

ORDINANCE No. 2023-2913



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

Recitals:

1. The Newberg City Council authorized an application to the Department of Land Conservation and Development (DLCD) for a grant to comply needed housing Statutes ORS 197.286 – 197.314 for clear and objective standards by City Council Resolution No. 2021-3765.
2. DLCD awarded the City of Newberg a grant on January 11, 2022.
3. The City established a Citizens Advisory Committee consisting of the Newberg Planning Commission.
4. The Citizens Advisory Committee met three (3) times in developing code provisions for multifamily dwellings.
 1. The Planning Commission was briefed two (2) times on the draft Comprehensive Plan and Development Code provisions.
 7. The Affordable Housing Commission was briefed once on the draft Comprehensive Plan and Development Code provisions.
 8. The City Council and Planning Commission held a joint work session on the draft Comprehensive Plan and Development provisions on February 6, 2023.
 9. The Affordable Housing Commission recommends the Comprehensive Plan and Development Code amendments be adopted.
10. After proper notice, the Newberg Planning Commission opened the hearing on March 9, 2023, considered public testimony and deliberated. They found that the proposed amendments were in the best interests of the City adopted Resolution No. 2023-386.
11. After proper notice, the Newberg City Council opened the hearing on April 3, 2023, 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 adoption is based upon the findings in Exhibit "C".
4. Exhibits "A", "B", and "C" are hereby adopted and by this reference incorporated.


Effective Date of this ordinance is 30 days after the adoption date, which is: May 17, 2023.

Adopted by the City Council of Newberg, Oregon, this 17th day of April, 2023, by the following votes: **AYE: 7 NAY: 0 ABSTAIN: 0**



Sue Ryan, City Recorder

Attest by the Mayor this 20th day of April, 2023.



Bill Rosacker, Mayor

**Exhibit “A” to Ordinance No. 2023-2913
Comprehensive Plan Amendment – File CPTA23-0001**

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

The Newberg Comprehensive Plan shall be amended as follows:

Section 1. The Newberg Comprehensive Plan, I. Housing, Policies: 1. Density Policies, subsection a. is amended to read:

- a. Needed housing, as identified in the Newberg Housing Needs Analysis, ~~Density rather than housing type shall be the most important development criteria and shall be~~ considered when examining used to classify different types of residential areas on the plan. (Ordinance 2023-2913, April 3, 2023)

Section 2. The Newberg Comprehensive Plan, J. Urban Design, Goal 1: 4. Residential Areas Policies, subsection d. is amended to read:

- d. Special development and design standards should be adopted in the Development Code to ensure that the opportunity exists for development of all varieties of needed housing. Residential design standards shall be required to support quality residential development in the city. ~~multi-family, attached single family and manufactured home park/subdivision projects are aesthetically pleasing and compatible with nearby lower density residential development.~~ (Ordinance 2016-2810, December 19, 2016; Ordinance 2023-2913, April 3, 2023)

**Exhibit “B” to Ordinance No. 2023-2913
Development Code Amendment – File DCA23-0001**

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. Subsection B of Section 15.100.020 shall be amended to read:

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

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

Section 2. Subsection B of Section 15.100.030 shall be amended to read:

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

1. Site design review.
2. Multifamily dwellings in the R-2, R-3, RP, AR, C-3 (except along Hancock Street), C-4 or I zone meeting the objective process requirements of NMC 15.220.060.
3. Multifamily dwellings in the R-3, AR, C-3 (except along Hancock Street), or I zone NOT meeting the objective process requirements of NMC 15.220.060.
4. Variances.
5. Manufactured dwelling parks and mobile home parks.
6. Partitions.
7. Subdivisions, except for subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).

Section 3. Subsection B of Section 15.100.050 shall be amended to read:

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).
11. Multifamily dwellings in the R-2, RP or C-4 zone NOT meeting the objective process requirements of NMC 15.220.060.
12. Multifamily dwellings in the R-1, R-4 or C-2 zone (conditional use permit also required).
13. Multifamily dwellings in the C-3 zone along Hancock Street (conditional use permit also required).

