TYPE III APPLICATION - 2015
(QUASI-JUDICIAL REVIEW)

File #:_____

TYPES – PLEASE CHECK ONE:

___ **Annexation**
___ **Comprehensive Plan Amendment (site specific)**
___ **Zoning Amendment (site specific)**
___ **Historic Landmark Modification/alteration**
___ **Conditional Use Permit**
___ **Type III Major Modification**
___ **Planned Unit Development**
___ **Other: (Explain)**_____

APPLICANT INFORMATION:

APPLICANT:_____
ADDRESS:_____
EMAIL ADDRESS: _____
PHONE:_____ MOBILE: _____ FAX: _____
OWNER (if different from above): _____ PHONE: _____
ADDRESS: _____
ENGINEER/SURVEYOR: _____ PHONE: _____
ADDRESS: _____

GENERAL INFORMATION:

PROJECT NAME: _____ PROJECT LOCATION: _____
PROJECT DESCRIPTION/USE: _____
MAP/TAX LOT NO. (i.e.3200AB-400): _____ ZONE: _____ SITE SIZE: _____ SQ. FT. ☐ ACRE ☐
COMP PLAN DESIGNATION: _____ TOPOGRAPHY: _____
CURRENT USE: _____
SURROUNDING USES:
NORTH: _____ SOUTH: _____
EAST: _____ WEST: _____

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: ☐ Fees ☐ Public Notice Information ☐ Current Title Report ☐ Written Criteria Response ☐ Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexation ……p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) ……p. 19
Conditional Use Permit ……p. 21
Historic Landmark Modification/Alteration ……p. 23
Planned Unit Development ……p.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

_____ _____
Applicant Signature Date Owner Signature Date

_____ _____
Print Name Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

GENERAL INFORMATION
Type III Development Permit Process (Quasi-Judicial Hearing)

Overview: Type III Permit applications are reviewed by the Planning Commission and include a mix of objective and subjective standards. Public notice is provided to property owners within 500 ft of the site. Any interested party may appear before the Planning Commission and comment on the project. The applicant or anyone commenting at the hearing may appeal the decision to the City Council. Some Type III decisions automatically proceed to the City Council with a recommendation by the Planning Commission. Type III decisions must be issued within 120 days of an application being determined complete.

Type III Permits Include:

- Annexations*
- Comprehensive Plan and Zoning Map Amendments – site specific*
- Conditional Use Permits
- Historic Landmark Reviews
- Planned Unit Developments
- Subdivisions not meeting the criteria in Newberg Development Code (NDC) §15.100.040(A), or proposed for Type III review by the applicant, or converted from a Type II to a Type III process.

Pre-Application Conference:

Please call to schedule a time for a pre-application meeting **(required on Type III applications)** prior to submitting an application. The Development Review Meetings are held every Wednesday. This meeting provides the opportunity to get advance information from Planning, Engineering and Building divisions all at once. It is likely to save you time and effort later. The non-refundable pre-application conference fee is $100.00, payable prior to the conference. If you continue with the application process after the pre-application conference, the pre-application fee will be applied to reduce the application fee for the project.

Submit Application

- Pay fees
- Complete application form(s)
- Submit plans and other required information

Processing

- Staff will perform a completeness check of the application and notify applicant of any information that is missing or incomplete. Processing time 0 to 30 days.
- Staff will route the application to affected agencies and City departments Processing time 14 to 20 days
- Applicant will provide copies of mailed and posted notices to the City for review, mail the approved notice to property owners within 500 ft. of the site, post the site, and provide staff with an affidavit verifying that the notice was mailed and posted. Processing time 14 to 20 days
- Staff will prepare a written report for review by the Planning Commission. A copy will be available for review seven (7) days prior to the hearing. A copy will be mailed to the applicant seven prior to the hearing.

Planning Commission Hearing

- At the Planning Commission Hearing, the applicant and all interested parties are encouraged to testify. Testimony may be given orally or in writing.
- After public testimony, the Planning Commission may approve, deny, table, make a recommendation to the City Council or continue the item. If the decision is final at the Planning Commission, then proceed to Appeals. Planning Commission decisions become effective upon completion of the 14 day appeal period.

