**ORDINANCE No. 2009-2720**

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**AN ORDINANCE AMENDING THE DEVELOPMENT CODE TO INCLUDE TEXT THAT CREATES AND IMPLEMENTS A NEW M-4 INDUSTRIAL ZONING DISTRICT AND A NEW INTERIM INDUSTRIAL (II) OVERLAY ZONING DISTRICT, AND TEXT THAT AMENDS THE M-2 AND M-3 ZONING DISTRICTS TO PROVIDE FOR THE FUTURE WASTEWATER TREATMENT PLANT EXPANSION AND FUTURE ANIMAL SHELTER LOCATION**

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**RECITALS:**

1. Analysis by city staff, consultants, and the Ad Hoc Committee on Newberg's Future identified the area south of Newberg, on either side of Highway 219, as the area best suited to meet Newberg's future needs for large site industrial development. Accordingly, staff facilitated a public process over a number of months to create a master plan for the area. Staff completed the draft South Industrial Area Master Plan at the end of June 2009. The Plan includes proposed Development Code amendments to create standards for a large lot M-4 industrial zoning district that will help implement the Ad Hoc Committee's vision and the policies of the Comprehensive Plan.
2. A portion of the area in and around the South Industrial study area is located within the projected Newberg-Dundee Bypass corridor. Within these areas, it is important to permit some level of industrial activity in keeping with the base zoning; however, it is also important not to impede the future right-of-way acquisition for the project. Therefore, staff created an Interim Industrial overlay zoning district (II) to be applied to properties impacted by the projected Newberg-Dundee Bypass right-of-way corridor. This overlay may also be applied to other industrially zoned properties that will be impacted by planned transportation improvements.
3. The City has recently approved the purchase of a property on which to locate the future animal shelter and the future wastewater treatment plant expansion. The property would be zoned with an industrial designation upon annexation into the city; however, the Development Code does not currently permit animal shelters or wastewater treatment plants in its industrial districts. In order to remedy this and proceed with these projects, the M-2 and M-3 industrial zoning districts must be amended to permit these uses.
4. The Newberg Planning Commission held a hearing on October 8, 2009 to consider the request. At that meeting, the Planning Commission passed Resolution 2009-270, recommending that the City Council amend the Development Code to include standards for a new M-4 industrial zoning district and standards for a new Interim Industrial (II) overlay zoning district.
5. After proper notice, the City Council held a hearing on November 2, 2009 to consider the request. The Council finds that the proposal meets the applicable Comprehensive Plan criteria.

**THE CITY OF NEWBERG ORDAINS AS FOLLOWS:**

1. The Development Code shall be amended as follows. Each section that needs to be modified is identified below. Text that is proposed to be ~~deleted~~ is shown as ~~struckthrough~~ and text that is

proposed to be included is underlined.

**SECTION 1 – The following definitions should be added to § 151.003 DEFINITIONS**

**Adjoin.** To be contiguous to a property boundary at a property line or property corner, or contiguous to a property line or corner as extended across an abutting right-of-way for an alley, street, or public walkway.

**Basic Utilities.** Utilities that serve the needs of land uses in the immediate vicinity including sewer and water lines, sewer or water pump stations, water reservoirs, storm drains, storm water retention or detention facilities, electric service substations, natural gas transmission lines, electric, telephone, and cable lines, and solar panels.

**Heavy Manufacturing.** A use that involves manufacturing, processing, fabrication, packaging, or assembly of large volumes of raw materials into refined products. These types of firms have significant external impacts. Outdoor storage and processing of goods and materials may exceed 10% of the site. Transportation needs are often met by both truck and rail. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site (typically fewer than 5 per day per 1,000 sq ft floor area).

**Industrial Service.** A use that involves repairing or servicing of industrial, business or consumer machinery, equipment, products or by-products. Few customers, especially the general public, come to the site (typically fewer than 5 per day per 1,000 sq ft floor area). Examples include welding shops; machine shops; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; building contractors; printing; exterminators; recycling operations; janitorial and building maintenance services; research and development laboratories; and photofinishing laboratories. This does not include truck stops.

**Light Manufacturing.** A use that involves manufacturing, processing, fabrication, packaging, or assembly of goods. These types of firms are involved in the secondary processing and assembly of materials and components into finished products, generally for the wholesale market, for transfer to other plants, or to order for firms or consumers. The external impact from these uses is generally less than Heavy Manufacturing. Outdoor storage and processing of goods and materials is less than 10% of the site. Transportation needs are often met by truck. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site (typically fewer than 5 per day per 1,000 sq ft floor area).

**Self-Service Storage.** A structure that provides separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

**Vehicle Repair.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. Examples include transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting. Vehicle towing, storage, wrecking and salvage are classified as Industrial Service. This does not include truck stops.

