excludes

lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.

C. Applicability

1. Applicability of Code Sections.

- a. Code sections applicable to all middle housing types are: Chapter 1, Sections A (Purpose), B (Definitions), C (Applicability), and D (Relationship to Other Regulations).
- b. Code standards applicable to specific housing types are listed below:
 - Duplexes: Chapter 2.
 - Triplexes: Chapter 3.
 - Quadplexes: Chapter 3.
 - Townhouses: Chapter 4.
 - Cottage clusters: Chapter 5.

2. Applicability by Development Type and Location.

- a. Except as specified in subsection (b) of this section (C)(2), the standards in this code allow for the following development on lots or parcels zoned for residential use that allow for the development of detached single family dwellings:
 - New duplexes and those created through conversion of existing detached single family dwellings.
 - New triplexes, quadplexes, cottage clusters, and townhouses, and those created through conversion of existing detached single family dwellings or duplexes, on lots or parcels with Sufficient Infrastructure.
- b. Exceptions. The standards in this code do not allow the following, unless otherwise permitted by the development code through clear and objective standards, criteria, and procedures:
 - On Goal Protected Lands, the creation of triplexes, quadplexes, cottage clusters, or townhouses, or the creation of more than two dwelling units on a single lot or parcel, including accessory dwelling units.
 - On lands that are not zoned for residential use, the creation of middle housing.

D. Relationship to Other Regulations

1. Conflicts. In the event of a conflict between this code and other local jurisdictional standards applicable to a middle housing development, the standards of this code control.
2. Public Works Standards. Clear and objective exceptions to public works standards granted to single family dwellings shall also be granted to duplexes.

3. Protective Measures. Middle housing shall comply with protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).

E. Duplex, Triplex, and Quadplex Examples

The following figures illustrate examples of possible configurations for duplexes, triplexes, and quadplexes. Other configurations may also be acceptable, provided the development meets the definition of duplex, triplex, or quadplex, pursuant to Section B.

