



ORDINANCE No. 2021-2880

**AN ORDINANCE AMENDING THE NEWBERG
COMPREHENSIVE PLAN, NEWBERG
MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE,
15.05.030, 15.100.020, 15.205.050, 15.205.060, 15.220.020,
15.235.040, 15.235.050, 15.240.020, 15.302.032, 15.302.040,
15.303.200, 15.305.020, 15.336.010, 15.336.020, 15.340.020,
15.342.050, 15.342.070, 15.342.100, 15.346.070, 15.352.050,
15.405.010, 15.405.030, 15.405.040, 15.410.070, 15.415.020,
15.420.010, 15.420.020, 15.440.020, 15.440.060, 15.440.075,
15.505.030, NORTHWEST NEWBERG SPECIFIC
PLAN, SPRINGBROOK OAKS SPECIFIC PLAN,
AND SPRINGBROOK MASTER PLAN, RELATED TO
DUPLEX REGULATIONS**

RECITALS:

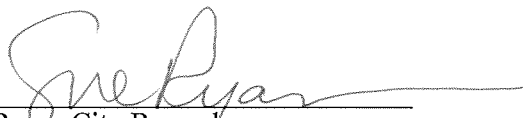
1. The Oregon Legislature adopted HB 2001 during the 2019 Legislative Session.
2. The Newberg City Council authorized an application to the Department of Land Conservation and Development (DLCD) for a grant to comply with HB 2001 on April 20, 2020.
3. DLCD awarded the City of Newberg a grant on August 27, 2020.
4. The City Council appointed an Ad Hoc Citizens Advisory Committee on August 17, 2020.
5. The Ad Hoc Citizens Advisory Committee met six (6) times in developing comprehensive plan, development code, and Specific Plan and Mater Plan provisions for duplexes.
6. The Planning Commission was briefed four (4) times on the draft duplex code provisions.
7. The City Council and Planning Commission held a joint work session on the duplex code provisions on March 15, 2021.
8. After proper notice, the Newberg Planning Commission opened the hearing on May 13, 2021, considered public testimony and deliberated. They found that the proposed amendments were in the best interests of the City and adopted Resolution No. 2021-371.
9. After proper notice, the Newberg City Council opened the hearing on June 7, 2021, considered public testimony and deliberated. They found that the proposed amendments were in the best interests of the City.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg Comprehensive Plan is amended as shown in Exhibit "A".
2. The Newberg Development Code is amended and shown in Exhibit "B".
3. The Northwest Newberg Specific Plan is amended and shown in Exhibit "C".
4. The Springbrook Oaks Specific Plan is amended and shown in Exhibit "D".
5. The Springbrook Master Plan is amended and shown in Exhibit "E".
6. The Adoption is based upon the findings in Exhibit "F".
7. Exhibits "A", "B", "C", "D", "E", and "F" are hereby adopted and by this reference incorporated.


➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: July 7, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2021, by the following votes: **AYE: 6 NAY: 0 ABSENT: 1 ABSTAIN: 0**



Sue Ryan, City Recorder

ATTEST by the Mayor this 10th day of June, 2021.



Rick Rogers, Mayor

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 Ordinance No. 2021-2880
Comprehensive Plan Amendment – File CPTA21-0001**

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

Section 1. The Newberg Comprehensive Plan, POLICIES: 1. Density Policies, subsection e. is deleted as shown:

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

Section 2. The Newberg Comprehensive Plan, POLICIES: 3. Mix Policies, subsection ad. is added to read:

ad. The City shall permit duplex dwellings on any lot where single-family dwellings are permitted to provide additional housing options in compliance with OAR Division 660-046. (Ordinance No. 2021-2880, June 7, 2021.)

Exhibit “B” to Ordinance No. 2021-2880
Development Code Amendment – File DCA21-0002

Note: Existing text is shown in regular font.

Added text is shown in double underline

Deleted text is shown in ~~strikethrough~~.

The Newberg Development Code shall be amended as follows:

Section 1. Section 15.05.030 shall be amended to read for the following definitions:

Duplex. See “dwelling, ~~two family~~ duplex”

“**Dwelling, accessory**” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. A lot or parcel developed with a single-family dwelling and an accessory dwelling is excluded from the definition of “duplex dwelling.”

“**Dwelling, ~~two family duplex~~**” means two dwelling units on one lot or parcel in any configuration a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family. A duplex dwelling does not include a lot or parcel developed with a single-family dwelling and an accessory dwelling.

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

“**Dwelling, single-family detached**” means one dwelling unit on one lot or parcel with no common walls attached to another dwelling unit. ~~means a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.~~

“**Family**” means ~~an individual, or two~~ (A) one or more persons related by blood, or marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons, who live together in one dwelling unit or (B) one or more handicapped person as defined in the Fair Housing Amendments Act of 1988, plus not more than five additional persons, who live together in one dwelling unit ~~or a group of not more than five persons (excluding household employees) who need not be related by blood or marriage, living together in a dwelling unit.~~ “Family” may include two or more people with disabilities, as defined in the Fair Housing Amendments Act of 1988, living as a single housekeeping unit.

“**Garage, single-car**” means a covered parking space enclosed on all four sides designed for the parking of one motor vehicle. ~~A single car garage shall have a minimum inside width of 10 feet by 20 feet.~~

“**Garage, two-car**” means a covered parking space enclosed on all four sides designed for the parking of two motor vehicles. ~~A two car garage shall have a minimum inside width of 20 feet by 20 feet.~~

Section 2. Section 15.05.030 is amended to add the following definition:

“Middle Housing” means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.

