



PLANNING COMMISSION RESOLUTION 2021-377

A RESOLUTION RECOMMENDING CITY COUNCIL AMEND THE NEWBERG COMPREHENSIVE PLAN, NEWBERG MUNICIPAL CODE, TITLE 15.05.030, 15.100.020, 15.205.050, 15.205.060, 15.220.050, 15.220.060, 15.240.020, 15.302.032, 15.302.040, 15.302.200,, 15.305.020, 15.336.020, 15.340.020, 15.342.050, 15.342.100, 15.346.070, 15.346.070, 15.352.050, 15.405.010, 15.405.030, 15.405.040, 15.410.020, 15.410.030, 15.410.070, 15.415.020, 15.415.050, 15.420.010, 15.440.010, 15.440.020, 15.440.030, 15.440.060, 15.445.060, 15.445.070, 15.505.030, APPENDIX A, NORTHWEST NEWBERG SPECIFIC PLAN, SPRINGBROOK OAKS SPECIFIC PLAN, SPRINGBROOK MASTER PLAN

RECITALS

1. The Oregon Legislature adopted HB 2001 during the 2019 Legislative Session.
2. The Newberg City Council authorized an application to the Department of Land Conservation and Development (DLCD) for a Grant to comply with HB 2001 on April 20, 2020.
3. DLCD awarded the City of Newberg a grant on August 27, 2020.
4. The City Council appointed a Citizens Advisory Committee on August 17, 2020.
5. The Citizens Advisory Committee met six (6) times in developing code provisions for duplexes.
6. The Planning Commission was briefed four (4) times on the draft triplex, quadplex, cottage cluster, and townhomes code provisions.
7. The Affordable Housing Commission was briefed three (3) times on the draft triplex, quadplex, cottage cluster, and townhomes code provisions.
8. The City Council and Planning Commission held a joint work session on the triplex, quadplex, cottage cluster and townhouse code provisions on June 7, 2021.
9. The Affordable Housing Commission recommends the triplex, quadplex, cottage cluster, and townhomes amendments be adopted.
10. After proper notice, the Newberg Planning Commission opened the hearing on November 10, 2021, considered public testimony and deliberated. They found that the proposed amendments were in the best interests of the City.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission of the City of Newberg recommends the City Council adopt the proposed Newberg Comprehensive Plan amendment, Newberg Development Code

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amendments for NMC, Title 15 Development Code, and the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan.

2. This recommendation is based on the staff report, Exhibit "A" Comprehensive Plan language, Exhibit "B" Development Code language, and the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan amendments (Exhibits "C", "D", and "E") and the Findings in Exhibit "F".

Adopted by the Newberg Planning Commission this 10th day of November, 2021.



Planning Commission Chair

ATTEST:



Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Comprehensive Plan Amendments
- Exhibit "B": Development Code Amendment
- Exhibit "C": Northwest Newberg Specific Plan
- Exhibit "D": Springbrook Oaks Specific Plan
- Exhibit "E": Springbrook Master Plan
- Exhibit "F": Findings

**Exhibit “A” to Planning Commission Resolution No. 2021-3377
Comprehensive Plan Amendment – File CPTA21-0002**

Note: Existing text is shown in regular font.
Added text is shown in double underline
Deleted text is shown in ~~strikethrough~~.

The Newberg Comprehensive Plan shall be amended as follows:

Section 1. The Newberg Comprehensive Plan, POLICIES: 3. Mix Policies, subsection ad. is added to read:

ae. The City shall permit middle housing including triplexes, quadplexes, townhouses and cottage clusters in residential areas in compliance with OAR Division 660-046. (Ordinance No. 2021-xxx, Dec 6, 2021.)

Exhibit “B” to Planning Commission Resolution No. 2021-377
Development Code Amendment – File DCA21-0004

Note: Existing text is shown in regular font.
Added text is shown in double underline
Deleted text is shown in ~~strikethrough~~.
Text shown with single underline indicates a defined term, rather than a text edit.

The Newberg Development Code shall be amended as follows:

Section 1. Newberg Development Code, 15.05.030 shall be amended to read for the following definitions:

“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.”

“Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as a part of a cottage cluster project must have its own common courtyard.

“Dwelling, cottage” means an individual dwelling unit that is part of a cottage cluster.

“Dwelling, multifamily” means a building designed and used for five or more dwelling units on one lot or parcel, 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, quadplex” means four dwelling units on one lot or parcel in any configuration.

“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, 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, also commonly called a “single-family attached dwelling”, “rowhouse” or “common-wall house”.

“Dwelling, triplex” means three dwelling units on one lot or parcel in any configuration.

“Middle housing” means any individual or combination of duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and/or cottage clusters.

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“Quadplex”. See “Dwelling, quadplex.”

“Townhouse”. See “Dwelling, townhouse.”

“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 the any commonly owned property.

“Triplex”. See “Dwelling, triplex.”

Section 2. Subsection B of Section 15.100.020 is amended to read as follows:

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

1. Design review permits for single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouses, cottage cluster projects, 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.
6. Determining compliance with the conditions of approval for a land use action processed under a Type II or Type III procedure.

Section 3. Section 15.205.050 is amended to read as follows:

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, triplex dwelling or quadplex dwelling, subject to any one of the following requirements. This shall be processed as a Type I application for single-family dwellings and duplex dwellings, triplex dwelling or quadplex dwelling, and as a Type II application for all commercial, industrial, and multifamily dwelling uses.

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; or

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;

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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; or

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.

Section 4. Subsection A of Section 15.205.060 is amended to read as follows:

A. Where a single-family, duplex, triplex, quadplex, townhouse, or multifamily dwelling, or a cottage cluster project, 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.

Section 5. Subsection A.1. of Section 15.220.020 is amended to read as follows:

A. Applicability of Requirements. Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.

1. Type I.

a. Single-family dwellings;

b. Duplexes dwellings;

c. Triplex dwellings;

d. Quadplex dwellings;

e. Townhouse dwellings;

f. Cottage cluster projects;

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

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hd. Multifamily additions which do not exceed 1,000 square feet in gross floor area and do not add any new units, or new construction incidental to the main use on an existing developed site which does not exceed 1,000 square feet in gross floor area and does not add any new units;

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

jf. Multifamily remodels which do not exceed 25 percent of the assessed valuation of the existing structure and do not add any new units;

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

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

mi. Fences and trash enclosures;

nj. Accessory dwelling units.

Section 6. Section 15.220.050 is amended to read as follows:

15.220.050 Criteria for design review (~~Type II process~~)

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

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

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

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

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

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

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

- a. Connection to a public sewer system capable of meeting established service levels.
- b. Connection to a public water system capable of meeting established service levels.
- c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- d. Storm drainage facilities capable of meeting established service levels for storm drainage.

Section 7. Section 15.220.060 is amended to read as follows:

The purpose of this section is to ensure that multifamily residential projects containing ~~three~~ five or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the site design review process, an applicant for a new multifamily residential project must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for ~~attached single-family projects of any size and~~ smaller multifamily projects with ~~six or fewer~~ five to eight units and at least 20 points are required for multifamily projects with ~~seven~~ nine or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).

A. Site Design Elements.

1. Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of open space areas which can be consolidated into children's play areas, gardens, and/or dog-walking areas (three points).
2. Preserve existing natural features, including topography, water features, and/or native vegetation (three points).
3. Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more "pedestrian-friendly" environment (three points).
4. Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other "pedestrian-friendly" amenities (three points).

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5. Create “outdoor” rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).
6. Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species (two points).
7. Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).
8. Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).
9. Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).
10. Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).
11. Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).
12. Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).

B. Building Design Elements.

1. Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).
2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).
3. Break up large buildings into bays by varying planes at least every 50 feet (three points).
4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).

5. Building Materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).

6. Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).

7. Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).

8. Provide a front porch at every main entry as this is both compatible with the city's historic building pattern and helps to create an attractive, "pedestrian-friendly" streetscape (two points).

9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points). [Ord. 2763 § 1 (Exh. A § 8), 9-16-13; Ord. 2505, 2-1-99. Code 2001 § 151.195.]

Section 8. Subsection F.1. of Section 15.240.020 is amended to read as follows:

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 gross acre, as calculated in subsection (F)(1)(b) of this section
R-2	310 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
R-3	640 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
RP	310 density points per gross acre, 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:

Dwelling Type	Density Point Table	
	Density Points: Standard Dwelling	Density Points: 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

Duplex, triplex or quadplex dwellings shall be counted as a single dwelling unit, inclusive of all bedrooms in the two duplex combined dwelling units, for purposes of calculating density points. Four townhouse dwellings or cottage dwellings shall count as one standard dwelling, inclusive of all bedrooms in the combined dwelling units.

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.

Section 9. Subsection A of Section 15.302.032 is amended to read as follows:

A. R-1 Low Density Residential District.

1. The purpose of this land use designation is to provide a stable and healthful residential environment together with the full range of urban services. ~~The R-1 zone is intended for low density urban single-family residential uses at an average overall density of 4.4 units per gross buildable acre, and/or middle housing densities consistent with applicable minimum lot sizes, in the district. It is intended to provide a stable and healthful environment together with the full range of urban services.~~

2. Typical housing types will include single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects 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.

Section 10. Subsection B of Section 15.302.032 is amended to read as follows:

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, and/or middle housing densities consistent with applicable minimum lot sizes, in the district.

2. Typical housing types will include single-family dwellings on small lots, ~~attached single-family, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects, 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.

Section 12. Subsection C. of Section 15.302.032 is amended to read as follows:

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, and/or middle housing densities consistent with applicable minimum lot sizes, in the district.

2. Typical housing types will include duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects, 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 intended to be consistent with the high density residential (HDR) designation of the comprehensive plan.

Section 11. Subsection P. of Section 15.302.032 is amended to read as follows:

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 in the district.~~ The AR district is intended to be consistent with the airport residential (AR) designation in the comprehensive plan. Maximum overall density shall be 8.8 units per gross buildable acre in the district, calculated as follows:

1. Single-family detached dwellings and duplex dwellings shall count as a single dwelling unit for density calculation.

2. Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from density calculation and shall be subject only to the minimum lot sizes in Section 15.405.010.

Section 12. Subsection A. of Section 15.302.040 is amended to read as follows:

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. The following are examples of suffixes for subdistricts and their density equivalents:

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

Note: Duplex dwellings count as a single dwelling per lot for the purpose of calculating compliance with the maximum density standards. Triplex dwelling, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from density calculation and shall be subject only to the minimum lot sizes in Section 15.405.010.

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.

Section 13. Section 15.303.200 is amended to read as follows:

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, duplex

H. Dwelling, triplex.

I. Dwelling, quadplex.

J. Dwelling, townhouse.

K. Dwelling, cottage.

L. Cottage cluster project.

MH. Dwelling, multifamily.

NH. Dwelling, accessory.

QJ. Dwelling, mixed use.

PK. Dwelling, caretaker.

QL. Dormitory.

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

Section 14. Section 15.305.020 is amended to read as follows:

Newberg Development Code – Zoning Use Table

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	I	AR	AI	Notes and Special Use Standards	
100	AGRICULTURAL USE																				
	S																				
Def.	Horticulture	P	P	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		
Def.	Livestock and poultry farming	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Def.	Home gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Def.	Home livestock and poultry raising	S	S								X							S		NMC Title 6	
200	RESIDENTIAL USES																				
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)		X						P	P(6)		Subject to lot or development site area requirements of NMC 15.405.010	
Def.	Dwelling, townhouse single-family-attached	<u>PS</u> (2)	<u>PS</u>	<u>PS</u> (3)		<u>PS</u>		C(4)	C(5)		X						P	P(6)		NMC 15.415.0 50.B; subject to lot or development site area requirements of NMC 15.405.010	
Def.	Manufactured home on	S(2)	S	S(3)	P(7)	S					X							P(6)		NMC 15.445.0	

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	I	AR	AJ	Notes and Special Use Standards
	individual lot																			50 – 15.445.070; subject to lot or development site area requirements of NMC 15.405.010
Def.	Manufactured dwelling park	S	S	S	S						X									NMC 15.445.075 – 15.445.160
Def.	Mobile home park	S	S	S	S						X									NMC 15.445.075 – 15.445.160
Def.	Manufactured home subdivision	S	S	S	S						X									NMC 15.445.075 – 15.445.160
Def.	Dwelling, duplex	P(2)	P	P	C	P		C(4)	P(8)/C(5)		X						P	P(6)		Subject to lot or development site area requirements of NMC 15.405.010
Def.	<u>Dwelling, triplex</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>											<u>P</u>	<u>P(6)</u>		<u>NMC 15.415.050.A:</u> Subject to lot or development site area requirements of NMC 15.405.010

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
Def.	<u>Dwelling, quadplex</u>	P	P	P		P												P	P(6)		NMC, 15.415.050.A. Subject to lot or development site area requirements of NMC 15.405.010	
Def.	<u>Cottage cluster project</u>	P	P	P		P												P	P(6)		NMC, 15.415.050.C. Subject to lot or development site area requirements of NMC 15.405.010	
Def.	Dwelling, multifamily	C	P	P	C	P		C(4)	P(8)/C(5)		X							P			Subject to lot or development site area requirements of NMC 15.405.010	
Def.	Dwelling, accessory	S	S	S		S		C	C		X							S	S		Chapter 15.445 NMC, Article V	
Def.	Dwelling, mixed use						P(9)	P(10)	P(8)/C(5)	P(11)	X	C	C									
Def.	Dwelling, caretaker										X	P	P	P	C							Limited to one per lot, and allowed whenever the use requires

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	I	AR	AI	Notes and Special Use Standards
Def.	Dormitory		C	P		P					X						P			the on-site residence of such person.
Def.	Home occupation (no more than one outside paid employee)	S	S	S(13)	S	S	S(13)	S(13)	S(13)	S(13)	X	S(13)	S(13)	S(13)	S(13)	S(13)	S	S	S(13)	NMC 15.415.060
Def.	Home occupation (more than one outside paid employee)	C	C	C(13)	C	C	C(13)	C(13)	C(13)	C(13)	X	C(13)	C(13)	C(13)	C(13)	C(13)	C	C	C(13)	NMC 15.415.060
300	INSTITUTIONAL AND PUBLIC USES																			
310	INSTITUTIONAL CARE AND HOUSING																			
Def.	Family child care home	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	X						P	P(13)		ORS Chapter 657A
312	Day care	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P(14)	ORS Chapter 657A
Def.	Residential care home (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	X						P	P(13)		ORS 197.665
Def.	Residential care facility (6 -- 15 people)	C	P	P	C	P	C	C	C	C	X						P			ORS 197.665
315	Group care facility (16+ people)	C	C	C	C	C	C	C			X						P			
316	Hospital	C	C	C	C	C	P	P			C						P			
Def.	Prison										X	C	C	C	C					
320	ASSEMBLY																			

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AJ	Notes and Special Use Standards
321	Religious institution, place of worship	P	P	P	P	P	P	P	P	P	X		P(29)				C	P			
322	Private club, lodge, meeting hall			C	C			P	P	C	X							P			
330	SCHOOLS																				
330	School, primary or secondary	P	P	P		P					X						C				
331	College	P	P	P		P	P	P	P(15)		P(15)						C	P			
332	Commercial educational services	C	C	C		C	P	P	P		P							C			
340	PARKS AND OPEN SPACES																				
341	Open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
342	Park	P	P	P	P	P	P	P	P	P	X				P(16)		P(17)	P			
Def.	Golf course	P	P	P							X						P(17)				
350	PUBLIC SERVICES																				
351	Community services	C	C	C	C	P		P	P	P	P						C	P			
352	Emergency services	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P	P	P	P	P	
Def.	Pound, dog or cat							C	C		C	C	P	P	C	C					
Def.	Cemetery	C	C	C	C	C	C	C	C	C	X	C	C	C	C	C	C	C	C	C	ORS Chapter 97.46
360	TRANSPORTATION																				
Def.	Transportation facilities and improvements	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	Transit center							P	P	P	X	P	P	P							

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
Def.	Parking facility			P		C	C	P	P(18)	C	P	P	P	P		P		P			
Def.	Airport, landing field										X	C	C	C						P	
Def.	Helipad, helipad	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Def.	Marina									C	X						C				
	Pilings, piers, docks, and similar in-water structures									C	X						C				
370	UTILITIES																				
Def.	Basic utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	Utility distribution plant or yard										X		P	P	P						
Def.	Wastewater treatment plant										X		C	P	C						
Def.	Telecommunication facility incorporated into existing structure/utility pole and no taller than 18 feet above existing structure/utility pole	C	C	C	C	C	S	S	S	S	S	S	S	S	S	S	S	S	S		Chapter 15.445 NMC, Article IV
Def.	Telecommunication facility, including radio towers and transmitters, which are 100 feet or less in height, except those incorporated into an existing structure no taller than 18 feet above						C	C	C	C	C	C	S(19)	S(19)	P	C		C			Chapter 15.445 NMC, Article IV

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
	that structure																				
Def.	Telecommunication facility, including radio towers and transmitters, which are over 100 feet						C	C	C		C	C	C	C	C	C		C			Chapter 15.445 NMC, Article IV
400	COMMERCIAL USES																				
410	COMMERCIAL OFFICES																				
411	Medical office			C		P	P(20)	P	P(21)		P							P			
412	Local business office					P(22)	P(20)	P	P(21)		P										
420	COMMERCIAL SALES AND RENTALS																				
421	Retail sales -- General						P(20)	P	P(15)/(21)	P	P		P(23)								
422	Retail sales -- Bulk outdoor							P	C		P		P								
423	Retail sales -- Convenience						P(20)	P	P(21)	P	X		P(24)			P(25)					
Def.	Temporary merchant							S	S(21)		S										NMC 5.15.050 et seq.
425	Retail food and beverage production							S	S		P										Chapter 15.445 NMC, Article VIII
430	EATING AND DRINKING ESTABLISHMENTS																				
430	Eating and drinking -- Alcohol-related						P	P	P(21)	P	P										Requires liquor license

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
430	Eating and drinking – Non-alcohol-related						P(20)	P	P(21)	P	P	P	P							C(26)	
440	COMMERCIAL SERVICES																				
441	Personal services					P	P(20)	P	P(21)	P	P										
442	Commercial services						P(20)	P	P(21)		P										
443	Commercial vehicle service							P	C		X	P(27)	P			P(28)					
Def.	Kennel, commercial							C	C		X	C	P	P	C	C					
450	COMMERCIAL RECREATION																				
451	Commercial recreation – Indoors							P	P(15)		P	P(29)	P(29)								
452	Commercial recreation – Outdoors							P			X	C	C								
453	Commercial recreation – Motor-vehicle-related										X	C	C							C(35)	
460	COMMERCIAL LODGING																				
Def.	Vacation rental home	C	C	S	S	S	S(13)	S(13)	S(13)	S(13)	X										Chapter 15.445 NMC, Article VII
Def.	Bed and breakfast (2 or fewer rooms)	C	S	S		S	S	S	S	S	X										NMC 15.445.010
Def.	Bed and breakfast (3 or more rooms)	C	C	C		C	C	S	S	S	X										NMC 15.445.010

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
Def.	Hotel or motel							P	P(15)	P	P									C(26)	
Def.	Recreational vehicle park							C		C	X	C	C	C							NMC 15.445.170
500	INDUSTRIAL USES																				
501	Traded sector industry office					P(30)	P(30)	P	P		P	P	P	P	P					P(33)	
502	Industrial services							C			P	P	P	P	P					P(33)	
503	Wholesale and industry sales							C(31)			P	P(31)	P	P	P					P(33)	
504	Warehouse, storage, and distribution										P	P(32)	P	P	P					P(33)	
505	Self-service storage							P			X	P	P	P	P						
506	Light manufacturing										P	P	P	P	P					P(33)	
507	Heavy manufacturing										X		P(34)	P	C						
508	Waste-related										X			C	C						
600	MISCELLANEOUS USES																				
Def.	Accessory building and use incidental to other permitted uses in the zone	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Uses similar to permitted uses in the zone and not defined or	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
	categorized																				
	Uses similar to conditional uses in the zone and not defined or categorized	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Medical marijuana dispensary	X	X	X	X	X	P(35)	P(35)	P(35)	P(35)	X	X	X	X	X	X	X	X	X	X	
	Medical marijuana processor	X	X	X	X	X	X	P(38)	X	X	P(37)	P(37)	P(37)	P(37)	P(37)	X	X	X	X	X	
	Medical marijuana grow site	P(36)	P(36)	P(36)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Medical marijuana wholesaler	X	X	X	X	X	X	C(31)/(38)	X	X	P(38)	P(38)	P(38)	P(38)	P(38)	X	X	X	P(38)	X	
	Recreational marijuana processor	X	X	X	X	X	X	C(38)	X	X	P(37)	P(37)	P(37)	P(37)	P(37)	X	X	X	X	X	
	Recreational marijuana producer (indoor)	X	X	X	X	X	X	X	X	X	P	P	P	P	P	X	X	X	X	X	
	Recreational marijuana producer (outdoor)	X	X	X	X	X	X	X	X	X	C	C	C	C	C	X	X	X	X	X	
	Recreational marijuana retailer	X	X	X	X	X	P(38)/(39)/(40)	P(38)/(39)/(40)	P(38)/(39)/(40)	P(38)/(39)/(40)	X	X	X	X	X	X	X	X	X	X	
	Recreational marijuana wholesaler	X	X	X	X	X	X	C(31)/(38)	X	X	P(38)	P(38)	P(38)	P(38)	P(38)	X	X	X	P(38)	X	
	Marijuana laboratories	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	X	P	X	X	
	Marijuana research certificate	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	X	P	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).
- (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 single-family, ~~dwelling~~ duplex, triplex or quadplex dwelling, or up to four townhouse or cottage dwellings 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.
- (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.
- (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. 2763¹ § 1 (Exh. A § 6), 9-16-13.]