Figure 3. Stacked Duplex

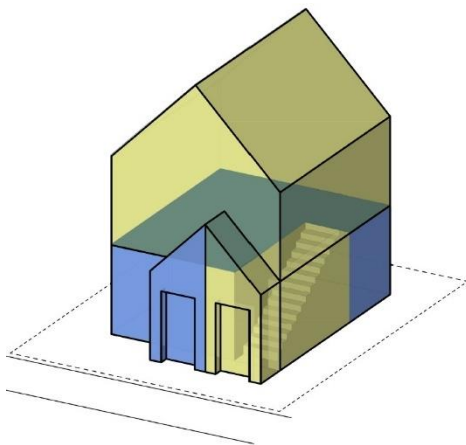


Figure 4. Side-by-Side Duplex

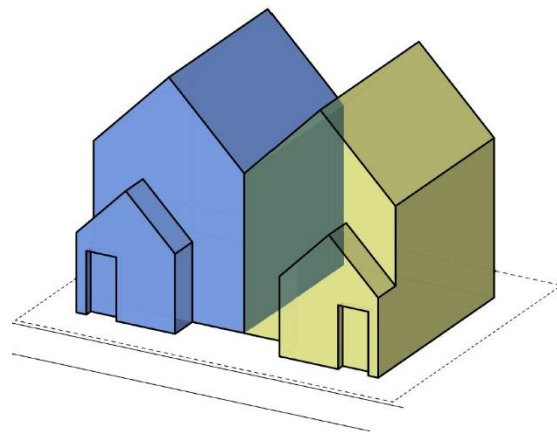


Figure 5. Duplex Attached by Breezeway



Figure 6. Duplex Attached by Garage Wall

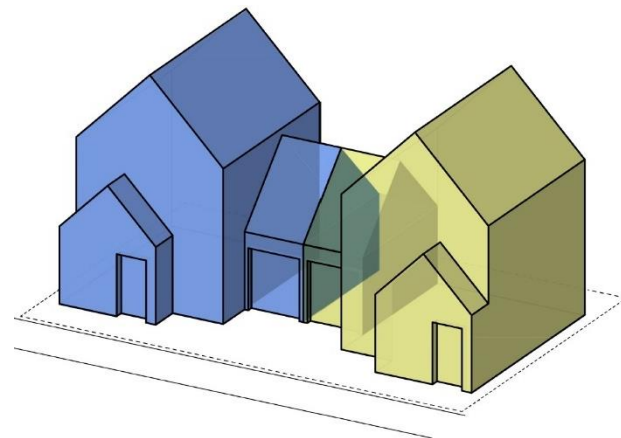


Figure 7. Detached Duplex Units Side-by-Side



Figure 8. Detached Duplex Units Front and Back

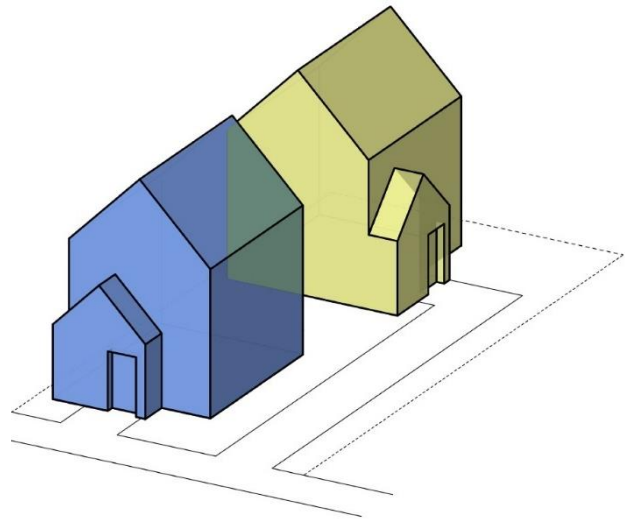


Figure 9. Attached Triplex Front and Back

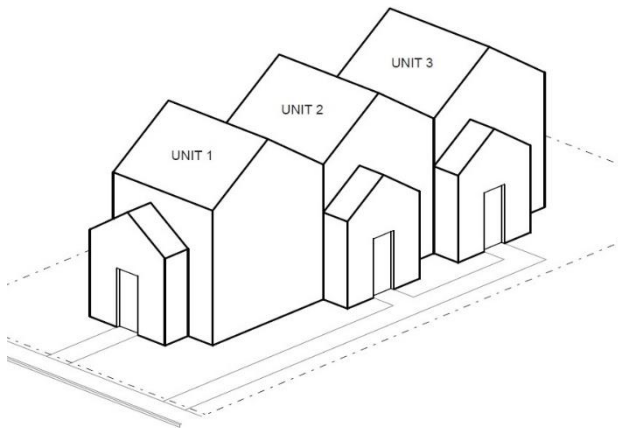


Figure 10. Attached Triplex Side-by-Side

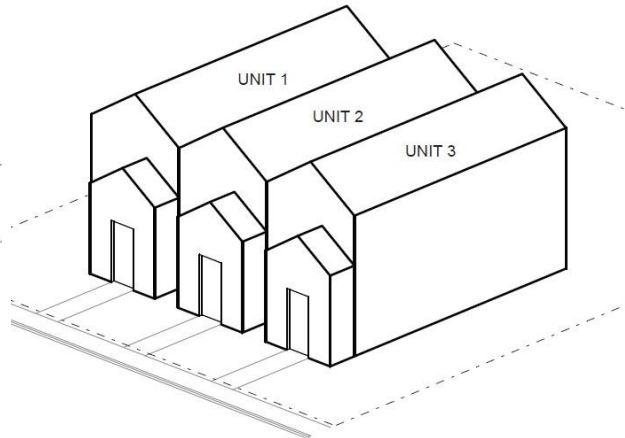


Figure 11. Stacked Quadplex

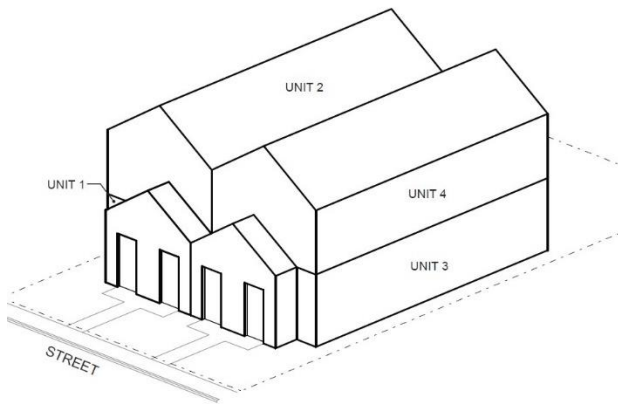
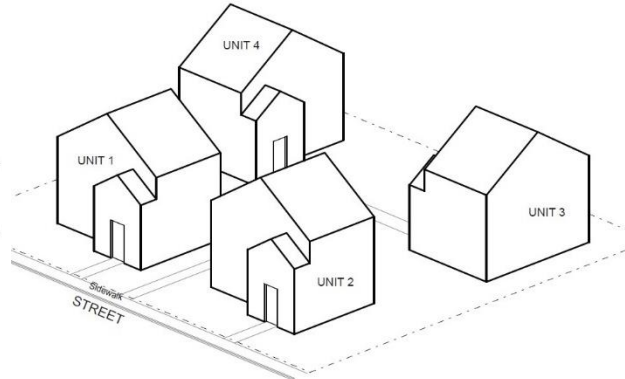


Figure 12. Detached Quadplex



Chapter 2. Duplexes

Sections:

- A. Permitted Uses and Approval Process
- B. Development Standards
- C. Design Standards
- D. Duplex Conversions

A. Permitted Uses and Approval Process

Duplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single family dwellings. Duplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.

B. Development Standards

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, minimum and maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

The following development standards are invalid and do not apply to duplexes being developed on lots or parcels zoned for residential use that allow the development of a detached single family dwelling:

1. Maximum Density. The jurisdiction's pre-existing density maximums and minimum lot sizes for duplexes do not apply.
2. Setbacks. A minimum front setback of greater than 20 feet or a minimum rear setback of greater than 15 feet except for those minimum setbacks applicable to garages and carports.
3. Off-Street Parking. Any off-street parking requirement.

C. Design Standards

New duplexes shall meet all clear and objective design standards (e.g., entry orientation, window coverage, articulation, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

Any design standards that apply only to duplexes are invalid.

D. Duplex Conversions

Conversion of an existing detached single family structure to a duplex is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the conversion does not increase nonconformance with applicable clear and objective standards.

Chapter 3. Triplexes and Quadplexes

Sections:

- A. Permitted Uses and Approval Process
- B. Development Standards
- C. Design Standards
- D. Triplex and Quadplex Conversions

A. Permitted Uses and Approval Process

1. Permitted Use. Triplexes and quadplexes are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).
2. Approval Process. Triplexes and quadplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a triplex or quadplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
3. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a triplex or quadplex development application.

B. Development Standards

1. Applicability.
 - a. Triplexes and quadplexes shall meet:
 - The standards in subsections (2) through (7) of this section (B).
 - All other clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, lot size and dimensions, minimum and maximum setbacks, and building height), unless those standards conflict with this code and except as specified in subsections (1)(b) and (2) through (7) of this section (B).
 - b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:

- Maximum lot coverage, minimum landscape area, or minimum open space standards.
 - The jurisdiction’s development standards other than those in subsections (2) through (7) of this section (B) that apply only to triplexes, quadplexes, or multifamily development.
2. **Number of Units.** This code does not allow for the creation of more than four (4) dwelling units on a lot, including accessory dwelling units.
 3. **Maximum Density.** The jurisdiction’s pre-existing density maximums do not apply.
 4. **Setbacks.** Minimum front and street side setbacks greater than 10 feet and minimum rear setbacks greater than 10 feet are invalid, except for those minimum setbacks applicable to garages and carports.
 5. **Building Height.** A maximum height of less than 35 feet or three (3) stories is invalid. Building height is measured in accordance with the development code.
 6. **Maximum Floor Area Ratio (FAR).** The maximum floor area ratio for all buildings onsite, cumulatively, is based on the minimum lot size for a detached single family dwelling in the same zone, as provided below:

Minimum Lot Size for Detached Single Family Dwellings	Maximum FAR
3,000 sf or less	1.4 to 1
More than 3,000 sf, up to and including 5,000 sf	1.1 to 1
More than 5,000 sf, up to and including 10,000 sf	0.7 to 1
More than 10,000 sf but less than 20,000 sf	0.6 to 1
20,000 sf or more	0.4 to 1

7. **Off-Street Parking.**
 - a. **Required Off-Street Parking.** The minimum number of required off-street parking spaces is:
 - i. In zones with a minimum lot size of less than 5,000 square feet, one (1) off-street parking space per development.
 - ii. In zones with a minimum lot size of 5,000 square feet or more, two (2) off-street parking spaces per development.

A credit for on-street parking shall be granted for some or all the required off-street parking as provided in subsection (b). No additional parking spaces shall be required for conversion of a detached single family dwelling to a triplex or quadplex, including those created through the addition of detached units.
 - b. **On-Street Credit.** If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

- i. The space must be abutting the subject site;
- ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
- iii. The space must be a minimum of 22 feet long; and
- iv. The space must not obstruct a required sight distance area.

C. Design Standards

1. Applicability.

- a. New triplexes and quadplexes, including those created by adding building square footage on a site occupied by an existing dwelling, shall meet:
 - The design standards in subsections (2) through (5) of this section (C); and
 - All other clear and objective design standards that apply to detached single family dwellings in the same zone, unless those standards conflict with this code and except as specified in subsection (1)(b) of this section (C).
- b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:
 - Mandates for construction of a garage or carport.
 - The jurisdiction's design standards other than those in subsections (2) through (5) of this section (C) that apply only to triplexes, quadplexes, or multifamily development.

2. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (a) and (b) below. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

- a. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and
- b. The entrance must either:
 - i. Face the street (see Figure 13);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 14);
 - iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 15); or
 - iv. Open onto a porch (see Figure 16). The porch must:
 - (A) Be at least 25 square feet in area; and
 - (B) Have at least one entrance facing the street or have a roof.

Figure 13. Main Entrance Facing the Street

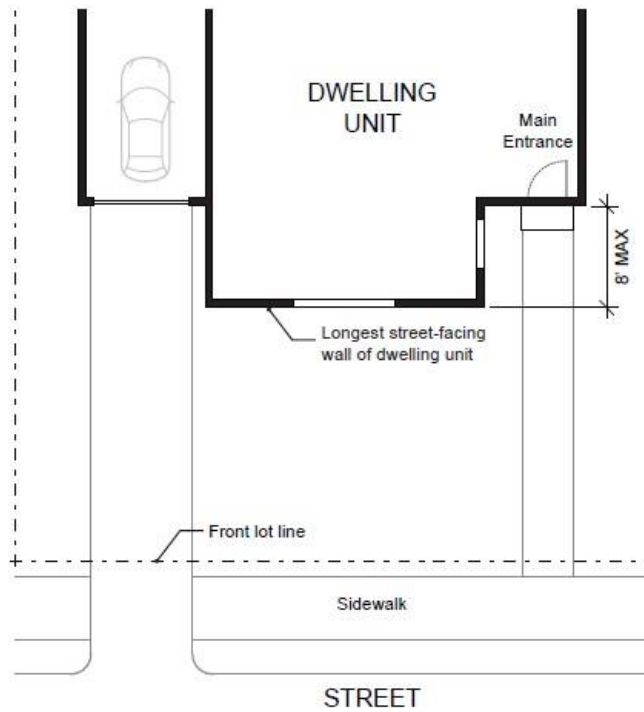


Figure 14. Main Entrance at 45° Angle from the Street

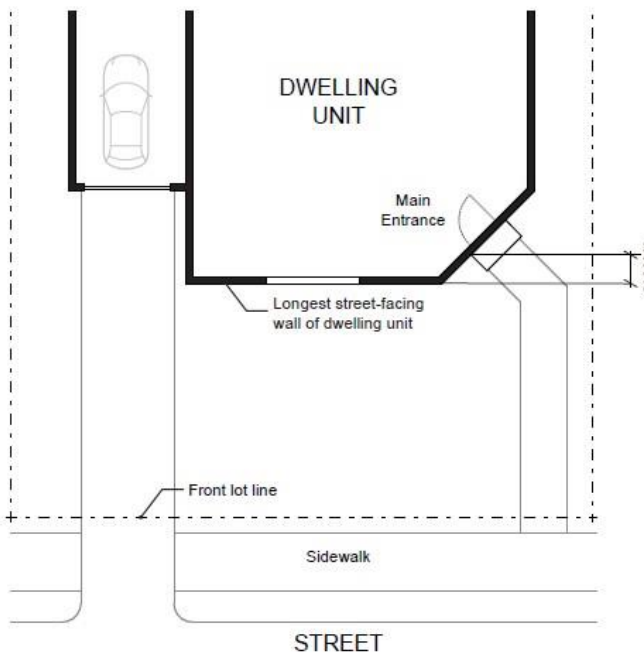


Figure 15. Main Entrance Facing Common Open Space

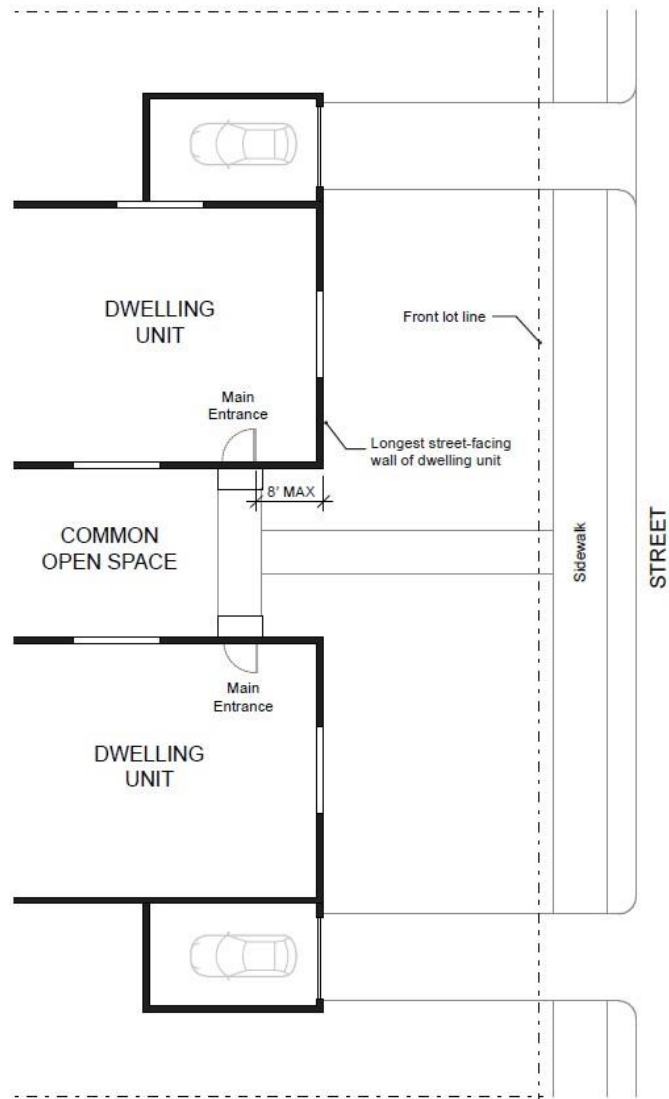
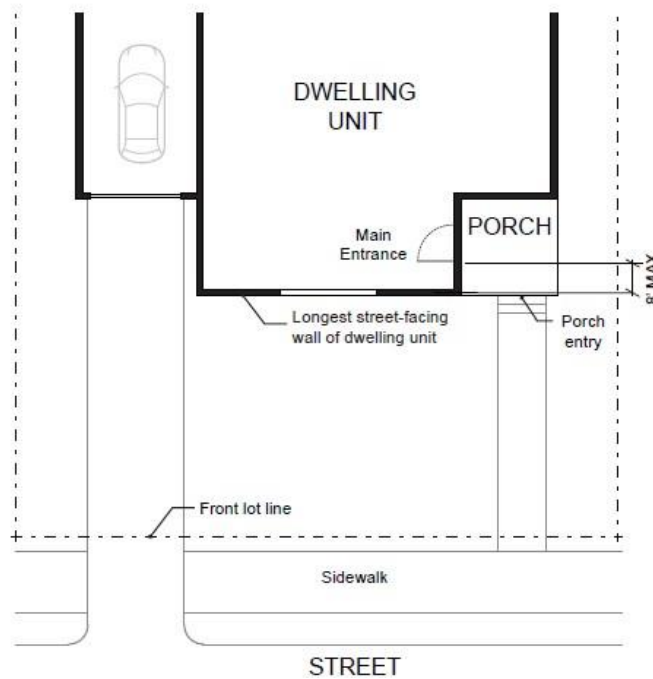