City Council Hearing

- If the decision is a recommendation from the Planning Commission that requires adoption of an ordinance, then a new public hearing will be held at the City Council. At the City Council hearing, the applicant and all interested parties are encouraged to testify. Testimony may be given orally or in writing. After public testimony, the City Council may approve, deny, table, or continue the item.

Appeals

- If the applicant, or other parties providing written testimony prior to or at the hearing, or parties providing oral testimony at the hearing; are dissatisfied with the decision of the Planning Commission, they may file an appeal within 14 calendar days of the issuance of the decision. Appeals of Type III decisions proceed to the City Council for a hearing on the record. City Council decisions may only be appealed to the Land Use Board of Appeals.

Permits

- Once a final decision has been made, the applicant may proceed or submit other permits, if necessary (i.e.: design review, building permits, subdivision approval, etc.). For applications involving more than one application type, the permits may be processed individually under each procedure or under the highest procedure number that applies.

.

Helpful Hints:

- **Questions?** Information is free! Please do not hesitate to call (503) 537-1240 prior to submitting the application.

- **Partial Applications:** Please do not submit partial applications. If the application, plans, and fee are not submitted together; processing will be delayed and the application may not be accepted for review.

- **Face-to-Face:** It is best to submit an application in person. That way you can receive immediate feedback if there's missing information or suggestions for improvements.

Exhibit "A"

NEWBERG PERMIT CENTER FEE SCHEDULE Effective Date: July 1, 2014

PRE-APPLICATION REVIEW **$100**

TYPE I (ADMINISTRATIVE REVIEW)

ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION **$156**
PROPERTY CONSOLIDATION ..... $**156**
CODE ADJUSTMENT **$387**
DESIGN REVIEW – TYPE I (DUPLEX OR COM./IND. MINOR ADDITION REVIEW) **0.3% OF PROJECT VALUE, $387 MINIMUM**
MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION **$156**
MAJOR MODIFICATION OF TYPE I DECISION ..... **50% OF ORIGINAL FEE**
PARTITION FINAL PLAT ..... **$774 + $70 PER PARCEL**
PROPERTY LINE ADJUSTMENT **$774**
SIGN REVIEW ..... **$70 PLUS $1.00 PER SQ. FT. OF SIGN FACE**
SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT .....$**1548 + $70 PER LOT OR UNIT**

TYPE II (LAND USE DECISION)

ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION..... **$774**
MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION..... **$156**
MAJOR MODIFICATION OF TYPE II DECISION ..... **50% OF ORIGINAL FEE**
DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS) **0.6% OF TOTAL PROJECT COST, $774 MINIMUM***
PARTITION PRELIMINARY PLAT .....**$774 PLUS $70 PER PARCEL**
SUBDIVISION PRELIMINARY PLAT .....**$1548 PLUS $70 PER LOT**
VARIANCE..... **$774**
*FOR ANY DESIGN REVIEW FEE IN EXCESS OF $10,000, 50% OF THE DESIGN REVIEW FEE IS DUE AT TIME OF APPLICATION AND 50% DUE AT TIME OF BUILDING OR SIMILAR PERMIT ISSUANCE.

TYPE III (QUASI-JUDICIAL REVIEW)

ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION **$1639**
ANNEXATION .....**$2155 PLUS $210 PER ACRE**
COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC) **$2021**
CONDITIONAL USE PERMIT **$1639**
MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION **$156**
MAJOR MODIFICATION OF TYPE III DECISION..... **50% OF ORIGINAL FEE**
HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION..... **$0**
HISTORIC LANDMARK ELIMINATION.....**$1880**
SUBDIVISION PRELIMINARY PLAT .....**$1548 PLUS $70 PER LOT**
PLANNED UNIT DEVELOPMENT.....**$3273+$70 PER LOT OR UNIT**
ZONING AMENDMENT (SITE SPECIFIC).....**$2069**

TYPE IV (LEGISLATIVE AMENDMENTS)

COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION **$2322**
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION **$2322**