Section 15. Subsection B. of Section 15.336.020 is amended to read as follows:

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, triplex, or quadplex~~ dwelling, or up to four townhouse or cottage dwellings 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 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 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.
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.]

Section 16. Subsection A. of Section 15.340.020 is amended to read as follows:

A. Single-family dwellings, mobile homes, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects and multifamily dwellings, when located greater than 3,000 feet from the displaced threshold and when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a hold harmless agreement and aviation and hazard easement and submits them to the airport sponsor and the community development department ~~planning and building department~~.

Section 17. Section 15.342.050.A is amended to read as follows:

A. The expansion of an existing single-family, ~~or duplex, triplex or quadplex~~ dwelling, structure, building, improvements, or accessory structures inside the corridor delineation boundary, including

any expansion associated with conversion of an existing single-family dwelling into a duplex, triplex or quadplex dwelling; provided, that the following criteria have been satisfied:

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

Section 18. Section 15.342.050.G is amended to read as follows:

G. Single-family, ~~or duplex,~~ triplex or quadplex dwellings or structures which are nonconforming to the standards of this chapter may be rebuilt in the event of damage due to fire or other natural hazard; provided, that the single-family, ~~or duplex,~~ triplex or quadplex dwelling or structure is placed within the same foundation lines.

Section 19. Section 15.342.100.A is amended to read as follows:

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, ~~or duplex,~~ triplex or quadplex dwelling, including expansion associated with the conversion of an existing single-family dwelling into a duplex, triplex or quadplex dwelling, is permitted within the SC overlay subdistrict, provided:
 - a. The single-family, ~~or duplex,~~ triplex or quadplex dwelling shall occupy a coverage area not to exceed a maximum of 1,500 square feet in area; and
 - b. The single-family, ~~or duplex,~~ triplex or quadplex dwelling shall be placed in a location which is located no closer to the wetland.
3. The expansion of any existing use or structure, other than single-family, ~~or duplex,~~ triplex or quadplex dwellings, that is otherwise permitted within the base zoning district. The hearing body may authorize the expansion of an existing non-single-family use, provided the following criteria are met:
 - a. The expansion is limited to no more than 1,500 square feet of coverage;
 - b. The proposal does not pose an unreasonable threat to the public health, safety or

welfare on or off the development proposal site;

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

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

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

Section 20. Subsection A.4.a. of Section 15.346.070 is amended to read as follows:

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:

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

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

Section 21. Subsection A.4.b. of Section 15.346.070 is amended to read as follows:

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
Dwelling	15'	None
<u>Cottage cluster dwelling</u>	<u>10'</u>	<u>None</u>
Garage or carport	20'	None

Section 22. Subsection A.6. of Section 15.346.070 is amended to read as follows:

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 detached dwellings, ~~or~~ duplex dwellings or triplex dwellings: 5,000 square feet.

ii. ~~Attached~~ Townhouse dwellings: ~~3,750~~ 1,500 square feet.

iii. Quadplex dwellings or cottage cluster projects: 7,000 square feet.

b. Maximum Lot Coverage.

i. R-1-SP zone: 40 percent (including garage), except 60 percent (including garage) for townhouse dwellings.

ii. R-2-SP zone: 60 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.

iii. For the purpose of calculating compliance with the maximum density standard, single-family detached and duplex dwellings count as a single dwelling ~~per lot~~.

iv. Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from the maximum density calculation and shall be subject only to the minimum lot sizes in Section 15.346.070.A.6.a.

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

i. Lots for single-family detached dwellings may be increased to 7,500 square feet.

ii. Lot size may be increased above 7,500 square feet for single-family detached dwellings, 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.

Section 23. Subsection B.6.a of Section 15.346.070 is amended to read as follows:

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'
Dwelling	15'	25' (without porch)
<u>Cottage cluster dwelling</u>	<u>10'</u>	<u>25' (without porch)</u>
Garage or carport	20'	None

The front of a garage may not be closer to the property line than the front of the residential structure-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
Dwelling	15'	None
<u>Cottage cluster dwelling</u>	<u>10'</u>	<u>None</u>
Garage or carport	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, excluding duplex dwellings, with the same setback shall be located closer than every two residences on any street frontage.~~

Section 24. Subsection B.8. of Section 15.346.070 is amended to read as follows:

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

a. The following development standards shall be applied to Springbrook Oaks for single-family detached dwellings and duplex dwellings (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.

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 ⁴ <u>5</u>	RP	1,500*	1,500*	21.8* ¹
C ⁴ <u>5</u>	R-3	2,500*	2,500*	13.1*
D ⁴ <u>5</u>	R-2	3,750*	3,750	8.8
E ⁴ <u>5</u>	R-2	5,000	5,000*	6.6*
F-1 ⁴ <u>5</u>	RP	1,500*	1,500*	21.8*
F-2 ⁴ <u>5</u>	RP	1,500*	None* ²	None* ²
F-3 ⁴ <u>5</u>	RP	1,500*	1,500*	21.8*
G	M-1	20,000	NA	NA
H ⁴ ⁵	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 ~~per lot~~ for the purpose of calculating compliance with the maximum density.
- ⁵ Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects are permitted on lots meeting the applicable minimum lot areas for the dwelling type in the corresponding zone per Section 15.405.010(A), and are exempt from the development standards in this table.

Section 25. Section 15.352.050 is amended to read as follows:

In addition to the development standards of the base zone and the design standards in NMC 15.415.050, the following standards shall apply:

A. Single-Family Dwellings and Duplex Dwellings Façade Design Features.

1. For single-family detached dwellings, and duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, and 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.

3. Townhouse dwellings shall be exempt from the unit definition standards of NMC 15.415.050.B.3.

B. Standards for Garage Doors and Parking in Residential Zones.

1. Garage Location. All residential structures shall have a pedestrian entrance facing the street. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

- a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.
- b. The front of the garage can be no closer to the front lot line than the front facade of the primary structure.
- c. Individual garage doors may be no more than 90 square feet in area for a single-car garage or 180 square feet in area for a two-car garage.
- d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.

2. Surface parking areas shall be located behind or to the side of residential structures.

3. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials. [Ord. 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.]

Section 26. Section 15.405.010 is amended to read as follows:

15.405.010 Minimum and maximum lot area — ~~Lot areas per dwelling unit.~~

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:

<u>Zone</u>	<u>Minimum lot area for single family</u>	<u>Minimum lot area for duplex dwelling</u>	<u>Minimum lot area for triplex dwelling</u>	<u>Minimum lot area for quadplex</u>	<u>Minimum lot area for townhouse</u>	<u>Minimum lot area for cottage cluster</u>	<u>Minimum lot area per dwelling unit for multifamily</u>
<u>R-1</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>7,000</u>	<u>1,500</u>	<u>7,000</u>	<u>Per conditional</u>

	<u>SF</u>	<u>SF</u>	<u>SF</u>	<u>SF</u>	<u>SF</u>	<u>SF</u>	<u>use review</u>
<u>R-2</u>	<u>3,000</u> <u>SF</u>	<u>3,000</u> <u>SF</u>	<u>5,000</u> <u>SF</u>	<u>7,000</u> <u>SF</u>	<u>1,500</u> <u>SF</u>	<u>7,000</u> <u>SF</u>	<u>3,000 SF</u>
<u>R-3</u>	<u>2,500</u> <u>SF</u>	<u>2,500</u> <u>SF</u>	<u>4,500</u> <u>SF</u>	<u>6,000</u> <u>SF</u>	<u>1,500</u> <u>SF</u>	<u>6,000</u> <u>SF</u>	<u>1,500 SF</u>
<u>R-P</u>	<u>3,000</u> <u>SF</u>	<u>3,000</u> <u>SF</u>	<u>5,000</u> <u>SF</u>	<u>7,000</u> <u>SF</u>	<u>1,500</u> <u>SF</u>	<u>7,000</u> <u>SF</u>	<u>3,000 SF</u>
<u>AR</u>	<u>5,000</u> <u>SF</u>	<u>5,000</u> <u>SF</u>	<u>5,000</u> <u>SF</u>	<u>7,000</u> <u>SF</u>	<u>1,500</u> <u>SF</u>	<u>7,000</u> <u>SF</u>	<u>-----</u>

~~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 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. 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 R-3 district, each lot or development site shall have a minimum area of 2,500 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for duplex dwelling development shall not exceed 5,000 square feet.~~

~~4.2. 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.~~

~~5.3. 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.~~

~~6.4. 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.~~

~~7.5. 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. Maximum Lot or Development Site Area per Dwelling Unit.

1. In the R-1 district, the average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

~~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 dwelling.~~

2. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

~~2-3. 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 dwelling. In the R-2, AR and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, or multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 5,000 square feet lot area.~~

~~3-4. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit for multifamily dwellings. There shall be a minimum of 2,500 square feet per duplex dwelling. Lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, or multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 2,500 square feet lot area.~~

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

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size. [Ord. 2880 § 2 (Exh. B §§ 36, 37), 6-7-21; 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.]

Section 27. Subsection D. of Section 15.405.030 is amended to read as follows:

D. Frontage.

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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, except that duplex, triplex, quadplex and cottage cluster project lots in the R-3 zone shall have a minimum width of 25 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. Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050.B.

~~a-b.~~ Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.

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

~~e-d.~~ 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. However, existing single-family detached dwellings on existing private streets may be converted to duplex, triplex, or quadplex dwellings. [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.]

Section 28. Subsection B. of Section 15.405.040 is amended to read as follows:

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards however, cottage cluster projects shall be exempt from the 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.~~ except:
 - i. 50 percent if all structures on the lot are one story; and
 - ii. 60 percent for townhouse dwellings.
 - b. R-2 and RP: 60 percent.
 - c. AR and R-3: 60 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: 60 percent.
 - b. R-2, R-3 ~~and RP~~ and townhouse dwellings in R-1: 70 percent.

Section 29. Subsection A.4 of Section 15.410.020 is added as follows:

4. Cottage cluster projects in any zone in which they are permitted shall have a front yard of not less than 10 feet. Any garage, carport, or parking areas that are part of a cottage cluster 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.

Section 30. Subsection A.3 of Section 15.410.030 is added as follows:

3. All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.

Section 31. Subsection E.2 of Section 15.410.070 is amended to read as follows:

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 detached dwelling, or duplex dwelling, triplex dwelling, quadplex dwelling, or townhouse 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.

Section 32. Subsection A. of Section 15.415.020 is amended to read as follows:

A. Residential.

1. In the R-1 district, no main building shall exceed 30 feet in height, except that townhouse dwellings shall not exceed 35 feet in height.

2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.

3. 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 to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.

4. 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.

5. No cottage cluster dwelling shall exceed 25 feet in height in any zone where the use is permitted.

~~56.~~ Single-family dwellings permitted in commercial or industrial districts shall not exceed 35 feet in height, or the maximum height permitted in the zone, whichever is less.

Section 33. Section 15.415.050 is amended to read as follows:

~~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.~~

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- 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.]~~

15.415.050 Rules and exceptions governing triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects.

A. Where permitted, triplex dwellings and quadplex dwellings are subject to the following provisions:

1. 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 with more than 50 percent of its street-facing façade 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 Appendix A, Figure 26);

ii. Be at an angle of up to 45 degrees from the street (see Appendix A, Figure 27);

iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Appendix A, Figure 28); or

iv. Open onto a porch (see Appendix A, Figure 29). The porch must:

(A) Be at least 25 square feet in area; and

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(B) Have at least one entrance facing the street or have a roof.

2. 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 Appendix A, Figure 30.)

3. 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) below.

a. The garage or off-street parking area is separated from the street property line by a dwelling; or

b. 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.

B. Where permitted, townhouse dwellings are subject to the following provisions:

1. Number of Attached Units. The minimum number of attached townhouse dwelling units in all zones is two units. The maximum number of attached townhouse dwelling units is four units in the R-1 zone and eight units in the R-2, R-3, R-P and AR zones.

2. 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 Appendix A, Figure 26); or

ii. Be at an angle of up to 45 degrees from the street (see Appendix A, Figure 27); or

iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Appendix A, Figure 28); or

iv. Open onto a porch (see Appendix A, Figure 29). 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.

3. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 31):

a. A roof dormer a minimum of 4 feet in width; or

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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 façade a minimum of 2 feet; or

d. An offset of the façade 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 that is:

i. At least 25 square feet in area; and

ii. Has at least one entrance facing the street or has a roof.

4. 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 Appendix A, Figure 30.)

5. Driveway Access and Parking. Townhouses with street frontage must 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 32):

i. Each townhouse lot has a street frontage of at least 15 feet on a local street.

ii. A maximum of one driveway approach is allowed for every townhouse. Individual driveways may be between 10 and 12 feet in width. Driveway approaches and/or driveways may be shared.

iii. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach, which may be between 20 to 24 feet in width.

iv. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

v. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

b. The following standards apply to driveways and parking areas for townhouse

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projects that do not meet all of the standards in subsection (a). The following driveway and parking area configurations may also be voluntarily utilized for townhouse projects that could otherwise meet 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 Appendix A, Figure 33.)

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 Appendix A, Figure 34.)

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).

d. As an alternative to the provisions of subsections a. through c., above, a townhouse development may utilize a shared parking area meeting the requirements of NMC 15.440.060.

C. Where permitted, cottage cluster projects are subject to the following provisions:

1. Unit Size. The dwelling unit footprint of an individual cottage dwelling shall not exceed 900 square feet. Up to 200 square feet may be excluded from the calculation of dwelling unit footprint for an attached garage or carport. Detached garages, carports, or accessory structures shall not be included in the calculation of dwelling unit footprint. ^{SEP}

2. Number of Units. A minimum of four cottage dwellings is required per cottage cluster. A maximum of eight cottage dwelling is permitted per cluster in the R-1 zone and a maximum of 12 cottage dwellings per cluster is permitted in the R-2, R-3, R-P and AR zones. More than one cottage cluster may be permitted as part of a cottage cluster project.

3. Density. Cottage cluster projects shall meet a minimum density of four units per acre. No maximum density shall apply to cottage cluster projects.

4. 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 Appendix A, Figure 35):

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; and

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.

5. 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 Appendix A, Figure 35):

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.

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.

6. 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:

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a. 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.

7. 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; and

ii. Shared parking areas; and

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.

8. Parking Design (see Appendix A, Figure 36).

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; or

• Between a street property line and the front façade of cottages located

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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. As an alternative to the provisions of subsections a. through c., above, a cottage cluster development may utilize a shared parking area meeting the requirements of NMC 15.440.060.

e. 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.

9. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

10. 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 NMC 15.415.050(C).

b. The existing dwelling may be expanded up to the maximum height of 25 feet or the maximum building footprint of 900 square feet; however, existing dwellings that exceed the maximum height and/or footprint may not be expanded.

c. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per NMC 15.415.050(2)(b).

Section 34. Subsection B. of Section 15.420.010 is amended to read as follows:

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B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family detached dwellings, ~~and duplex dwellings~~, triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects:

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 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.

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 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.

Section 35. Subsection A. of Section 15.440.010 is amended to read as follows:

A. Off-street parking shall be provided on the lot or 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 lot or development site or within 400 feet of the lot or development site which the parking is required to serve. All required parking must be under the same ownership as the lot or development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the lot or 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.

Section 36. Subsection B. of Section 15.440.020 is amended to read as follows:

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B. Groups of three or more parking spaces, except those in conjunction with a single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, townhouse dwelling or cottage cluster project 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.

Section 37. Section 15.440.030 is amended to read as follows:

Use	Minimum Parking Spaces Required
Residential Types	
Dwelling, multifamily and multiple single-family dwellings on a single lot Studio or one-bedroom unit Two-bedroom unit Three- and four-bedroom unit Five- or more bedroom unit <ul style="list-style-type: none"> • Unassigned spaces • Visitor spaces 	1 per dwelling unit 1.5 per dwelling unit 2 per dwelling unit 0.75 spaces per bedroom 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. 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.
<ul style="list-style-type: none"> • On-street parking credit • Available transit service 	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. 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.
Commercial neighborhood district (C-1)	1 for each dwelling
Dwelling, single-family	2 for each dwelling unit on a single lot
Dwelling, duplex	1 for each dwelling unit
<u>Dwelling, triplex</u>	<u>1 for each dwelling unit</u> <u>Except that conversion of a detached single-family dwelling to a triplex dwelling shall not be subject to this requirement</u>
<u>Dwelling, quadplex</u>	<u>1 for each dwelling unit</u> <u>Except that conversion of a detached single-family dwelling to a quadplex dwelling shall not be subject to this requirement</u>
<u>Dwelling, townhouse</u>	<u>1 for each dwelling unit</u>

Use	Minimum Parking Spaces Required
<u>Dwelling, cottage</u>	<u>1 for each dwelling unit</u>
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
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 place of worship)
Continuing care retirement community not including nursing care	1 space per living unit
Day care facility	5 spaces per each 1,000 gross sq. ft.
Hospitals (including accessory retail wholly contained within a hospital building)	2 spaces for each 1,000 gross sq. ft.
Libraries, museums, art galleries	1 for each 250 sq. ft. of gross floor area
Medical/dental offices and laboratories	3.5 spaces for each 1,000 gross sq. ft.
Nursing homes, homes for the aged, group care homes, asylums, etc.	1 for each 3 beds
Schools	Colleges – “commuter” type, 1 for every full-time equivalent student (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)
Schools	Colleges – “resident” type, 1 for every 3 full-time equivalent students (plus 1/2 of the requirements for accessory buildings, 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	Colleges – commercial or business, 1 for every 3 classroom seats (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)
Welfare or correctional institutions	1 for each 5 beds
Commercial Types	
Barber and beauty shops	1 for each 75 sq. ft. of gross floor area
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 window	1 for each 75 sq. ft. of gross floor area
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 gross floor area
Participating type, e.g., skating rinks, dance halls	1 for each 75 sq. ft. of gross floor area

Use	Minimum Parking Spaces Required
Spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly	1 parking space for each 4 seats
Office buildings, business and professional offices	1 for every 400 sq. ft. of gross floor area
Pharmacies	1 for each 150 sq. ft. of gross floor area
Retail establishments, except as otherwise specified herein	1 for each 300 sq. ft. of gross floor area
Retail stores handling bulky merchandise, household furniture, or appliance repair	1 for each 600 sq. ft. of gross floor area
Industrial Types	
Except as specifically mentioned herein, industrial uses listed as permitted in the M districts: M-1, M-2, M-3, and M-4	1 for each 500 sq. ft. of gross floor area
Aircraft storage hangars up to 3,600 sq. ft. each enclosed hangar area	None (parking occurs in hangar)
Aircraft storage hangars over 3,600 sq. ft. each enclosed hangar area	1 for every 700 sq. ft. of hangar area over 3,600 sq. ft.
Aircraft hangars intended for repair and maintenance operations	1 for each 5,000 sq. ft. of hangar, 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 gross floor area
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 gross floor area

Notes:

* "I-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. 2730¹ § 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.

Section 38. Subsection C. of Section 15.440.060 is amended to read as follows:

C. All parking areas, except those required in conjunction with a single-family detached, ~~or duplex,~~ triplex, quadplex or townhouse dwellings, or cottage cluster project, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

Section 39. Subsection D. of Section 15.440.060 is amended to read as follows:

D. All parking areas, including service drives, except those required in conjunction with single-family ~~detached, or duplex, triplex, quadplex or townhouse~~ dwellings or cottage cluster projects, shall be screened in accordance with NMC 15.420.010(B).

Section 40. Subsection G. of Section 15.440.060 is amended to read as follows:

G. Parking areas for residential uses shall not be located in a required front yard, except as follows:

1. ~~Attached or detached~~ Single-family detached, or duplex, triplex, quadplex, and townhouse dwellings: 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).~~

Section 41. Section 15.445.060 is amended to read as follows:

A. These regulations allow manufactured homes on individual lots as a permitted use in all residential zones, including placement as a duplex, triplex, quadplex, cottage or accessory dwelling. [Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.641. Formerly 15.445.030.]

Section 42. Section 15.445.070 is amended to read as follows:

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

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

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

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

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

E. All manufactured homes shall be certified by the manufacturer to have an exterior thermal

envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Codes defined in ORS 455.010.

F. All dwelling units shall have a carport or garage constructed of like materials. A garage shall be provided where at least 50 percent of the dwellings on abutting lots, including lots directly across the street, have garages.

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

H. Manufactured homes placed as a duplex, triplex, quadplex, cottage or accessory dwelling shall be exempt from NMC 15.445.070(A) and (F)

[Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.642. Formerly 15.445.040.]

Section 43. Subsection R.3. of Section 15.505.030 is amended to read as follows:

3. Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.

a. For a duplex, triplex or quadplex dwelling or a cottage cluster project with frontage on two local streets, access may be permitted on both streets.

Section 44. Subsection R.4 of Section 15.505.030 is amended to read as follows:

4. Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 22 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.

a. For a duplex, triplex or quadplex dwelling or a cottage cluster project, more than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 22 feet of lot frontage separating each driveway approach.

Section 45. Subsection R.7. of Section 15.505.030 is amended to read as follows:

7. Shared Driveways.

a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When

shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

c. No more than four lots may access one shared driveway, with the exception of cottage dwellings on individual lots that are part of a cottage cluster.

d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.

e. Where three or more lots share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway. However, duplex, triplex, quadplex, townhouse and cottage dwellings with shared driveways shall be exempt from this standard.

Section 46. Appendix A: Figures is amended to add Figures 26 – 36.