Section 3. 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, duplexes dwellings, additions, accessory dwelling units, accessory structures, or other additions specifically listed in NMC 15.220.020(A)(1).
2. Home occupation permits.
3. Signs, not in conjunction with a new development or major remodel.
4. Adjustments.
5. Processing final land division maps and plats.
6. Determining compliance with the conditions of approval for a land use action processed under a Type II or Type III procedure.

Section 4. 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, subject to any one of the following requirements. This shall be processed as a Type I application for single-family ~~homes~~ dwellings and duplexes dwellings and as a Type II application for all commercial, industrial, and multifamily 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;
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 5. Section 15.205.060 is amended to read as follows:

15.205.060 ~~Single-family~~ Residential nonconforming use exemption.

A. Where a single-family, duplex, or multifamily dwelling is a legal, nonconforming use in any zoning district, it may be rebuilt if partially or completely destroyed. If a single-family, duplex, or multifamily dwelling is completely or partially destroyed, it may be rebuilt either in conformance with the setback, height restriction, and other regulations of the district in which it is located or with the standards of the R-2 zoning district. The minimum lot area requirement does not apply.

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

Penalty: See NMC 15.05.120.

Section 6. 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. Institutional, commercial or industrial additions which do not exceed 1,000 square feet in gross floor area;
- d. 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;
- e. Institutional, commercial or industrial interior remodels which do not exceed 25 percent of the assessed valuation of the existing structure;
- f. Multifamily remodels which do not exceed 25 percent of the assessed valuation of the existing structure and do not add any new units;
- g. Signs which are not installed in conjunction with a new development or remodel;
- h. Modifications, paving, landscaping, restriping, or regrading of an existing ~~duplex~~, multifamily, institutional, commercial or industrial parking lot;
- i. Fences and trash enclosures;
- j. Accessory dwelling units.

Section 7. Subsection B.3. of Section 15.235.040 is amended to read as follows:

3. Proposed Development. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:

- a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Easements. Location, width and purpose of all proposed easements;
- c. Lots and private tracts (e.g., private open space, common area, or street) with

approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;

d. Proposed uses of the property, including total number and type of dwellings proposed, all existing structures to remain, areas proposed to be dedicated as public right-of-way or preserved as open space for the purpose of stormwater management, recreation, or other use;

e. Proposed grading;

f. Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;

g. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;

h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;

i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;

j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

k. Evidence of compliance with applicable overlay zones; and

l. Evidence of contact with the applicable road authority for proposed new street connections. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]

Section 8. Subsection A. of Section 15.235.050 is amended to read as follows:

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of this chapter;
2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;
3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;

4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

Section 9. 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 and/or middle housing dwelling units as follows:

Density Point Table

Dwelling Type	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 dwellings shall be counted as a single dwelling unit, inclusive of all bedrooms in the two duplex dwelling units, for purposes of calculating density points.

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 10. Subsection G.1. of Section 15.240.020 is amended to read as follows:

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

1. R-1, R-2, R-3 and RP Zones.
 - a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.
 - b. Accessory buildings and uses.
 - ~~c. Duplexes.~~
 - ~~d.~~ Dwellings, single, manufactured, and multifamily.
 - ~~e.~~ Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.

Section 11. 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 for low density urban single-family residential uses at an average overall density of 4.4 units per gross buildable acre in the district. It is intended to provide a stable and healthful environment together with the full

range of urban services.

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

Section 12. 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 in the district.

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

Section 13. 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 in the district.

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

Section 14. 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.

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 15. 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, ~~two-family~~ (duplex).
- H. Dwelling, multifamily.
- I. Dwelling, accessory.
- J. Dwelling, mixed use.
- K. Dwelling, caretaker.
- L. Dormitory.
- M. Home occupation. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]

Section 16. 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	CF	I	AR	AI	Notes and Special Use Standards
100	AGRICULTURAL USES																				
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)	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	X	
Def.	Home gardening	P	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 <u>lot or development site area requirements density limits</u> of NMC 15.405.010(B)
Def.	Dwelling, single-family attached	S(2)	S	S(3)		S		C(4)	C(5)		X								P	P(6)	NMC 15.415.050; subject to <u>lot or development site area requirements density limits</u> of NMC 15.405.010(B)

#	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.	Manufactured home on individual lot	S(2)	S	S(3)	P(7)	S					X									P(6)	NMC 15.445.050 – 15.445.070; subject to <u>lot or development site area requirements density limits</u> of NMC 15.405.010(B)
Def.	Manufactured dwelling park		S	S	S						X										NMC 15.445.075 – 15.445.160
Def.	Mobile home park		S	S	S						X										NMC 15.445.075 – 15.445.160
Def.	Manufactured home subdivision		S		S						X										NMC 15.445.075 – 15.445.160
Def.	Dwelling, two family (duplex)	P(2)	P	P	C	P		C(4)	P(8)/C(5)		X							P	<u>P(6)</u>		Subject to <u>lot or development site area requirements density limits</u> of NMC 15.405.010(B)
Def.	Dwelling, multifamily	C	P	P	C	P		C(4)	P(8)/C(5)		X							P			Subject to <u>lot or development site area requirements density limits</u> of NMC 15.405.010(B)

#	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.	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					P(12)	Limited to one per lot, and allowed whenever the use requires the on-site residence of such person.
Def.	Dormitory		C	P		P					X							P			
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(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(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	C	P	P	P	P		P	C	C	C	C	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		X							P			ORS 197.665

#	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
315	Group care facility (16+ people)	C	C	C		C		C			X							P			
316	Hospital	C	C	C		C		P	P		C							P			
Def.	Prison										X	C	C	C	C						
320	ASSEMBLY																				
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																				