Figure 16. Main Entrance Opening onto a Porch



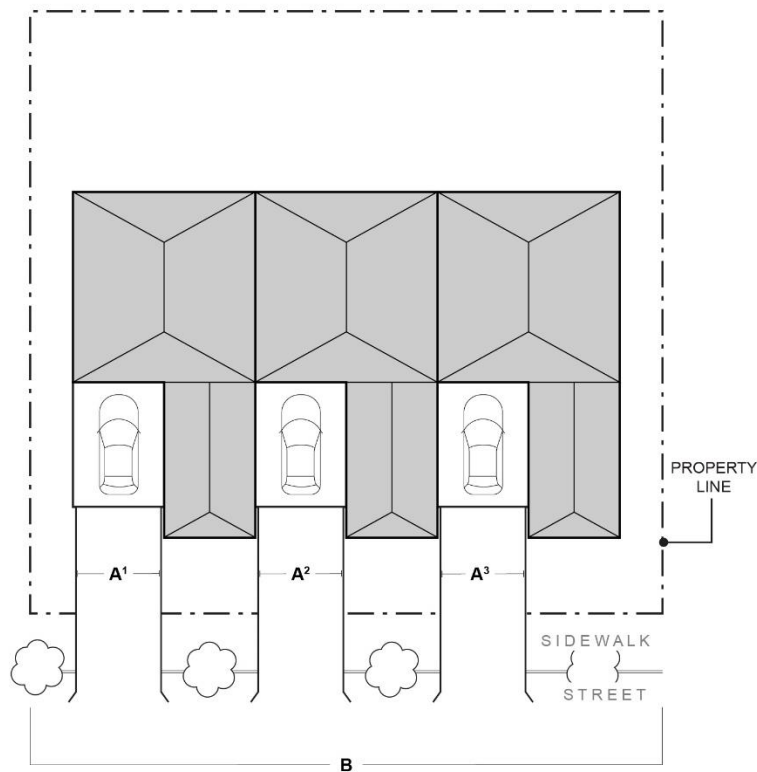
3. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 17.

Figure 17. Window Coverage



4. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (a) and (b) of this subsection (C)(4).
- The garage or off-street parking area is separated from the street property line by a dwelling; or
 - The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (see Figure 18).

Figure 18. Width of Garages and Parking Areas



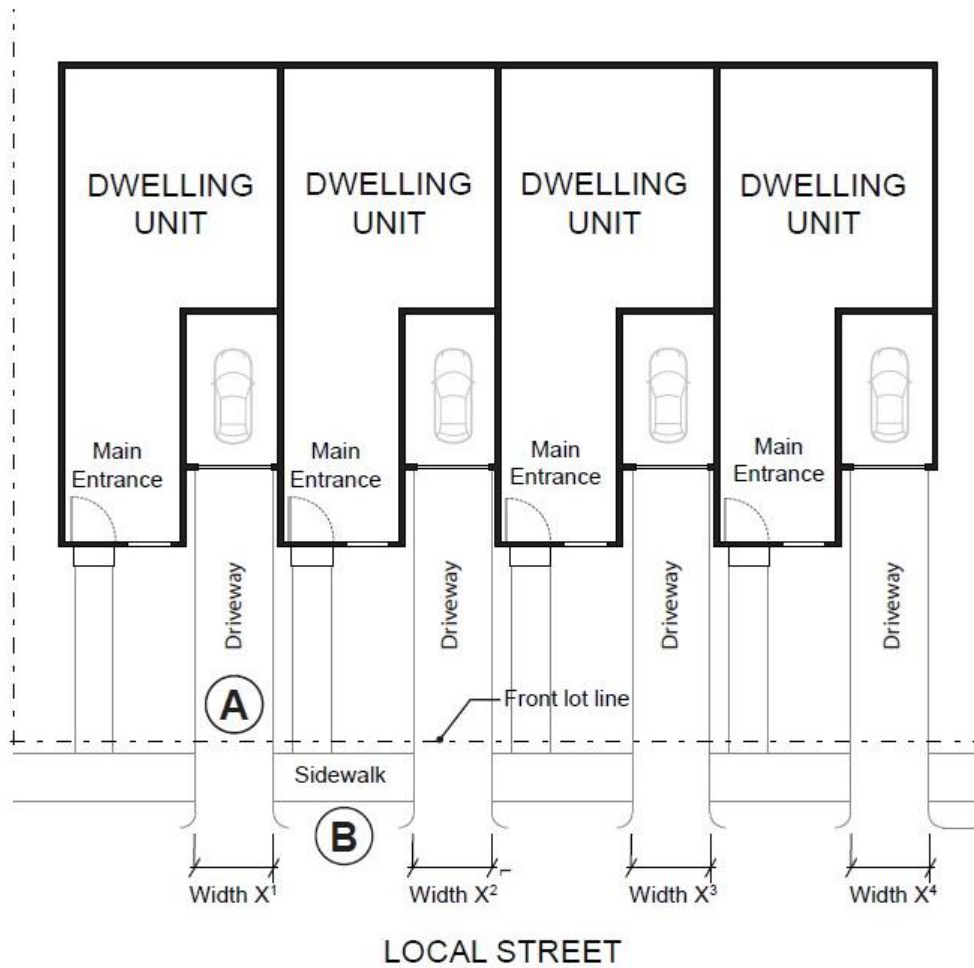
- (A) Garage and on-site parking and maneuvering areas
 (B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

5. Driveway Approach. Driveway approaches must comply with the following:
- The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 19). For lots or parcels with more than one frontage, see subsection (5)(c) of this subsection (C).

- b. Driveway approaches may be separated when located on a local street (see Figure 19). If approaches are separated, they must meet the jurisdiction's driveway spacing standards applicable to local streets.
- c. In addition, lots or parcels with more than one frontage must comply with the following:
 - i. Lots or parcels must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an improved alley (defined as an alley that meets the jurisdiction's standards for width and pavement), access must be taken from the alley (see Figure 20).
 - ii. Lots or parcels with frontages only on collectors and/or arterial streets must meet the jurisdiction's access standards applicable to collectors and/or arterials.
 - iii. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:
 - Two driveway approaches not exceeding 32 feet in total width on one frontage; or
 - One maximum 16-foot-wide driveway approach per frontage (see Figure 21).