Appendix A: Figures

(Figures 1-25 existing; no changes)

Figure 26: Street-facing Entrance

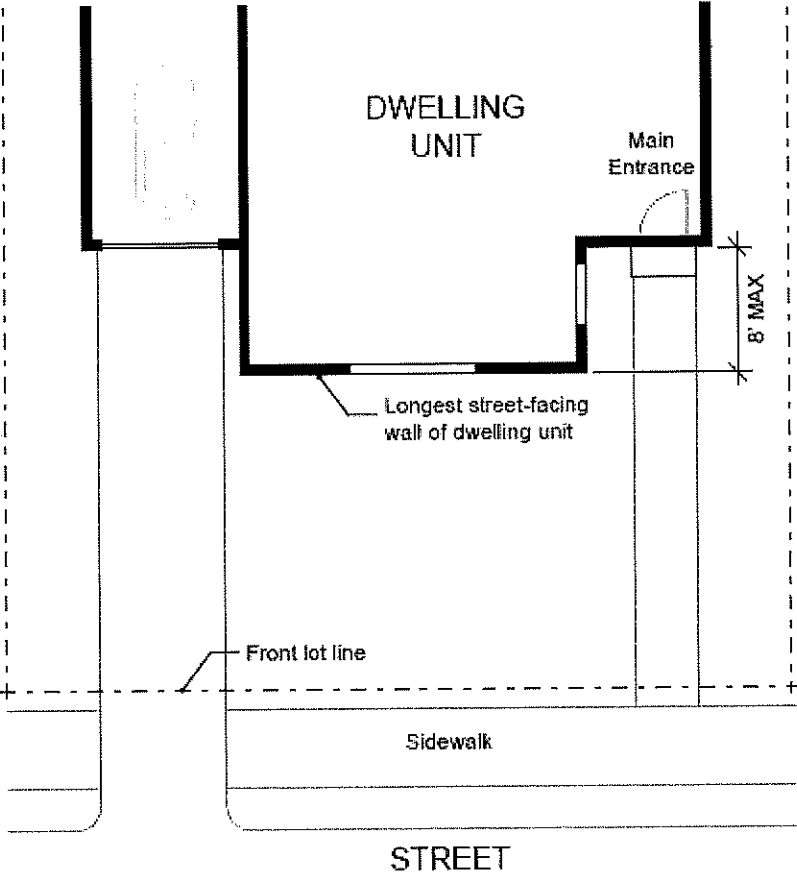


Figure 27: Angled Entrance

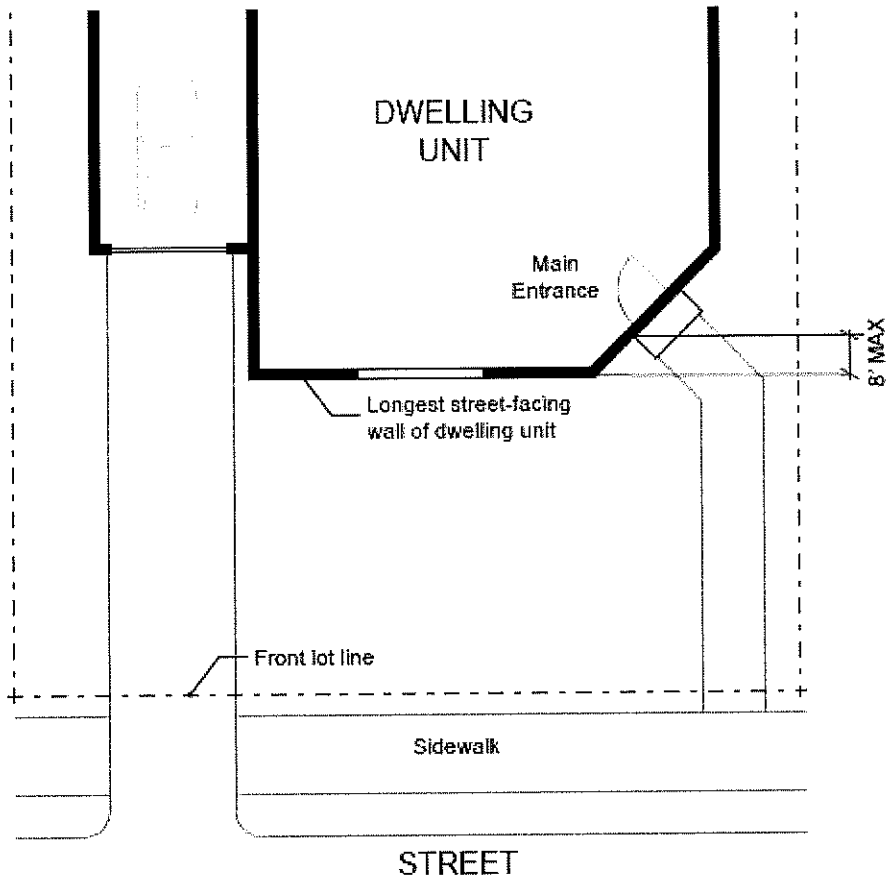


Figure 28: Entrance Facing a Common Open Space

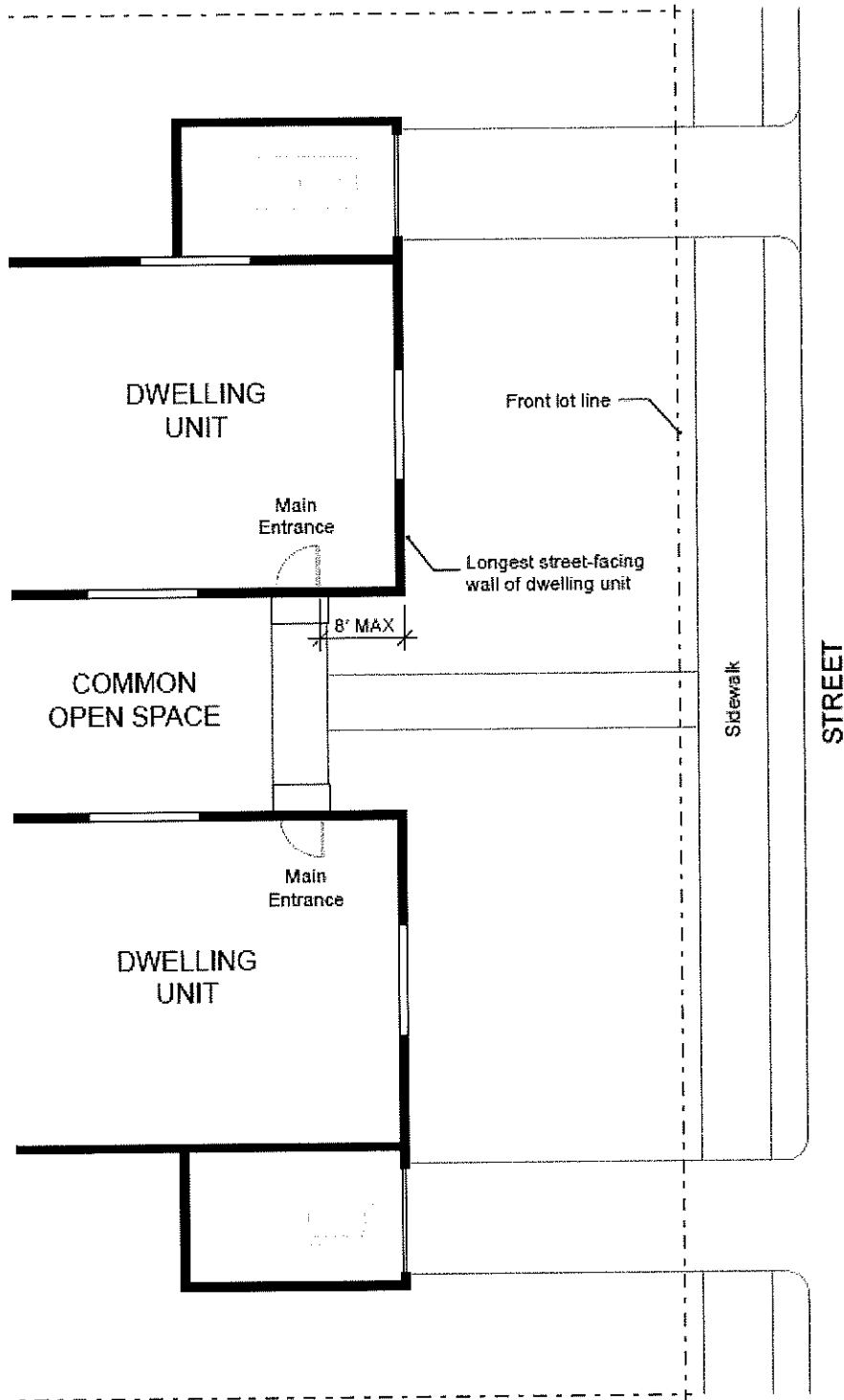


Figure 29: Porch-Facing Entrance

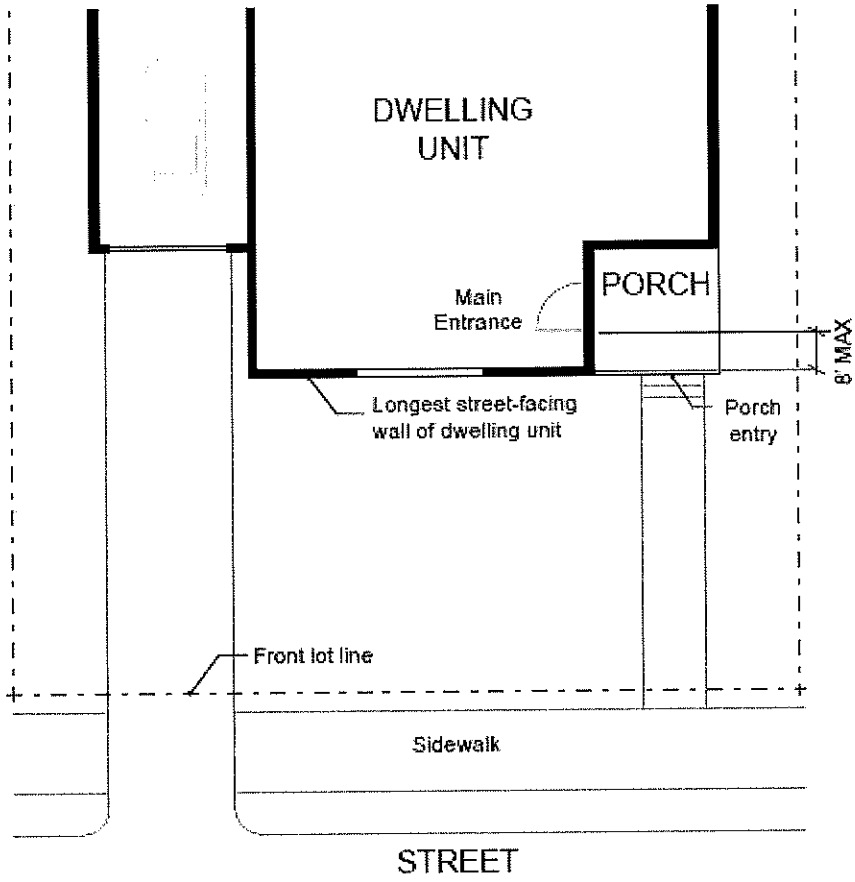
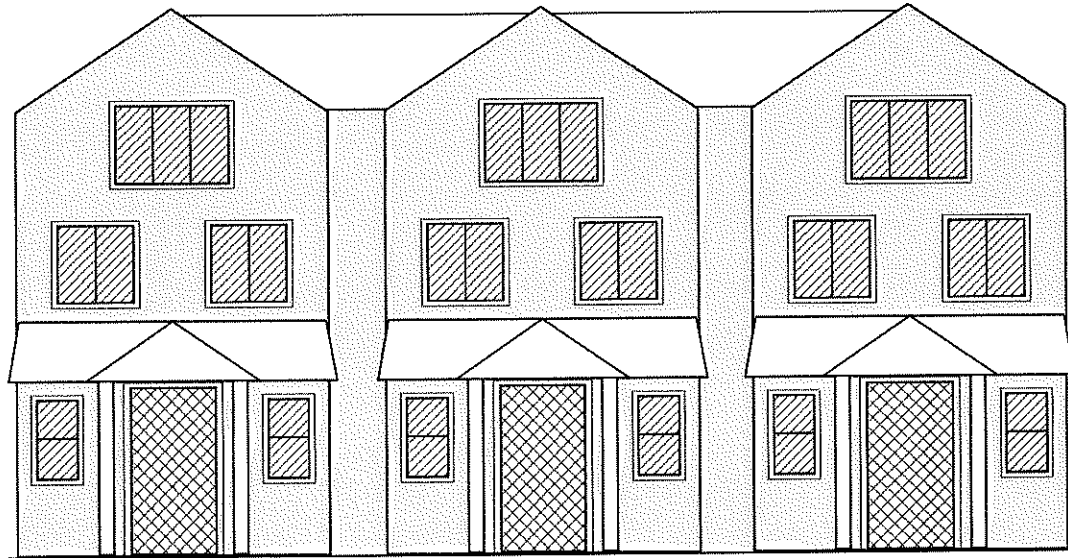


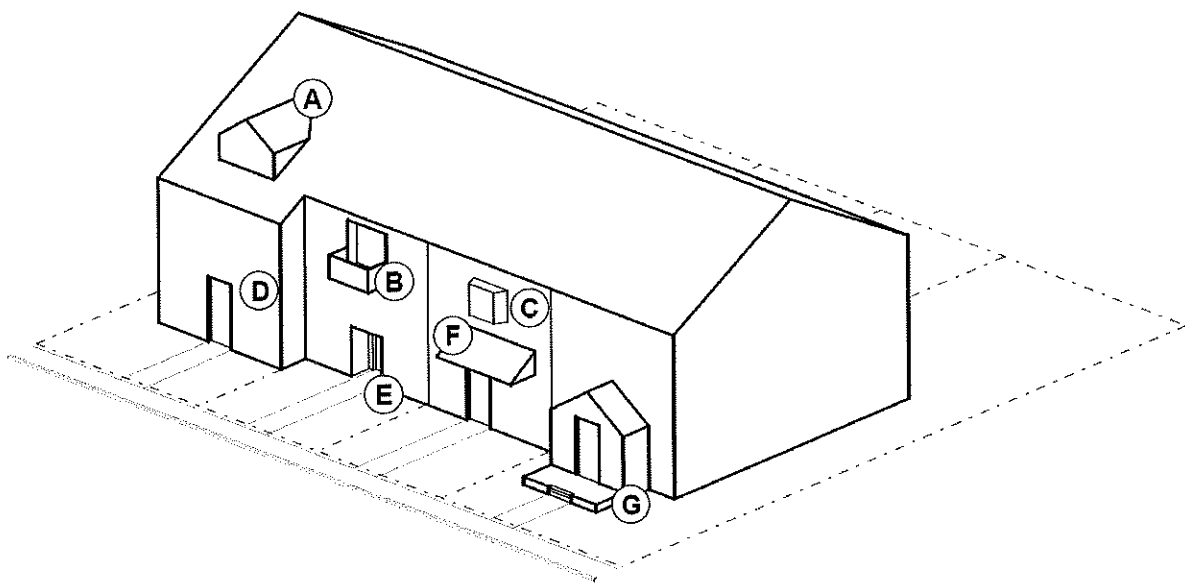
Figure 30: Window Coverage



STREET-FACING FACADE

- Area subject to 15% window & entrance door coverage requirement
- Qualifying window coverage
- Qualifying entrance door coverage