Section 4. Subsection A of Section 15.220.020 shall be amended to read:

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. Duplex dwellings;
 - c. Triplex dwellings;
 - d. Quadplex dwellings;
 - e. Townhouse dwellings;
 - f. Cottage cluster projects;
 - g. Institutional, commercial or industrial additions which do not exceed 1,000 square feet in gross floor area;

h. Multifamily additions or remodels which do not exceed 1,000 square feet in gross floor area, do not exceed 25 percent of the assessed value of the existing structure, 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;

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

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

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

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

~~lm. Fences and trash enclosures;~~

~~mn. Accessory dwelling units.~~

2. Type II.

a. Any new development or remodel which is not specifically identified within subsection (A)(1) or (A)(3) of this section.

b. Telecommunications facilities.

3. Type III.

a. Multifamily dwellings in the R-2, RP or C-4 zone NOT meeting the objective process requirements of NMC 15.220.060.

b. Multifamily dwellings in the R-1, R-4 or C-2 zone (conditional use permit also required).

c. Multifamily dwellings in the C-3 zone along Hancock Street (conditional use permit also required).

34. Exemptions to Type I and Type II Process. The following development activities are exempt from Type I or Type II standards:

a. Replacement of an existing item such as a roof, floor, door, window or siding.

b. Plumbing and/or mechanical alterations which are completely internal to an existing structure.

Section 5. Subsection B of Section 15.220.030 shall be amended to read:

B. Type II or III. The following information is required to be submitted with all Type II or III applications for site design review:

1. Site Development Plan. A site development plan shall be to scale and shall indicate the following as appropriate to the nature of the use:

- a. Access to site from adjacent right-of-way, streets and arterials;
- b. Parking and circulation areas;
- c. Location and design of buildings and signs;
- d. Orientation of windows and doors;
- e. Entrances and exits;
- f. Private and shared outdoor recreation spaces;
- g. Pedestrian circulation;
- h. Outdoor play areas;
- i. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
- j. Areas to be landscaped;
- k. Exterior lighting;
- l. Special provisions for handicapped persons;
- m. Other site elements and spaces which will assist in the evaluation of site development;
- n. Proposed grading, slopes, and proposed drainage;
- o. Location and access to utilities including hydrant locations; and
- p. Streets, driveways, and sidewalks.

2. Site Analysis Diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics on the site and within 100 feet of the site:

- a. Relationship of adjacent lands;
- b. Location of species of trees greater than four inches in diameter at four feet above ground level;
- c. Existing and proposed topography;
- d. Natural drainage and proposed drainage and grading;
- e. Natural features and structures having a visual, or other significant relationship with the site.

3. Architectural Drawings. Architectural drawings shall be prepared which identify floor plans and elevations.

4. Landscape Plan. The landscape plan shall indicate:

- a. The size, species and approximate locations of plant materials to be retained or placed on the site together with a statement which indicates the mature size and canopy shape of all plant materials;

b. Proposed site contouring; and

c. A calculation of the percentage of the site to be landscaped.

5. Special Needs for Handicapped. ~~Where appropriate, t~~The design review plan shall indicate compliance with all handicapped accessibility requirements including, but not limited to, the location of handicapped parking spaces, the location of accessible routes from the entrance to the public way, and ramps for wheelchairs.

6. Existing Features and Natural Landscape. The plans shall indicate existing landscaping and existing grades. Existing trees or other features intended to be preserved or removed shall be indicated on the plans.

7. Drives, Parking and Circulation. Proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points shall be indicated on the plans. Dimensions shall be provided for all elements. ~~on the plans for parking aisles, back-up areas, and other items as appropriate.~~

8. Drainage. The direction and location of on- and off-site drainage shall be indicated on the plans. This shall include, but not be limited to, site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project as identified in the submitted preliminary stormwater report.

9. Buffering and Screening. Buffering and screening of areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be shown on the plans.

10. Signs and Graphics. The location, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features shall be shown on the plans.

11. Exterior Lighting. Exterior lighting within the design review plan shall be indicated on the plans. The direction of the lighting, size and type of fixtures, and an indication of the amount of lighting shall be shown on the plans.