#	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.	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								
Def.	Parking facility			P		C	C	P	P(18)	C	P	P	P	P		P		P				
Def.	Airport, landing field										X		C	C							P	
Def.	Heliport, 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	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			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						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
	taller than 18 feet above 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(21)	P	P										Requires liquor license
430	Eating and drinking – Non-alcohol-related						P(20)	P	P(21)	P	P	P	P								C(26)

#	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	
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									
453	Commercial recreation – Motor-vehicle-related										X		C								C(33)	
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
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																					

#	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			
501	Traded sector industry office					P(30)	P(30)	P	P		P	P	P		P						P(33)			
502	Industrial services							C			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	P			
	Uses similar to permitted uses in the zone and not defined or categorized	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	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	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	X			

#	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	
	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	X	
	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	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 ~~residence~~ single-family dwelling or duplex dwelling per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision. See Chapter 15.336 NMC.
- (7) The homes are not subject to the development standards set forth in NMC 15.445.050 through 15.445.070.
- (8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street), except on E/W Second Street where dwelling units are permitted to occupy the first floor of a building. There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (9) Permitted on the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone. On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.
- (10) Permitted above any permitted use in the C-2 zone. There shall be no density limitation. Parking shall be provided in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (11) The units must be located on the same lot as another use permitted or conditionally permitted in the C-4 district and may not occupy the first-floor storefront area (the portion of the building closest to the primary street). There shall be no density limitation. Parking shall be provided for all new dwelling units in private parking areas or garages on the basis of a maximum of one parking space for each dwelling unit.
- (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 17. Section 15.336.010 is amended to read as follows:

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

Section 18. 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 ~~residence~~ single-family or duplex dwelling per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision.
2. Accessory uses and structures.
3. Aircraft hangar. No aircraft hangar shall be constructed on any parcel or lot without a ~~residential-dwelling~~ at least one single-family or duplex dwelling, except if it is provided with permanent rights to a nearby airpark residence as per subsection (B)(1) of this section. An aircraft hangar cannot be used as a ~~residence~~ dwelling.
4. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; construction and maintenance of airport facilities; and other activities incidental to the normal operation of an airport.
5. Greenways, including but not limited to bicycle and pedestrian paths.
6. Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.
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 19. Subsection A. of Section 15.340.020 is amended to read as follows:

A. Single-family dwellings, mobile homes, duplex dwellings 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 avigation and hazard easement and submits them to the airport sponsor and the planning and building department.

Section 20. Subsection A. of Section 15.342.050 is amended to read as follows:

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

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

Section 21. Subsection G. of Section 15.342.050 is amended to read as follows:

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

Section 22. Subsection E. of Section 15.342.070 is amended to read as follows:

E. New single-family or duplex dwellings ~~residences~~ which meet all of the following requirements:

1. The lot was created prior to December 4, 1996, is currently vacant, has at least 75 percent of the land area located within the SC overlay subdistrict and has less than 5,000 square feet of buildable land located outside the SC overlay subdistrict.
2. No more than one single-family or duplex dwelling ~~house~~ and its expansion is permitted on the property, which shall occupy a coverage area not to exceed 1,500 square feet in area.
3. The single-family or duplex dwelling ~~structure~~ shall be sited in a location which minimizes the impacts to the stream corridor.
4. The improvements and other work are not located within the 100-year flood boundary.

Section 23. Subsection F. of Section 15.342.070 is amended to read as follows:

F. Reduced front yard setback. Properties within the SC subdistrict may reduce the front yard setback for single-family or duplex dwelling ~~residences~~ or additions where the following requirements are met:

1. The reduction in the front yard setback will allow no less than five feet between the property line and the proposed structure.
2. The reduction in the setback will allow the footprint of the proposed dwelling ~~structure~~ or addition to be located entirely out of the SC overlay subdistrict.

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

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

Section 24. Subsection A.2. of Section 15.342.100 is amended to read as follows:

2. The expansion of a single-family ~~house~~ or duplex dwelling, including expansion associated with the conversion of an existing single-family dwelling into a duplex dwelling, is permitted within the SC overlay subdistrict, provided:

a. The single-family or duplex dwelling ~~structure~~ shall occupy a coverage area not to exceed a maximum of 1,500 square feet in area; and

b. The single-family or duplex dwelling ~~structure~~ shall be placed in a location which is located no closer to the wetland.

Section 25. Subsection A.3. of Section 15.342.100 is amended to read as follows:

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

a. The expansion is limited to no more than 1,500 square feet of coverage;

b. The proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site;

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

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

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

Section 26. Subsection A.1. of Section 15.346.070 is amended to read as follows:

1. Report Adopted. The ~~n~~Northwest Newberg s~~s~~pecific p~~p~~lan final report, dated August 1994 and amended June 7, 2021, is adopted by reference. The development standards listed in this section shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.

Section 27. Subsection A.4. 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)
Garage or carport	20'	None

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

Section 28. 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 dwellings or duplex dwellings: 5,000 square feet.
- ii. Attached dwellings: 3,750 square feet.

b. Maximum Lot Coverage.

- i. ~~R-1-SP and R-2-SP~~ zones: 40 percent (including garage).
- 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, duplex dwellings count as a single dwelling per lot.

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

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

Section 29. Subsection A.8. of Section 15.346.070 is amended to read as follows:

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

- a. Commercial structures shall be set back no further than 20 feet from the Foothills Drive right-of-way. This setback area shall not be used for any type of vehicular access or parking.
- b. A minimum of a 300-square-foot plaza or pedestrian seating area at the intersection of Foothills Drive and the adjacent north-south local street shall be provided.
- c. All walls adjacent to and visible from the public right-of-way shall include windows. An exception to this standard may be granted by the ~~planning and building~~ community development director if the wall is screened.