Figure 31: Townhouse Unit Definition



A. Roof dormer

B. Balcony

C. Bay window

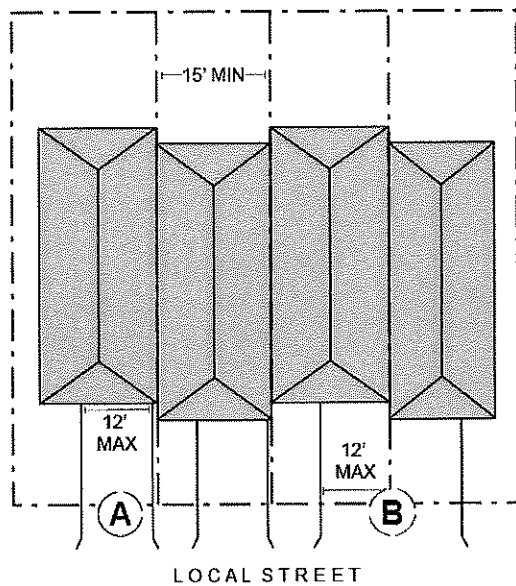
D. Façade offset

E. Recessed entryway

F. Covered entryway

G. Porch

Figure 32: Townhouses with Parking in the Front Yard



A. Individual driveways 10-12 feet wide

B. Paired driveways for abutting lots, each 10 to 12 feet wide for a total of 20 to 24 feet wide

Figure 33: Townhouses on Corner Lot with Shared Access

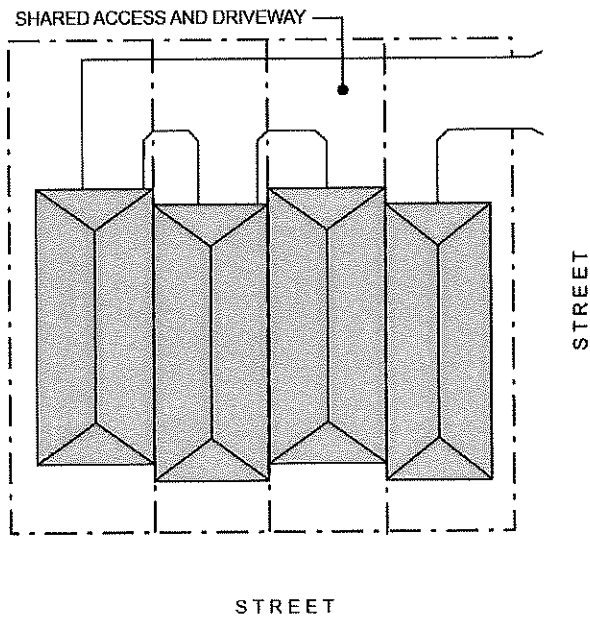


Figure 34: Townhouses with Consolidated Access

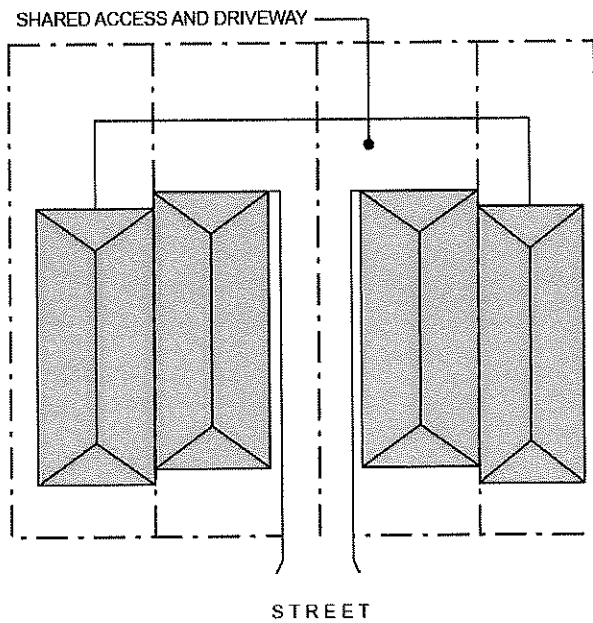
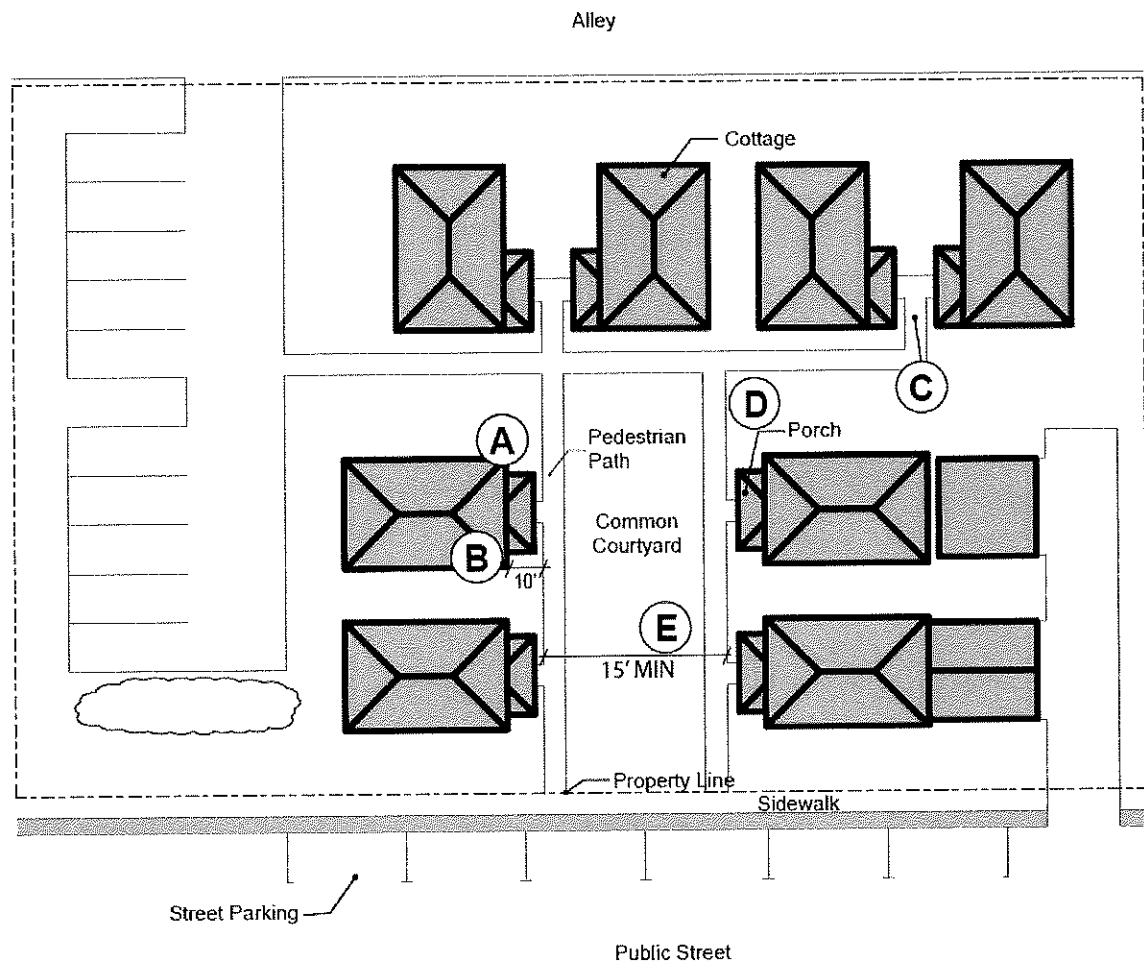
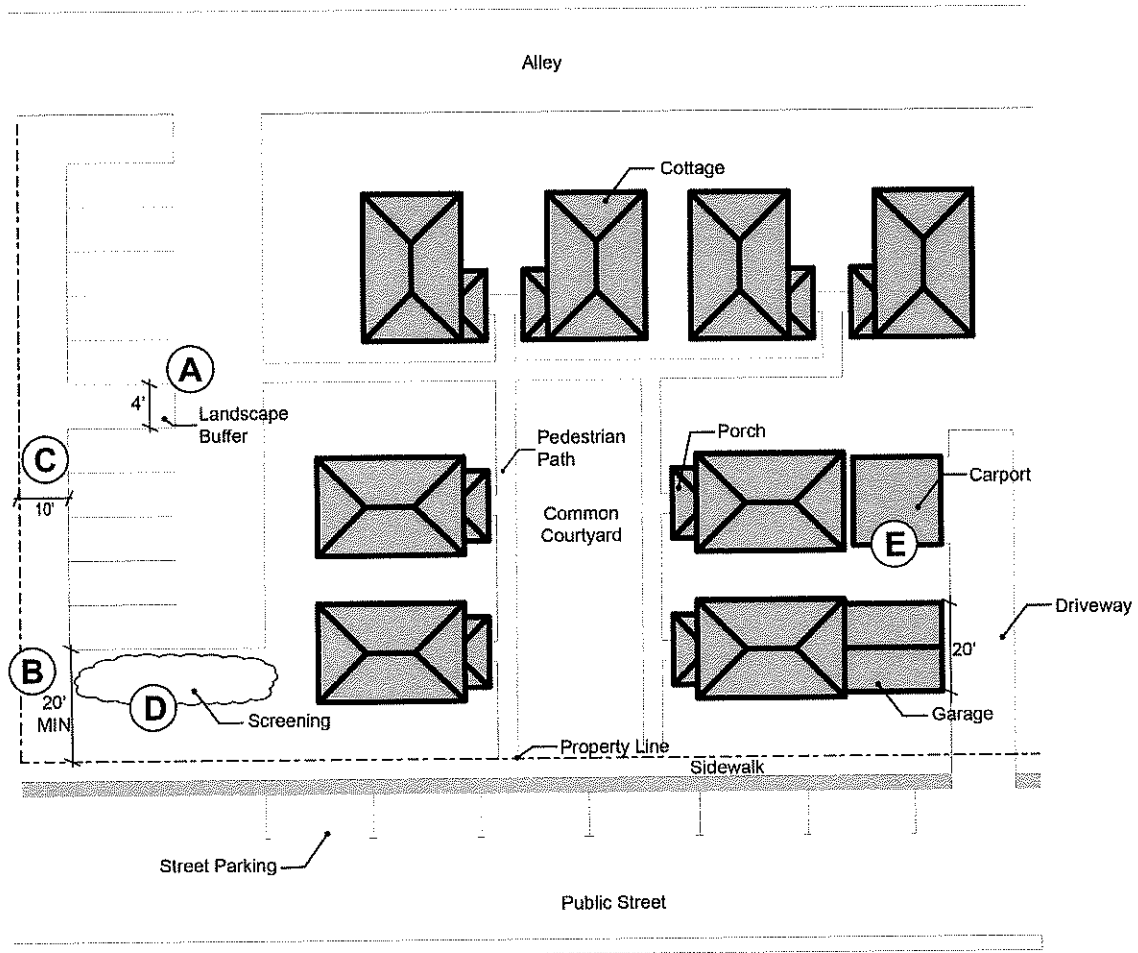


Figure 35: Cottage Cluster Orientation and Common Courtyard Standards



- 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.

Figure 36: Cottage Cluster Orientation and Common Courtyard 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.

**Exhibit “C” to Planning Commission Resolution No. 2021-377
Northwest Newberg Specific Plan – GEN2021-0011**

Note: Existing text is shown in regular font.
Added text is shown in double underline
Deleted text is shown in ~~strikethrough~~.

The Northwest Newberg Specific Plan shall be amended as follows:

Section 1. The Newberg Northwest Specific Plan, Page 22 is amended to add a note regarding middle housing types:

Triplexes, quadplexes, townhouses and cottage clusters are permitted within the Northwest Newberg Specific Plan in areas where single-family detached dwellings are planned. These middle housing types shall be permitted in the Low Density Residential area subject to the standards for the R-1 zone, and in the Medium Density Residential area subject to the standards for the R-2 zone; the standards in NMC 15.346.070(A) shall apply in lieu of the development and maximum density standards within this Specific Plan. (Ordinance No. 2021-xxx, December 6, 2021.

Section 2. The Newberg Northwest Specific Plan, Figure 9, Setback Standards, is amended to add a note regarding middle housing types:

NOTE:

In these figures, all references to ‘house’ shall be inclusive of all dwelling types, including single-family detached dwelling, duplexes, triplexes, quadplexes, townhouses and cottage clusters. (Ordinance No. 2021-xxx, December 6, 2021.)

SUMMARY

The Northwest Newberg Specific Plan represents a new planning process and regulatory framework for coordinating land use, transportation and utilities. The City of Newberg has shown both initiative and vision in getting twelve property owners together to agree on a master plan for their properties.

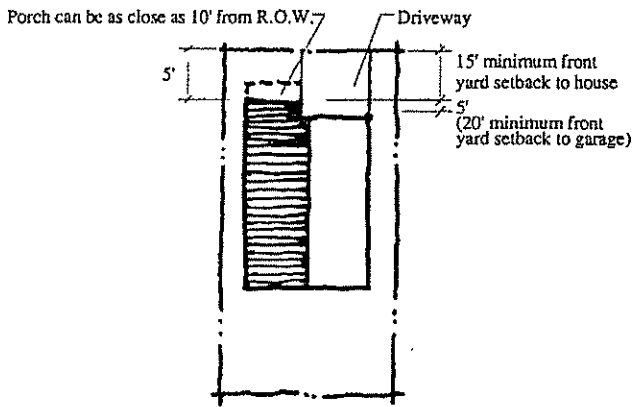
Some refinements will be needed to the Specific Plan. In reviewing those refinements, the City should guard the original purpose and objectives of the Specific Plan. In particular, the City should adhere to the concepts of mixed use and a pedestrian-oriented neighborhood that has a highly coordinated and connected street pattern. These elements of the plan will result in a neighborhood that is highly desired by home buyers and cited as a model in the community.

NOTES:

Duplexes are permitted within the Northwest Newberg Specific Plan area wherever single-family detached dwellings are planned. A duplex shall be treated as the equivalent of a single-family detached dwellings for purposes of complying with the siting standards, maximum density, and maximum dwelling unit calculations within this Specific Plan. References to 'house' in the text and figures shall be inclusive of a single-family detached dwelling and a duplex dwelling. (Ordinance No. 2021-2880, June 7, 2021.)

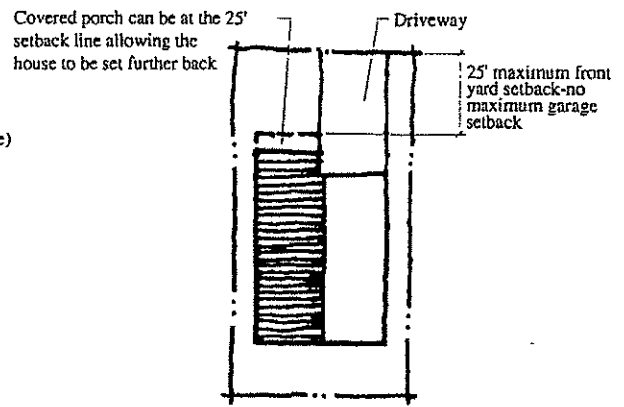
Triplexes, quadplexes, townhouses and cottage clusters are permitted within the Northwest Newberg Specific Plan in areas where single-family detached dwellings are planned. These middle housing types shall be permitted in the Low Density Residential area subject to the standards for the R-1 zone, and in the Medium Density Residential area subject to the standards for the R-2 zone; the standards in NMC 15.346.070(A) shall apply in lieu of the development and maximum density standards within this Specific Plan. (Ordinance No. xxxx, December 6, 2021.)

Standard #1



Minimum Front Setbacks

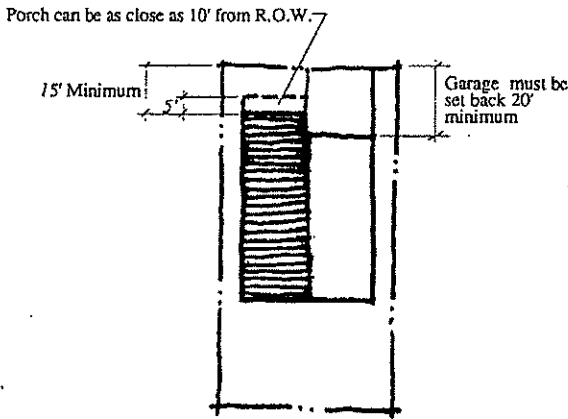
- 10'-Porch
 - 15'-House
 - 20"-Garage
- Garage may not be closer to the front property line than the front of the house.*



Maximum Front Setbacks

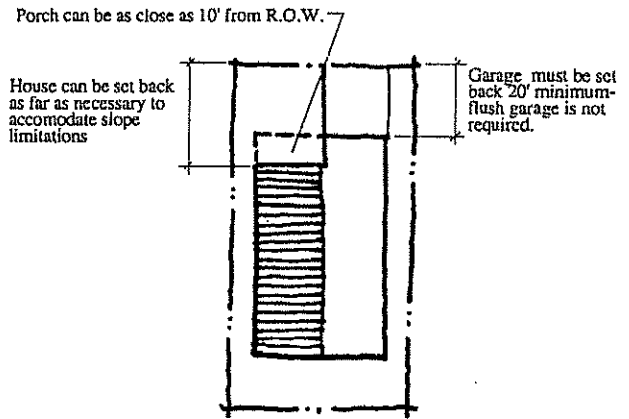
- 25'-Porch
 - 25'-House (without porch)
 - None-Garage
- Garage may not be closer to the front property line than the front of the house.*

Standard #2



Minimum Front Setbacks

- 10'-Porch
- 15'-House
- 20"-Garage



Maximum Front Setbacks

None

NOTE:

In these figures, all references to 'house' shall be inclusive of all dwelling types, including single-family detached dwelling, duplexes, triplexes, quadplexes, townhouses and cottage clusters. (Ordinance No. 2021-xxx, December 6, 2021.)

SETBACK STANDARDS

Northwest Newberg Specific Plan

Exhibit “D” to Planning Commission Resolution No. 2021-377
Springbrook Oaks Specific Plan – GEN2021-0012

Note: Existing text is shown in regular font.
Added text is shown in double underline
Deleted text is shown in ~~strikethrough~~.

The Springbrook Oaks Specific Plan shall be amended as follows:

Section 1. The Springbrook Oaks Specific Plan, Page 12 is amended to add a note regarding middle housing types:

Triplexes, quadplexes, townhouses and cottage clusters are permitted within the Springbrook Oaks Specific Plan in areas where single-family detached dwellings are planned. These middle housing types shall be permitted in each Area subject to the standards in the corresponding Newberg zoning district, e.g. according to R-1 standards in Area H. The standards in NMC 15.346.070(B) shall apply in lieu of the Density standards in Appendix A. (Ordinance No. 2021-xxx, December 6, 2021.)

Section 2. The Springbrook Oaks Specific Plan, Appendix C, Page 31 is amended to add a note regarding middle housing types:

Triplexes, quadplexes and townhouses are exempt from Appendix C and are subject instead to applicable design and development standards in the corresponding Newberg zoning district, e.g. R-3 in Area C. (Ordinance No. 2021-xxx, December 6, 2021.)

Section 3. The Springbrook Oaks Specific Plan, Appendix E, Setback Standards, Figure 1 and 2 is amended to revise a note regarding duplexes and middle housing types:

In these figures all references to “house” shall be inclusive of all dwelling types, including a-single-family detached dwellings, as well as a duplexes, dwelling triplexes, quadplexes, townhouses and cottage clusters. (Ordinance No. 2021-2880, June 7, 2021, Ordinance No. 2021-xxx, December 6, 2021.)

Area H This area is zoned Low Density Residential (R-1). The purpose of this land use designation is to provide for low density, urban single family residential and planned unit development uses. This area is expected to be developed primarily as single family residential.

A series of policies have been established to guide development of Springbrook Oaks. These development policies can be found in Appendix A of this document. Appendix B describes the codification of this plan in the Newberg Development Code, Section 10.44.318. Appendix C establishes building design and development standards for proposed attached residential dwelling unit developments within Development Areas B through F. Such development proposals meeting these standards will be reviewed under a Type I process.

--NOTES:

Duplexes are permitted within the Springbrook Oaks Specific Plan area wherever single-family detached dwellings are planned. A duplex shall be treated as the equivalent of a single-family detached dwelling throughout the Future Land Use Plan and Development Policies in Appendix A, including for purposes of calculating maximum density within this Specific Plan. (Ordinance No. 2021-2880, June 7, 2021.)

Triplexes, quadplexes, townhouses and cottage clusters are permitted within the Springbrook Oaks Specific Plan in areas where single-family detached dwellings are planned. These middle housing types shall be permitted in each Area subject to the standards in the corresponding Newberg zoning district, e.g. according to R-1 standards in Area H. The standards in NMC 15.346.070(B) shall apply in lieu of the Density standards in Appendix A. (Ordinance No. 2021-xxx, December 6, 2021.)

Springbrook Oaks Specific Plan

Building Design and Development Standards Attached Residential Dwelling Units in Development Areas B through F

The following standards have been established for attached residential dwelling units within Development Areas B through F of Springbrook Oaks. The purpose of these standards are:

- To protect the character and the social and economic stability of Springbrook Oaks.
- To ensure the orderly and beneficial development of each component of Springbrook Oaks.
- To expedite the design review process for proposed development.

Proposed developments for attached residential dwelling units within Development Areas B through F of Springbrook Oaks will be examined for compliance to these standards under a Type I process. Any such development not in compliance with these standards will be reviewed under the appropriate process specified within the Newberg Development Code.

Design Standards

- A. Primary individual unit entries shall be oriented towards a road. Entries shall be covered and architecturally differentiated from other building elements, in order to clearly express their location and function (see Figure 3).
- B. Buildings shall be articulated in such a manner that no more than 25' of horizontal, flat building facade will be permitted. In the case of rowhouse or townhouse units, no more than two units may be paired together in the same facade or without a minimum of 2'-0" difference between adjacent facades (see Figures 4 and 5).
- C. When possible, garages and carports should not be adjacent to primary streets or roads. They should be located internally within each development or complex where their designated dwelling units are located. Attached garages shall not extend beyond any primary entry facade.
- D. All buildings shall utilize materials that meet or exceed current industry standards (American Institute of Architects or American Society of Testing Materials) for a medium to high level range of quality. The proposed building materials will be recommended by a licensed architect and will be compatible with the Springbrook Oaks development.

The following are some examples of unacceptable building products:

1. T1-11 siding panels.
2. Three tab composition roofing.
3. Single-ply vinyl siding

In addition, all exterior walls shall utilize a "double-wall" system. This incorporates the use of an air infiltration barrier and secondary water resistive membrane, exterior sheathing beneath, and a covering with an acceptable siding product. Buildings will meet all applicable building codes and current construction requirements.

- E. Each dwelling unit shall incorporate individual areas of exterior space no less than 50 square feet per unit. Each space shall have a minimum dimension of 5', in any direction. This can be achieved through the use of porches, decks, patios, balconies etc. or designated yards other than those adjacent to primary streets or roads.
- F. On buildings with sloped roofs, no slope shall be less than a 4:12 pitch. These roofs shall utilize eaves, rakes, and overhangs of no less than 12".
- G. The minimum landscape percentage or "pervious" surface area shall not be less than 30% of the overall site area.
- H. No building shall be greater than 35', or three stories, in overall height. This shall include garages in rowhouse or townhouse type buildings.
- I. Where trash enclosures are required; they are to be located internally within the complex or development. They shall not be adjacent to any primary road or street. They shall be enclosed on all sides by walls, gates or fences and provided with a secondary buffer of landscape screening on at least three sides. Access to the enclosure shall be limited to one side only (see Figure 6).
- J. Each complex or development shall provide an internal pedestrian circulation system. Each system shall be interconnected with adjacent circulation systems to form a master pedestrian circulation system. All internal systems shall be appropriately illuminated to meet current City standards.
- K. All parking ratios shall meet current City standards.
- L. All buildings shall be colored in earth tones of medium range value. No building or buildings shall be brightly colored or colored in such a manner as to emphasize its overall mass. Subtle contrasts between adjacent buildings and individual building elements (i.e. trims, facades etc.) shall be provided.
- M. Exterior trim will be provided around all windows and at building corners. Window trim pieces shall be painted a contrasting color to the building body.

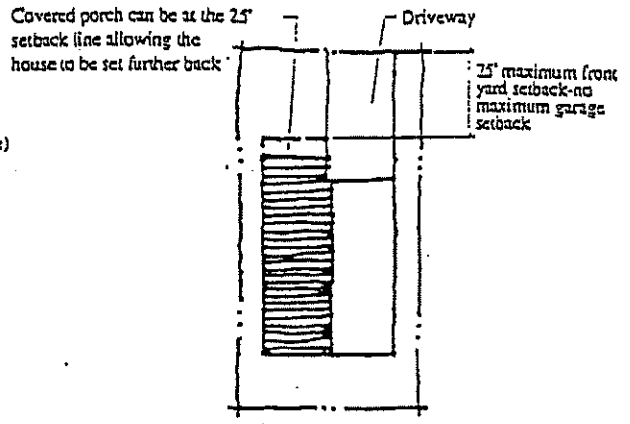
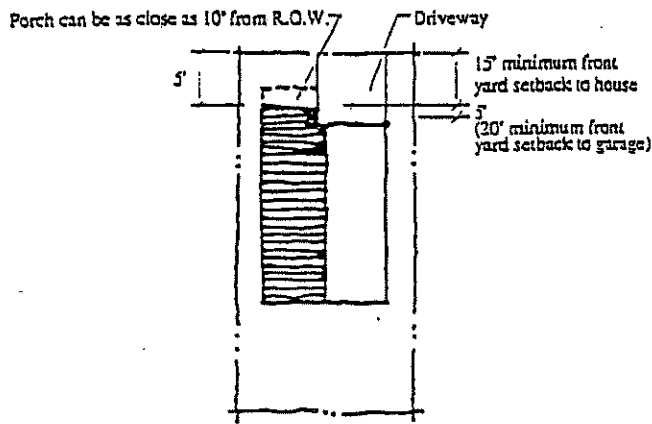
- N. All primary collector streets and neighborhood secondary streets, shall comply with Figures 7, 8, and 9.
- O. All setbacks shall comply with Figures 10 and 11.

NOTE:

Duplexes are considered the equivalent of single-family detached dwellings, and are not subject to any development or design standards specific to attached dwelling units. (Ordinance No. 2021-2880, June 7, 2021)

Triplexes, quadplexes and townhouses are exempt from Appendix C and are subject instead to applicable design and development standards in the corresponding Newberg zoning district, e.g. R-3 in Area C. (Ordinance No. 2021-xxx, December 6, 2021.)

Figure 1



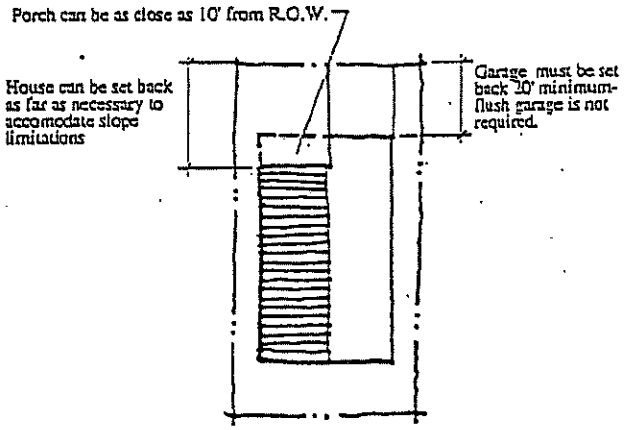
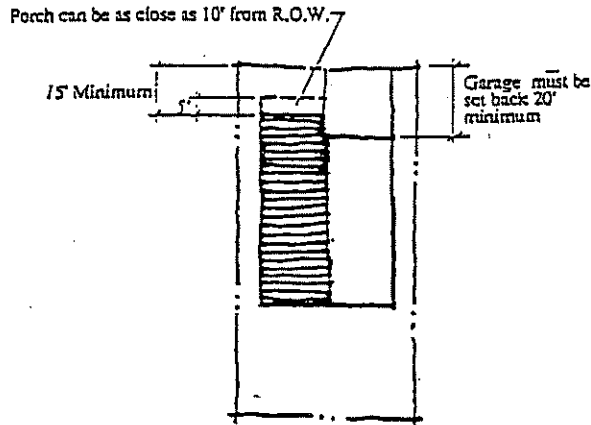
Minimum Front Setbacks

- 10'-Porch
- 15'-House
- 20'-Garage
- Garage may not be closer to the front property line than the front of the house.