12. Trash and Refuse Storage. All trash or refuse storage areas, along with appropriate screening, shall be indicated on the plans. Refuse storage areas must be constructed of brick, concrete block or material matching the material used on other proposed structures on the site. ~~other similar products as approved by the director.~~

13. Roadways and Utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.

14. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study ~~may~~ shall be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an

intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]

Section 6. Section 15.220.050 shall be amended to read:

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

1. Parking. Parking areas shall meet the requirements of NMC 15.440.010.
2. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions, ~~and~~ public access, residential development standards and home occupations; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.
3. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.
4. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.
5. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020.
6. Sufficient Infrastructure. For all triplex dwellings, quadplex dwellings, townhouse dwellings, ~~and~~ cottage cluster developments, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:
 - a. Connection to a public wastewater system capable of meeting established service levels.
 - b. Connection to a public water system capable of meeting established service levels.
 - c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 - d. Storm drainage facilities capable of meeting established service levels for storm drainage.

B. Type II or III. The following criteria are required to be met in order to approve a Type II or III design review request:

1. Design Compatibility. The proposed design review request incorporates an architectural design which is ~~compatible with and/or superior to~~ the same as existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.
2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies ~~may~~ shall be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide ~~efficient and adequate~~ on-site circulation without using the public streets as part of the

parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

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

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

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

6. Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

8. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. ~~Where applicable, n~~ New developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director. [Ord. 2889 § 2 (Exh. B § 6), 12-6-21; Ord. 2763 § 1 (Exh. A § 7), 9-16-13; Ord. 2747 § 1 (Exh. A § 5), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.194.]

Section 7. Section 15.220.060 shall be amended to read:

The purpose of this section is to ensure that multifamily residential ~~projects~~ containing five or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. ~~As part of the site design review process, an applicant for a new multifamily residential project must demonstrate that some of the following site~~

~~and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for smaller multifamily projects with five to eight units and at least 20 points are required for multifamily projects with nine or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).~~

A. Review Process

Two review processes are available for review of multi-family residential development: objective and discretionary. An applicant may choose which process to use. The objective process uses clear and objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more subjective in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

As part of the discretionary site design review process, an applicant for a new multifamily residential project must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for smaller multifamily projects with five to eight units and at least 20 points are required for multifamily projects with nine or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).

A project may be reviewed using only one of the 2 review processes. For example, a project may not use some of the objective standards and some of the discretionary guidelines for one application. Pursuant to NMC 15.100 and 15.220:

1. A Type II review is required for:

a. Projects in zones R-2, R-3, RP, AR, C-3 (except along Hancock Street), C-4, and I following the objective process.

b. Projects in zones R-3, AR, C-3 (except along Hancock Street), and I following the discretionary process.

2. A Type III site design review is required for:

a. Projects in zones R-2, RP and C-4 following the discretionary process.

b. Projects in zones R-1, R-4, C-2, C-3 (Hancock Street) (conditional use permit also required).

B. Design Guidelines and Standards

Applicable guidelines and standards for multi-unit and congregate housing are located in Table 15.220.060.B. These standards should not be interpreted as requiring a specific architectural style.

<u>Table 15.220.060.B</u> <u>Multi-Family Residential Design Guidelines and Standards</u>
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<u>Design Element</u>	<u>Design Guideline (Discretionary Process)</u> <u>Projects with 5-8 dwelling units must obtain 14 points, projects with 9 or more dwelling units must obtain 20 points.</u>	<u>Design Standard (Objective Process)</u> <u>All standards must be met.</u>
Site Design Elements		
<u>1. Private and Shared Recreation Areas</u>	<u>Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of open space areas which can be consolidated into children’s play areas, gardens, and/or dog-walking areas (three points).</u>	<p>a. <u>Private Areas. Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.</u></p> <p>b. <u>Individual and Shared Areas. In addition to the private open space identified above, usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any multifamily residential development, as follows:</u></p> <ul style="list-style-type: none"> i. <u>One- or two-bedroom units: 200 square feet per unit.</u> ii. <u>Three- or more bedroom units: 300 square feet per unit.</u> iii. <u>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 and shall be a minimum of 18 square feet per dwelling unit.</u>
<u>2. Site Vegetation</u>	<u>Preserve existing natural features, including topography, water features, and/or native vegetation (three points).</u>	<u>The proposal shall adhere to the landscaping standards in 15.420.</u>
<u>3. Building Setbacks</u>	<u>Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more “pedestrian-friendly” environment (three points).</u>	<u>The proposal shall adhere to the base zone standard for building setbacks listed in 15.410.</u>