**Warehouse and Distribution.** A use that involves storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; trucking and bus yards; and wholesale distribution centers and cold storage for food or agricultural products.

**Waste-Related.** A use that is characterized by receiving solid or liquid wastes from others for disposal on the site or for transfer to another location, including uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management. Examples include sanitary landfills, recycling facilities, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

**Wholesale Sales.** A use that involves selling, leasing, or renting products intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may not be open to the general public. Products may be picked up on site or delivered to the customer. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

**Wineries, Breweries, Distilleries.** Manufacturing, processing, and packaging of alcoholic and non-alcoholic beverages. The external impact from these uses is typically limited to outdoor storage of materials. These uses include a warehouse and distribution element, with goods being shipped out to retail markets. There also may be a retail element to these uses with goods being sold and/or consumed on-site.

*SECTION 2 – Add the following new section to the Development Code:*

**§ 151.198 ADDITIONAL REQUIREMENTS FOR DEVELOPMENT IN THE M-4 ZONING DISTRICT.**

The purpose of this section is to ensure that new development and redevelopment in the M-4 Zoning Districts is consistent with the City’s urban design goals and policies while emphasizing the creation of an attractive gateway to Newberg and encouraging industrial development. Special development standards relating to setbacks, screening, and architecture review are required for development within this District.

An applicant for a new development or redevelopment within the City’s M-4 district that is subject to the Site Design Review process must demonstrate that the following site and building design elements have been incorporated into the design of the project. Exceptions to these additional development requirements may be granted if equivalent protections are in place, or if there are substantial difficulties in complying with these standards.

(A) *Street Standards.* Streets, alleys and private accessways shall be constructed consistent with the standards of the *City of Newberg Green Design Handbook*. Deviations from the standards can be approved via a Type III process.

(B) *Development abutting Highway 219, Arterials and Collectors.* Where development abuts Highway 219 or a public street classified as an Arterial or Collector the applicant shall provide a landscape buffer to provide an attractive and inviting entrance to Newberg and to mitigate the visual, light and noise impacts of the use. The property owner of each proposed development is responsible for the installation and maintenance of required landscape buffers. The review body may waive and/or alter the buffering requirements where alternative standards are proposed that provide for an appropriate buffer consistent with the intent of these provisions.

(1) *Landscape buffer strips facing Highway 219.* Yards along the Highway 219 right-of-way shall be landscaped and maintained. The area beneath the trees shall be planted with a living ground-cover or shrubs giving 50% coverage at planting and 100% coverage within 3 years. Minimum landscape

requirements per 100 lineal feet of Highway frontage or any portion thereof, shall be consistent with Figure 1 as shown below:

Figure 1: Highway 219 Landscaping Standards  
"Plan View"

"Street View"

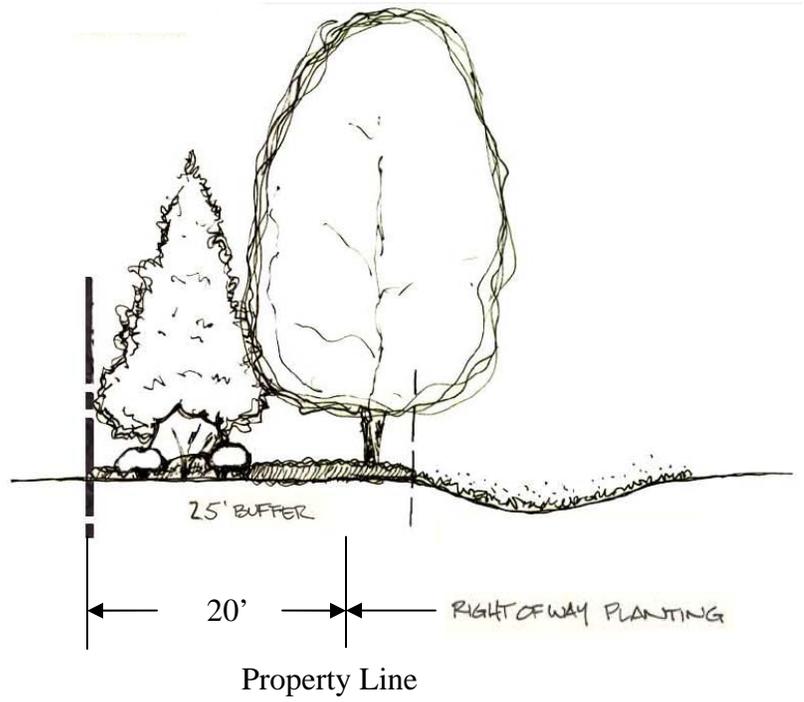
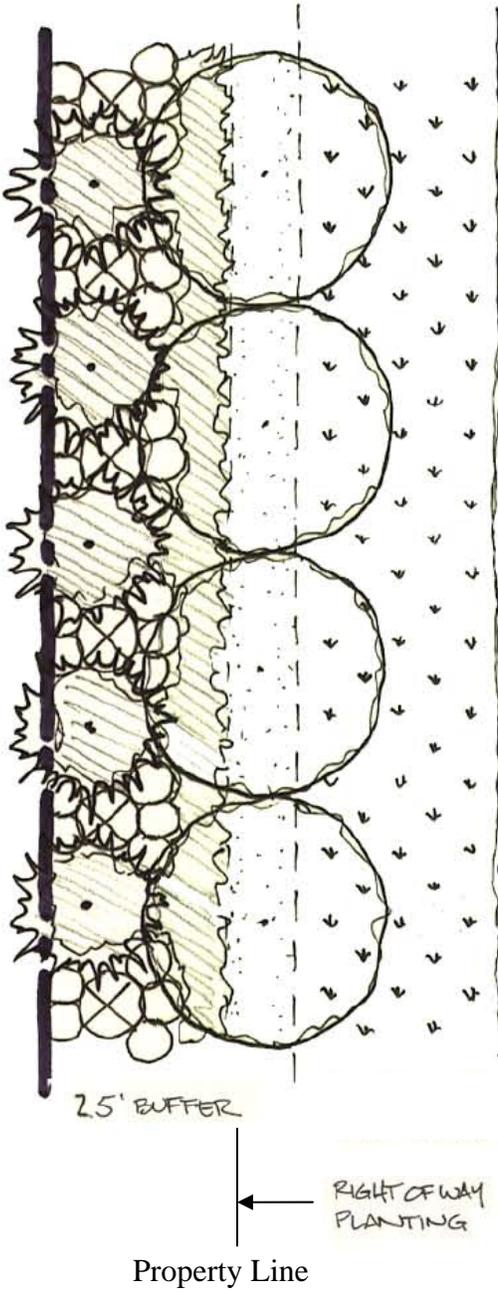