APPEALS

TYPE I OR II APPEAL TO PLANNING COMMISSION **$445**
TYPE I OR II APPEAL TO CITY COUNCIL..... **$805**
TYPE III APPEAL TO CITY COUNCIL..... **$945**
TYPE I ADJUSTMENTS OR TYPE II VARIANCES THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT..... **$250**

OTHER FEES

COMMUNITY DEVELOPMENT FEE ..... **0.75% OF PROJECT COST**
CITY HALL FEE ..... **0.25% OF PROJECT COST**
(THE ABOVE TWO CHARGES ADDED TO ANY BUILDING PERMIT APPLICATION)
EXPEDITED LAND DIVISION ..... **$5750 + $70 PER LOT OR UNIT**
URBAN GROWTH BOUNDARY AMENDMENT **$3675**
VACATION OF PUBLIC RIGHT-OF-WAY **$1525**

LICENSE FEES

PEDDLER/SOLICITOR/STREET VENDOR .....**No fee (Business License fee only)**
TEMPORARY MERCHANT ..... **$95/45 days or $310/perpetual**

ADOPTION AND REVISION HISTORY:

Adopted by: Resolution 98-2122, July 6, 1998
Amended by: Resolution 99-2214, December 8, 1999
Resolution 2000-2265, October 2, 2000
Resolution 2001-2318, November 19, 2001
Executive Order January 2, 2007 (Reso. 99-2210)
Executive Order October 24, 2008
Executive Order, December 16, 2002 pursuant to Resolution 99-2210
Executive Order, January 22, 2002 pursuant to Resolution 99-2210
Resolution 2004-2466, November 3, 2003
Resolution 2007-2752, December 3, 2007
Executive Order November 29, 2011(2011-32)
Executive Order October 24, 2012(2012-34)
Resolution 2014-3140, May 19, 2014

CITY OF NEWBERG
REQUIREMENTS FOR MAILED NOTICES

For all Type II and Type III land use applications, mailed notice must be sent to all property owners within five hundred (500) feet of the site. Newberg Development Code §15.100.210 sets forth the requirements for mailed notices. The applicant is responsible for preparing and mailing the notices, for paying the postage, and for submitting an affidavit of mailing within two days of mailing the notices.

Mailing List:

- The applicant must create a mailing list including the tax lot numbers and addresses of property owners within five hundred (500) feet of the outer boundaries of the tax lot or tax lots of the proposed project. This information can be obtained at a local title company.
- The Planning & Building Department may request that notice be provided to people other than those who own property within five hundred (500) feet of the site, if the Department believes that they are affected or otherwise represent an interest that may be affected by the proposed development.
- The mailing list and a copy of the mailed notice should be submitted with the affidavit of mailing.
- Envelopes returned to the post office should go to the Planning & Building Office so that they can be kept with the application file. The return address on the notices should read:

City of Newberg
Planning & Building Department
P.O. Box 970
Newberg, OR 97132

A return address stamp is available at the Planning & Building Office for your convenience.

Mailed Notice Deadlines:

- Before mailing the notice, the applicant must submit a copy for approval to the Planning & Building Office at 414 E. First Street, Newberg.
- For Type II actions, the notice must be mailed at least fourteen (14) days before a decision is rendered. For Type III actions, the notice must be mailed at least twenty (20) days before the first new hearing, or if two or more hearings are required, ten (10) days before the first new hearing.
- The affidavit of mailing must be submitted to the Planning & Building Office within two (2)days of mailing the notice.

Sample Notices:

A sample notice is included on the following page. Information to be filled in by the applicant is indicated by italicized text. Sample notices for each application type are located on the web at:

http://www.newbergoregon.gov/planning/sample-notice-forms-type-ii-applications

(or to navigate there on your own from the homepage (www.newbergoregon.gov): City Departments, Planning and Building, Planning, Planning Forms)

Planning and Building Department
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

NOTICE OF PLANNING COMMISSION HEARING ON A HISTORIC REVIEW

A property owner in your neighborhood submitted an application to the City of Newberg for a Historic Review at {address}. The Newberg Planning Commission will hold a hearing on ***Date of Hearing*** at 7pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would create: ***(Include the use proposed, the floor area, number of stories, number of parking spaces, provisions for landscaping, history of the property, special reasons for the application, etc.)***