<u>4. Vehicle Parking</u>	<u>Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other “pedestrian-friendly” amenities (three points).</u>	<u>Parking for the development shall comply with the following:</u> <u>a. On-site surface parking areas, garages, and vehicle maneuvering areas shall not be located directly between the façade of a primary building(s) and an abutting street right-of-way.</u> <u>b. Parking located to the side of a dwelling structure shall be limited to 50% of the linear frontage of the site. Drive aisles without adjacent parking spaces do not count as parking areas for purposes of this standard.</u>
<u>5. Multiple Building Groupings</u>	<u>Create “outdoor” rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).</u>	<u>Adhere to the design standards in Private and Shared Recreation Areas, above.</u>
<u>6. Landscaping</u>	<u>Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species (two points).</u>	<u>The proposal shall adhere to the landscaping standards in 15.420.</u>
<u>7. Parking Vegetation Buffer</u>	<u>Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).</u>	<u>Parking design and landscape shall adhere to the standards in 15.440 and 15.420.</u>
<u>8. Street Trees</u>	<u>Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).</u>	<u>The proposal shall adhere to the street trees and landscaping amenities in public rights-of-ways standards in 15.420.020.</u> <u>On-site landscaping shall adhere to the standards in 15.420.</u>
<u>9. Outdoor Furnishings</u>	<u>Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).</u>	<u>User amenities—such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pool—may be placed in outdoor shared recreation areas.</u>
<u>10. Fencing</u>	<u>Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).</u>	<u>The proposal shall adhere to the fence height standards in 15.410.070.D.</u>
<u>11. Entrance Building Materials</u>	<u>Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).</u>	<u>Building entrances shall be emphasized through the use of recesses, projections, corner entries, or landscape treatments.</u>
<u>12. Outdoor Lighting</u>	<u>Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).</u>	<u>a. Uses on the site shall be illuminated as follows:</u> <u>(1) Parking and loading areas: 0.5 footcandle minimum.</u>

		<p><u>(2) Walkways: 0.5 footcandle minimum and average of 1.5 footcandles.</u></p> <p><u>(3) Building entrances: 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles.</u></p> <p><u>b. Maximum illumination at the property line shall not exceed 0.5 footcandles. However, where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed 1 footcandle. This standard applies to adjacent properties across a public right-of-way.</u></p> <p><u>c. Developments shall use full cut-off lighting fixtures to avoid off-site lighting, night sky pollution, and shining lights into residential units.</u></p>
Building Design Elements		
<u>1. Building Orientation and Entrances</u>	<u>Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).</u>	<p><u>a. The primary building entry, or entries, for ground-floor units shall face the street right-of-way or a central common open space. Secondary entries may face parking lots or other interior site areas.</u></p> <p><u>b. For sites not on an arterial street, at least 50% of a site's street frontage, excluding driveways, shall be occupied by buildings that are located no further than 10 feet from the required setback line.</u></p> <p><u>c. For sites on an arterial street, at least 50% of a site's street frontage, excluding driveways, shall be occupied by buildings that are located no further than 20 feet from the required setback line.</u></p>
<u>2. Building Height</u>	<u>Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).</u>	<u>The proposal shall adhere to the base zone standard for building height listed in 15.415.020.</u>
<u>3. Building Articulation</u>	<u>Break up large buildings into bays by varying planes at least every 50 feet (three points).</u>	<u>a. Street-facing building façades shall be divided into wall planes. The wall plane on the exterior of each dwelling unit shall be articulated by doing one or more of the following:</u>