Table 1: Approved landscape species for right-of-way landscape buffer strips

LEGENDS	APPROVED SPECIES
 <p>DECIDUOUS BUFFER TREE</p>	<p>HIMALAYAN BIRCH LITTLELEAF LINDEN CALLERY PEAR SARGENT CHERRY HORNBEAM</p>
 <p>EVERGREEN BUFFER TREE</p>	<p>LEYLAND CYPRESS ALASKAN CEDAR HOGAN CEDAR</p>
 <p>EVERGREEN SHRUB 5 GALLON</p>	<p>EVERGREEN MANZANITA PACIFIC WAX MYRTLE MUGO PINE*</p>
 <p>EVERGREEN SHRUB 1 GALLON</p>	<p>BARBERRY OREGON GRATE PRIVET</p>
 <p>GROUND COVER</p>	<p>BEARBERRY BAR HARBOR JUNIPER SHORE JUNIPER</p>
 <p>FINE LAWN</p>	
 <p>RIGHT OF WAY PLANTING</p>	

(2) Buffer strips facing a Collector or Arterial. Buffer strips with rear and side yards facing a collector or arterial street require minimum planting of at least one row of trees, not less than eight feet high and one and one-half inches in caliper for deciduous trees and five feet high for evergreen trees at the time of planting, and spaced not more than 15 feet apart. The area beneath the trees shall be planted with a living ground-cover or shrubs giving 50% coverage at planting and 100% coverage within 3 years. Plant material used for buffering shall be selected from Table 1 above.

(C) Site Design and Orientation. The intent of these standards is to establish requirements that foster the development of an attractive employment area within the community. The applicant shall design all new buildings and substantial additions consistent with the applicable standards identified below. The review body may waive and/or alter these requirements where alternative standards are proposed that provide for a design approach consistent with the intent of these provisions.

(1) Architectural variation and segmentation shall be provided for any wall facing, and within 100 feet of, a collector or arterial street. The variation and segmentation of the facing walls shall provide features that visually break up the building mass. All facing walls must include at least two (2) of the following features along each 100 foot segment of the building wall; each feature must comprise at least 10% of each wall segment.

- (a) Contrasting building colors
- (b) Contrasting wall textures
- (c) Change in building materials.
- (d) Building offset of at least a four (4) foot change in depth and width
- (e) Architectural features

- i. Awnings, to be placed along 20% of the length of each wall segment
- ii. Columns
- iii. Windows
- iv. Arches
- v. Decorative relief, or sunken relief, at least 1 inch in depth
- vi. Pitched roof
- vii. Other, as approved by the reviewing body

(2) All buildings must be constructed using building materials that will provide an attractive façade for all walls that face a collector or arterial street. Acceptable building materials include the following:

- (a) Brick or masonry
- (b) Concrete or concrete block
- (c) Wood, or wood composite, applied as horizontal siding
- (d) Metal, provided the metal does not comprise more than 70% of the façade and does not extend more than 100 feet in horizontal length along any facing wall
- (e) Stucco
- (f) Other materials, as approved by the reviewing body

(3) Required front yard setbacks and parking areas must be landscaped and maintained. Front yard setbacks adjacent to a collector or arterial street must be landscaped in accordance with Table 1 (§151.198(b)(1)). Parking areas must be landscaped in accordance with the Green Design Handbook.

