

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: April 17, 2023**

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Information <input checked="" type="checkbox"/>	
Subject: An Ordinance amending the Newberg Comprehensive Plan and Newberg Municipal Code, Title 15 Development Code, 15.100.020, 15.100.030, 15.100.050, 15.220.020, 15.220.030, 15.220.050, 15.220.060, 15.302.032, 15.346.070, 15.405.040, 15.410.020, 15.410.030	Staff: Doug Rux, Director Department: Community Development File No. CPTA23-0001/DCA23-0001
Work Session <input checked="" type="checkbox"/> Business Session <input type="checkbox"/>	Order On Agenda: Presentation

**Is this item state mandated?** Yes  No

**If yes, please cite the state house bill or order that necessitated this action:** ORS 197.303 and 197.307.

## **Recommendation:**

Information only.

## **Executive Summary:**

### **A. SUMMARY:**

The proposed amendment does the following:

Amends the Newberg Comprehensive Plan, Newberg Municipal Code, Title 15 Development Code, 15.100.020, 15.100.030, 15.100.050, 15.220.020, 15.220.030, 15.220.050, 15.220.060, 15.302.032, 15.346.070, 15.405.040, 15.410.020, 15.410.030 related to multifamily (5+ units) design standards to create clear and object site and building design requirements.

The proposal does not change the zoning of property or uses allowed on property. The proposal does not modify requirements for single family detached housing or Middle Housing (duplex, triplex, quadplex, townhouses or cottage clusters).

City Council requested on April 3, 2023, changes to the proposal regarding review types. Specifically, that Type I reviews in the C-3 (except along Hancock Street), and I zones for Clear and Objective be placed as Type II reviews and be added to the list of R-2, RP, R-3, AR, C-4 Clear and Objective reviews. Attachment 1 contains a track changes version of the proposed review types modified from the April 3, 2023 proposal.

### **B. BACKGROUND:**

On September 20, 2021, the Newberg City Council directed staff to apply for a grant from the Oregon Department of Land Conservation and Development (DLCD) (Attachment 1). DLCD Technical Assistance grants are used to help complete projects that update comprehensive plans

and implementing regulations, plan for specific areas, or support inclusive planning activities. The 2021-2023 Grants Allocation Plan, approved by the Land Conservation and Development Commission, lists the program priorities for use of Technical Assistance grant funds as follows:

1. Promote provision of affordable and workforce housing
2. Promote economic development
3. Plan for resilience to natural hazards and climate change
4. Provide infrastructure financing plans for urbanizing areas
5. Update comprehensive plans and implementing codes to respond to changes in state law or advance regulatory streamlining

City staff submitted for a grant under the category of “1. Promote provision of affordable and workforce housing.” The grant was to audit the Newberg Comprehensive Plan and Newberg Development Code and update necessary goals, polices and development code standards to ensure Newberg’s housing goals and polices, and development regulations are clear and objective for needed housing. The Fair Housing Council of Oregon had previously identified that the Newberg Development Code is not in conformance with URBAN GROWTH BOUNDARIES AND NEEDED HOUSING WITHIN BOUNDARIES ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards.

The City was awarded a grant in the amount of \$50,000 and was matched by \$10,000 of General Fund dollars for the project. The grant agreement was entered into on January 11, 2022. 3J Consulting was selected as the consultant of record for the project. 3J Consulting has experience with Newberg as they were the consultant for updating the Comprehensive Plan and Development Code for compliance with Middle Housing as part of implementation of HB 2001 and OAR Chapter 660 Division 046.

A Citizens Advisory Committee was convened utilizing the Newberg Planning Commission to provide feedback and guidance to staff and the project’s consultant, 3J Consulting.

Developer/Stakeholder interviews were conducted. Feedback included:

Housing costs are high because of:

- Limited land supply
- High cost of land, supplies, workforce, fees and SDCs
- Parking requirements using much of buildable area
- Limitations on vertical development
- Long land use review timelines

The City should consider:

- Reducing SDCs and project review timelines
- Reducing lot size requirements
- Making land easier to subdivide
- Changing community needs and climate resiliency

## **C. DISCUSSION:**

There are a variety of Comprehensive Plan and Development Code modifications that are

necessary to bring Newberg into conformance with ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards. The Citizens Advisory Committee (CAC) met from June 2022 through December 2022 providing guidance and feedback to the project consultant 3J Consulting. Input was also gathered through an open house and an online survey.

Exhibits “A” and “B” are the culmination of the CAC and consultants work in identifying what policies need to be modified in the Comprehensive Plan under I. Housing and J. Urban Design, and feedback from the Planning Commission. In addition, there are sections of the Development Code that need to be modified as noted under the Summary section of this report.

The following are summaries of the proposed changes in the Development Code.

### Parking Requirements

Based on the joint Work Session between the City Council and Planning Commission and feedback received the changes below for the Proposed Minimum have been removed from the proposal. The Planning Commission further discussed parking at their public hearing and chose to stay with the Current Minimum parking requirement within the Development Code.