		<p><u>(1) Incorporating elements such as porches, balconies, or decks into the wall plane.</u></p> <p><u>(2) Recessing the building a minimum of 2 feet deep x 6 feet long.</u></p> <p><u>(3) Extending an architectural bay at least 2 feet from the primary street-facing façade.</u></p> <p><u>b. To avoid long, monotonous, uninterrupted walls, buildings shall incorporate exterior wall off-sets, projections and/or recesses. At least 1 foot of horizontal variation shall be used at intervals of 40 feet or less along the building’s primary façade on the ground-floor level.</u></p>
<p><u>4. Building Façade Design</u></p>	<p><u>Provide variation in repeated units large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).</u></p>	<p><u>a. Windows and the glass portion(s) of doors with glazing shall occupy a minimum of 25% of the total street-facing façade.</u></p> <p><u>b. Buildings shall have a distinct base and top. The base of the building (ground-floor level) shall be considered from grade to 12 feet above grade. The base shall be visually distinguished from the top of the building by any of the following physical transitions: a change in brick pattern, a change in surface or siding materials, a change in color, or a change in the size or orientation of window types.</u></p> <p><u>c. Blank, windowless walls in excess of 750 sq ft are prohibited when facing a public street, unless required by the Building Code. In instances where a blank wall exceeds 750 sq ft, it shall be articulated (see Building Articulation, above) or landscaping shall be planted in front of it that will grow to cover 50% of the wall withing 3 years of planting.</u></p> <p><u>d. Garage doors shall be painted to match the color or color palette used on the rest of the buildings.</u></p>
<p><u>5. Building Materials</u></p>	<p><u>Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).</u></p>	<p><u>The following building materials are prohibited on street-facing building façades and shall not collectively be used on more than 35% of any other building façade:</u></p> <p><u>(1) Vinyl PVC siding</u></p> <p><u>(2) T-111 Plywood</u></p> <p><u>(3) Exterior insulation finishing (EIFS)</u></p> <p><u>(4) Corrugated metal</u></p>

		<p><u>(5) Unfinished or untextured concrete or concrete block</u></p> <p><u>(6) Spandrel glass</u></p> <p><u>(7) Sheet pressboard</u></p>
<u>6. Architectural Elements</u>	<u>Incorporate architectural elements of one of the city’s historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city’s cultural identity. Typical design elements which should be considered include, but are not limited to, “crippled hip” roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).</u>	<u>The applicant is encouraged to incorporate elements of one of the city’s historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city’s cultural identity.</u>
<u>7. Carports and Garages</u>	<u>Keep garages and carports secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).</u>	<p>a. <u>On-site garages or carports shall not be located directly between the façade of a primary building(s) and an abutting street right-of-way.</u></p> <p>b. <u>All garages or carports that are part of the same structure that contains dwelling units shall be located at least 4 feet behind the front building façade.</u></p>
<u>8. Front Porches</u>	<u>Provide a front porch at every main entry as this is both compatible with the city’s historic building pattern and helps to create an attractive, “pedestrian-friendly” streetscape (two points).</u>	<u>Provide a front porch or patio for at least one main entry.</u>
<u>9. Roofs</u>	<u>Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points).</u>	<u>Where a sloped roof is proposed, the sloped roof shall be at a pitch of 3:12 or steeper.</u>

[Ord. 2889 § 2 (Exh. B § 7), 12-6-21; Ord. 2763 § 1 (Exh. A § 8), 9-16-13; Ord. 2505, 2-1-99. Code 2001 § 151.195.]

A. Site Design Elements.

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

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

B. Building Design Elements:

1. Orient buildings toward the street. For attached single family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).
2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).
3. Break up large buildings into bays by varying planes at least every 50 feet (three points).
4. Provide variation in repeated units in both single family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).
5. Building Materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).
6. Incorporate architectural elements of one of the city’s historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city’s cultural

~~identity. Typical design elements which should be considered include, but are not limited to, “crippled hip” roofs, Palladian style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).~~

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

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

~~9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points). [Ord. 2889 § 2 (Exh. B § 7), 12-6-21; Ord. 2763 § 1 (Exh. A § 8), 9-16-13; Ord. 2505, 2-1-99. Code 2001 § 151.195.]~~

Section 8. Subsection A of Section 15.302.032 shall be amended to read:

A. R-1 Low Density Residential District.

1. The purpose of this land use designation is to provide a stable and healthful residential environment together with the full range of urban services. The R-1 zone is intended for low density urban residential uses at an average overall density of 4.4 units per gross buildable acre, and/or middle housing densities consistent with applicable minimum lot sizes, in the district.
2. Typical housing types will include single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects, limited multifamily 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 9. Subsection B Springbrook Oaks Specific Plan, Subsection 8 of Section 15.346.070 shall be amended to read:

8. Residential Density. Residential density is governed by the SP overlay subdistrict.
 - a. The following development standards shall be applied to Springbrook Oaks for single-family detached dwellings and duplex dwellings (please refer to Graphic VI for map of development areas A through H of the Springbrook Oaks specific plan). See Appendix A, Figure 20. These standards shall supersede any density or density transfer standards established in the development code.

Area	Zone	Minimum Lot Size (Square Feet)	Minimum Lot Area per Dwelling Unit (Square Feet)	Maximum Density (Dwelling Units per Acre)
A	C-2	5,000	NA	NA
B ^{4, 5}	RP	1,500*	1,500*	21.8* ¹
C ^{4, 5}	R-3	2,500*	2,500*	13.1*
D ^{4, 5}	R-2	3,750*	3,750	8.8
E ^{4, 5}	R-2	5,000	5,000*	6.6*
F-1 ^{4, 5}	RP	1,500*	1,500*	21.8*
F-2 ^{4, 5}	RP	1,500*	None* ²	None* ²
F-3 ^{4, 5}	RP	1,500*	1,500*	21.8*
G	M-1	20,000	NA	NA
H ^{4, 5}	R-1	5,000*	10,000* ³	3.3*

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

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

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

³ Average lot area per dwelling in any one subdivision.

⁴ Duplex dwellings are exempt from minimum lot area per dwelling unit. Duplex dwellings count as a single dwelling for the purpose of calculating compliance with the maximum density.

⁵ Triplex dwellings, quadplex dwellings, townhouse dwellings, multifamily dwellings, and cottage cluster projects are permitted on lots meeting the applicable minimum lot areas for the dwelling type in the corresponding zone per NMC 15.405.010(A), and are exempt from the development standards in this table.

Section 10. Section 15.405.040 shall be amended to read:

A. Purpose. The lot coverage and parking coverage requirements below are intended to:

1. Limit the amount of impervious surface and storm drain runoff on residential lots.
2. Provide open space and recreational space on the same lot for occupants of that lot.
3. Limit the bulk of residential development to that appropriate in the applicable zone.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards; however, cottage cluster projects shall be exempt from the standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

1. Maximum Lot Coverage.

- a. R-1: 40 percent, except:
 - i. Fifty percent if all structures on the lot are one story; and
 - ii. Sixty percent for townhouse dwellings.
- b. R-2 and RP: 60 percent.
- c. AR and R-3: 60 percent.

2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.

3. Combined Maximum Lot and Parking Coverage.

- a. R-1: 60 percent.
- b. R-2, R-3, RP and townhouse dwellings in R-1: 70 percent.

C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code. [Ord. 2889 § 2 (Exh. B § 28), 12-6-21; Ord. 2880 § 2 (Exh. B § 39), 6-7-21; Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2746 § 1 (Exh. A § 1), 8-15-11; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.568.]

Section 11. Subsection A of Section 15.410.020 shall be amended to read:

A. Residential (see Appendix A, Figure 10).

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than 10 feet. Said yard shall be landscaped and maintained.
2. R-3 and RP districts shall have a front yard of not less than 12 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than 8 feet. Said yard shall be landscaped and maintained.
3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

4. Cottage cluster projects in any zone in which they are permitted shall have a front yard of not less than 10 feet. Any garage, carport, or parking areas that are part of a cottage cluster shall be set back at least 20 feet from the nearest property line of the street to which access will be provided; however, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

Section 12. Section 15.410.030 shall be amended to read:

A. Residential.

1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.
2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.
3. All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.
4. All lots with new multifamily dwellings shall have interior yards of not less than eight feet adjacent to lot lines shared with existing single-family dwellings. All other multifamily dwellings shall meet the provisions of subsections (A)(1) of this section.