(4) Architectural designs shall include parapets or other treatments to be constructed to be constructed to conceal flat roofs and rooftop equipment from public view.

(5) All exterior lights shall be designed consistent with “dark sky” principles. Lighting shall be located, installed and directed in such a manner and contained within the target area so that no direct light source is visible from any street. All parking area lighting, building security lighting, and externally illuminated signs, displays, building and aesthetic lighting shall be full cut-off type fixtures.

(6) Areas used for storage, truck, trailer and van parking, trash collection or compaction, loading and unloading of delivery trucks and similar uses shall be provided with a sight-obscuring screen from all street views. Materials, colors and design of approved screening walls, decorative fences and their covers shall be complementary to those of the primary structure.

(D) Sustainable Design. Buildings should seek to reduce waste, pollution, energy use, and water consumption. The applicant can either obtain Leadership in Energy and Environmental Design (LEED) designation for the building, or demonstrate that the building design could attain LEED designation to the satisfaction of the reviewing authority, or demonstrate compliance with five (5) of the following design guidelines. Minor Alterations to existing development, as determined by the reviewing authority will demonstrate compliance with a minimum of three (3) design guidelines.

(1) Native Landscaping: Landscaping designs should seek to conserve water consumption through the use of native plant materials. A minimum of 80% of the plant material on site shall be native to the Willamette Valley.

(2) Rain Water Harvesting: Utilize cisterns and/or other techniques to harvest rainwater for use on site including but not limited to irrigation and grey water applications.

(3) Alternative Energy: Install solar panels, wind harvesting equipment or other devices that offset energy consumption of the development by at least 25%.

(4) Recycled Water: Incorporate recycled water for on-site irrigation or other uses.

(5) Fixtures: New buildings should seek to conserve energy and water through the use of water efficient fixtures including toilets, sinks, showers and similar facilities.

(6) Local Materials: Demonstrate that a minimum of seventy-five percent (75%) of the value of the building materials and landscape materials were purchased within 100 miles of Newberg.

(7) Composting: Require existing landscaping materials and/or organic waste from the site to be composted or reused within the site for landscaping or other purposes. Compost can also be collected at a central facility or by the local waste hauler.

(8) Low Impact Design: Utilize Low Impact Design techniques to detain and treat stormwater generated from impervious areas on site. Post development flows should mimic predevelopment conditions.

(9) Solar Orientation / Daylighting: Demonstrate how the building or site design takes advantage of sun to light and/or heat new buildings or work areas.

(E) Building openings. Major building openings, such as drive-in bays and partially enclosed work areas, shall be oriented away from collector and arterial streets.

*SECTION 3 – Add the following new section to the Development Code:*

**Part 11. M-4 LARGE LOT INDUSTRIAL DISTRICT**

**§ 151.418 DESCRIPTION AND PURPOSE**

The M-4 Industrial Employment District is divided into two (2) sub-districts: the Industrial Employment Sub-district and the Industrial Commercial Sub-district. One of the main intents of these districts is to provide a variety of employment opportunities for the citizens of Newberg. Providing adequate jobs for our citizens leads to other related benefits, including a diversified and stable local economy, a stronger tax base, and environmental benefits from less out-commuting to jobs. In addition, providing adequate local jobs helps fulfill the stated desire of many citizens to “live here, work here, shop here”.

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

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

Permitted and Conditional Uses are those identified below. Potential adverse impacts of industrial activity on adjacent uses are minimized by design and development standards as required by §157.198. Large industrial sites and planned unit developments are configured and designed to minimize use-to-use conflicts within the industrial districts, as well as conflicts between industrial uses and those allowed in other districts.

The M-4 District is intended to be consistent with the Industrial (IND) and Commercial (COM) designations of the comprehensive plan.

**§ 151.419 PERMITTED BUILDINGS AND USES**

In the M-4 Industrial Employment District, the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code.

**Industrial Employment Sub-District:**

(A) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and §151.419.

(B) Agriculture.

(C) Basic Utilities.

(D) Industrial Service.

(E) Light Manufacturing.

(F) Offices.

(G) Planned unit developments.

(H) Parking areas and garages.

(I) Retail sales of goods manufactured on-site, which may be sold to the general public provided the floor area dedicated to sales and display areas is less than 25% of the gross square feet of the total use. In no case shall any retail sales floor exceed 5,000 gsf.

(J) Self-service storage.

(K) Telecommunication facility, including radio towers and transmitters, which are 100 feet or less in height.