Maximum Front Setbacks

- 25'-Porch
- 25'-House (without porch)
- None-Garage
- Garage may not be closer to the front property line than the front of the house.

Figure 2



Minimum Front Setbacks

- 10'-Porch
- 15'-House
- 20'-Garage

Maximum Front Setbacks

None

NOTE:

In these figures, all references to 'house' shall be inclusive of all dwelling types, including single-family detached dwellings, duplexes, triplexes, quadplexes, townhouses and cottage clusters. (Ordinance No. 2021-2880, June 7, 2021, Ordinance No. 2021-xxx, December 6, 2021.)

SETBACK STANDARDS

**Exhibit “E” to Planning Commission Resolution No. 2021-377
Springbrook Master Plan – GEN2021-0013**

Note: Existing text is shown in regular font.
Added text is shown in double underline
Deleted text is shown in ~~strikethrough~~.

The Springbrook Master Plan shall be amended as follows:

Section 1. The Springbrook Master Plan, Development Standards Matrix, Pages 42 to 44, is amended to add middle housing types to Low Density Residential and Mid-Rise Residential, as well as modifying building height, minimum lot area, minimum lot dimensions, and lot coverage and parking coverage requirements, specific to middle housing types.

DEVELOPMENT STANDARDS MATRIX

DEVELOPMENT STANDARDS	LOW DENSITY RESIDENTIAL	MID-RISE RESIDENTIAL	NEIGHBORHOOD COMMERCIAL	EMPLOYMENT	VILLAGE	HOSPITALITY
ALLOWED USE*	<ul style="list-style-type: none"> ❖ Detached Dwelling Units ❖ Duplex Dwellings ❖ Triplex and Quadplex Dwellings ❖ Attached Dwelling Units ❖ Cottage Clusters ❖ Manufactured Home ❖ Accessory Dwellings ❖ Home Occupations ❖ Passive or Active Use ❖ Parks ❖ Agriculture ❖ Civic Uses: ❖ Post Office ❖ Museum ❖ Community Center ❖ Library ❖ School ❖ Day Care ❖ Group Care Facilities ❖ Church ❖ Transportation facilities and improvements and utility services ❖ Any other building or use determined to be similar to uses listed in this District 	<ul style="list-style-type: none"> ❖ Attached Dwelling Units ❖ Manufactured Home ❖ Detached Dwelling Units ❖ Duplex Dwellings ❖ Triplex and Quadplex Dwellings ❖ Cottage Clusters ❖ Multi-Family Units ❖ Home Occupations ❖ Passive or Active Use ❖ Parks ❖ Agriculture ❖ Civic Uses: ❖ Post Office ❖ Museum ❖ Community Center ❖ Library ❖ Day Care ❖ Group Care Facilities ❖ Transportation facilities and improvements and utility services ❖ Services for local residents, such as laundromat or barber ❖ Any other building or use determined to be similar to uses listed in this District 	<ul style="list-style-type: none"> ❖ Retail ❖ Restaurants ❖ Office ❖ Medical Clinics ❖ Financial Institutions ❖ Agriculture ❖ Civic Uses: ❖ Post Office ❖ Museum ❖ Community Center ❖ Library ❖ Day Care ❖ Group Care Facilities ❖ Transportation facilities and improvements and utility services ❖ Services for local residents, such as laundromat or barber ❖ Any other building or use determined to be similar to uses listed in this District 	<ul style="list-style-type: none"> ❖ Industrial Offices (knowledge-based industries where services are primarily provided outside the community) ❖ Light Industrial ❖ Supporting Retail (directly serving the employment district, such as a deli or printing service) ❖ Day Care ❖ Agriculture ❖ Transportation facilities and improvements and utility services ❖ Any other building or use determined to be similar to uses listed in this District 	<ul style="list-style-type: none"> ❖ Retail ❖ Restaurants ❖ Attached Dwelling Units ❖ Manufactured Home ❖ Multi-Family Units ❖ Home Occupations ❖ Church ❖ Artist Studios ❖ Passive or Active Use ❖ Parks ❖ Agriculture ❖ Civic Uses: ❖ Train Depot ❖ Community Center ❖ Museum ❖ Post Office ❖ Library ❖ Day Care ❖ Group Care Facilities ❖ Financial Institutions ❖ Winery ❖ Medical Clinics ❖ Office ❖ Transportation facilities and improvements and utility services ❖ Any other building or use determined to be similar to uses listed in this District 	<ul style="list-style-type: none"> ❖ Hotel ❖ Restaurants ❖ Spa ❖ Meeting Facilities ❖ Detached Dwelling Units, limited to vacation or transitory use or units for employees or caretakers of other uses within the Village or Hospitality areas ❖ Manufactured Home ❖ Home Occupations ❖ Retail ❖ Museum ❖ Artist Studios ❖ Group Care Facilities ❖ Agricultural Production or Processing ❖ Passive or Active Use ❖ Parks ❖ Transportation facilities and improvements and utility services ❖ Any other building or use determined to be similar to uses listed in this District
PROHIBITED USE	Home Occupation Signs	Home Occupation signs	Drive throughs, outside storage; temporary storage allowed	Outside storage or processing of materials	Drive throughs, outside storage; temporary storage allowed	No comparison
NEWBERG ZONE DISTRICT MODELED AFTER **	R-1	R-2 and R-3	C-1	M-1, but office is not allowed	C-3	No comparison
BUILDING AND SITE STANDARDS						
BUILDING HEIGHT	R-1	35-feet-45 feet, limited to three stories	C-1	M-1	C-3	Five stories or 75 feet

DEVELOPMENT STANDARDS	LOW DENSITY RESIDENTIAL	MID-RISE RESIDENTIAL	NEIGHBORHOOD COMMERCIAL	EMPLOYMENT	VILLAGE	HOSPITALITY
LOT REQUIREMENTS						
FRONT YARD SETBACK	R-1	R-3	C-1	No minimum	No minimum setback. No maximum setback, if area between building and property line contains public space or landscaping	Minimum 20 feet or equal to height of building, if adjacent to residential uses
INTERIOR YARD SETBACKS	R-1	R-3	10 feet if abutting residential zones	M-1	C-3	Minimum 20 feet
SETBACKS AND YARD RESTRICTIONS AS TO SCHOOLS, CHURCHES, PUBLIC BUILDINGS					Does not apply	
MINIMUM LOT AREA	Minimum 5,000 square feet, except: Minimum 1,500 square feet for attached dwelling units Minimum 4,500 square feet for triplex dwellings Minimum 7,000 square feet for quadplex dwellings and cottage clusters	Minimum 1,800 square feet, except: Minimum 1,500 square feet for attached dwelling units Minimum 4,500 square feet for triplex dwellings Minimum 6,000 square feet for quadplex dwellings and cottage clusters	C-1	M-1	C-3 (Minimum 1,800 square feet)	Minimum 5,000 square feet
MINIMUM LOT DIMENSIONS	The standard City lot footage requirement applies Minimum lot width shall be 40 feet, except minimum 20 feet for attached dwelling units	The standard City lot footage requirement applies	The standard City lot footage requirement applies	The standard City lot footage requirement applies	The standard City lot footage requirement applies	The standard City lot footage requirement applies
LOT COVERAGE AND PARKING COVERAGE REQUIREMENTS	(1) Maximum Lot Coverage: 55%, except 60% for attached dwelling units (2) Maximum Parking Lot Coverage: 30% (3) Maximum Combined Lot Parking Coverage: 65%, except 70% for attached dwelling units	(1) Maximum Lot Coverage: 80% if parking is located in an underground structure; otherwise 60% (2) Maximum Parking Lot Coverage: 40 3/5%, unless parking is located in an underground structure (3) Maximum Combined Lot Parking Coverage: 75 80%	Does not apply	Does not apply	Does not apply	Does not apply

DEVELOPMENT STANDARDS	LOW DENSITY RESIDENTIAL	MID-RISE RESIDENTIAL	NEIGHBORHOOD COMMERCIAL	EMPLOYMENT	VILLAGE	HOSPITALITY
ADDITIONAL DESIGN STANDARDS			Development shall meet the design standards of the C-2 zone, or alternate standards developed in a design standard accepted by the City specific for this area A minimum of 20,000 square feet of retail space shall be developed in this area			
LANDSCAPE AND OUTDOOR AREAS						
REQUIRED MINIMUM STANDARDS	Private area requirements based upon use of will apply Area requirements: Min. 15%	Private area requirements based upon use of will apply Area requirements: Min. 15%	Area requirements: Min. 15%	Area requirements: Min. 15%	C-3	Private area requirement based upon use will apply Area requirements: Min. 15%
Signs						
EXEMPTIONS	Landscape Monument Signs, as indicated on the <i>Gateway Features Plan and Gateway Features Concepts</i> are exempt from this standard	Landscape Monument Signs, as indicated on the <i>Gateway Features Plan and Gateway Features Concepts</i> are exempt from this standard	Landscape Monument Signs, as indicated on the <i>Gateway Features Plan and Gateway Features Concepts</i> are exempt from this standard	Landscape Monument Signs, as indicated on the <i>Gateway Features Plan and Gateway Features Concepts</i> are exempt from this standard	Landscape Monument Signs, as indicated on the <i>Gateway Features Plan and Gateway Features Concepts</i> are exempt from this standard	Landscape Monument Signs, as indicated on the <i>Gateway Features Plan and Gateway Features Concepts</i> are exempt from this standard
SIGN REQUIREMENTS	Assume R-1 zone for applying standards in these sections	Assume R-3 zone for applying standards in these sections	Assume C-1 zone for applying standards in these sections	Assume "Other Zone" or "All Zones" for applying standards in these sections	Assume C-3 zone for applying standards in these sections	Assume "Other Zone" or "All Zones" for applying standards in these sections
OFF STREET PARKING REQUIREMENTS						
REQUIRED OFF-STREET PARKING	R-1	"Other Zones"	C-1	"Other Zones"	Parking studies will be required to be submitted with each phase of development in the Village District in order to ensure the parking provided is sufficient for the proposed use or uses	"Other Zones"
PARKING SPACES REQUIRED	Requirements based on use apply	Requirements based on use apply	Requirements based on use apply	Requirements based on use apply	Requirements based on use apply	Requirements based on use apply
PARKING REQUIREMENTS FOR USES NOT SPECIFIED	Uses not listed in table determined through Type I procedure	Uses not listed in table determined through Type I procedure	Uses not listed in table determined through Type I procedure	Uses not listed in table determined through Type I procedure	Uses not listed in table determined through Type I procedure	Uses not listed in table determined through Type I procedure

* Uses not identified herein shall be reviewed and if found to be similar to the allowed uses shall be approved through a Type I process.
 ** When the model zone requirement applies, the zone is listed in the table, otherwise an alternative standard is stated.

Exhibit “F” to Planning Commission Resolution No. 2021-377
Findings – File CPTA21-0002/DCA21-0004/GEN21-0011/ GEN21-0012/GEN21-0013

APPROVAL CRITERIA

A. Statewide Planning Goals (the “Goals”)

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on November 10, 2021, and Newberg City Council on December 6, 2021, which provided the opportunity for public comment. In addition, there were six Citizen Advisory Committee meetings, two virtual community open houses, two community surveys, social media posts, and a web page prepared to inform the public of the pending proposal. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

The amendments are subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

The Goal is met.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and is required by HB 2001, ORS 197.758, and OAR Chapter 660 Division 046 and has been thoroughly described in this application.

The alternatives to amending the Comprehensive Plan, Municipal Code text and the Specific Plans and Master Plans would be to: 1) deny the application and follow the Model Code and OAR Chapter 660 Division 046 for triplex, quadplex, cottage cluster and townhouse requirements.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings.

The Goal is met.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendment will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code, Specific Plans and Master Plans to protect these resources. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

The proposal for triplex, quadplex, cottage cluster, and townhouse dwellings within the Stream Corridor Overlay allows for conversion of existing single-family dwellings into a triplex or quadplex including activities requiring a Type I process for expansions and rebuilding dwellings as noted in 15.342.050. New construction of triplex, quadplex, cottage cluster, and townhouse are not proposed to be allowed in the Stream Corridor Overlay.

For designated historic resources triplex and quadplex dwellings are treated the same as single-family detached dwellings as to use. All locally designated historic resources that require review per Chapter 15.344 HISTORIC LANDMARKS (H) SUBDISTRICT for exterior modifications and construction on historic sites are the same for triplex, quadplex, cottage cluster, and townhouse dwellings and single-family detached dwellings.

This Goal is met.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

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Z:\MISC\WP5FILES\FILES.DCA (Dev Code TXT Amendment9)\2021\DCA21-0004 Other Middle Housing\Staff Report\Planning Committee\DCA 21-6004 Staff Report\PC 11-10-21.doc

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies. Complying with HB 2001, ORS 197.758, and OAR Chapter 660 Division 046 does not negatively impact Goal 6.

This Goal is met.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

Triplex, quadplex, cottage cluster, and townhouse dwellings are required to follow the same regulations as single-family detached dwellings for development under Chapter 15.343 AREAS OF SPECIAL FLOOD HAZARD OVERLAY (FHO).

This Goal is met.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's recreational goals and policies.

This Goal is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The implementation of HB 2001 (ORS 197.758 and OAR Chapter 660 Division 046) for triplex, quadplex, cottage clusters, and townhouses do not apply to lands that are zoned for employment uses on Commercial, Industrial or Public lots or parcels with the primary use intended for those activities. These lands are held for employment or public improvements to further Goal 9 activities pursuant to Newberg's Economic Opportunities Analysis. Compliance with OAR Chapter 660 Division 046 will provide additional housing opportunities within the City of Newberg to support workers on employment designated lands.

The Goal is met.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: The City of Newberg is experiencing a variety of housing supply and costs issues. A

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Z:\MISC\WP5\FILES\FILES.DCA (Dev Code TXT Amendment)\2021\DC\CA21-0004 (Other Middle Housing)\Staff Report\Planning Commission\DCA 21-0004 Staff Report\PC 11-10-21.doc

Housing Needs Analysis was accepted by the City Council on July 19, 2021. That report indicates a lack of Medium Density and High-density residential land, significant increase in the median home price between 2018 and 2020 of \$90,000 and that over 50% of the households are cost burdened related to housing. Newberg is also a Severely Rent Burdened community as identified by HB 4006 where 28.5 percent of rental households pay 50% or more of their income towards housing costs. The hope is that implementation of HB 2001 (ORS 197.758 and OAR 660-046-0030) for triplex, quadplex, cottage clusters and townhouses will assist in meeting the housing needs and price point to so that the development community can provide other housing types (triplex, quadplex, cottage clusters, and townhouses) in an efficient manner for current and future citizens.

The City of Newberg has considered the requirements of ORS 197.758 and OAR 660-046-0030.660-046-0030 (Section 3, Chapter 639, Oregon Laws 2019).

Implementation of Middle Housing Ordinances

(2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges. The City of Newberg approved a Housing Work Program on November 2, 2020 (Attachment 4) that considered a variety of regulatory actions to address housing affordability. On November 16, 2020, the City Council adopted Ordinance No. 2020-2869 revising when system development charges need to be paid. This modification moved the payments for the charges from at time of issuance of a building permit to the time of insulation inspection for single-family dwelling and duplex dwellings. Additionally, the Newberg City Council will be engaging in discussions on System Development Charges for all development activities beginning in April 2021. Finally, in the Housing Work Program - Reduced / Waived Building Permit fee, Planning fees, or SDCs are identified to be further re-evaluated in FY 24/25; and System Development Charge Deferrals/Loans to be evaluated again in FY 25/26. The City has considered the requirements of 660-046-0030.

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481. The Housing Work Program (Attachment 4) includes a program to - Establish an affordable multifamily housing property tax abatement program in FY 22/23 and a Housing Production Strategy in FY 22/23. The City has applied for a Department of Land Conservation and Development Technical Assistance Grant to advance the timing of conducting a Housing Production Strategy. The City was notified on October 5, 2021, that it had been awarded a grant to prepare the strategy. The City has considered the requirements of 660-046-0030.

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Newberg's adopted HNA dates to 2005 as an attachment updating the Population and Land Needs Projections element of the Comprehensive Plan as part of Ordinance No. 2005-2626. This document is now 21 years old. An update was prepared in 2019 but that report was only accepted by the City Council (Resolution No. 2019-3582) and not adopted. Newberg further updated the HNA in 2021 (Resolution No. 2021-3718 and Resolution No. 2021-3752) and that report has only been accepted and not adopted. The City Council has not set a date specific as to when they will adopt the 2021 HNA but is anticipated by the end of the first quarter of 2022 and they are aware that HB 2003 has a date set for December 31, 2024.

HB 2001 allows jurisdictions, but does not require a jurisdiction, to assume up to a three percent increase in zoned capacity for Middle Housing. Newberg was a community of 24,120 at the time HB 2001 was being implemented and was above the 10,000 population and required to meet the duplex requirements. Newberg at the time of the DLCD grant award was not required to comply with the other Middle Housing provisions of triplexes, quadplexes, townhouses and cottage clusters until it reached a population threshold of 25,000 or voluntarily if the Newberg City Council chooses to advance that timeline. Newberg has created draft code material for triplexes, quadplexes, townhouses and cottage clusters from a grant received by the Department of Land Conservation and Development (DLCD). In addition, Newberg applied for an Infrastructure Based Time Extension Request (IBTER) grant from DLCD which was awarded. An analysis was conducted on the residential areas north and south of the downtown area on infrastructure sufficiency. The analysis indicated that there was a deficiency related to the water system and fire flow in the two analyzed areas. DLCD approved the extension on Middle Housing for these areas on March 16, 2021. Improvements to the water system are required to be completed by FYE 2029. The 2020 US Census now lists Newberg at a population of 25,138 which places it in the category for compliance with triplexes, quadplexes, townhouses and cottage clusters.

HB 2001 identifies Middle Housing to encompass duplexes, triplexes, quadplexes, townhouses and cottage clusters. There is no identified subset percentage for only duplexes, triplexes, quadplexes, townhouses and cottage clusters related to capacity. Newberg has reviewed its City Council accepted HNA and conducted preliminary calculations on assuming a 3% capacity element for Middle Housing. Based on that calculation an additional 57 dwelling units could be accommodated within the existing Urban Growth Boundary. This is a very small percentage of the 3,331 dwelling units identified in the HNA between 2021–2041. The HNA was updated to include the 3% provision by Resolution No. 2021-3752.

ORS 197.296 (6)(b) says the following:

Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a

jurisdiction in the same region.

Newberg's reading of this is that a City can assume an increase of 3% in density when complying with HB 2001 but is not required to do so. DLCD guidance recommends applying this assumption in the HNA but a City is not required to do so. The HNA was updated to include the 3% provision by Resolution No. 2021-3752.

This update of the 3% increases the density assumptions as follows:

LDR: 4.8 du/gross acre to 4.96 du/gross acre
MDR: 7.6 to 7.8
HDR: 18.7 to 19.3

The bigger point is that Newberg does not have enough land within its UGB to accommodate expected growth. In addition, the 2021 HNA indicates:

Based on the analysis in Exhibit 58 in the HNA, Newberg is not meeting its needed density for the overall average density of 7.4 dwelling units per gross acre, as the capacity (3,331 dwelling units) divided by unconstrained buildable acres (568 acres) is equal to 5.8. Newberg is meeting its needed densities in the Low, Medium, and High Density Residential plan designations, as the future densities in these plan designations are consistent with the historical gross densities shown in Exhibit 48 of the HNA. The special area plans for the Northwest Newberg Specific Plan and Springbrook District were developed in 1993 and 2008, respectively. The expected densities in these areas, 4.9 dwelling units per gross acre in the Northwest Newberg Specific Plan and about 5.2 dwelling units per gross acre in the Springbrook District, are below the overall average density of 7.4 dwelling units per gross acre for the entire city. The Springbrook District's planned density has the greatest impact on overall average densities in Newberg, as expected housing in the Springbrook District accounts for about 40% of Newberg's housing capacity.

Consistent with ORS 197.296(6) Newberg will need to adopt measures to help the city achieve needed densities. The Newberg housing strategy identifies several potential measures (e.g., establish maximum lot size standards, establish minimum density standards, allow duplexes/triplexes/quadplexes in single family zones, etc.). Newberg is taking the next steps on the capacity issue by addressing HB 2001 for triplexes, quadplexes, townhouses and cottage clusters.

Stating this in another way, before expanding its UGB, Newberg will need to adopt land use efficiency measures to increase the densities in Newberg. This will go well beyond an increase of 3% for middle housing.

Newberg's proposal to comply with HB 2001 (OAR 660-046-0030) is noncompliance and integrates provisions that implement duplex dwelling development the same as single-family dwelling development.

The Goal is met.

GOAL 11: PUBLIC FACILITIES AND SERVICES

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To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The City applied for a grant from DLCD related to middle housing for an Infrastructure Based Time Extension (IBTER) and was awarded a grant. The areas evaluated from the grant were areas north of downtown and south of downtown. Through the evaluation of transportation, water, wastewater, and stormwater, a deficiency was identified for the water system related to fire flow to accommodate Middle Housing. DLCD reviewed the City of Newberg application and approved the application extension request on March 16, 2021. The balance of the land within the Newberg Urban Growth Boundary is able to accommodate Middle Housing. The City updated its Functional Plans for Transportation (CPTA20-0002), Water (CPTA20-0003), Wastewater (CPTA20-0004), and Stormwater (CPTA20-0005). The Transportation System Plan was approved by Ordinance No. 2021-2871 on March 1, 2021. The Water and Wastewater Master Plans were approved on May 3, 2021, by Ordinance No 2021-2876 and 2021-2877. The Stormwater Master Plan update was approved on June 21, 2021, by Ordinance No. 2021-2881.

The proposal meets the Goal.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021 which have gone through the Post Acknowledgment Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period.