#### Current Minimum:

Studio/1 bedroom: 1 per unit  
2 bedroom: 1.5 per unit  
3 and 4 bedroom: 2 per unit  
5 or more bedroom: 0.75 per bedroom per unit  
0.2 spaces per unit for visitor

#### Proposed Minimum:

1.5 spaces per dwelling unit  
0.2 spaces per unit for visitors

### Clear and Objective Design Standards

*New Table in NMC 15.220.060.B Two pathways:*

Discretionary (keep current code- projects obtain points)

Objective (proposed code- projects must meet all standards)

#### *Private and Shared Open Space*

*Private open space per unit:*

48 square feet private outdoor area per ground level unit.

#### *Individual and Shared Areas*

One- or two-bedroom units: 200 square feet per unit.

Three- or more bedroom units: 300 square feet per unit.

18 square feet private storage per unit.

*Site Vegetation (Landscaping):*

Maintain existing code provisions.

*Vehicle Parking (Location and Lighting):*

No vehicular parking between primary building(s) and abutting right-of-way.

May not occupy more than 50% of linear frontage of that side.

Parking/loading areas shall be illuminated to a min. 0.5 footcandles.

*Multiple Building Groupings:*

Follow Private and Shared Recreation Areas.

*Landscaping:*

Follow requirements of NMC 15.420

*Parking Vegetation Buffer:*

Follow requirements of NMC 15.440 and 15.420

*Street Trees:*

Follow requirements of NMC 15.420.020

*Outdoor Furnishings:*

Clear and objective standards permit but do not require these amenities.

*Fencing:*

Follow requirements of NMC 15.410.070.D

*Entrance Building Materials:*

Requires emphasizing using recess, projections, corner entries or landscape treatments.

*Outdoor Lighting:*

Parking .5-foot candles

Walkways .5-foot candles

Entrances 1 foot candle

Property line .5-foot candle

Cutoff light fixtures

*Building Orientation & Entrances:*

Primary building entrances shall be emphasized through the use of features or elements such as recesses, projections, corner entries or landscape treatments.

Primary entrances must face street ROW or central common area.

*Building Façade Design:*

Min. 25% street-facing- windows and glass portions of doors.

Distinct base and top required.

Limits on blank walls (up to 750 sq ft on street-facing façade).

Garage doors painted to match color pallets.

*Building Materials:*

Prohibited materials on street-facing façade (and max 35% on any other façade) include vinyl PVC siding, T-111 plywood, exterior insulation finishing, corrugated metal, plain

concrete or concrete block, spandrel glass and sheet pressboard.

*Architectural Elements:*

Not required, but encouraged to incorporate elements of one of the city’s historical styles (Queen Anne, Dutch colonial revival, colonial revival or bungalow).

*Carports and Garages:*

Must be located to the side or behind primary structure.

*Front Porches:*

Front porch or patio required for at least one main entry.

*Roofs:*

Where a sloped roof is proposed, the pitch shall be 3:12 or steeper.

Land Use Review Type

Current Code

Review	Zone	Applicable Standard
Type I – staff decision, no public notice	None	None
Type II – staff decision, public notice	R-2, R-3, RP, AR, C-3 (except along Hancock Street), C-4, I	Discretionary (the only option available currently)
Type III – Planning Commission decision, public notice and hearing	R-1, R-4, C-2, C-3 along Hancock Street	Conditional Use

Proposed (Per Planning Commission)

Review	Zone	Applicable Standard
Type I – staff decision, no public comment	C-3 (except along Hancock Street), I	Clear and Objective
Type II – staff decision, public notice	R-2, R-3, RP, AR, C-4	Clear and Objective
	R-3, AR, C-3 (except along Hancock Street), I	Discretionary
Type III – Planning Commission, public notice and hearing	R-1, R-4, C-2, C-3 along Hancock Street	Conditional Use
	R-2, RP, C-4	Discretionary

Proposed (Per City Council)

Review	Zone	Applicable Standard
Type I – staff decision, no public notice	None	None
Type II – staff decision, public notice	R-2, R-3, RP, AR, C-3 (except along Hancock Street), C-4, I	Clear and Objective
	R-3, AR, C-3 (except along Hancock Street), I	Discretionary
Type III – Planning Commission, public notice and hearing	R-1, R-4, C-2, C-3 along Hancock Street	Conditional Use
	R-2, RP, C-4	Discretionary

Current Code

Zone	Clear & Objective	Discretionary	Conditional Use
R-1			Type III
R-2		Type II	
R-3		Type II	
R-4			Type III
RP		Type II	
AR		Type II	
C-2			Type III
C-3		Type II	
C-3 Hancock Street			Type III
C-4		Type II	
I		Type II	

Proposed (Per City Council)

Zone	Clear & Objective	Discretionary	Conditional Use
R-1			Type III
R-2	Type II	Type III	
R-3	Type II	Type II	
R-4			Type III
RP	Type II	Type II	
AR	Type II	Type II	
C-2			Type III
C-3	Type II	Type II	
C-3 Hancock Street			Type III
C-4	Type II	Type II	
I	Type II	Type II	

**Fiscal Impact:**

Funding for development of the multifamily design standards was from a grant from the Department of Land Conservation and Development. The grant amount was \$50,000 and is expended out of 01-4110-533011 Planning Misc Grants. In addition the City contributed \$10,000 in funding that was expended out of Professional Services (01-4110-580000).

**ATTACHMENTS:**

1. Exhibit “B” Track Changes of Proposed Code Changes from 4/3/23