**Exhibit “C” to Ordinance No. 2023-2913
Findings – File CPTA23-0001/DCA23-0001**

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 March 9, 2023, and Newberg City Council on April 3, 2023, which provided the opportunity for public comment. In addition, there were three Citizen Advisory Committee meetings, one virtual community open houses, one community survey, social media posts, and a web page prepared to inform the public of the pending proposal. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

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

The Goal is met.

GOAL 2: LAND USE PLANNING

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

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

The proposed land use action has an adequate factual base and is required by ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards and has been thoroughly described in this application.

The alternatives to amending the Comprehensive Plan and Municipal Code text would be to: 1) deny the application, or 2) modify the application proposal.

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 amendments 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.

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 ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards 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.

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 the Multifamily Code Audit to comply with ORS 197.286, ORS 197.296 – 197.314, and ORS 197.303 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. Newberg does allow for multifamily housing on lands zoned for commercial uses. Compliance with ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards 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. The City's Housing Needs Analysis dates to 2005. A new Housing Needs Analysis was accepted by the City Council on July 19, 2021. That report indicates a lack of Medium Density and High-density residential land, significant increase in the median home price between 2018 and 2020 of \$90,000 and that over 50% of the households are cost burned related to housing. The intent is that updating Newberg's design requirements for multifamily developments (5+ units) to establish a clear and objective path along with a discretionary path will address the requirements of ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards for Needed Housing in an efficient manner for current and future citizens.

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

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.

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 to amend its Development Code to create clear and objective stands for the development of multifamily housing (5+ units) and was awarded the grant. The proposed changes do not modify density requirements, but rather creates a clear and objective pathway and a discretionary pathway for development of multifamily housing. The proposal does not affect public facilities or services.

The proposal meets the Goal.

GOAL 12: TRANSPORTATION

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

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021 which have gone through the Post Acknowledgment Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period. The proposed Comprehensive Plan and Development Code changes do not modify density requirements, but rather creates a clear and objective pathway and a discretionary pathway for development of multifamily housing. The proposal does not change the City's Transportation System Plan.

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 amendments do 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 proposed changes do not modify density requirements, but rather creates a clear and objective pathway and a discretionary pathway for development of multifamily housing.

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 proposal does not modify the requirements for the Stream Corridor regulations within the Willamette River Greenway.

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 March 9, 2023, and Newberg City Council on April 3, 2023, which provided the opportunity for public comment. In addition, there were three Citizen Advisory Committee meetings, one virtual community open houses, one community survey, social media posts, and a web page prepared to inform the public of the pending proposal. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

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

The Goal is met.

B. LAND USE PLANNING

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

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

The proposed land use action has an adequate factual base and is required by ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards and has been thoroughly described in this application.

The alternatives to amending the Comprehensive Plan and Municipal Code text would be to: 1) deny the application, or 2) modify the application proposal.

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 ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards 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.

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 amendments 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.

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 the Multifamily Code Audit to comply with ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards 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. Newberg does allow for multifamily housing on lands zoned for commercial uses. Compliance with ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards 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. The City’s Housing Needs Analysis dates to 2005. A Housing Needs Analysis was accepted by the City Council on July 19, 2021. That report indicates a lack of Medium Density and High-density residential land, significant increase in the median home price between 2018 and 2020 of \$90,000 and that over 50% of the households are cost burned related to housing. The intent is that updating Newberg’s design requirements for multifamily developments (5+ units) to establish a clear and objective path along with a discretionary path will address the requirements of ORS 197.286 – 197.314, specifically ORS 197.307(4) for clear and objective standards for Needed Housing in an efficient manner for current and future citizens.

Newberg’s adopted HNA dates to 2005 as an attachment updating the Population and Land Needs Projections element of the Comprehensive Plan as part of Ordinance No. 2005-2626. This document is now 21 years old. An update was prepared in 2019 but that report was only accepted by the City Council (Resolution No. 2019-3582) and not adopted. Newberg further updated the HNA in 2021 (Resolution No. 2021-3718 and Resolution No. 2021-3752) and that report has only been accepted and not adopted or acknowledged by DLCD. The City Council has not set a date specific as to when they will adopt the 2021 HNA.