660-046-0030

Implementation of Middle Housing Ordinances

(3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. The City of Newberg has not evaluated the impacts of triplex, quadplex, cottage cluster and townhouses dwellings on the transportation system outside of the evaluation that occurred for the IBTER areas as noted above.

The proposal meets the Goal.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: Not applicable as the proposed amendment does not affect energy conservation.

This Goal is met.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

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Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the existing Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal. The proposal will maintain Newberg's identity and enhance the quality living and employment environment by balancing growth and providing cultural activities.

This Goal is met.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: The City of Newberg is located along the Willamette River on its southern border. The Willamette River Greenway is located in this area. The Comprehensive Plan designations within the greenway consist of Park (P) and Industrial (I) designations. These designations have a corresponding Community Facility (CF) and Light Industrial (M-2) zoning classifications. The parcels along the Willamette River are currently not annexed into the city limits but are within the urban growth boundary. Annexation applications have been received and are being processed to annex several properties along the Willamette River that include the Willamette River Greenway. The Community Facility (CF) and Light Industrial (M-2) zoning classifications that apply to the parcels do not allow single family residential or any type of residential development, except M-2 allows care takers dwelling for an industrial activity. Additionally, The City has NMC 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT. NMC 15.342.010 states "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." The Newberg proposal to respond to requirements for HB 2001 are met as detached single-family dwellings and correspondingly triplex, quadplex, cottage cluster and townhouse dwellings are not allowed in the Willamette River Greenway regulated by NMC 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT.

This Goal is met.

B. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on November 10, 2021, and Newberg City Council on December 6, 2021, which provided the opportunity for public comment. In addition, there were six Citizen Advisory Committee meetings, two virtual community open houses, two community surveys, social media posts, and a web page prepared to inform the public of the pending proposal. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

The amendments are subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

The Goal is met.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and is required by HB 2001, ORS 197.758, and OAR 660 Division 46 and has been thoroughly described in this application.

The alternatives to amending the Comprehensive Plan, Municipal Code text and the Specific Plans and Master Plans would be to: 1) deny the application and follow the Model Code and OAR 660 Division 046 for triplex, quadplex, cottage cluster and townhouse requirements.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings.

The Goal is met.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

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Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICY: 1. Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies. Complying with HB 2001, ORS 197.758, and OAR 660 Division 46 does not negatively impact Goal 6.

This Goal is met.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

Triplex, quadplex, cottage cluster and townhouse dwellings are required to follow the same regulations as single-family detached dwellings for development under NMC 15.343 AREAS OF SPECIAL FLOOD HAZARD OVERLAY (FHO).

This Goal is met.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

Finding: The proposed amendment will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code,

Specific Plans, and Master Plans to protect these resources. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

The proposal for triplex, quadplex, cottage cluster, and townhouse dwellings within the Stream Corridor Overlay allows for conversion of existing single-family dwellings into a triplex or quadplex including activities requiring a Type I process for expansions and rebuilding dwellings as noted in 15.342.050. New construction of triplex, quadplex, cottage cluster, and townhouse are not proposed to be allowed in the Stream Corridor Overlay.

For designated historic resources triplex, quadplex, cottage clusters and townhouse dwellings are treated the same as single-family detached dwellings as to use. All locally designated historic resources that require review per NMC 15.344 HISTORIC LANDMARKS (H) SUBDISTRICT for exterior modifications and construction on historic sites are the same for triplex, quadplex, cottage cluster and townhouse dwellings and single-family detached dwellings.

This Goal is met.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICY: 1. General Policies. b. The City shall encourage economic expansion consistent with local needs.

Finding: The implementation of HB 2001 (ORS 197.758 and OAR Chapter 660 Division 046) for triplex, quadplex, cottage cluster and townhouses do not apply to lands that are zoned for employment uses on Commercial, Industrial or Public lots or parcels with the primary use intended for those activities. These lands are held for employment or public improvements to further Goal 9 activities pursuant to Newberg's Economic Opportunities Analysis. Compliance with OAR Chapter 660 Division 046 will provide additional housing opportunities within the City of Newberg to support workers on employment designated lands.

The Goal is met.

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

Finding: The City of Newberg is experiencing a variety of housing supply and costs issues. A Housing Needs Analysis was accepted by the City Council on July 19, 2021. That report indicates a lack of Medium Density and High-density residential land, significant increase in the median home price between 2018 and 2020 of \$90,000 and that over 50% of the households are cost burned related to housing. Newberg is also a Severely Rent Burdened community as identified by HB 4006 where 28.5 percent of rental households pay 50% or more of their income towards housing costs. The hope is that implementation of HB 2001 (ORS 197.758 and OAR 660-046-0030) for triplex, quadplex, cottage clusters and townhomes will assist in meeting the housing needs and price point to so that the development community can provide another housing type (triplex, quadplex, cottage clusters, and

townhomes) in an efficient manner for current and future citizens.

The City of Newberg has considered the requirements of ORS 197.758 and OAR 660-046-0030. (Section 3, Chapter 639, Oregon Laws 2019).

Implementation of Middle Housing Ordinances

(2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges. The City of Newberg approved a Housing Work Program on November 2, 2020 (Attachment 4) that considered a variety of regulatory actions to address housing affordability. On November 16, 2020, the City Council adopted Ordinance No. 2020-2869 revising when system development charges need to be paid. This modification moved the payments for the charges from at time of issuance of a building permit to the time of insulation inspection for single-family dwellings and duplex dwellings. Additionally, the Newberg City Council will be engaging in discussions on System Development Charges for all development activities beginning in April 2021. Finally, in the Housing Work Program - Reduced / Waived Building Permit fee, Planning fees, or SDCs are identified to be further re-evaluated in FY 24/25; and System Development Charge Deferrals/Loans to be evaluated again in FY 25/26. The City has considered the requirements of 660-046-0030.

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(c) Assessing a construction tax under ORS 320.192 and ORS 320.195. The Newberg City Council adopted Ordinance No. 2020-2860 on November 16, 2020, implementing a Construction Excise Tax (CET). Implementation of the CET began on January 2, 2021. Per the adopted ordinance there is a sunset provision set at six years. In the fifth year of implementation the City Council will evaluate the effectiveness of the CET and determine whether to repeal the ordinance or authorize its continuance. The Housing Work Program (Attachment 4) identifies the review to occur in FY 25/26.

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HB 2001 identifies Middle Housing to encompass duplexes, triplexes, quadplexes, townhouses and cottage clusters. There is no identified subset percentage for only duplexes, triplexes, quadplexes, townhouses and cottage clusters related to capacity. Newberg has reviewed its City Council accepted HNA and conducted preliminary calculations on assuming a 3% capacity element for Middle Housing. Based on that calculation an additional 57 dwelling units could be accommodated within the existing Urban Growth Boundary. This is a very small percentage of the 3,331 dwelling units identified in the HNA between 2021–2041. The HNA was updated to include the 3% provision by Resolution No. 2021-3752.

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Newberg's reading of this is that a City can assume an increase of 3% in density when complying with HB 2001 but is not required to do so. DLCDC guidance recommends applying this assumption in the HNA but a City is not required to do so. The HNA was updated to include the 3% provision by Resolution No. 2021-3752.

This update of the 3% increases the density assumptions as follows:

LDR: 4.8 du/gross acre to 4.96 du/gross acre
MDR: 7.6 to 7.8
HDR: 18.7 to 19.3

The bigger point is that Newberg does not have enough land within its UGB to accommodate expected growth. In addition, the 2021 HNA indicates:

Based on the analysis in Exhibit 58 in the HNA, Newberg is not meeting its needed density for the overall average density of 7.4 dwelling units per gross acre, as the capacity (3,331 dwelling units) divided by unconstrained buildable acres (568 acres) is equal to 5.8. Newberg is meeting its needed densities in the Low, Medium, and High Density Residential plan designations, as the future densities in these plan designations are consistent with the historical gross densities shown in Exhibit 48 of the HNA. The special area plans for the Northwest Newberg Specific Plan and Springbrook District were developed in 1993 and 2008, respectively. The expected densities in these areas, 4.9 dwelling units per gross acre in the Northwest Newberg Specific Plan and about 5.2 dwelling units per gross acre in the Springbrook District, are below the overall average density of 7.4 dwelling units per gross acre for the entire city. The Springbrook District's planned density has the greatest impact on overall average densities in Newberg, as expected housing in the Springbrook District accounts for about 40% of Newberg's housing capacity.

Consistent with ORS 197.296(6) Newberg will need to adopt measures to help the city achieve needed densities. The Newberg housing strategy identifies several potential measures (e.g., establish maximum lot size standards, establish minimum density standards, allow duplexes/triplexes/quadplexes in single family zones, etc.). Newberg is taking the next steps on the capacity issue by addressing HB 2001 for triplexes, quadplexes, townhouses and cottage clusters.

Stating this in another way, before expanding its UGB, Newberg will need to adopt land use efficiency measures to increase the densities in Newberg. This will go well beyond an increase of 3% for middle housing.

Newberg's proposal to comply with HB 2001 (OAR 660-046-0030) is noncompliance and integrates provisions that implement duplex dwelling development the same as single-family dwelling development.

The Goal is met.

J. URBAN DESIGN

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

GOAL 2: To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Finding: Not applicable because the proposal does not propose any land use regulation changes to urban design policies or regulations.

K. TRANSPORTATION

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- GOAL 1: Establish cooperative agreements to address transportation based planning, development, operation and maintenance.
- GOAL 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.
- GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.
- GOAL 4: Minimize the impact of regional traffic on the local transportation system.
- GOAL 5: Maximize pedestrian, bicycle and other non-motorized travel throughout the City.
- GOAL 6: Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.).
- GOAL 8: Maintain and enhance the City's image, character and quality of life.
- GOAL 9: Create effective circulation and access for the local transportation system.
- GOAL 10: Maintain the viability of existing rail, water and air transportation systems.
- GOAL 11: Establish fair and equitable distribution of transportation improvement costs.
- GOAL 12: Minimize the negative impact of a Highway 99 bypass on the Newberg community.
- GOAL 13: Utilize the Yamhill County Transit Authority (YCTA) Transit Development Plan (TDP) as a Guidance Document.
- GOAL 14: Coordinate with Yamhill County Transit Area.
- GOAL 15: Implement Transit-Supportive Improvements.

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021 which has gone through the Post Acknowledgment Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period.

660-046-0030

Implementation of Middle Housing Ordinances

(3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. The City of Newberg has not evaluated the impacts of triplex, quadplex, cottage cluster and townhouse dwellings on the transportation system outside of the evaluation that occurred for the IBTER areas as noted above.

The Goals are met.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Finding: The City applied for a grant from DLCD related to middle housing for an Infrastructure Based Time Extension (IBTER) and was awarded a grant. The areas evaluated from the grant were areas north of downtown and south of downtown. Through the evaluation of transportation, water, wastewater and stormwater a deficiency was identified for the water system related to fire flow to accommodate Middle Housing. DLCD reviewed the City of Newberg application and approved the application extension request on March 16, 2021. The balance of the land within the Newberg Urban Growth Boundary is able to accommodate Middle Housing, specifically triplex, quadplex, cottage

cluster and townhouse development. The City updated its Functional Plans for Transportation (CPTA20-0002), Water (CPTA20-0003), Wastewater (CPTA20-0004), and Stormwater (CPTA20-0005). The Transportation System Plan was approved by Ordinance No. 2021-2871 on March 1, 2021. The Water and Wastewater Master Plans were approved by Ordinance 2021-2876 and 2021-2877 on May 3, 2021. The Stormwater Master Plan was approved on June 21, 2021, by Ordinance No. 2021-2881.

The Goal is met.

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy-related policies and ordinances.

Finding: Not applicable as the proposed amendment does not affect energy conservation.

N. URBANIZATION

GOALS:

1. To provide for the orderly and efficient transition from rural to urban land uses.
2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.
3. To create a quality living environment through a balanced growth of urban and cultural activities.

Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the existing Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal. The proposal will maintain Newberg's identity and enhance the quality living and employment environment by balancing growth and providing cultural activities.

The Goals are met.

C. Oregon Revised Statutes and Oregon Administrative Rules

Applicable Oregon Revised Statute

197.758 Development of middle housing; local regulations. (1) As used in this section:

(a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) "Middle housing" means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) "Townhouses" 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.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section. [2019 c.639 §2]

Note: Sections 3 and 4, chapter 639, Oregon Laws 2019, provide:

Sec. 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or

- amend its comprehensive plan to implement section 2 of this 2019 Act [197.758] no later than:
- (a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or
 - (b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.
- (2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.
- (3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.
- (4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:
- (a) Waiving or deferring system development charges;
 - (b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and
 - (c) Assessing a construction tax under ORS 320.192 and 320.195.
- (5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. [2019 c.639 §3]
- Sec. 4.** (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act [197.758] an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.
- (2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.
- (3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.
- (4) A request for an extension by a local government must be filed with the department no later than:
- (a) December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.
 - (b) June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.
- (5) The department shall grant or deny a request for an extension under this section:
- (a) Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.
 - (b) Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.
- (6) The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:
- (a) Defining the affected areas;
 - (b) Calculating deficiencies of water, sewer, storm drainage or transportation services;

- (c) Service deficiency levels required to qualify for the extension;*
- (d) The components and timing of a remediation plan necessary to qualify for an extension;*
- (e) Standards for evaluating applications; and*
- (f) Establishing deadlines and components for the approval of a plan of action.*

Finding: Compliance with 197.758 are addressed in findings below under OAR 660, Division 46 Middle Housing for Medium and Large Cities

Applicable Oregon Administrative Rules (OARs)

OAR Chapter 660, Division 46 Middle Housing in Medium and Large Cities

660-046-0000

Purpose

The purpose of this division is to prescribe standards guiding the development of Middle Housing types as provided in Oregon Laws 2019, chapter 639. OAR 660-046-0010 to OAR 660-046-0235 establish standards related to the siting and design of Middle Housing types in urban growth boundaries. OAR 660-046-0300 to OAR 660-046-0370 establish the form and substance of an application and the review process to delay the enactment of standards related to the siting and design of Middle Housing types in areas with significant infrastructure deficiencies.

660-046-0010

Applicability

(1) A local government that is a Medium City or Large City must comply with this division.

Finding: The City of Newberg is classified as a Large City based on population numbers from the 2020 US Census with a population of 25,138. At the time the City started evaluation of Middle Housing it was categorized as a Medium City.

(2) Notwithstanding section (1), a Medium or Large City need not comply with this division for:

(a) Lots or Parcels that are not zoned for residential use, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;

(b) Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling; and

(c) Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

Finding: The implementation of HB 2001 (OAR 660 Division 46) for triplex, quadplex, cottage clusters and townhouses do not apply to lands that are zoned for employment uses on Commercial, Industrial, Public lots, or parcels with the primary use intended for those activities. These lands are held for employment or public improvements to further Goal 9 activities pursuant to Newberg's Economic Opportunities Analysis. Compliance with OAR 660 Division 46 will provide additional

housing opportunities within the City of Newberg to support workers on employment designated lands.

(3) A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.

(a) Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.

(A) Goal 5 Natural Resources – Pursuant to OAR 660-023-0050 through OAR 660-023-0110, Medium and Large Cities must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5:

(i) Medium and Large Cities may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone;

Finding: Not applicable as the proposal is for triplex, quadplex, cottage cluster and townhouse dwellings. The City of Newberg adopted duplex dwelling provisions by Ordinance No. 2021-2880 on June 7, 2021.

(ii) Medium and Large Cities may limit the development of Middle Housing other than Duplexes in significant resource sites identified and protected pursuant to Goal 5; and

Finding: The proposal for triplex, quadplex, cottage cluster, and townhouse dwellings within the Stream Corridor Overlay allows for conversion of existing single-family dwellings into a triplex or quadplex including activities requiring a Type I process for expansions and rebuilding dwellings as noted in 15.342.050. New construction of triplex, quadplex, cottage cluster, and townhouse are not proposed to be allowed in the Stream Corridor Overlay.

(iii) If a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor.

Finding: The proposal for triplex, quadplex, cottage cluster, and townhouse dwellings within the Stream Corridor Overlay allows for conversion of existing single-family dwellings into a triplex or quadplex including activities requiring a Type I process for expansions and rebuilding dwellings as noted in 15.342.050. New construction of triplex, quadplex, cottage cluster, and townhouse are not proposed to be allowed in the Stream Corridor Overlay.

(B) Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), Medium and Large Cities must adopt land use regulations to protect locally significant historic resources. This includes regulations applicable to Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Medium and Large Cities may apply regulations adopted under OAR 660-023-0200 to Middle Housing that apply to detached single-family dwellings in the same zone, except as provided below. If a Medium or Large City has not adopted land use regulations to protect significant historic resources listed on the National Register of Historic Places, it must apply protective measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the Medium or Large City adopts land use regulations in compliance with OAR 660-023-0200. Medium or Large Cities may not apply the following types of regulations specific to Middle Housing:

(i) Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and

Finding: For designated historic resources triplex, quadplex, cottage cluster and townhouse dwellings are treated the same as single-family detached dwellings as to use. All locally designated historic resources that require review per NMC 15.344. HISTORIC LANDMARKS (H) SUBDISTRICT for exterior modifications and construction on historic sites are the same for triplex, quadplex, cottage cluster and townhouse dwellings and single-family detached dwellings.

Use, density, and occupancy are not restrictions for historic properties.

(ii) Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.

Finding: For designated historic resources triplex, quadplex, cottage cluster and townhouse dwellings are treated the same as single-family detached dwellings as to use. All locally designated historic resources that require review per NMC 15.344. HISTORIC LANDMARKS (H) SUBDISTRICT for exterior modifications and construction on historic sites are the same for triplex, quadplex, cottage cluster and townhouse dwellings and single-family detached dwellings.

(b) Goal 6: Air, Water and Land Resources Quality – Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies. Complying with HB 2001 and OAR 660 Division 46 does not negatively impact Goal 6.

(c) Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:

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(A) Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and

(B) Other hazard areas identified in an adopted comprehensive plan or development code, provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:

(i) Increasing the number of people exposed to a hazard;

(ii) Increasing risk of damage to property, built, or natural infrastructure; and

(iii) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

Triplex, quadplex, cottage cluster and townhouse dwellings are required to following the same regulations as single-family detached dwellings for development under NMC 15.343 AREAS OF SPECIAL FLOOD HAZARD OVERLAY (FHO).

(d) Goal 9: Economic Development - Pursuant to OAR 660-009-0025, Medium and Large Cities must adopt measures adequate to implement industrial and other employment development policies, including comprehensive plan designations. Medium and Large Cities may limit the development of Middle Housing on Lots or Parcels Zoned For Residential Use designated for future industrial or employment uses.

Finding: The implementation of HB 2001 (OAR 660 Division 46) for triplex, quadplex, cottage cluster and townhouse dwellings do not apply to lands that are zoned for employment uses on Commercial, Industrial, Public lots or parcels with the primary use intended for those activities. These lands are held for employment or public improvements to further Goal 9 activities pursuant to Newberg's Economic Opportunities Analysis. Compliance with OAR 660 Division 46 will provide additional housing opportunities within the City of Newberg to support workers on employment designated lands.

(e) Goal 11: Public Facilities and Services - Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. This includes public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City shall work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing.

Finding: The City applied for a grant from DLCD related to middle housing for an Infrastructure

Based Time Extension (IBTER) and was awarded a grant. The areas evaluated from the grant award were areas north of downtown and south of downtown. Through the evaluation of transportation, water, wastewater, and stormwater a deficiency was identified for the water system related to fire flow to accommodate Middle Housing. DLCD reviewed the City of Newberg application and approved the application extension request on March 16, 2021. The balance of the land within the Newberg Urban Growth Boundary is able to accommodate Middle Housing, specifically triplex, quadplex, cottage cluster and townhome development. The City has updated its Functional Plans for Transportation (CPTA20-0002), Water (CPTA20-0003), Wastewater (CPTA20-0004), and Stormwater (CPTA20-0005). The Transportation System Plan was approved by Ordinance No. 2021-2871 on March 1, 2021. The Water and Wastewater Master Plans were approved on May 3, 2021, by Ordinance No. 20212876 and Ordinance No. 2021-2877. The Stormwater Master Plan was approved on June 21, 2021 by Ordinance No. 2021-2881.

(f) Goal 15: Willamette Greenway – Pursuant to OAR 660-015-0005, Medium and Large Cities must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Medium and Large Cities may allow and regulate the development of Middle Housing in the Willamette Greenway, provided that applicable regulations adopted pursuant to Goal 15 comply with ORS 197.307.

Finding: Single-family, duplex, triplex, quadplex, cottage cluster and townhouse development is not permitted except with limited exceptions within the Willamette River Greenway per regulations in NMC 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT.

(g) Goal 16: Estuarine Resources – Pursuant to OAR 660-015-0010(1) and OAR chapter 660, division 17, Medium and Large Cities must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features, and water quality. Medium and Large Cities may prohibit Middle Housing in areas regulated to protect estuarine resources under Goal 16 in the same manner as the Medium or Large City prohibits detached single-family dwellings to protect estuarine resources under Goal 16.

Finding: Not applicable as Newberg does not have identified estuarine resources.

(h) Goal 17: Coastal Shorelands – Pursuant to OAR 660-015-0010(2) and OAR 660-037-0080, local governments must apply land use regulations that protect shorelands for water-dependent recreational, commercial, and industrial uses. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 17. Local governments may apply regulations to Middle Housing that apply to detached single-family dwellings in the same zone.

Finding: Not applicable as Newberg is not a coastal community and has coastal shorelands.

(i) Goal 18: Beaches and Dunes – Pursuant to OAR 660-015-0010(3), Medium and Large Cities must apply land use regulations to residential developments to mitigate hazards to life, public and private property, and the natural environment in areas identified as Beaches and Dunes under Goal 18. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 18 including but not limited to restrictions on use, density, and occupancy; provided the development of Middle Housing presents a greater risk to life or property than

development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:

(A) Increasing the number of people exposed to a hazard;

(B) Increasing risk of damage to property, built or natural infrastructure; and

(C) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.