Section 30. Subsection B.1. of Section 15.346.070 is be amended to read as follows:

1. Report Adopted. The Springbrook Oaks specific plan dated August 2, 1999, and amended August 2, 1999, October 16, 2006, August 6, 2018, and June 7, 2021 is adopted by reference. The development standards listed in this section are intended to implement the policies of the Springbrook Oaks specific plan. Development of Springbrook Oaks shall follow the standards of this code section as well as the policies of the plan. If a conflict exists between the Springbrook Oaks specific plan policies and the development code, the Springbrook Oaks specific plan shall govern.

Section 31. Subsection B.4. of Section 15.346.070 is amended to read as follows:

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

Section 32. 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)
Garage or carport	20'	None

The front of a garage may not be closer to the property line than the front of the ~~house~~ 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
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 33. 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 (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	RP	1,500*	1,500*	21.8* ¹
C ⁴	R-3	2,500*	2,500*	13.1*
D ⁴	R-2	3,750*	3,750	8.8
E ⁴	R-2	5,000	5,000*	6.6*
F-1 ⁴	RP	1,500*	1,500*	21.8*
F-2 ⁴	RP	1,500*	None* ²	None* ²
F-3 ⁴	RP	1,500*	1,500*	21.8*
G	M-1	20,000	NA	NA
H ⁴	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.

Section 34. Subsection A. of Section 15.352.050 is amended to read as follows:

A. Single-Family Dwellings and Duplex Dwellings.

1. For single-family dwellings and duplex dwellings, including manufactured homes on individual lots, at least two of the following design features must be provided on the street-facing facade:

- a. Covered front porch at least six feet in width and length.
- b. Eaves (minimum 12-inch overhang).
- c. Bay or bow windows.
- d. Dormers.
- e. Window shutters.
- f. Cupolas.
- g. Horizontal lap siding.

2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

Section 35. Subsection B. of Section 15.352.050 is amended to read as follows:

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 ~~house~~ 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 36. Subsection A. of Section 15.405.010 is amended to read as follows:

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

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 10,000 square feet.
2. In the R-2, ~~R-3~~, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. ~~In the R-2 and R-P districts, the~~ 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.
- ~~34.~~ 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.
- ~~45.~~ 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.
- ~~56.~~ 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.
- ~~67.~~ 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.

Section 37. Subsection B. of Section 15.405.010 is amended to read as follows:

B. Lot or Development Site Area per Dwelling Unit.

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, 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 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

3. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit 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 or multifamily dwellings shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

Section 38. Subsection D. of Section 15.405.030 is amended to read as follows:

D. Frontage.

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

a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).

b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line, except that duplex 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. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.

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

c. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. However, existing single-family detached dwellings on existing private streets may be converted to duplex 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 39. 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. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

1. Maximum Lot Coverage.
 - a. R-1: 40 percent, or 50 percent if all structures on the lot are one story.
 - b. R-2 and RP: ~~50~~ 60 percent.
 - c. AR and R-3: ~~50~~ 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, ~~R-2 and RP~~: 60 percent.
 - b. R-2, R-3 and RP: 70 percent.

Section 40. 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 or ~~two-family~~ duplex dwelling on a single lot.
 - b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.
 - c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
 - d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.

Section 41. Subsection A. of Section 15.415.020 is amended to read as follows:

A. Residential.

1. In the R-1, ~~R-2, AR, and RP~~ districts, no main building shall exceed 30 feet in height. ~~Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:~~

- a. ~~Up to 800 square feet of an accessory building may have a height of up to 24 feet.~~
 - b. ~~Aircraft hangars in the AR district may be the same height as the main building.~~
2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.
23. 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.
35. ~~Single-family dwellings permitted in commercial or industrial districts shall not exceed 30~~ 35 feet in height, ~~or the maximum height permitted in the zone, whichever is less.~~

Section 42. Subsection A.2 of Section 15.420.010 is amended to read as follows:

2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any ~~duplex or~~ multifamily residential development, as follows:
- a. One- or two-bedroom units: 200 square feet per unit.
 - b. Three- or more bedroom units: 300 square feet per unit.
 - c. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.

Section 43. Subsection B. of Section 15.420.010 is amended to read as follows:

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family dwellings and duplex dwellings:

1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the 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 44. Subsection B. of Section 15.440.020 is amended to read as follows:

B. Groups of three or more parking spaces, except those in conjunction with single-family or ~~two-family~~ duplex dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

Section 45. 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 • 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.
• 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 or two-family	2 for each dwelling unit on a single lot
<u>Dwelling, duplex</u>	<u>1 for each dwelling unit</u>
Fraternities, sororities, cooperatives	1 for each three occupants for which sleeping facilities are provided

Use	Minimum Parking Spaces Required
and dormitories	
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
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

Use	Minimum Parking Spaces Required
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:

* “1-E” refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.

** “3.-G(1)” refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

[Ord. 2862 § 1 (Exh. A § 2), 6-15-20; Ord. 2763 § 1 (Exh. A § 16), 9-16-13; Ord. 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 46. 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 or ~~two-family~~ duplex dwellings, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

Section 47. 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 or ~~two-family~~ duplex dwellings, shall be screened in accordance with NMC 15.420.010(B).

Section 48. 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 or ~~two-family duplex~~: 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 49. A new Section 15.440.075 is added to read as follows:

15.440.075 Residential garage standards.

A. Single-car garages for residential uses shall have a minimum inside width of 10 feet by 20 feet.

B. Two-car garages for residential uses shall have a minimum inside width of 20 feet by 20 feet.

C. Three-car garages for residential uses shall have a minimum inside width of 30 feet by 20 feet.

Section 50. 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 dwelling with frontage on two local streets, access may be permitted on both streets.