(L) Transit Centers.

(M) Transportation facilities and improvements.

(N) Warehouse and Distribution.

(O) Wholesale Sales.

(P) Wineries, breweries and distilleries, provided that the floor area dedicated to retail sales, displays, tasting, or similar customer related activities is less than 25% of the gross square feet of the total use. In no case shall any customer related space or retail floor area exceed 5,000 gsf.

(Q) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

**Industrial Commercial Sub-District:**

(A) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and § 151.419.

(B) Ambulance service.

(C) Athletic facilities.

(D) Bakeries, retail & wholesale.

(E) Banks.

(F) Barber and beauty shops.

(G) Bars, Taverns, pool or billiard halls, or night clubs, (Dispenser Class "A").

(H) Basic Utilities

(I) Bicycle shops.

(J) Blueprinter, copy shops.

(K) Book stores, less than 5,000 gsf.

(L) Delicatessen stores.

(M) Florist shops.

(N) Day nurseries.

(O) Dry cleaners, tailor shops.

(P) Florist shops.

(Q) Card lock fueling stations.

(R) Gift shops.

- (S) Grocery stores or markets, less than 7,500 gsf.
- (T) Hardware store, less than 7,500.
- (U) Health studios.
- (V) Locksmith shops.
- (W) Mini mart, less than 5,000 gsf.
- (X) Office supplies and equipment stores less than 5,000 gsf.
- (Y) Open space.
- (Z) Parking areas and parking garages.
- (aa) Pharmacy or drug stores less than 5,000 gsf.
- (bb) Planned unit developments.
- (cc) Post offices.
- (dd) Printing Shops.

(ee) Public and semi-public buildings essential to the physical and economic welfare of an area such as fire stations, substations and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.

(ff) Restaurants, (no drive-through).

(gg) Shoe repair shops.

(hh) Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure more than 18 feet.

(ii) Transit facilities.

(jj) Transportation facilities and improvements.

(kk) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

#### **§ 151.420 BUILDINGS AND USES PERMITTED CONDITIONALLY.**

In addition to the buildings and uses permitted conditionally, listed in § 151.419, the Planning Commission may grant a conditional use permit for any of the following buildings and uses in accordance with a Type III procedure.

##### **Industrial Employment Sub-district:**

(A) Day nursery.

(B) Dwelling unit, limited to one, for a caretaker or superintendent employed by the property owner or operator, whenever the use requires the on-site residence of such person.

(C) Retail sales of goods manufactured on-site, which may be sold to the general public provided the floor area dedicated to sales and display areas is less than 10,000 square feet. Retail sales and display areas greater than 10,000 square feet are prohibited.

(D) Telecommunication facilities including radio towers and transmitters, which are more than 100 feet in height or which are less than 2,000 feet apart.

(E) Waste-Related uses.

(F) Heavy Manufacturing.

(G) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

##### **Industrial Commercial Sub-district:**

(A) Telecommunication facility, including radio towers and transmitters which are either freestanding or which are incorporated into an existing structure or an existing utility pole, and will extend above the existing structure more than 18 feet.

(B) Any other building or uses determined to be compatible with those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoin area than the buildings and uses specifically listed in this section.

### **§ 151.421 SITE DESIGN REVIEW REQUIRED**

Site design review shall be required prior to issuance of building permits or commencement of work for all improvements within the M-4 Industrial Employment District. Site design review permits shall be processed pursuant to § 151.191 and include those additional standards and criteria set forth in § 151.198.

*SECTION 4 – Amend the Planned Development regulations to add § 151.226(G)(4) as follows:*

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

*SECTION 5 – Add the following new section to the Development Code:*

## **PART 21. INTERIM INDUSTRIAL (II) OVERLAY**

### **151.532 PURPOSE.**

The purpose of the Interim Industrial (II) Overlay is to allow interim use of industrially zoned properties in areas that are planned for future acquisition for right-of-ways, such as the Newberg-Dundee bypass. The II Overlay allows non-structural uses of the land, such as parking and storage. The II Overlay also reduces requirements for permanent site improvements, such as paving and landscaping, that would be removed upon acquisition of the right-of-way.

### **151.532.1 AREA OF APPLICATION OF INTERIM INDUSTRIAL OVERLAY.**

The interim industrial use overlay may be applied on a parcel by parcel basis through the zone change process. Properties generally must be in a manufacturing zone in order to have this Interim Industrial Overlay. The overlay may be applied to properties in other zoning districts where the review body determines the interim uses would be compatible with uses on surrounding properties.

### **151.532.2 PERMITTED USES.**

All uses of land and water that are permitted in the underlying zoning district(s) are also permitted in the Interim Industrial Overlay, with the exception of those uses listed in 151.532.4. In addition, the following are permitted.

- (1) Contractor's equipment or storage.
- (2) Construction material storage.