Finding: Not applicable as Newberg is not a coastal community and has no beaches and dunes.

(4) For the purposes of assisting local jurisdictions in adopting reasonable siting and design standards for Middle Housing, the applicable Model Code adopted in this section will be applied to A Local Government That Has Not Acted to comply with the provisions of ORS 197.758 and this division. For such Medium and Large Cities, the applicable Model Code completely replaces and pre-empts any provisions of those Medium and Large Cities' development codes that conflict with the Model Code. The Commission adopts the following Middle Housing Model Codes:

(a) The Medium City Model Code as provided in Exhibit A; and

(b) The Large City Model Code as provided in Exhibit B.

Finding: The City of Newberg started this process as a Medium sized city. It now would be considered a Large City per population numbers from the 2020 US Census and has proposed new regulations for triplex, quadplex, cottage cluster and townhouse dwellings that are consistent with single-family dwellings allowed in the same residential zones. The proposed regulations are drawn from OAR 660-046.

(5) This division does not prohibit Medium or Large Cities from allowing:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle Housing in areas not required under this division.

Finding: The City of Newberg has areas zoned for single-family dwellings in the R-1, R-2, R-3, AR, and RP zones. Triplex, quadplex, cottage cluster and townhouse dwellings are proposed to be allowed in all of these residential zones consistent with the process for single-family detached dwellings.

660-046-0020

Definitions

As used in this division, the definitions in ORS 197.015 and ORS 197.758 apply, unless the context requires otherwise. In addition, the following definitions apply:

(1) "A Local Government That Has Not Acted" means a Medium or Large City that has not adopted acknowledged land use regulations that are in compliance with ORS 197.758 and this division.

Finding: The City of Newberg is proposing triplex, quadplex, cottage cluster and townhouse dwellings in compliance with OAR 660-046 which has a final hearing scheduled before the City Council on December 6, 2021.

(2) *“Cottage Cluster” means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard. A Medium or Large City may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.*

Finding: The City of Newberg is proposing a definition of cottage cluster consistent with the OAR definition.

(3) *“Department” means the Department of Land Conservation and Development.*

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(4) *“Design Standard” means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.*

Finding: Design standards are proposed for Middle Housing in alignment with OAR provisions. In the Springbrook Oaks Specific Plan triplex, quadplex, cottage cluster and townhome dwellings are considered to be the same as single-family detached dwellings and notes have been added to the Plans clarifying that triplex, quadplex, cottage cluster and townhome are not subject to design standards beyond the OAR requirements.

(5) *“Detached single-family dwelling” means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit.*

Finding: The City of Newberg has a definition of single-family dwelling that is in alignment with this definition.

(6) *“Duplex” means two attached dwelling units on a Lot or Parcel. A Medium or Large City may define a Duplex to include two detached dwelling units on a Lot or Parcel.*

Finding: The City of Newberg has a definition of duplex dwelling that is in alignment with this definition that was adopted by Ordinance No. 2021-2880 on June 7, 2021.

(7) *“Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:*

(a) *Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;*

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(b) Goal 6 Air, Water and Land Resource Quality;

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(c) Goal 7 Areas Subject to Natural Hazards;

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(d) Goal 9 Economic Development;

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(e) Goal 15 Willamette River Greenway;

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(f) Goal 16 Estuarine Resources;

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(g) Goal 17 Coastal Shorelands; and

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(h) Goal 18 Beaches and Dunes.

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(8) "Large City" means a city with a certified Portland State University Population Research Center estimated population of 25,000 or more or a city with a population over 1,000 within a metropolitan service district. A Large City includes unincorporated areas of counties within a metropolitan service district that are provided with sufficient urban services as defined in ORS 195.065. Sufficient urban services means areas that are within an urban service district boundary.

Finding: The Portland State University Population Research Center estimate for Newberg is 24,102 placing it in the Medium City category. The 2020 US Census has Newberg's population at 25,138 which would make it a Large City above 25,000 in population.

(9) "Lot or Parcel" means any legally created unit of land.

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046. The NMC 15.05.030 Definitions has a definition of Lot and Parcel that are in alignment with the OAR 660-046-0020.

(10) "Master Planned Community" means a site that is any one of the following:

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(a) Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary that is zoned for or proposed to be Zoned For Residential Use, and which is not currently developed with urban residential uses, for which a Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan;

(b) Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary for which a Large City adopted, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan after the site was incorporated into the urban growth boundary; or

(c) Added to the Large City's urban growth boundary after January 1, 2021 for which the Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan.

Finding: Portland State University Population Research Center estimate for Newberg is 24,102 placing it in the Medium City category. The 2020 US Census has Newberg's population at 25,138 which would make it a Large City above 25,000 in population. Using the Census population number Newberg is a Large City. Newberg has several adopted master plans which include the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan and Springbrook Master Plan. Each of these plans is over 20 acres in size.

(11) "Medium City" means a city with a certified Portland State University Population Research Center estimated population more than 10,000 and less than 25,000 and not within a metropolitan service district.

Finding: Newberg, when the Middle Housing evaluation started, was a Medium City with a population of 24,120 as certified by Portland State University Population Research Center as of July 1, 2021. According to the 2020 US Census Newberg is now a Large City with a population of 25,138.

(12) "Middle Housing" means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.

Finding: Exhibit "B" has definitions of Middle Housing (triplexes, quadplexes, cottage clusters and townhouses) that aligns with the OAR 660-046-0020 definition.

(13) "Model Code" means the applicable Model Code developed by the Department and contained in the exhibits in OAR 660-046-0010(4).

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(14) "Quadplex" means four attached dwelling units on a Lot or Parcel. A Large City may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.

Finding: The City of Newberg is proposing a definition for quadplex that is in alignment with the OAR definition.

(15) *“Siting Standard” means a standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.*

Finding: Exhibit “B” contains siting standards that address setbacks, lot dimensions, lot coverage, and parking. Other provisions in Title 15 Development Code address utilities and public facilities. Triplexes, quadplexes, cottage clusters and townhouse dwellings follow the same siting standards process as single-family detached dwellings.

(16) *“Sufficient Infrastructure” means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:*

(a) *Connection to a public sewer system capable of meeting established service levels;*

(b) *Connection to a public water system capable of meeting established service levels;*

(c) *Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system; and*

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

Finding: Portland State University Population Research Center estimate for Newberg is 24,102 placing it in the Medium City category. The 2020 US Census has Newberg’s population at 25,138 which would make it a Large City above 25,000 in population. The City will work with developers to address the adequacy of Sufficient Infrastructure as triplex, quadplex, cottage cluster and townhouse projects are proposed.

(17) *“Townhouse” means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit.*

Finding: The City of Newberg is proposing a definition for townhouses that is in alignment with the OAR definition.

(18) *“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 the any commonly owned property.*

Finding: The City of Newberg is proposing a definition for Townhouse Project that is in alignment with the OAR definition.

(19) *“Triplex” means three attached dwelling units on a Lot or Parcel. A Large City may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.*

Finding: The City of Newberg is proposing a definition for triplex that is in alignment with the OAR definition.

(20) "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.

Finding: The City of Newberg has lands zoned for R-1, R-2, R-3, AR, and RP which are represented on the official Zoning Map that represent residential comprehensive plan designations and are applicable to triplex, quadplex, cottage clusters and townhouse dwelling requirements of OAR 660-046.

660-046-0030

Implementation of Middle Housing Ordinances

(1) Before a local government amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the local government must submit the proposed amendment to the Department for review and comment pursuant to OAR chapter 660, division 18.

Finding: The City of Newberg notified DLCD through the Post Acknowledgement Plan Amendment (PAPA) process on October 6, 2021, on the proposed triplex, quadplex, cottage cluster and townhouse proposal to comply with OAR 660-046.

(2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges;

Finding: The City of Newberg approved a Housing Work Program on November 2, 2020, (Attachment 4) that considered a variety of regulatory actions to address housing affordability. On November 16, 2020, the City Council adopted Ordinance No. 2020-2869 revising when system development charges need to be paid. This modification moved the payments for the charges from at time of issuance of a building permit to the time of insulation inspection for single-family dwellings and duplex dwellings. Additionally, the Newberg City Council will be engaging in discussions on System Development Charges for all development activities beginning in April 2021. Finally, in the Housing Work Program - Reduced / Waived Building Permit fee, Planning fees, or SDCs are identified to be further re-evaluated in FY 24/25; and System Development Charge Deferrals/Loans to be evaluated again in FY 25/26. The City has considered the requirements of OAR 660-046-0030.

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and

Finding: The Housing Work Program (Attachment 4) includes a program to - Establish an affordable multifamily housing property tax abatement program in FY 22/23, and a Housing Production Strategy in FY 22/23. The City has been awarded a grant from DLCD that advances the Housing Production Strategy program to FY 2021/22. The City has considered the requirements of

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

OAR 660-046-0030.

(c) Assessing a construction tax under ORS 320.192 and ORS 320.195.

Finding: The Newberg City Council adopted Ordinance No. 2020-2860 on November 16, 2020, implementing a Construction Excise Tax (CET). Implementation of the CET began on January 2, 2021. Per the adopted ordinance there is a sunset provision set at six years. In the fifth year of implementation the City Council will evaluate the effectiveness of the CET and determine whether to repeal the ordinance or authorize its continuance. The Housing Work Program (Attachment 4) identifies the review to occur in FY 25/26.

Newberg's proposal to comply with HB 2001 (OAR 660-046-0030) is in compliance and integrates provisions that implement duplex dwelling development the same as single-family dwelling development.

(3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021, which has gone through the Post Acknowledgment Plan Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period. The proposed Middle Housing amendments were not analyzed to determine if they significantly affect an existing or planned transportation facility.

660-046-0040
Compliance

(1) A Medium or Large City may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 and the provisions of this division.

Finding: The City of Newberg is proposing to amend its comprehensive plan and land use regulations to comply with ORS 197.758 and OAR 660 Division 46 as they relate to triplex, quadplex, cottage cluster and townhouse dwellings.

(2) A Medium or Large City may request from the Department an extension of the time allowed to complete the action under section (1) pursuant to the applicable sections of OAR 660-046-0300 through OAR 660-046-0370.

Finding: The City of Newberg applied for a grant from DLCD related to middle housing for an Infrastructure Based Time Extension (IBTER) and was awarded a grant. The areas evaluated from the grant were areas north of downtown and south of downtown. Through the evaluation of transportation, water, wastewater, and stormwater a deficiency was identified for the water system related to fire flow to accommodate Middle Housing. DLCD reviewed the City of Newberg application and approved the application extension request on March 16, 2021.

(3) A Medium City which is A Local Government That Has Not Acted by June 30, 2021 or within one year of qualifying as a Medium City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) in its entirety to all proposed Middle Housing development applications until such time as the Medium City has adopted provisions under section (1).

Finding: The City of Newberg adopted Ordinance No. 2021-2880 on June 7, 2021, that complied with the duplex OAR requirements prior to the June 30, 2021, deadline. The Newberg Planning Commission is scheduled to hold a public hearing on the proposal for triplexes, quadplexes, cottage clusters and townhouses on November 10, 2021, followed by a City Council public hearing on December 6, 2021, prior to the June 30, 2022, deadline.

(4) A Large City which is A Local Government That Has Not Acted by June 30, 2022 or within two years of qualifying as a Large City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development applications for that specific Middle Housing type until such time as the Large City has adopted provisions under section (1).

Finding: Portland State University Population Research Center estimate for Newberg is 24,102 placing it in the Medium City category. The 2020 US Census has Newberg's population at 25,138 which would make it a Large City above 25,000 in population. Using the Census population number Newberg is a Large City. Newberg is voluntarily implementing the triplex, quadplex, cottage cluster and townhouse provisions of the OAR in advance of the June 30, 2022, deadline.

(5) If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large City's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the Medium or Large City is deemed to have acted. Accordingly, the Medium or Large City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:

Finding: The Newberg Planning Commission is scheduled to hold a public hearing on the proposal for triplex, quadplex, cottage cluster and townhouses on November 10, 2021, followed by a City Council public hearing on December 6, 2021, prior to the June 30, 2022, deadline. Opportunities for and appeal of the duplex regulations has passed with the adoption of Ordinance No. 2021-2880 on June 7, 2021. Appeal opportunities have not yet occurred regarding triplex, quadplex, cottage cluster and townhouses as the local review and hearing process has not been completed.

(a) The Medium or Large City has adopted land use regulations or amended its comprehensive plan in response to the remand; or

Finding: Not applicable at this time.

(b) 120 days after the date of the remand. If the Medium or Large City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the

Medium or Large City is deemed not to have acted under sections (3) and (4).

Finding: Not applicable at this time.

(6) If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large city's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court on any substantive grounds, the Medium or Large City is deemed to have not acted under sections (3) and (4).

Finding: Not applicable at this time.

(7) If a Medium or Large City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the Medium or Large City shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.

Finding: Not applicable at this time.

(8) Where a Medium or Large City directly applies the Model Code in accordance with sections (3), (4) and (5), the Model Code completely replaces and pre-empts any provisions of that Medium or Large City's development code that conflict with the applicable sections of the Model Code.

Finding: Not applicable at this time.

660-046-0050

Eligible Local Governments

(1) If a local government was not previously a Medium City and a certified Portland State University Population Research Center population estimate qualifies it as a Medium City, the local government must comply with this division within one year of its qualification as a Medium City.

Finding: Not applicable as Newberg was classified as a Medium City at time of development of the duplex regulations. Newberg is now a Large City based on the 2020 Census and is voluntarily implementing the triplex, quadplex, cottage cluster and townhouse provisions.

(2) If a local government was not previously a Large City and a certified Portland State University Population Research Center population estimate qualifies it as a Large City, the local government must comply with this division within two years of its qualification as a Large City.

Finding: Newberg is classified as a Medium City by the Portland State University Population Research Center population estimate. The 2020 US Census has Newberg's population at 25,138. Newberg is voluntarily complying the Middle Housing triplex, quadplex, cottage clusters and townhouse requirement by direction of the Newberg City Council and the DLCD grant awarded to the City.

660-046-0100

Purpose of Middle Housing in Medium Cities

OAR 660-046-0105 through OAR 660-046-0130 are intended to measure compliance with ORS 197.758 et seq and Goal 10 Housing for Medium Cities.

Finding: The City of Newberg is proposing to amend its comprehensive plan and land use regulations to comply with ORS 197.758 and OAR 660 Division 46 as they relate to triplex, quadplex, cottage cluster and townhouse dwellings.

660-046-0105

Applicability of Middle Housing in Medium Cities

(1) A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021.

(2) OAR 660-046-0105 through OAR 660-046-0130 do not require a Medium City to allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

Finding: Ordinance No. 2021-2880 adopted on June 7, 2021, allows duplexes on a Lot or Parcel. Provisions for triplex, quadplex, cottage cluster and townhouses in Exhibit “B” would allow these types of development where detached single-family homes are permitted in residential zones. Accessory dwelling units would also be permitted in compliance with OAR 660-046-0105(2).

660-046-0110

Provisions Applicable to Duplexes in Medium Cities

(1) Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021. Analysis was provided at that time under OAR 660-046-0010(3) to meet this requirement.

(2) Medium Cities may regulate siting and design of Duplexes, provided that the regulations:

- (a) Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and*
- (b) Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.*

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021.

(3) Siting and design standards that create unreasonable cost and delay include any standards

applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021. The siting and design standards do not, individually or cumulatively, discourage the development of duplexes through unreasonable costs or delay as the standards apply equally to single-family dwellings and duplex dwellings.

(4) Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following:

(a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);

(b) Permitted uses and approval process provided in OAR 660-046-0115;

(c) Siting standards provided in OAR 660-046-0120;

(d) Design standards in Medium Cities provided in OAR 660-046-0125;

(e) Duplex Conversions provided in OAR 660-046-0130; and

(f) Any siting and design standards in the Model Code contained in section OAR 660-046-0010(4)(a).

Finding: The City of Newberg did not utilize the Model Code in developing the duplex regulations adopted by Ordinance No. 2021-2880. The proposal relied on OAR 660 Division 46 requirements.

660-046-0115

Permitted Uses and Approval Process

Medium Cities must apply the same approval process to Duplexes as detached single-family dwellings in the same zone. Pursuant to OAR 660-007-0015, OAR 660-008-0015, and ORS 197.307, Medium Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Duplexes. Nothing in this rule prohibits a Medium City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021. The adopted regulations applies a Type I Administrative review process (15.100) for duplex dwellings that is the same as applied to single-family dwellings. The standards are clear and objective and in compliance with OAR 660-046-0115. The City of Newberg did not propose an alternative review process for duplex dwellings.

660-046-0120

Duplex Siting Standards in Medium Cities

The following standards apply to all Duplexes:

(1) Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City's current lot size minimum for detached single-family dwellings in the same zone.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

(2) Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

(3) Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

(4) Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

(5) Parking:

(a) A Medium City may not require more than a total of two off-street parking spaces for a Duplex.

(b) Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

(6) Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

(7) A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Duplexes.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

660-046-0125

Duplex Design Standards in Medium Cities

(1) Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.

(2) A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

Finding: Newberg adopted regulations for duplex dwelling by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

660-046-0130

Duplex Conversions

Conversion of an existing detached single-family dwelling to a Duplex is allowed, pursuant to OAR 660-046-0105(2), provided that the conversion does not increase nonconformance with applicable clear and objective standards in the Medium City's development code, unless increasing nonconformance is otherwise allowed by the Medium City.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

660-046-0200

Purpose of Middle Housing in Large Cities

OAR 660-046-0205 through OAR 660-046-0235 are intended to measure compliance with ORS 197.758 and Goal 10 Housing for Large Cities.

Finding: Newberg is proposing triplex, quadplex, cottage cluster and townhouse regulations in accordance with ORS 197.758 and Goal 10 Housing for Large Cities.

660-046-0205

Applicability of Middle Housing in Large Cities

(1) A Large City must allow for the development of Duplexes in the same manner as required for Medium Cities in OAR 660-046-0100 through OAR 660-046-0130.

Finding: Newberg is classified as a Medium City by the Portland State University Population Research Center population estimate. The 2020 US Census has Newberg's population at 25,138. Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

(2) A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:

Finding: Newberg is classified as a Medium City by the Portland State University Population Research Center population estimate. The 2020 US Census has Newberg's population at 25,138. Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement. Exhibit "B" contains the provisions to allow triplexes, quadplexes, townhouses and cottage clusters in zoning districts that allow primarily for the development of detached single-family dwellings. This includes conversions and additions to existing single-family dwellings. The proposal is conformance with the OAR requirement.

(a) Goal-Protected Lands: Large Cities may regulate Middle Housing on Goal-Protected Lands as provided in OAR 660-046-0010(3);

Finding: The proposal for triplex, quadplex, cottage cluster, and townhouse dwellings within the Stream Corridor Overlay allows for conversion of existing single-family dwellings into a triplex or quadplex including activities requiring a Type I process for expansions and rebuilding dwellings as noted in 15.342.050. New construction of triplex, quadplex, cottage cluster, and townhouse are not proposed to be allowed in the Stream Corridor Overlay.

(b) Master Planned Communities: Large Cities may regulate or limit the development of Middle Housing in Master Planned Communities as follows:

(A) If a Large City has adopted a master plan or a plan that functions in the same manner as a

master plan after January 1, 2021, it must allow the development of all Middle Housing types as provided in OAR 660-046-0205 through OAR 660-046-0235. For Master Planned Communities adopted after January 1, 2021:

(i) A Large City must plan to provide urban water, sanitary sewer, stormwater, and transportation systems that accommodate at least 20 dwelling units per net acre if located within a metropolitan service district boundary, and 15 dwelling units per net acre if located outside of a metropolitan service district boundary.

(ii) The Large City may require the applicant demonstrate, through an amended public facility plan or similar mechanism, the sufficient provision of public services needed to serve the proposed development, if a proposed Middle Housing development exceeds the planned public service capacity of a Master Plan.

(iii) A Large City may require a mix of two or more Middle Housing types within a Master Plan or portions of a Master Plan.

(iv) A Large City may designate areas within the master plan exclusively for other housing types, such as multi-family residential structures of five dwelling units or more or manufactured home parks.

Finding: Newberg has not adopted any Master Plans after January 1, 2021. This provision of the OAR does not apply at this time but would if a new master plan is proposed.

(B) If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan before January 1, 2021, it may limit the development of Middle Housing other than Duplexes provided it authorizes in the entire master plan area a net residential density of at least eight dwelling units per acre and allows all dwelling units, at minimum, to be detached single-family dwellings or Duplexes. A Large City may only apply this restriction to portions of the area not developed as of January 1, 2021, and may not apply this restriction after the initial development of any area of the master plan or a plan that functions in the same manner as a master plan, except that a Large City may prohibit redevelopment of other housing types, such as multi-family residential structures and manufactured home parks.

Finding: Newberg has three existing Master Plans. These include the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan and Springbrook Master Plan. Exhibits “C”, “D”, and “E” contain the revisions to these plans that allows Middle Housing for triplex, quadplex, cottage cluster and houses in all of the Master Plan areas in conformance with the OAR provision.

(c) Impacted by State or Federal Law: A Large City must demonstrate that regulations or limitations of Middle Housing other than Duplexes are necessary to implement or comply with an established state or federal law or regulation on these types of lands.

Finding: No limitations on Middle Housing are proposed related to State of Federal Law.

(3) A Large City may:

(a) Allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through conversion of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings as provided in OAR 660-046-0205 through OAR 660-046-0235; or

Finding: Exhibits “B”, “C”, “D” and “E” identify that development of triplexes, quadplexes, townhouses, and cottage clusters, including those created through conversion of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings are allowed and is in conformance with the OAR requirement.