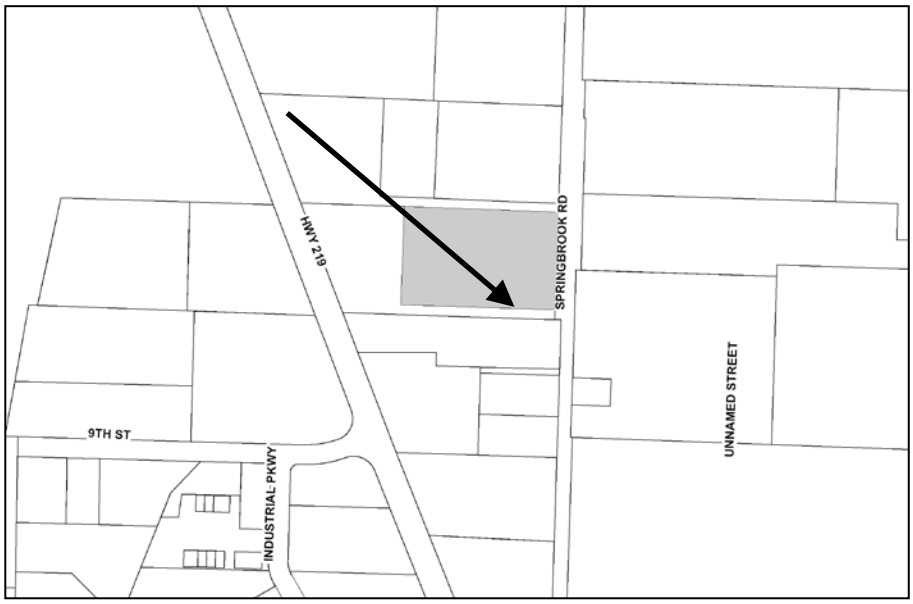
APPLICANT: ***Applicant's name***
TELEPHONE: ***Applicant's phone number***

PROPERTY OWNER: ***Property owner name***

LOCATION: ***Project Address***

TAX LOT NUMBER: ***Yamhill County Tax Map and Lot Number (i.e. 3219AB-1400)***

Insert site map with the project location highlighted as shown on the adjacent sample map.



We are mailing you information about this project because you own land within 500 feet of the proposed historic review. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No.XX
City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

(City staff will give you the file number for your project at the time of application)

All written comments must be received by 4:30 p.m. on ***(enter date seven days from date of the hearing.)*** Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a historic review are found in Newberg Development Code Section 15.344.030 (A) (3).

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The Planning Commission will make a decision at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, we will send you information about any decision made by the City relating to this project.

Date Mailed: ***Date notice is mailed***

Planning and Building Department
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

NOTICE OF CITY COUNCIL HEARING ON A COMPREHENSIVE PLAN AND ZONE CHANGE

A property owner in your neighborhood submitted an application to the City of Newberg for a comprehensive plan zone change from { } to { } and zone change { } to { }. The Newberg City Council will hold a hearing on ***Date of Hearing*** at 7pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the City Council. For more details about giving comments, please see the back of this sheet.

The application would create: ***(Include the reason for application, proposed uses, history of the property or application, allowed uses, etc.)***