Section 51. 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 40 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 dwelling 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 52. 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.

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

e. Where three or more lots ~~or three dwellings~~ 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.

Exhibit “C” to Ordinance No. 2021- 2880
Northwest Newberg Specific Plan – File GEN21-0004

Note: Existing text is shown in regular font.

Added text is shown in double underline

Deleted text is shown in ~~strikethrough~~.

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

NOTE:

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.)

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.

NOTE:

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 dwelling 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.)

Exhibit “D” to Ordinance No. 2021- 2880
Springbrook Oaks Specific Plan – File GEN21-0005

Note: Existing text is shown in regular font.

Added text is shown in double underline

Deleted text is shown in ~~strikethrough~~.

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

NOTE:

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.)

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

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.)

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

NOTE:

In these figures all references to “house” shall be inclusive of a single-family detached dwelling as well as a duplex dwelling. (Ordinance No. 2021-2880, June 7, 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.

NOTE:

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.)

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.

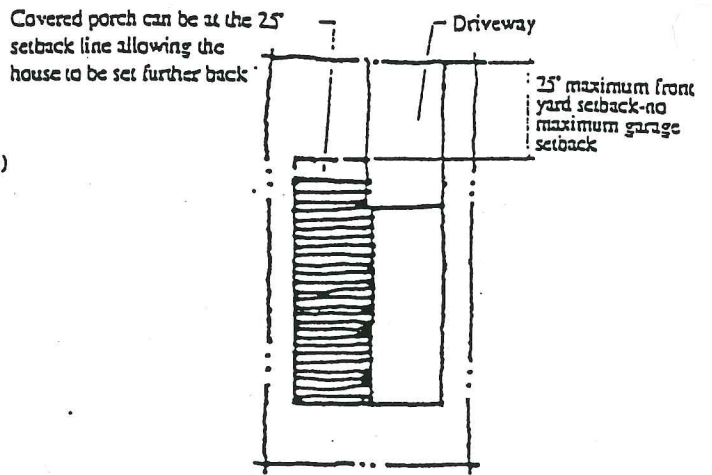
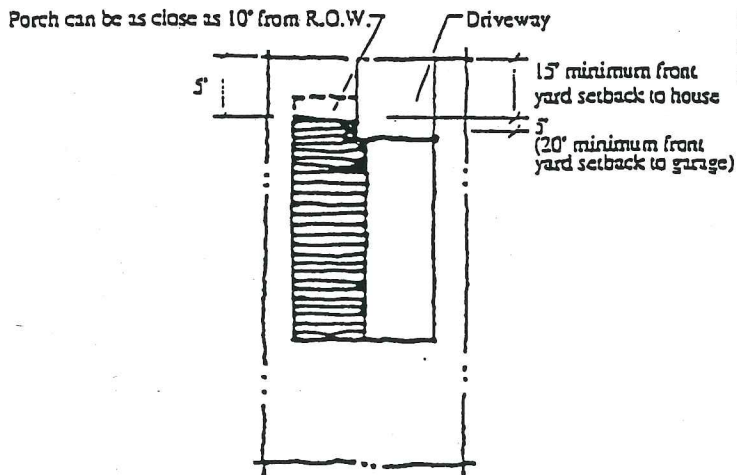
- E. Each dwelling unit shall incorporate individual areas of exterior space no less than 50 square feet per unit. Each space shall have a minimum dimension of 5', in any direction. This can be achieved through the use of porches, decks, patios, balconies etc. or designated yards other than those adjacent 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.)

Figure 1



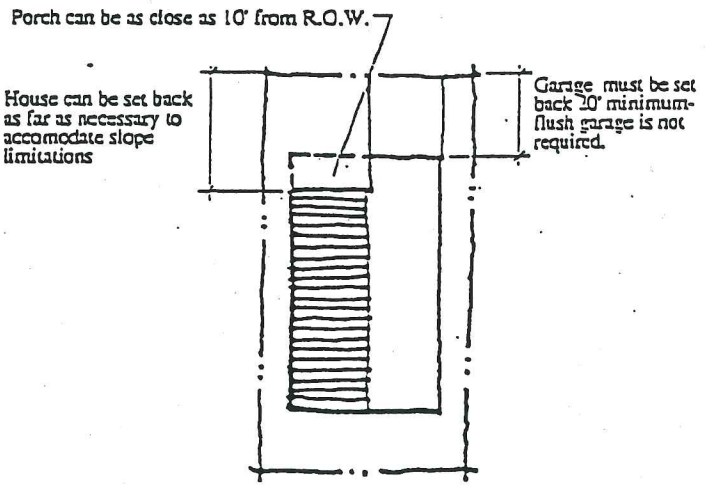
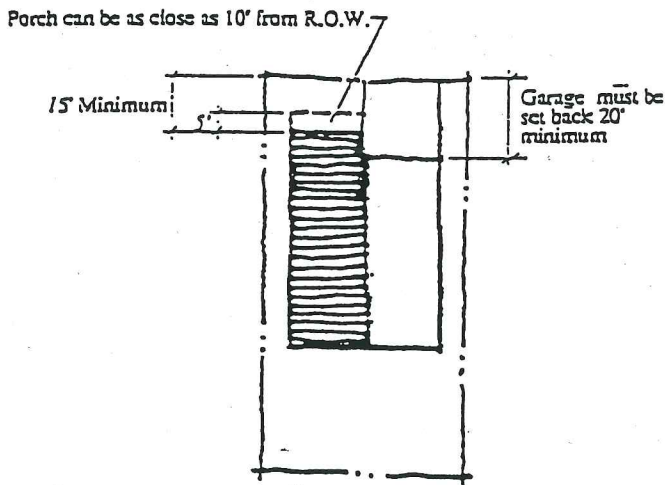
Minimum Front Setbacks

- 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 a single-family detached dwelling as well as a duplex dwelling. (Ordinance No.2021-2880.)