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.

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: The proposed amendments will provide a discretionary, and clear and objective pathways for development of multifamily housing related to design. This will assist in supporting the visual character of the community and support the livability and unique character of Newberg.

The Goal is met.

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. The proposed changes do not modify density requirements, but rather creates a clear and objective pathway and a discretionary pathway for development of multifamily housing.

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 to amend its Development Code to create clear and objective stands for the development of multifamily housing (5+ units) and was awarded the grant. The proposed changes do not modify density requirements, but rather creates a clear and objective pathway and a discretionary pathway for development of multifamily housing. The proposal does not affect public facilities or services.

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

197.303 “Needed housing” defined.

(1) As used in ORS 197.286 to 197.314, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last review under ORS 197.296 (2)(a)(B) and the projected future changes in these factors over a 20-year planning period:

(a) Household sizes;

(b) Household demographics;

(c) Household incomes;

(d) Vacancy rates; and

(e) Housing costs.

(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last review under ORS 197.296 (2)(a)(B) if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

(5) Subsection (1)(a) and (d) of this section does not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(6) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals. [1981 c.884 §6; 1983 c.795 §2; 1989 c.380 §1; 2011 c.354 §2; 2017 c.745 §4; 2019 c.639 §6; 2019 c.640 §10a]

Finding: The City has a Housing Needs Analysis (HNA) dating back to 2005 and includes a buildable land inventory. Various housing types are included to be developed in Newberg. The HNA was acknowledged by the Department of Land Conservation and Development and incorporated into the Newberg Comprehensive Plan. The City prepared a new HNA in 2021 that updates the 2005 HNA. This document has been accepted by the City Council but not adopted or acknowledged by DLCDC. The 2021 HNA shows a slower population growth and a need for additional land within the UGB to accommodate future growth out to 2041 for housing. The 2021 HNA can be accessed at:
https://www.newbergoregon.gov/sites/default/files/fileattachments/community_development/page/29851/res3752.pdf

197.307 Needed housing policy; clear and objective standards for housing; siting of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

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

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

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

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

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

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

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

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

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

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

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

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

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2; 2011 c.354 §3; 2017 c.745 §5; 2019 c.401 §7]

Note: The amendments to 197.307 by section 14, chapter 401, Oregon Laws 2019, become operative January 2, 2026. See section 18, chapter 401, Oregon Laws 2019, as amended by section 1c, chapter 422, Oregon Laws 2019. The text that is operative on and after January 2, 2026, is set forth for the user's convenience.

197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

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

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

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits

for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

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

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

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

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

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development

standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

Finding: The City has a Housing Needs Analysis (HNA) dating back to 2005 and includes a buildable land inventory. Housing types listed above are included as housing to be developed in Newberg. The HNA was acknowledged by The Department of Land Conservation and Development and incorporated into the Newberg Comprehensive Plan. The City prepared a new HNA in 2021 that updates the 2005 HNA. This document has been accepted by the City Council but not adopted or acknowledged by DLCD. The 2021 HNA shows a slower population growth and a need for additional land within the UGB to accommodate future growth out to 2041 for housing. The 2021 HNA can be accessed at: https://www.newbergoregon.gov/sites/default/files/fileattachments/community_development/page/29851/res3752.pdf

The City has clear and objective standards for detached single family, duplexes, triplexes, quadplexes, cottage clusters, townhouse and manufactured homes. The current multifamily standards (5+ units) are discretionary related to site design and building design. The City is proposing a two track system to have discretionary, and clear and objective standards to comply with ORS 197.307(4). Adoption of the proposed amendments will bring the City into compliance with ORS 197.307(4).

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 Comprehensive Plan and Development Code.

This requirement can be met.

Conclusion: Based on the above findings, the application meets the requirements of Oregon Revised Statutes 197.307(4), criteria to amend the Newberg Comprehensive Plan and Newberg Development Code as noted in this staff report.