Figure 19. Driveway Approach Width and Separation on Local Street



- A** $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,
- B** Driveway approaches may be separated when located on a local street

Figure 20. Alley Access

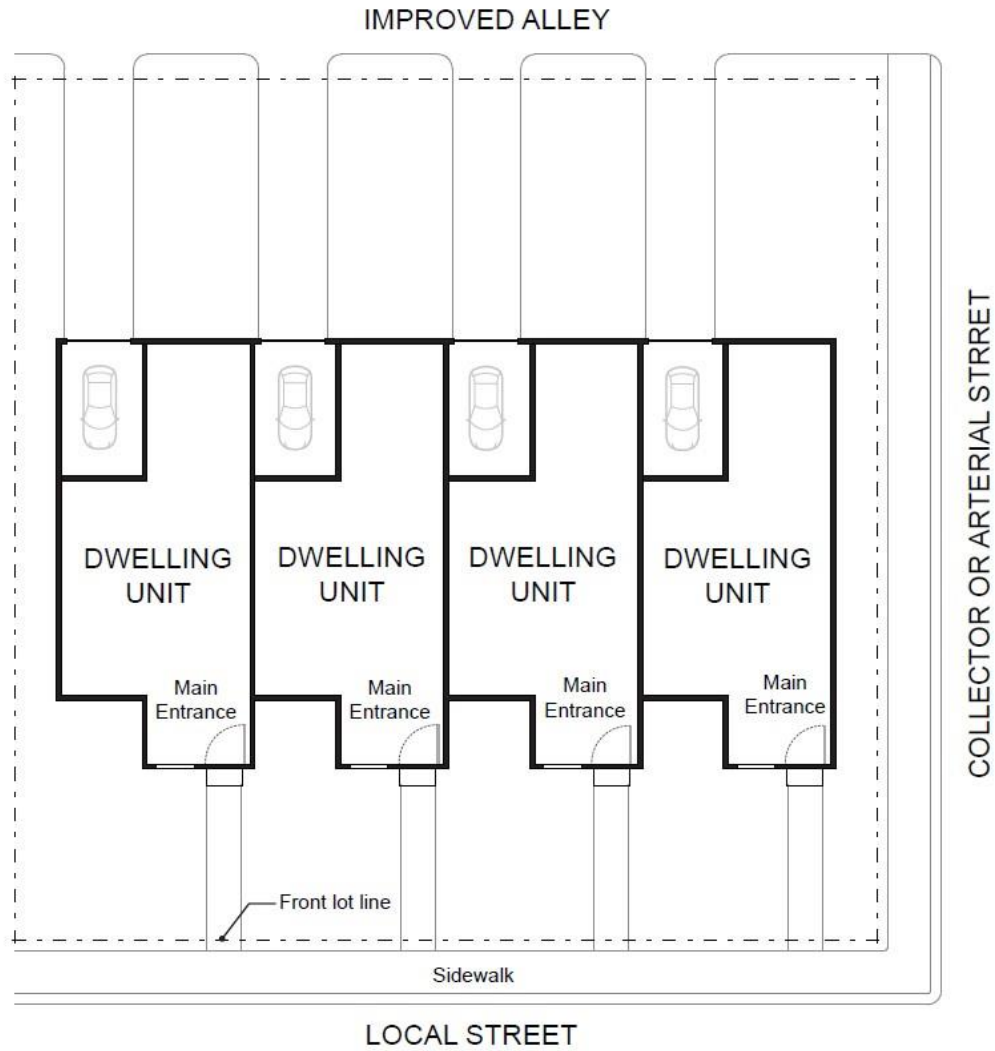
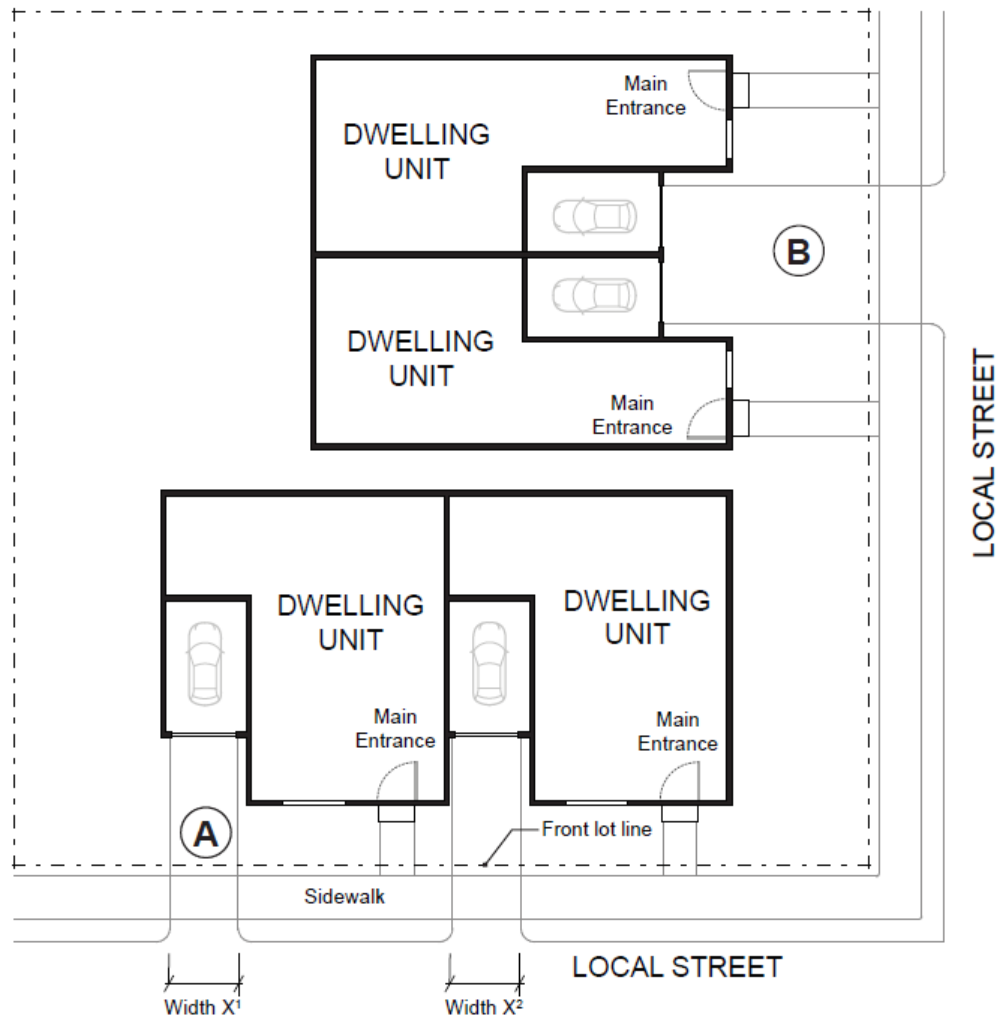


Figure 21. Driveway Approach Options for Multiple Local Street Frontages



Options for site with more than one frontage on local streets:

- (A)** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured $X^1 + X^2$); or
- (B)** One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

D. Conversions to Triplex and Quadplex

Internal conversion of an existing detached single family structure or duplex to a triplex or quadplex is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the development code.

Chapter 4. Townhouses

Sections

- A. Permitted Uses and Approval Process
- B. Development Standards
- C. Design Standards

A. Permitted Uses and Approval Process

1. Permitted Use. Townhouses are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).
2. Approval Process. Townhouse structures are subject to the same approval process as that for detached single family dwellings in the same zone. Townhouse projects are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a townhouse project subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
3. New Lots or Parcels. Creation of new lots or parcels as part of a townhouse project is subject to the applicable land division approval process.
4. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a townhouse development application.