SETBACK STANDARDS

Exhibit “E” to Ordinance No. 2021-2880
Springbrook Master Plan – File GEN21-0006

Note: Existing text is shown in regular font.

Added text is shown in double underline

Deleted text is shown in ~~strikethrough~~.

Section 1. The Springbrook Master Plan, Development Standards Matrix, Page 42 is amended to add duplex dwellings to Low Density Residential and Mid-Rise Residential.

SPRINGBROOK

DEVELOPMENT STANDARDS MATRIX						
DEVELOPMENT STANDARDS	LOW DENSITY RESIDENTIAL	MID-RISE RESIDENTIAL	NEIGHBORHOOD COMMERCIAL	EMPLOYMENT	VILLAGE	HOSPITALITY
ALLOWED USE*	<ul style="list-style-type: none"> <input type="checkbox"/> Detached Dwelling Units <input type="checkbox"/> <u>Duplex Dwellings</u> <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Accessory Dwellings <input type="checkbox"/> Home Occupations <input type="checkbox"/> Passive or Active Use Parks <input type="checkbox"/> Agriculture <input type="checkbox"/> Civic Uses: <ul style="list-style-type: none"> Post Office Museum Community Center Library School <input type="checkbox"/> Day Care <input type="checkbox"/> Group Care Facilities <input type="checkbox"/> Church <input type="checkbox"/> Transportation facilities and improvements and utility services <input type="checkbox"/> Any other building or use determined to be similar to uses listed in this District 	<ul style="list-style-type: none"> <input type="checkbox"/> Attached Dwelling Units <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Detached Dwelling Units <input type="checkbox"/> <u>Duplex Dwellings</u> <input type="checkbox"/> Multi-Family Units <input type="checkbox"/> Home Occupations <input type="checkbox"/> Passive or Active Use Parks <input type="checkbox"/> Agriculture <input type="checkbox"/> Civic Uses: <ul style="list-style-type: none"> Post Office Museum Community Center Library <input type="checkbox"/> Day Care <input type="checkbox"/> Group Care Facilities <input type="checkbox"/> Church <input type="checkbox"/> Transportation facilities and improvements and utility services <input type="checkbox"/> Any other building or use determined to be similar to uses listed in this District 	<ul style="list-style-type: none"> <input type="checkbox"/> Retail <input type="checkbox"/> Restaurants <input type="checkbox"/> Office <input type="checkbox"/> Medical Clinics <input type="checkbox"/> Financial Institutions <input type="checkbox"/> Agriculture <input type="checkbox"/> Civic Uses: <ul style="list-style-type: none"> Post Office Museum Community Center Library <input type="checkbox"/> Day Care <input type="checkbox"/> Group Care Facilities <input type="checkbox"/> Transportation facilities and improvements and utility services <input type="checkbox"/> Services for local residents, such as laundromat or barber <input type="checkbox"/> Any other building or use determined to be similar to uses listed in this District 	<ul style="list-style-type: none"> <input type="checkbox"/> Industrial Offices (knowledge-based industries where services are primarily provided outside the community) <input type="checkbox"/> Light Industrial <input type="checkbox"/> Supporting Retail (directly serving the employment district, such as a deli or printing service) <input type="checkbox"/> Day Care <input type="checkbox"/> Agriculture <input type="checkbox"/> Transportation facilities and improvements and utility services <input type="checkbox"/> Any other building or use determined to be similar to uses listed in this District 	<ul style="list-style-type: none"> <input type="checkbox"/> Retail <input type="checkbox"/> Restaurants <input type="checkbox"/> Attached Dwelling Units <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Multi-Family Units <input type="checkbox"/> Home Occupations <input type="checkbox"/> Church <input type="checkbox"/> Artist Studios <input type="checkbox"/> Passive or Active Use Parks <input type="checkbox"/> Agriculture <input type="checkbox"/> Civic Uses: <ul style="list-style-type: none"> Train Depot Community Center Museum Post Office Library <input type="checkbox"/> Day Care <input type="checkbox"/> Group Care Facilities <input type="checkbox"/> Financial Institutions <input type="checkbox"/> Winery <input type="checkbox"/> Medical Clinics <input type="checkbox"/> Office <input type="checkbox"/> Transportation facilities and improvements and utility services <input type="checkbox"/> Any other building or use determined to be similar to uses listed in this District 	<ul style="list-style-type: none"> <input type="checkbox"/> Hotel <input type="checkbox"/> Restaurants <input type="checkbox"/> Spa <input type="checkbox"/> Meeting Facilities <input type="checkbox"/> Detached Dwelling Units, limited to vacation or transitory use or units for employees or caretakers of other uses within the Village or Hospitality areas <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Home Occupations <input type="checkbox"/> Retail <input type="checkbox"/> Museum <input type="checkbox"/> Artist Studios <input type="checkbox"/> Group Care Facilities <input type="checkbox"/> Agricultural Production or Processing <input type="checkbox"/> Passive or Active Use Parks <input type="checkbox"/> Transportation facilities and improvements and utility services <input type="checkbox"/> 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	
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	C-1	M-1	C-3	Five stories or 75 feet

Exhibit “F” to Ordinance No. 2021-2880
Findings – Files CPTA21-0001/DCA21-0002/
GEN21-0004/GEN21-0005/GEN21-0006

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 May 13, 2021 and Newberg City Council on June 7, 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 1 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 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 duplex 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 duplex dwellings within the Stream Corridor Overlay follow the same provisions for single-family detached dwellings including activities requiring a Type I process for expansions and rebuilding dwellings as noted in NMC 15.342.050. For the Type II process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.070. For the Type III process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.100 for expansions.