(b) Apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-046-0220, provided that the applicable Middle Housing type other than Duplexes is allowed on the following percentage of Lots and Parcels zoned for residential use that allow for the development of detached single-family dwellings, excluding lands described in subsection (2):

(A) Triplexes – Must be allowed on 80 percent of Lots or Parcels;

Finding: Triplexes are permitted on all lots zoned for residential use.

(B) Quadplexes - Must be allowed on 70 percent of Lots or Parcels;

Finding: Quadplexes are permitted on all lots zoned for residential use.

(C) Townhouses - Must be allowed on 60 percent of Lots or Parcels; and

Finding: Townhouses are permitted on all lots zoned for residential use.

(D) Cottage Clusters – Must be allowed on 70 percent of Lots or Parcels.

Finding: Cottage Clusters are permitted on all lots zoned for residential use.

(E) A Middle Housing type is considered “allowed” on a Lot or Parcel when the following criteria are met:

(i) The Middle Housing type is a permitted use on that Lot or Parcel under the same administrative process as a detached single-family dwelling in the same zone;

(ii) The Lot or Parcel has sufficient square footage to allow the Middle Housing type within the applicable minimum lot size requirement;

(iii) Maximum density requirements do not prohibit the development of the Middle Housing type on the subject Lot or Parcel; and

(iv) The applicable siting or design standards do not individually or cumulatively cause unreasonable cost or delay to the development of that Middle Housing type as provided in OAR 660-046-0210(3).

Finding: Middle Housing is a permitted use on all lots zoned for residential use the same as detached single-family on the required minimum lot size for the applicable zone, and there are no maximum density requirements.

(F) A Large City must ensure the equitable distribution of Middle Housing by allowing, as defined in paragraph (3)(b)(E) above, at least one Middle Housing type other than Duplexes and Cottage Clusters on 75 percent or more of all Lots or Parcels zoned for residential use that allow for the development of detached single-family dwellings within each census block group, with at least four eligible Lots and Parcels as described in section (2), within a Large City.

Finding: Middle Housing is permitted in all zones for residential use with no limitations other than those limitations as they related to Stream Corridor Overlay designated areas.

(G) Large Cities must demonstrate continuing compliance with subsection (3)(b) at the following intervals:

(i) At the initial submittal of a Middle Housing comprehensive plan or land use regulation change, in accordance with OAR chapter 660, division 18;

(ii) At any future Housing Capacity Analysis deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required earlier than six years after initial adoption of acknowledged land use regulations in compliance with this division; and

(iii) With any future comprehensive plan or land use regulation changes that implements this division, in accordance with OAR chapter 660, division 18, for Large Cities that are not subject to the Housing Capacity Analysis deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required more frequently than once every six years after initial adoption of acknowledged land use regulations in compliance with this division.

Finding: The City of Newberg will comply with these requirements in the future as necessary.

(4) Pursuant to OAR 660-046-0205 through OAR 660-046-0235, the following numerical standards related to Middle Housing types apply:

(a) Duplexes – Large Cities may allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021. The provisions allow for a duplex on a Lot or Parcels along with an Accessory Dwelling Unit.

(b) Triplexes and Quadplexes – Large Cities may allow more than four dwelling units on a Lot or Parcel, including any accessory dwelling units.

Finding: The proposed regulations for triplexes and quadplexes allows each of the respective development types on a Lot or Parcel along with an Accessory Dwelling Unit.

(c) Townhouses – Large Cities must require at least two attached Townhouse dwelling units and

must allow up to four attached Townhouse units subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. A Large City may allow five or more attached Townhouse dwelling units.

Finding: Exhibit “B” contains a definition and provisions for townhouses that requires at least two attached townhouse dwelling units. In the R-1 zone the maximum number of attached is four. In the R-2, R-3, R-P and AR zones the maximum number is eight.

(d) Cottage Clusters –

(A) A Large City is not required to set a minimum number of dwelling units in a Cottage Cluster, but if it chooses to, it may require a minimum of three, four, or five dwelling units in a Cottage Cluster. A Large City may allow, but may not require, greater than five units in a Cottage Cluster.

Finding: The minimum number of units is four (4). In the R-1 zone the maximum number of units is eight (8). In the R-2, R-3, R-P, and AR zones the maximum number is twelve (12). More than one cottage cluster may be permitted as part of a cottage cluster project.

(B) A Large City must allow up to eight cottages per common courtyard subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. Nothing in this section precludes a Large City from permitting greater than eight dwelling units per common courtyard.

Finding: In the R-1 zone the maximum number is eight (8). In the R-2, R-3, R-P and AR zones the maximum number is twelve (12).

660-046-0210

Provisions Applicable to Middle Housing in Large Cities

(1) Large Cities may regulate Middle Housing to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).

Finding: The City of Newberg has protective measures in place for Goal 5 resources and hazards. Middle Housing is permitted consistent with these already adopted protection measures.

(2) Large Cities may regulate siting and design of Middle Housing, provided that the regulations:

(a) Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197.307; and

(b) Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay.

Finding: Siting and Design of Middle Housing. Standards for cottage clusters and townhouses have provision in alignment accordance with OAR provisions and are clear and objective standards.

(3) Siting and design standards that do not, individually or cumulatively, discourage the

development of Middle Housing through unreasonable cost and delay include only the following:

(a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);

(b) Permitted uses and approval processes provided in OAR 660-046-0215;

(c) Siting standards provided in OAR 660-046-0220;

(d) Design standards in Large Cities provided in OAR 660-046-0225;

(e) Middle Housing Conversions provided in OAR 660-046-0230;

(f) Alternative siting or design standards provided in OAR 660-046-0235; and

(g) Any siting and design standards in the Model Code contained in OAR 660-046-0010(4)(b).

Finding: Siting and Design of Middle Housing. Standards for cottage clusters and townhouses have provisions in alignment accordance with OAR provisions and are clear and objective standards.

660-046-0215

Permitted Uses and Approval Process

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

Finding: Exhibit “B” contains processes and requirements for Middle Housing that are clear and objective standards the same process as detached single-family. A Type I review process is required for all Middle Housing types. No alternative approval process is proposed.

660-046-0220

Middle Housing Siting Standards in Large Cities

(1) Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.

Finding: Newberg adopted regulations for duplex dwellings by Ordinance No. 2021-2880 on June 7, 2021, that complied with this requirement.

(2) The following governs Large Cities’ regulation of siting standards related to Triplexes and Quadplexes:

(a) Minimum Lot or Parcel Size:

(A) For Triplexes:

(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.

(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.

Finding: Exhibit “B” contains siting standards. Triplexes are allowed on the same minimum Lot or Parcel size as detached single-family according to the respective residential zone.

(B) For Quadplexes:

(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.

(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.

Finding: Exhibit “B” contains siting standards. Quadplexes are allowed on the same minimum Lot or Parcel size as detached single-family according to the respective residential zone.

(C) A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs (A) or (B).

Finding: A lesser minimum Lot or Parcel size in any zoning district for a triplex or quadplex is not proposed.

(b) Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplex and Triplexes.

Finding: No density maximums are proposed. Newberg has density targets, but these targets may be exceeded. The Newberg Development Code is driven by minimum lot size per the respective residential zone.

(c) Setbacks: A Large City may not require setbacks greater than those applicable to detached single-family dwellings in the same zone.

Finding: Setbacks are proposed to be the same as those for detached single-family for triplexes and quadplexes.

(d) Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone, except a maximum height may not be less than 25 feet or two stories.

Finding: A lower maximum height standard is not proposed. Height standards are applicable to detached single-family dwellings in the same zone. The maximum height allowed is above 25 feet.

(e) Parking:

(A) For Triplexes, a Large City may require up to the following off-street parking spaces:

(i) For Lots or Parcels of less than 3,000 square feet: one space in total;

(ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and

(iii) For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.

Finding: Newberg allows for a variety of lot sizes based on the respective zone that allows residential development. This is noted in Section 26 of Exhibit "B". Triplex parking is proposed at 1 for each dwelling unit.

(B) For Quadplexes, a Large City may require up to the following off-street parking spaces:

(i) For Lots or Parcels of less than 3,000 square feet: one space in total;

(ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;

(iii) For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and

(iv) For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.

Finding: Newberg allows for a variety of lot sizes based on the respective zone that allows residential development. This is noted in Section 26 of Exhibit "B". Quadplex parking is proposed at 1 for each dwelling unit.

(C) A Large City may allow on-street parking credits to satisfy off-street parking requirements.

Finding: Newberg does not have an on-street parking credit program or regulations.

(D) A Large City may allow, but may not require, off-street parking to be provided as a garage or carport.

Finding: Off-street parking as a garage or carport is allowed but is not required.

(E) A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.

Finding: Off-street parking surfacing, dimensional, landscaping, access, and circulation standards are the same as single-family detached dwellings in the same zone.

(F) A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230.

Finding: No additional minimum parking requirements are being applied to Middle Housing.

(f) Lot or Parcel Coverage and Floor Area Ratio: Large Cities are not required to apply Lot or Parcel coverage or floor area ratio standards to Triplexes or Quadplexes. However, if the Large City applies Lot or Parcel coverage or floor area ratio standards, it may not establish a cumulative Lot or Parcel coverage or floor area ratio for Triplexes or Quadplexes that is less than established for detached single-family dwelling in the same zone.

Finding: Lot coverage applies in the R-1, R-2, R-3, AR, and R-P zones. The lot coverage for triplexes or quadplexes is the same as for detached single-family homes.

(g) A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Triplex or Quadplex development application.

Finding: The City of Newberg will work with each applicant to determine if Sufficient Infrastructure will be provided, or can be provided, upon submittal of a triplex or quadplex development application.

(3) The following governs Large Cities' regulation of siting standards related to Townhouses:

(a) Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less.

Finding: Exhibit "B" Section 26 identifies the minimum lot size for Townhouses at 1,500 square feet consist with the OAR.

(b) Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.

Finding: Townhouses are required to have street frontage of 20 feet in alignment with the OAR.

(c) Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less.

Finding: The City of Newberg does not have density maximums but does have density targets for residential zones. Those targets are allowed to be exceeded.

(d) Setbacks: A Large City may not require front, side, or rear setbacks to be greater than those applicable to detached single-family structures in the same zone and must allow zero-foot side setbacks for Lot or Parcel lines where Townhouse units are attached.

Finding: Setbacks for townhouses are the same as detached single-family except where the attached units are permitted which is zero.

(e) Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone. If a Large City requires covered or structured parking for townhouses, the applicable height standards must allow construction of at least three stories. If a Large City does not require covered or structured parking, the applicable height standards must allow construction of at least two stories.

Finding: In the R-1 zone building height is limited to 30 feet. In the R-2 zone building height is limited to 35 feet. In the R-3 zone building height is limited to 45 except where R-3 is abuts R-1 where it is limited to 30 feet for a distance of 50 feet from the abutting boundary. These are the same height limitations that apply to detached single-family dwellings. No covered parking or structured parking is required for townhouses. Structure height is proposed to be increased in the Springbrook Master Plan in the Mid-Rise Residential area from 35 feet up to 45 feet with a maximum of 3-stories.

(f) Parking:

(A) A Large City may not require more than one off-street parking space per Townhouse dwelling unit.

Finding: One off-street parking space is required per Townhouse unit consistent with the OAR requirement.

(B) Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.

Finding: Newberg does not have an on-street parking credit program or regulations.

(C) A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.

Finding: Off-street parking surfacing, dimensional, landscaping, access, and circulation standards are the same as single-family detached dwellings in the same zone.

(g) Bulk and Scale: A Large City is not required to apply standards to control bulk and scale to new

Townhouses. However, if a Large City chooses to regulate scale and bulk, including but not limited to provisions including Lot or Parcel coverage, floor area ratio, and maximum unit size, those standards cannot cumulatively or individually limit the bulk and scale of the cumulative Townhouse project greater than that of a single-family detached dwelling.

Finding: The proposed regulations in Exhibit “B” identify the requirements. There are provisions for Lot Coverage the same as detached single-family. The requirements do not cumulatively or individually limit the bulk and scale of the cumulative Townhouse project greater than that of a single-family detached dwelling.

(h) A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Townhouse development application.

Finding: The City of Newberg will work with each applicant to determine if Sufficient Infrastructure will be provided, or can be provided, upon submittal of a townhouse development application.

(4) The following governs Large Cities’ regulation of siting standards related to Cottage Clusters:

(a) Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, the following provisions apply:

(A) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.

Finding: Minimum lot size for R-1 is 7,000 square feet. R-2 is 7,000 square feet. R-3 is 6,000 square feet. R-P is 7,000 square feet. AR is 7,000 square feet.

(B) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.

Finding: Minimum lot size for R-1 is 7,000 square feet. R-2 is 7,000 square feet. R-3 is 6,000 square feet. R-P is 7,000 square feet. AR is 7,000 square feet.

(b) Minimum Lot or Parcel Width: A Large City is not required to apply minimum Lot or Parcel width standards to Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel width for to Cottage Clusters, it may not require a minimum Lot or Parcel width that is greater than the standard for a single-family detached dwelling in the same zone.

Finding: Minimum lot width for R-1 is 35 feet. R-2 is 25 feet. R-3 is 30 feet, except cottage clusters in R-3 can have 25 feet of frontage. R-P is 50 feet. AR is 45 feet. These are the same for detached single-family dwellings. No lot size is proposed that is greater than detached single-family.

(c) Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.

Finding: The minimum density of cottage clusters is 4 per acre. The City of Newberg does not have density maximums but does have density targets for residential zones. Those targets are allowed to be exceeded.

(d) Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet.

Finding: Setbacks for cottage clusters is 10 feet for the front yard. Garages are proposed at 20 feet from the nearest property line. Additional setbacks are listed in 15.410.020 Front yard setback (Section 29). These requirements are either equal to or less than required for detached single-family.

(e) Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of less than 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.

Finding: The maximum building footprint allowed is 900 square feet in accordance with the OAR provision. Garages and carports are not included in the dwelling unit footprint.

(f) Parking:

(A) A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster.

Finding: One off-street parking space is required per cottage unit.

(B) A Large City may allow but may not require off-street parking to be provided as a garage or carport.

Finding: Garages or carports are allowed for cottage cluster development but are not required. If provided they would apply to the required off-street parking requirement of 1 space per unit.

(C) Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.

Finding: Newberg does not have an on-street parking credit program or regulations.

(g) Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.

Finding: Language is proposed in Exhibit “B” that exempts cottage cluster projects from complying with lot coverage requirements.

(h) Nothing in this division precludes a Large City from allowing Cottage Cluster dwelling units on individual Lots or Parcels within the Cottage Cluster development.

Finding: No provisions are proposed that would limit cottage cluster units from being on individual lots or parcels.

(i) A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Cottage Cluster development application.

Finding: The City of Newberg will work with each applicant to determine if Sufficient Infrastructure will be provided, or can be provided, upon submittal of a cottage cluster development application.

660-046-0225

Middle Housing Design Standards in Large Cities

(1) A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:

(a) Design standards in the Model Code for Large Cities as provided in OAR 660-046-0010(4)(b);

(b) Design standards that are less restrictive than those in the Model Code for Large Cities as provided in OAR 660-046-0010(4)(b);

(c) The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or

(d) Alternative design standards as provided in OAR 660-046-0235.

(2) A Large City may not apply design standards to Middle Housing created as provided in OAR 660-046-0230.

Finding: Design standards for triplex, quadplex, cottage clusters and townhomes are consistent with OAR requirements and are drawn from the Model Code and do not expand beyond what the OAR allows.

660-046-0230

Middle Housing Conversions

(1) Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing

is allowed in a Large City pursuant to OAR 660-046-0205(2), provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.

Finding: Conversion of existing detached single-family dwellings is allowed as long as it is in conformance with the Newberg Municipal Code.

(2) If Middle Housing is created through the addition to, or conversion of, an existing detached single-family dwelling, a Large City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Middle Housing.

Finding: Middle Housing is treated the same as detached single-family dwellings regarding exceptions to public works standards.

(3) An existing detached single-family dwelling may remain on a Lot or Parcel with a Cottage Cluster as described below:

(a) The existing single-family dwelling may be nonconforming with respect to the requirements of the applicable code;

(b) The existing single-family dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, an existing single-family dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;

(c) The existing single-family dwelling shall count as a unit in the Cottage Cluster;

(d) The floor area of the existing single-family dwelling shall not count towards any Cottage Cluster average or Cottage Cluster project average or total unit size limits; and

(e) A Large City may apply a time limit on the conversion of a single-family dwelling to a Cottage Cluster not to exceed five years.

Finding: The City of Newberg will follow the requirements of the OAR for existing detached single-family dwellings in a cottage cluster development.

60-046-0235

Alternative Siting or Design Standards

A Large City may adopt Siting or Design Standards not authorized by OAR 660-046-0220 or OAR 660-046-0225 as allowed if the city can demonstrate that it meets the applicable criteria in this section. Alternative Siting or Design standards do not include minimum Lot or Parcel size and maximum density requirements. If a Large City proposes to adopt alternative Siting or Design Standards, the Large City must submit to the Department findings and analysis demonstrating that the proposed standard or standards will not, individually or cumulatively, cause unreasonable cost or delay to the development of Middle Housing. To demonstrate that, the Large City must consider how a standard or standards, individually and cumulatively, affect the following factors in

comparison to what is would otherwise be required under OAR 660-046-0220 or OAR 660-046-0225:

- (1) *The total time and cost of construction, including design, labor, and materials;*
- (2) *The total cost of land;*
- (3) *The availability and acquisition of land, including in areas with existing development;*
- (4) *The total time and cost of permitting and fees required to make land suitable for development;*
- (5) *The cumulative livable floor area that can be produced; and*
- (6) *The proportionality of cumulative time and cost imposed by the proposed standard or standards in relationship to the public need or interest the standard or standards fulfill.*

Finding: Alternative Siting or Design Standards not authorized by OAR 660-046-0220 or OAR 660-046-0225 are not proposed in Exhibit “B”.

D. Newberg Municipal Code

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.060 Type IV procedure – Legislative.

A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. The public hearing before the planning commission shall be held in accordance with the requirements of this code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to NMC 15.100.200 et seq.).

D. Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the planning commission shall make findings for each of the applicable criteria.

E. The city council shall conduct a new hearing pursuant to this code. At the public hearing, the staff shall present the report of the planning commission and may provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the city council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the city council determines that the conditions are necessary to fulfill the approval criteria.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution.

Finding: Public hearings with the Planning Commission and the City Council are required to finalize a decision regarding the application for the amendment to the Development Code.

This requirement can be met.

NMC 15.346.050 for Specific Plans outlines the requirements for amendments to the plans. The process to use would be a Type III Procedure.

A. Minor and Major Amendments.

I. 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.

NMC 15.326.060 for the Springbrook Master Plan outlines the requirements for amendments to the plan. The proposed amendments would be classified as a Type III process.

- a. The following modifications to the master plan shall follow a Type III procedure identified in NMC 15.100.050:
 1. Modifications other than those noted above.
 2. Modifications to the Springbrook district boundary.

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.050 Type III procedure – Quasi-judicial hearing.

A. All Type III decisions shall be heard and decided by the planning commission. The planning commission's decision shall be final unless the decision is appealed or the decision is a recommendation to the city council.

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

1. An appeal of a Type I or Type II decision: This action of the planning commission is a final decision unless appealed to the city council.
2. Conditional use permits: This action is a final decision unless appealed.
3. Planned unit developments: This action is a final decision unless appealed.
4. Substantial change to the exterior appearance of a historic landmark: This action is final unless appealed.
5. Establishment of a historic landmark: This is a final decision by the planning commission, unless appealed.
6. Establishment of a historic landmark subdistrict: This is a recommendation to the city council.
7. Comprehensive plan map amendments: This action is a recommendation to the city council.
8. Zoning map amendments and designation of subdistricts: This action is a recommendation to the city council.
9. Annexation: This action is a recommendation to the city council.
10. Subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).

C. Planning Commission Decisions and Recommendation Actions.

1. Planning Commission Decision. Development actions shall be decided by the planning commission for those land use actions that require a Type III procedure and do not require the adoption of an ordinance. The decision shall be made after public notice and a public hearing is held in accordance with the requirements of NMC 15.100.090 et seq. A Type III decision may be appealed to the city council by a Type III affected party in accordance with NMC 15.100.160 et seq.
2. Planning Commission Recommendation to City Council. Land use actions that would require the adoption of an ordinance shall be referred to the city council by the planning commission together with the record and a recommendation. The recommendation shall be made after public notice and a public hearing is held in

accordance with the requirements of NMC 15.100.090 et seq.

D. City Council Action. If a recommendation to the city council is required, the matter shall be reviewed by the city council as a new hearing. The final decision on these actions is made by the city council.

E. The applicant shall provide notice pursuant to NMC 15.100.200 et seq.

F. The hearing body may attach certain conditions necessary to ensure compliance with this code.

G. If the application is approved, the director shall issue a building permit when the applicant has complied with all of the conditions and other requirements of this code.

H. If a Type III application is denied, or if the applicant wishes to make substantive modifications to an approved application, the applicant may modify the application after the planning commission hearing and request a new planning commission hearing to consider the application. An application so modified shall be considered a new application for purposes of the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. The applicant shall acknowledge in writing that this is a new application for purposes of the 120-day rule. The city council shall establish a fee for such a reconsideration or modification by resolution. Application of this provision is limited to three times during a continuous calendar year.

Finding: For the Northwest Newberg Specific Plan and Springbrook Oaks Specific Plan the process required is a Type III procedure as the proposed modifications would be a change in land use and a change in the development standards. The Planning Commission will make a recommendation to the City Council because the proposal requires adoption of an ordinance.

For the Springbrook Master Plan the process required is a Type III procedure because the proposal is not a land use district boundary modifications prior to development within that phase greater than one acre and less than five acres that adjust a boundary no more than 100 feet, or modifications to the "Trip Cap" established with approval of the master plan which require a Type II process. The Planning Commission will make a recommendation to the City Council because the proposal requires adoption of an ordinance.