### **151.532.3 CONDITIONAL USES.**

(A) Use of land and water that are listed as conditional uses in the underlying zoning district(s) may also be allowed in the Interim Industrial Overlay, with the exception of uses included in the list of prohibited uses in § 151.532.4.

(B) Proposed conditional uses in the Interim Industrial Overlay are subject to the standard conditional use criteria and procedures of this code.

**151.532.4 PROHIBITED USES.**

The following uses are prohibited in the Interim Industrial Overlay:

- (A) Cemeteries
- (B) Garbage dumps, sanitary landfills
- (C) Parks
- (D) Permanent buildings.
- (E) Wrecking yards for motor vehicles, building materials, and other similar items.

**151.532.5 ALTERNATIVE DEVELOPMENT STANDARDS.**

Parking and landscaping design shall either be done in accordance with §151.610-617 and 151.580 or by using the following standards:

(1) Parking and maneuvering areas need not be paved, with the exception of areas within 50 feet driving distance of the drive approach.

(2) The site shall be landscaped according to the following standards:

(a) A six-foot height solid wood or masonry fence or wall shall be installed around the perimeter of the site and be located a minimum of five feet from the right-of-way.

(b) A hedge shall be planted between the right-of-way and the fence or wall. The hedge shall be planted to reach a minimum height of five feet and continuous horizontal coverage upon maturity.

*SECTION 6 – Amend Development Code § 151.416, Permitted Buildings and Uses in the M-3 Zone, to include the following under subsection (E): Other buildings and uses:*

(6) Sewage treatment plants

(7) Pound (dog or cat), kennel.

*SECTION 7 – Amend Development Code § 151.401 (B), Permitted Buildings and Uses in the M-2 Zone, to include the following as use (31), with remaining uses being renumbered accordingly:*

(31) Pound (dog or cat), kennel.

*SECTION 8 – Amend Development Code § 151.120, ESTABLISHMENT AND DESIGNATION OF USE DISTRICTS AND SUB DISTRICTS, as follows:*

**151.120 ESTABLISHMENT AND DESIGNATION OF USE DISTRICTS AND SUB DISTRICTS.**

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

(A) Use districts.

- (1) R-1 Low Density Residential District.
- (2) R-2 Medium Density Residential District.
- (3) R-3 High Density Residential District.
- (4) RP Residential Professional District.
- (5) C-1 Neighborhood Commercial District.
- (6) C-2 Community Commercial District.
- (7) C-3 Central Business District.
- (8) C-4 Riverfront District.

- (9) CF Community Facilities District.
- (10) I Institutional District.
- (11) M-1 Limited Industrial District.
- (12) M-2 Light Industrial District.
- (13) M-3 Heavy Industrial District.
- (14) M-4 Large Lot Industrial District.
- (15) AI Airport Industrial District.
- (16) Airport Residential (AR) District.
- ~~(17)~~ SD Springbrook District.
- (B) Sub-districts of use districts.
  - (1) AO Airport Overlay Sub-district.
  - (2) CC Civic Corridor Overlay Sub-district.
  - (3) H Historic Landmarks Sub-district.
  - (4) IO Institutional Overlay Sub-district.
  - (5) LU Limited Use Overlay Sub-district.
  - (6) RF Riverfront Sub-district.
  - (7) SC Stream Corridor Overlay Sub-district.
  - (8) SP Specific Plan Sub-district.
  - (9) AIO Airport Industrial Overlay Sub-district.
  - (10) Airport Residential Overlay Sub-district.
  - (11) Bypass Interchange Overlay Sub-district.
  - (12) Interim Industrial Overlay Sub-district.

**SECTION 9 – Amend Development Code § 151.267, COMPREHENSIVE PLAN AND ZONING DESIGNATIONS subdivision (B) as follows:**

(B) Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of § 151.122 shall not be required.

Comprehensive Plan Classification	Appropriate Zoning Classification
OS	Any zoning classification
LDR	R-1
MDR	R-2
HDR	R-3
COM	C-1, C-2, or C-3 as determined by the Director
MIX	C-2, M-1, or M-2 as determined by the Director
IND	M-1, M-2, <del>or M-3</del> , <u>M-4, or AI</u>
PQ	Any zoning classification
P/PP	Any zoning classification

**SECTION 10** – Amend Development Code § 151.536, *BUILDING HEIGHT LIMITATION*, subdivision (B)(2) as follows:

(2) In the AI, C-2, C-3, M-1, M-2, ~~and M-3~~, and M-4 Districts there is no building height limitation, except when said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.

**SECTION 11** – Amend Development Code § 151.538, *PUBLIC ACCESS REQUIRED*, as follows:

**151.538 PUBLIC ACCESS REQUIRED.**

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under § 151.449.2(B)(8) and § 151.448.1(B)(24), and in the M-4 Zone. Existing private streets may not be used for access for new dwelling units, except as allowed under § 151.567. No building or structure shall be erected or altered without provisions for access roadways as required in the Uniform Fire Code, as adopted by the city.