For designated historic resources duplex 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 duplex 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.

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.

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. Duplex 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.

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 (OAR 660 Division 046) for duplexes 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 660 Division 46 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 Housing Needs Analysis was accepted by the City Council on March 1, 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 (OAR 660-046-0030) for duplexes will assist in meeting the housing needs and price point to so that the development community can provide another housing type (duplexes) in an efficient manner for current and future citizens.

The City of Newberg has considered the requirements of 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 payment 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 is engaged in discussions on System Development Charges (SDCs) which commenced on April 19, 2021. Finally, in the Housing Work Program - Reduced / Waived Building Permit fee, Planning fees, or SDCs are identified to be further 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 considered the requirements of 660-046-0030.

(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 3) identifies the review to occur in FY 25/26.

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 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 calendar year 2021 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 is a community of 24,120 above the 10,000 population and required to meet the duplex requirements. Newberg is not required at this time to comply with the other Middle Housing provisions of triplexes, quadplexes, townhouses and cottage clusters until it reaches 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 area on March 16, 2021. Improvements to the water system are required to be completed by FYE 2029.

HB 2001 identifies Middle Housing to encompass duplexes, triplexes, quadplexes, townhouses and cottage clusters. There is no identified subset percentage for only duplexes 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.

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 reason Newberg has not included this assumption in the current 2021 HNA is that a 3% increase in density is very small. It would increase 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

That is a very minor increase. It is an increase not worth including because it is essentially an unfounded assumption. To Newberg's knowledge, there is no analysis that justifies that increase. The actual change in density as a result of missing middle housing will vary greatly from city to city.

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

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 first steps on the capacity issue by addressing HB 2001 for duplexes.

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%. Newberg will further consider the impacts of middle housing on land capacity in its 2021 Housing Needs Analysis, as suggested but not required by HB 2001.

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

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, specifically duplex development. The City is in the process of updating 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 is scheduled for Planning Commission review on May 13, 2021. The City Council will review the Stormwater Master Plan on June 21, 2021.

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 Plan 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 duplex 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.

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. 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 duplex 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 May 13, 2021, and Newberg City Council on June 7, 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 1 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 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 duplex 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.

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 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.

Duplex 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 duplex dwellings within the Stream Corridor Overlay follow the same provisions for single-family detached dwellings including activities requiring a Type I process for expansions and rebuilding dwellings as noted in NMC 15.342.050. For the Type II process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.070. For the Type III process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.100 for expansions.

For designated historic resources duplex 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 duplex 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 (OAR Chapter 660 Division 046) for duplexes 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 March 1, 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 (OAR 660-046-0030) for duplexes will assist in meeting the housing needs and price point to so that the development community can provide another housing type (duplexes) in an efficient manner for current and future citizens.

The City of Newberg has considered the requirements of 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 payment 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 is

engaged in discussions on System Development Charges (SDCs) which commenced on April 19, 2021. Finally, in the Housing Work Program - Reduced / Waived Building Permit fee, Planning fees, or SDCs are identified to be further 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 considered the requirements of 660-046-0030.

(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 3) identifies the review to occur in FY 25/26.

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 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 calendar year 2021 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 is a community of 24,120 above the 10,000 population and required to meet the duplex requirements. Newberg is not required at this time to comply with the other Middle Housing provisions of triplexes, quadplexes, townhouses and cottage clusters until it reaches 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 area on March 16, 2021. Improvements to the water system are required to be completed by FYE 2029.

HB 2001 identifies Middle Housing to encompass duplexes, triplexes, quadplexes, townhouses and cottage clusters. There is no identified subset percentage for only duplexes 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.

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 reason Newberg has not included this assumption in the current 2021 HNA is that a 3% increase in density is very small. It would increase 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

That is a very minor increase. It is an increase not worth including because it is essentially an unfounded assumption. To Newberg's knowledge, there is no analysis that justifies that increase. The actual change in density as a result of missing middle housing will vary greatly from city to city.

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

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 first steps on the capacity issue by addressing HB 2001 for duplexes.

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%.

Newberg will further consider the impacts of middle housing on land capacity in its 2021 Housing Needs Analysis, as suggested but not required by HB 2001.

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.

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

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 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 duplex 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 duplex development. The City is in the process of updating 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 Planning Commission will review the Stormwater Master Plan on May 13, 2021. The City Council will review the Stormwater Master Plan on June 21, 2021.

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 in 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 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 duplexes 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: The proposal for duplex dwellings within the Stream Corridor Overlay follow the same provisions for single-family detached dwellings including activities requiring a Type I process for new development, expansions and rebuilding dwellings as noted in NMC 15.342.050. For the Type II process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.070. For the Type III process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.100 for expansions.

(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 duplex dwellings within the Stream Corridor Overlay follow the same provisions for single-family detached dwellings including activities requiring a Type I process for new development, expansions and rebuilding dwellings as noted in NMC 15.342.050. For the Type II process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.070. For the Type III process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.100 for expansions.

(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 duplex dwellings within the Stream Corridor Overlay follow the same provisions for single-family detached dwellings including activities requiring a Type I process for new development, expansions and rebuilding dwellings as noted in NMC 15.342.050. For the Type II process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.070. For the Type III process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.100 for expansions

(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 duplex 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 duplex 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 duplex 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 duplex 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:

(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.