B. Development Standards

1. Applicability.
 - a. Townhouses shall meet the standards in subsections (3), (4), and (5) of this section (B).
 - b. Townhouse projects shall meet:
 - The standards in subsections (2), (5), and (6) of this section (B).
 - Any applicable clear and objective platting standards, unless those standards conflict with this code.
 - c. The following standards are invalid and do not apply to townhouses or townhouse projects allowed by this code, except as specified in this section (B):
 - Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (6) of this section (B).
 - Development standards of the applicable base zone related to lot dimensions, lot coverage, landscape or open space area, or the siting or design of dwellings.
 - The jurisdiction's other development standards that apply only to townhouses and that conflict with provisions of this code.

2. Maximum Density. The maximum density for a townhouse project is as follows:
 - In zones in which the minimum lot size for detached single family dwellings is 2,500 square feet or less, townhouse projects are allowed two (2) times the allowed density for detached single family dwellings.
 - In zones in which the minimum lot size for detached single family dwellings is more than 2,500 square feet but less than 5,000 square feet, townhouse projects are allowed three (3) times the allowed density for detached single family dwellings.
 - In zones in which the minimum lot size for detached single family dwellings is 5,000 square feet or more, townhouse projects are allowed four (4) times the allowed density for detached single family dwellings.
3. Setbacks. Townhouses shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone, except as noted below:
 - **Front and Street Side:** Minimum front and street side yard setbacks greater than 10 feet are invalid, except those applicable to garages or carports.
 - **Rear:** Minimum rear setbacks greater than 10 feet and minimum rear setbacks greater than zero (0) feet for lots with rear alley access are invalid.
 - **Non-street Side:**
 - The minimum setback for a common wall lot line where units are attached is zero (0) feet.
 - The minimum side setback for an exterior wall at the end of a townhouse structure is five (5) feet.
4. Building Height. Townhouses shall meet the maximum building height standards that apply to detached single family dwellings in the same zone, except a maximum height of less than 35 feet or three (3) stories is invalid. Building height is measured in accordance with the development code.
5. Off-Street Parking.
 - a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a townhouse project is one (1) space per unit. Spaces may be provided on individual lots or in a shared parking area on a common tract. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).
 - b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.
 - i. The space must be abutting the subject site;
 - ii. The space must be in a location where on-street parking is allowed by the jurisdiction;

- iii. The space must be a minimum of 22 feet long; and
 - iv. The space must not obstruct a required sight distance area.
6. Areas Owned in Common. Common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the jurisdiction prior to issuance of a building permit.

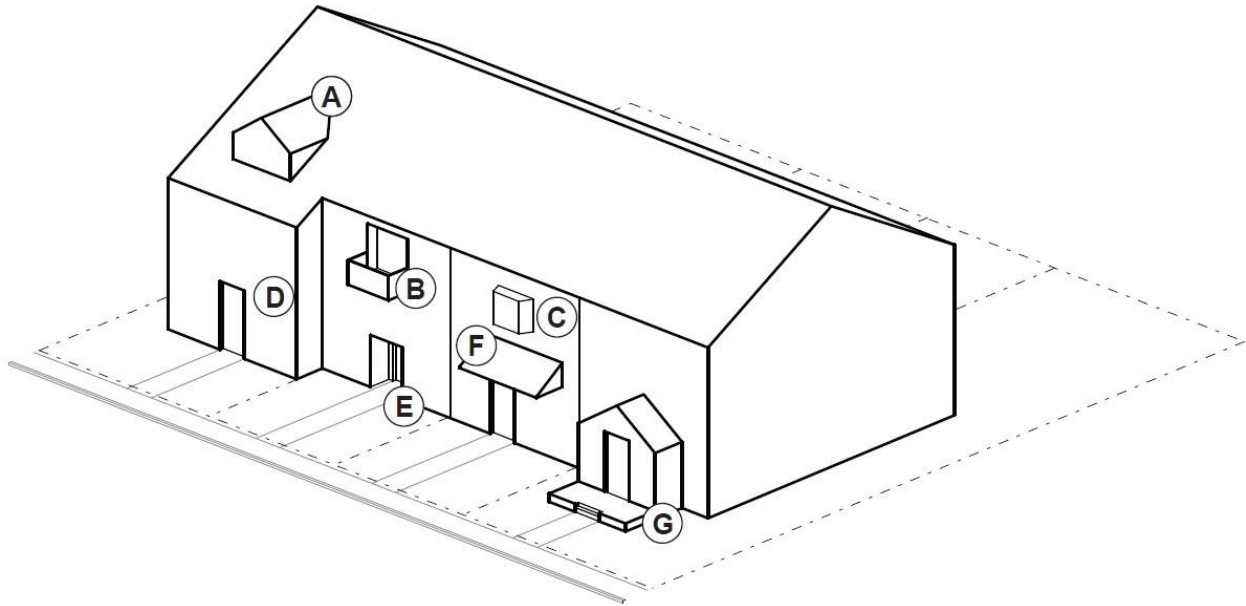
C. Design Standards

New townhouses shall meet the design standards in subsections (1) through (4) of this section (C). Mandates for construction of a garage or carport and any other design standards are invalid.

1. Entry Orientation. The main entrance of each townhouse must:
 - a. Be within 8 feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 - b. Either:
 - i. Face the street (see Figure 13);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 14);
 - iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or
 - iv. Open onto a porch (see Figure 16). The porch must:
 - (A) Be at least 25 square feet in area; and
 - (B) Have at least one entrance facing the street or have a roof.
2. Unit definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 22):
 - a. A roof dormer a minimum of 4 feet in width, or
 - b. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or
 - c. A bay window that extends from the facade a minimum of 2 feet, or
 - d. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or
 - e. An entryway that is recessed a minimum of 3 feet, or
 - f. A covered entryway with a minimum depth of 4 feet, or
 - g. A porch meeting the standards of subsection (1)(b)(iv) of this section (C).

Balconies and bay windows may encroach into a required setback area.

Figure 22. Townhouse Unit Definition

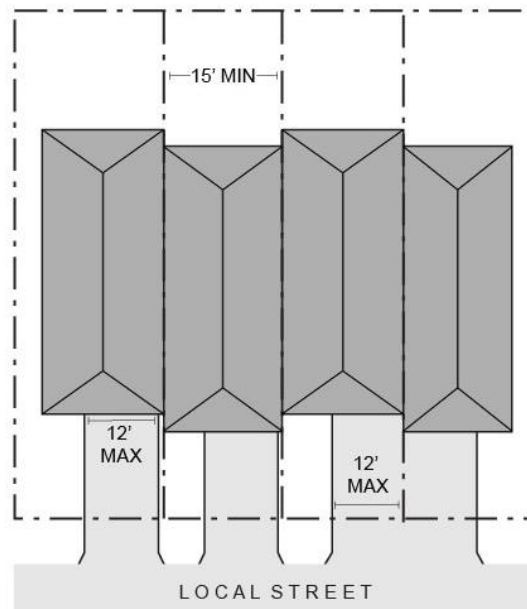


- (A) Roof dormer, minimum of 4 feet wide
- (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C) Bay window extending minimum of 2 feet from facade
- (D) Facade offset, minimum of 2 feet deep
- (E) Recessed entryway, minimum 3 feet deep
- (F) Covered entryway, minimum of 4 feet deep
- (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

3. **Windows.** A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 17.
4. **Driveway Access and Parking.** Townhouses with frontage on a public street shall meet the following standards:
 - a. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 23).