**SECTION 12** – Amend Development Code § 151.551, *FRONT YARD SETBACK*, subdivision (C) as follows:

(C) *Industrial*. All lots or development sites in the M-1, M-2 or M-3 Districts shall have a front yard of 20 feet. Lots or development sites in the AI District shall have a front yard of 10 feet. Lots or development sites in the M-4 District shall have a front yard of 20 feet where abutting Highway 219, Arterials, and Collectors, and a front yard of 10 feet along other streets.

**SECTION 13** – Amend Development Code § 151.552, *INTERIOR YARD SETBACK*, subdivision (C) as follows:

(C) *Industrial*. All lots or development sites in the AI, M-1, M-2, ~~and M-3~~, and M-4 Districts shall have no interior yards where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than ten feet shall be required opposite the residential districts.

**SECTION 14** – Amend Development Code § 151.565 *LOT AREA; LOT AREAS PER DWELLING UNIT*, by adding the following as subdivision (A)(4), and renumbering remaining items as follows:

(4) In the M-4 District, all lots or development sites shall have a minimum area of 20 acres, or as established through the planned unit development process.

**SECTION 15** - Amend Development Code § 151.567 *LOT DIMENSIONS AND FRONTAGE*, subdivision (D), as follows:

(D) Frontage.

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

(a) Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in § 151.003, shall be created to provide frontage or access, except in the AI, AR, or M-4 Zones.

(b) Each lot in an R-1, R-2, R-3, AI, or RP Zone shall have a minimum width of 50 feet at the front building line.

(c) Each lot in an AR Zone shall have a minimum width of 45 feet at the front building line.

(2) The above standards apply with the following exceptions:

(a) Legally created lots of record in existence prior to the effective date of this code.

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

(c) Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the Airport Residential and Airport Industrial Districts.

**SECTION 16** – Amend Development Code § 151.580 **REQUIRED MINIMUM (landscaping and outdoor areas) STANDARDS, subdivision (B)(1) as follows:**

(B) *Required landscaped area.* The following landscape requirements are established for all developments except single family dwellings.

(1) A minimum of 15% of the lot area shall be landscaped; provided however, that computation of this minimum may include areas landscaped under subdivision (3) below. Development in the C-3 (Central Business District) and M-4 (Large Lot Industrial) Zoning District ~~is~~ are exempt from the 15% landscape area requirement of this section. Additional landscaping requirements in the C 4 District are described in § 151.527.4(K) of this code. In the AI Airport Industrial District, only a 5% landscaping standard is required with the goal of "softening" the buildings and making the development "green" with plants where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15% requirement. Developments in the AI Airport Industrial District with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.

**SECTION 17** – Amend Development Code § 151.580 **REQUIRED MINIMUM (landscaping and outdoor areas) STANDARDS, subdivision (B)(9) as follows:**

(9) In the M-4 Zone, landscaping requirements and standards for parking and loading areas [subdivision (B)(3)] do not apply unless within 50 feet of a residential district.

**SECTION 18** – Amend Development Code § 151.586, **APPLICABILITY AND EXEMPTIONS (of outdoor lighting), subdivision (B) as follows:**

(B) *Exemptions.* The following uses shall be exempt from the provisions of this section:

(1) Public street and airport lighting.

(2) Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.

(3) Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

(4) *Temporary lighting.* In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:

(a) *Grand opening event.* A grand opening is an event of up to 30 days duration within 30 days of issuance of a Certificate of Occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the City in writing of the beginning and ending dates prior to the grand opening event.

(b) *Other events.* A lot may have two other events per calendar year. The events may not be more than eight consecutive days duration, nor less than 30 days apart.

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- (1) Public street and airport lighting.
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- (3) Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- (4) *Temporary lighting.* In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:

(a) *Grand opening event.* A grand opening is an event of up to 30 days duration within 30 days of issuance of a Certificate of Occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the City in writing of the beginning and ending dates prior to the grand opening event.

(b) *Other events.* A lot may have two other events per calendar year. The events may not be more than eight consecutive days duration, nor less than 30 days apart.

- (5) Lighting activated by motion sensor devices.
- (6) Non-conforming lighting in place as of September 5, 2000. Replacement of non-conforming lighting is subject to the requirements of §§ 151.140 through 151.149.

(7) *Light trespass onto industrial properties.* The lighting trespass standards of § 151.588 do not apply where the light trespass would be onto an industrially zoned property.