Duplex 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 duplexes 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 duplex development. The City is in the process of updating 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 Planning Commission will review the Stormwater Master Plan on May 13, 2021. The City Council will review the Stormwater Master Plan on June 21, 2021.

(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 and duplex development is not permitted 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 is a Medium City and has proposed new regulations for duplex dwellings that are consistent with single-family dwelling 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. Duplex dwellings are proposed to be allowed in all of these residential zones consistent with 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 duplex dwellings in compliance with OAR 660-046 which has a final hearing scheduled before the City Council on June 7, 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: Not applicable as Newberg is a Medium City and is not required to comply with Cottage Cluster development at this time.

(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: No design standards are proposed for duplex dwellings. In the Springbrook Oaks Specific Plan duplex dwellings considered to be the same as single-family detached dwellings and notes have been added to the Plan clarifying that duplexes are not subject to design standards.

(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 as noted in Exhibit “B” NMC 15.05.020.

(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 as noted in Exhibit “B” NMC 15.05.020.

(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: Newberg is a Medium City under 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:

(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: Newberg is a Medium City and these definitions do not apply.

(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 is Medium City with a population of 24,120 as certified by Portland State University Population Research Center as of July 1, 2021.

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

Finding: Exhibit “B” has a proposed definition of Middle Housing 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 acknowledges this definition as used in OAR 660-046 but is not required to comply with Quadplex requirements at this time as it is classified as a Medium City.

(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. Duplex dwellings follow the same siting standards 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: Not applicable as Newberg is classified as a Medium City and it not required to address triplexes, quadplexes, townhouses, and cottage clusters for sufficient infrastructure at this time.

(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 acknowledges this definition as used in OAR 660-046 but is not required to comply with Townhouse requirements at this time as it is classified as a Medium City.

(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 acknowledges this definition as used in OAR 660-046 but is not required to comply with Townhouse Project requirements at this time as it is classified as a Medium City.

(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 acknowledges this definition as used in OAR 660-046 but is not required to comply with Triplex requirements at this time as it is classified as a Medium City.

(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 duplex 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 April 7, 2021 on the proposed duplex 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 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 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 3) 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 considered the requirements of 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 non-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 have 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.

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 duplex 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. DLCDC 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 Newberg Planning Commission is scheduled to hold a public hearing on the proposal on May 13, 2021, followed by a City Council public hearing on June 7, 2021, prior to the June 30, 2021 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: Not applicable as Newberg is classified as a Medium City.

(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 on May 13, 2021, followed by a City Council public hearing on June 7, 2021, prior to the June 30, 2021 deadline. Opportunities for appeals have not yet occurred 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 is classified as a Medium City.

(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: Not applicable at this time. Newberg will need to comply once it reaches the 25,000 population threshold.

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 duplex 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: Exhibit “B” contains the proposed regulations allowing duplex dwelling development within Newberg that includes new development and conversions in compliance with OAR 660-046-0105(1)

(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: Exhibit “B” contains the proposed regulations allowing duplex dwelling development within Newberg that limits dwellings to two and where applicable accessory dwelling units 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: Analysis has been provided 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’s proposed duplex dwelling regulations address siting and design standards as show in Exhibit “B” that include building height, setbacks, lot size, parking, and lot coverage that are clear and objective standards and are the same for single-family and duplex dwellings.

Duplex dwellings in the Springbrook Oaks Specific Plan are treated the same as single-family detached dwellings and are not subject to design standards. Notes have been added to the Plan to clarify no design requirements for duplex dwellings. Setback requires do apply to both single-family detached and duplex dwellings that are the same.

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.

(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: 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 proposed regulations. The proposal relies on OAR 660 Division 40 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: The proposed regulations in Exhibit “B” 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 is not proposing 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: Exhibit “B” contains standards that the same lot size (NMC 15.405) is proposed for single-family detached dwellings and duplex dwellings for the R-1, R-2, R-3, AR, and RP residential zones in compliance with OAR 660-046-0120(1).

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

Finding: The Newberg Development Code does not have density maximums. In Specific Plans maximums are identified. In these circumstance duplex dwellings are considered to equal a single family residence for density purposes.

(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: Exhibit “B” contains standards for setbacks (NMC 15.410) that are the same for single-family detached dwellings and duplex dwellings for the R-1, R-2, R-3, AR, and RP residential zones in compliance with OAR 660-046-0120(3).

(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: Exhibit “B” contains standards for building height (NMC 15.415) that are the same for single-family detached dwellings and duplex dwellings for the R-1, R-2, R-3, AR, and RP residential zones in compliance with OAR 660-046-0120(4).

(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: Exhibit “B” contains standards for parking for duplex dwellings (NMC 15.440) at a total of two off-street spaces in compliance with 660-046-0120(5)(a). No standards are proposed for off-street parking credits to satisfy off street parking per OAR 660-046-0120(5)(b).

(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: Exhibit “B” contains standards for lot coverage (NMC 15.405) that is the same for duplex dwellings and single-family detached dwellings in compliance with OAR 660-046-0120(6).

(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: No exceptions are proposed to duplex dwellings for public works standards that would apply differently to single-family detached dwellings.

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: Exhibit “B” is not proposing design standards for duplex dwellings as the City of Newberg does not have design standards for single-family detached dwellings.

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: Exhibit "B" contains conversion provisions in compliance with OAR 660-046-0130.

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.

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

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

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.

These requirements can be met.

Conclusion: The proposed Comprehensive Plan amendments, Development Code amendments, and amendments to the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan and Springbrook Master Plan meets the applicable requirements of the Statewide Planning Goals, the Newberg Comprehensive Plan, and Newberg Development Code and should be approved.