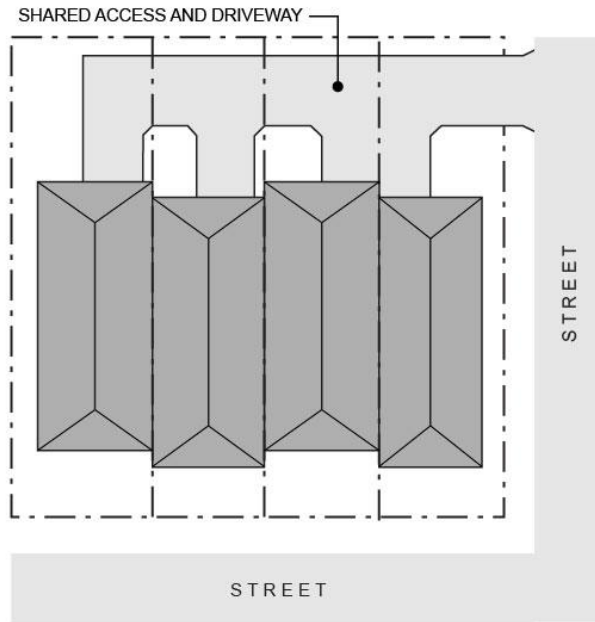
- i. Each townhouse lot has a street frontage of at least 15 feet on a local street.
- ii. A maximum of one (1) driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
- iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
- iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

Figure 23. Townhouses with Parking in Front Yard



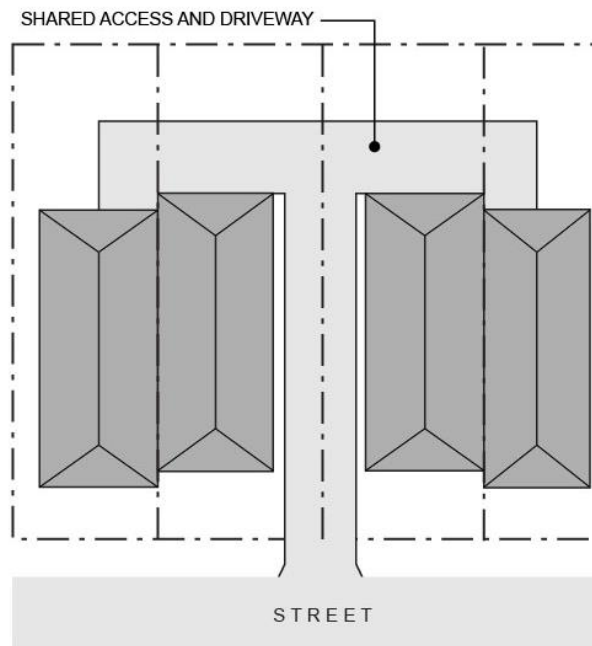
- b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a).
 - i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
 - ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 24.

Figure 24. Townhouses on Corner Lot with Shared Access



- iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 25.

Figure 25. Townhouses with Consolidated Access



- iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.
- c. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (b).

Chapter 5. Cottage Clusters

Sections:

- A. Permitted Uses and Approval Process
- B. Development Standards
- C. Design Standards

A. Permitted Uses and Approval Process

1. Permitted Use. Cottage cluster projects are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).
2. Approval Process. Cottage cluster projects are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a cottage cluster project subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
3. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a cottage cluster development application.

B. Development Standards

1. Applicability.
 - a. Cottage clusters shall meet the standards in subsections (2) through (7) of this section (B).
 - b. The following standards are invalid and do not apply to cottage clusters allowed by this code, except as specified in this section (B):
 - Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (7) of this section (B).
 - Development standards of the applicable base zone related to lot dimensions, lot coverage, floor area ratio, landscape or open space area, or the siting or design of dwellings.
 - The jurisdiction's other development standards that apply only to cottage clusters and that conflict with provisions of this code.

2. Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot size, width, and depth standards that apply to detached single family dwellings in the same zone.
3. Maximum Density. The jurisdiction's pre-existing density maximums do not apply.
4. Setbacks and Building Separation.
 - a. Setbacks. Cottage clusters shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone, except that minimum setbacks for dwellings in excess of the following are invalid:
 - Front setbacks: 10 feet
 - Side setbacks: 5 feet
 - Rear setbacks: 10 feet
 - b. Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
5. Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.
6. Building Height. The maximum building height for all structures is 25 feet or two (2) stories, whichever is greater.
7. Off-Street Parking.
 - a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area less than 1,000 square feet and one (1) space per unit with a floor area of 1,000 square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).
 - b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.
 - i. The space must be abutting the subject site;
 - ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
 - iii. The space must be a minimum of 22 feet long; and
 - iv. The space must not obstruct a required sight distance area.