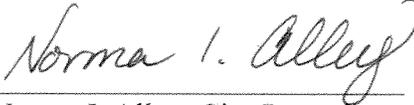
**SECTION 19 – Amend the table in Newberg Development Code § 151.612, PARKING SPACES REQUIRED, under “Industrial Types” as follows:**

INDUSTRIAL TYPES	
Except as specifically mentioned herein, industrial uses listed as permitted in the "M" Districts: M-1, M-2, M-3, and M-4	1 for each 500 sq. ft. of gross floor area

2. The Comprehensive Plan findings in support of this proposal, as shown in Exhibit “A”, are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: December 2, 2009.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 2<sup>nd</sup> day of November, 2009, by the following votes: **AYE: 7 NAY: 0 ABSENT: 0 ABSTAIN: 0**

  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 5<sup>th</sup> day of November, 2009.

  
Bob Andrews, Mayor

**LEGISLATIVE HISTORY**

By and through the Planning Commission at their 10/08/2009 meeting.

# Exhibit A

## Findings to Ordinance 2009-2720

**Proposal:** Amend the Newberg Development Code to include standards for a new M-4 industrial zoning district and a new Interim Industrial overlay zoning district (II).

**Summary:** Staff has drafted a South Industrial Area Master Plan after an extensive public process that included a community visioning meeting, a community open house, and several meetings with a collaborative design team. Part of the South Industrial Area Master Plan included the addition of a new large-lot industrial zoning district (M-4) and a new Interim Industrial (II) overlay zoning district. The M-4 zoning district would be applied over the majority of the South Industrial study area upon its future inclusion in the city limits. The II overlay zoning district would be used primarily in areas planned for future right-of-way use (i.e. the Newberg-Dundee bypass projected right-of-way).

### **Applicable Comprehensive Plan Policies:**

#### H. The Economy.

*Policy 2.g. – The City shall identify land that will provide for expansion of existing businesses and/or attract new businesses and shall reserve that land for future industrial development that is consistent with community needs and goals.*

**Finding:** The Newberg City Council created the Ad Hoc Committee on Newberg’s Future in 2004 to involve citizens in future planning and to make recommendations to the City Council for future land use amendments. The Ad Hoc Committee considered Newberg’s future land needs in all categories of land, including industrial land. Through the process, the Committee identified a need for “94 acres of industrial land through 2025, and an additional 75 acres through 2040. In addition to these needs the Committee projects a need for 4-5 large industrial sites of at least 20 acres in size for the period 2005-2025, and an additional 5-6 large industrial sites for the period 2026-2040”.

Analysis by the City’s consultants, staff, and the Committee identified the area south of Newberg, on either side of Highway 219, as the area best suited to meet the City’s needs for large site industrial development. Accordingly, the area was added to the proposed 2007 Urban Reserve Area. A main component of future planning for large site industrial areas includes having provisions to preserve the large lot capability. To accomplish that, the City started a planning process for a master plan for the area that would define the proposed future industrial area and include provisions protecting the future urbanization of the identified sites. The planning process culminated in the draft South Industrial Area Master Plan, which includes the proposed Development Code amendments to preserve the large lot capability of the future industrial area.

*Policy 2.h. – Where areas have been planned for large industrial sites, zoning regulations shall be developed and maintained to keep those sites intact. Such sites shall not be further divided except to create planned industrial parks that support a specific industry.*

**Finding:** The proposed Development Code amendments specify that “the M-4 Industrial Employment Sub-District is intended to create, preserve and enhance areas containing large parcels (20+ acres)

suitable for large industrial users and industrial planned unit developments. An approved plan for an industrial planned unit development is required prior to subdividing a large parcel into lots or parcels that are less than 20 acres”. The M-4 zoning district policies have been crafted specifically to preserve large lot industrial sites.

*Policy 2.i. – Industrial land shall be reserved for industrial uses.*

**Finding:** The City is better able to preserve the industrial land in the South Industrial study area by having the proposed Development Code amendments in place. The City’s other industrial zones have minimum lot sizes of 20,000 square feet, allowing land to become parcelized and more difficult to attract large users. For the City to gain a competitive advantage in the region and provide adequate jobs for our growing population, we must have the ability to offer large lot industrial sites in areas with good access and infrastructure. The proposed Development Code amendments preserve that large lot industrial ability and restrict the permitted uses to those appropriate for large lot industrial areas or an industrial park.

*K. Transportation*

*Policy 4.p – The City of Newberg will coordinate with ODOT on any development proposal within the Bypass location corridor and interchange management areas through the City’s established Site Design Review process. Development planning should consider and complement the intended function of the bypass. Land use decisions should consider the planned corridor location and avoid conflicts where feasible.*

**Finding:** The purpose of the proposed Interim Industrial overlay zoning district (II) is to permit only those uses that consider and complement the intended Bypass corridor location. The proposed II zoning district limits the permitted uses in the planned right-of-way acquisition area to non-structural uses and also decreases the site design requirements for new projects. The City will continue to coordinate with ODOT on any development proposals within the Bypass corridor.