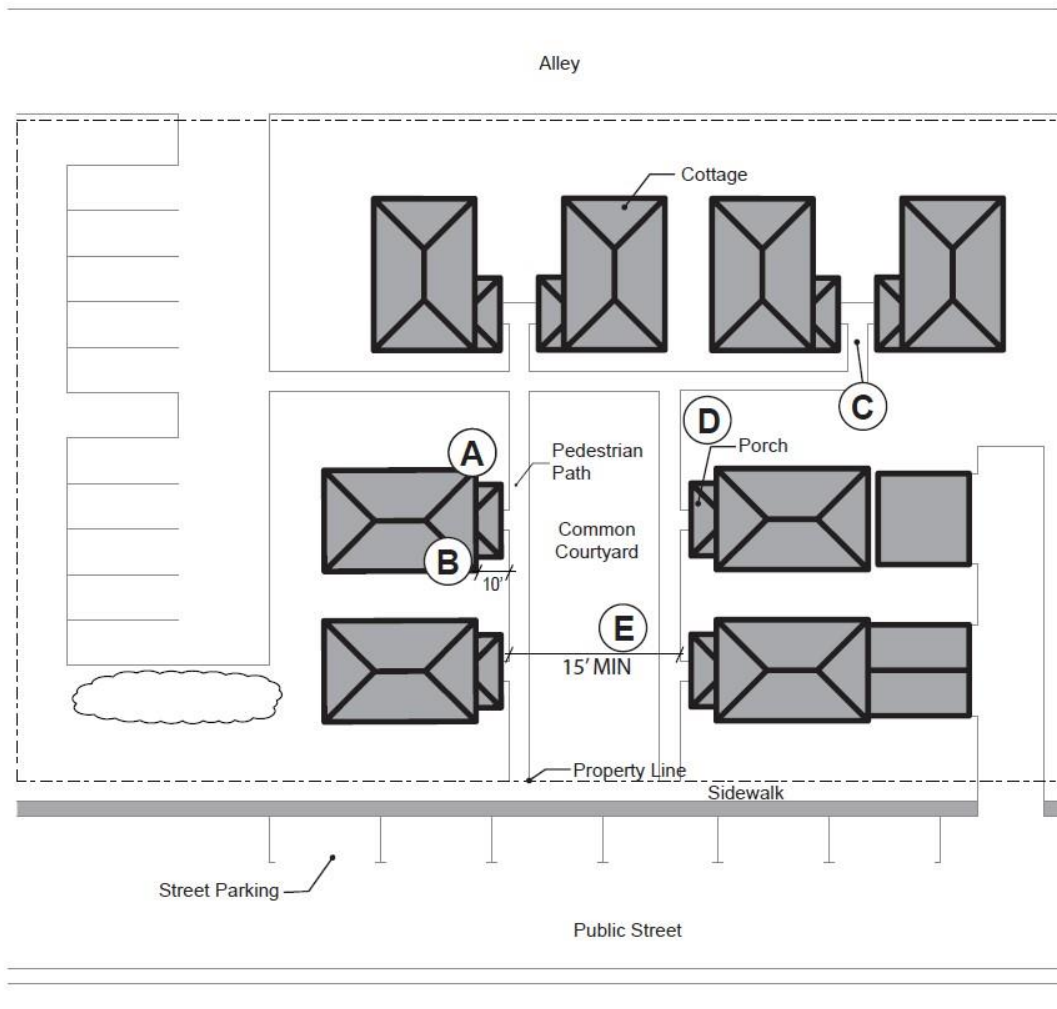
C. Design Standards

Cottage clusters shall meet the design standards in subsections (1) through (8) of this section (C). No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section (C).

1. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 26):
 - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - i. Have a main entrance facing the common courtyard;
 - ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path.
 - c. Cottages within 20 feet of a street property line may have their entrances facing the street.
 - d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 26):
 - a. The common courtyard must be a single, contiguous piece.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).
 - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Figure 26. Cottage Cluster Orientation and Common Courtyard Standards

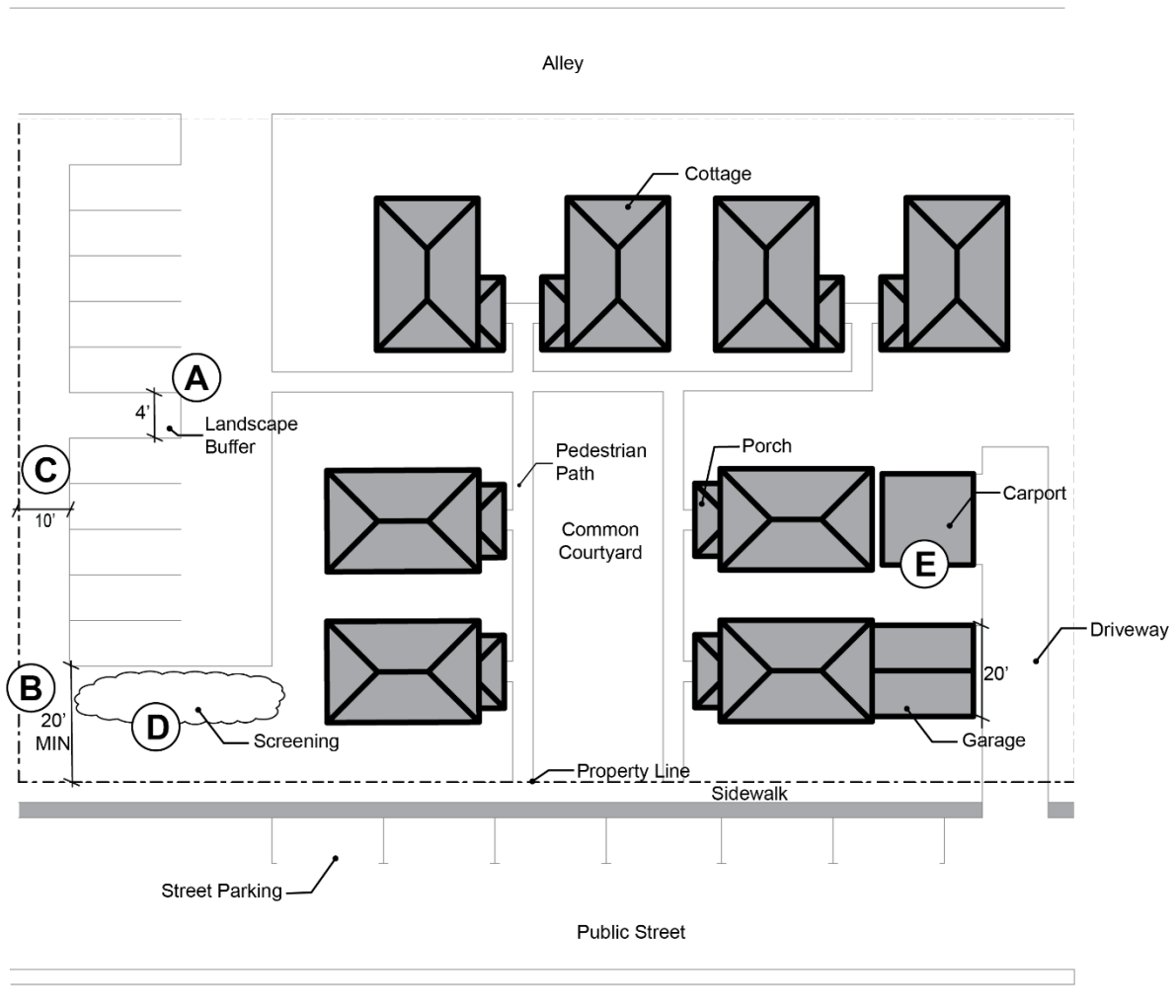


- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).
 - b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
4. Pedestrian Access.
 - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
 - b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.
5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.
6. Parking Design (see Figure 27).
 - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
 - ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
 - iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
 - iv. Clustered parking areas may be covered.
 - b. Parking location and access.
 - i. Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street property line, except alley property lines;
 - Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
- c. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
- d. Garages and carports.
- i. Garages and carports (whether shared or individual) must not abut common courtyards.
 - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - iii. Individual detached garages must not exceed 400 square feet in floor area.
 - iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
7. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
8. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
- a. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - b. The existing dwelling may be expanded up to the maximum height in subsection (B)(4) or the maximum building footprint in Chapter 1, subsection (B)(1); however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
 - c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
 - d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (C).

Figure 27. Cottage Cluster Parking Design Standards



- (A) Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B) No parking or vehicle area within 20 feet from street property line (except alley).
- (C) No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D) Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E) Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.