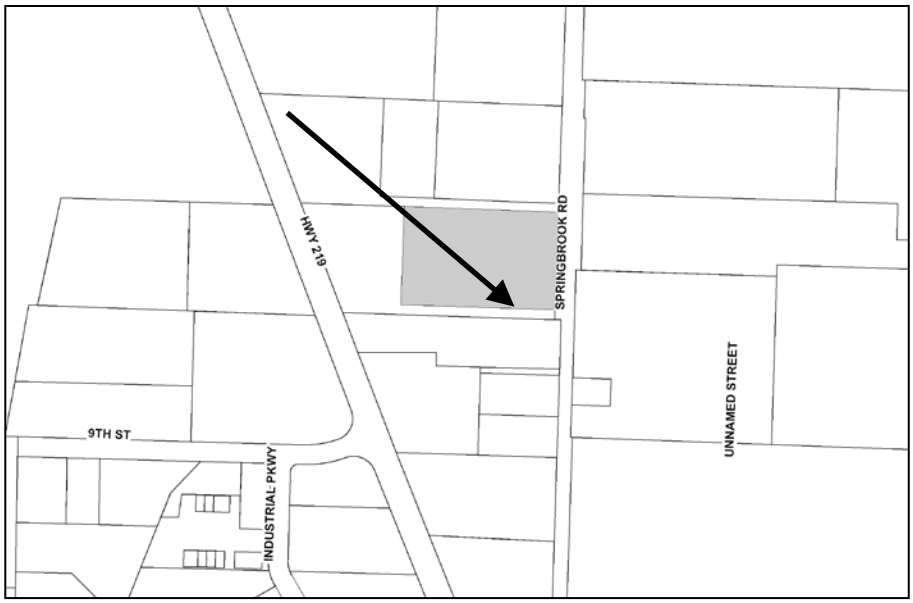
APPLICANT: ***Applicant's name***
TELEPHONE: ***Applicant's phone number***

PROPERTY OWNER: ***Property owner name***

LOCATION: ***Project Address***

TAX LOT NUMBER: ***Yamhill County Tax Map and Lot Number (i.e. 3219AB-1400)***

Insert site map with the project location highlighted as shown on the adjacent sample map.



We are mailing you information about this project because you own land within 500 feet of the proposed comprehensive plan zone change. We invite you to participate in the land use hearing scheduled before the City Council. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No.XX
City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

(City staff will give you the file number for your project at the time of application)

The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a comprehensive plan map and zone change are found in Newberg Development Code Section 15.302.030(A) (3).

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The City Council will make a decision on the application at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.

Date Mailed: ***Date notice is mailed***

CITY OF NEWBERG
REQUIREMENTS FOR POSTED NOTICES

For all Type II and Type III land use applications, the site must be posted with an approved notice. Newberg Development Code §15.100.260 establishes the standards for posted notices. Before notice is posted on the site, a copy of the notice must be submitted to the Planning & Building Office for review. Within two (2) days of posting the site, an affidavit of posting must be submitted to the Planning & Building Office.

Posted notices must contain the following information:

- Planning Division file number
- A brief description of the proposal
- Phone number and address for the Newberg Planning & Building Department, 414 E. First Street, phone 503-537-1240

Guidelines for Posting Notice:

- The posted notice must to be waterproof and a minimum of two (2) feet by three (3) feet in size.
- Each frontage of the site must be posted. If a frontage is more than six hundred (600) feet in length, additional notices are required for each six hundred (600) feet or fraction thereof. For example, a lot with a 1400' frontage on Wynooski Street must be posted with three notices along that frontage.
- The notices must not be posted within the public right-of-way, though they must be within ten (10) feet of it.
- The notices must be clearly visible to pedestrians and motorists in the public right-of-way, and must not be posted on trees.
- For Type II applications, the site must be posted at least fourteen (14) days before a decision is rendered.
- For Type III applications, the site must be posted at least ten days (10) before the first scheduled hearing.

Signs for posted notices:

The posted notices must be able to withstand adverse weather. All posted notice signs must conform to the attached example. Signs must be landscape orientation and white with black lettering ("sans-serif" font i.e. Arial or block printing).

Signs may be ordered custom-made from sign companies or applicants may construct their own signs.

Acceptable materials for notice signs: (dimensions: minimum 2' x 3')

- Plywood (but sign face must be white)
- Plastic or corrugated plastic
- Foam core board (available at many art and hobby supply shops)
- Water resistant poster board
- Other weatherproof materials

Posted notice signs may not be attached to trees, and must be located outside the public right-of-way but within ten (10) feet of it. Therefore, the signs should have legs or stakes or otherwise be freestanding.

Removal of Posted Notice:

The notice must remain posted until a final decision is made. Within ten (10) days of the final decision, the notice(s) must be removed from the site by the applicant.

CITY OF NEWBERG
SAMPLE POSTED NOTICE

Land Use Notice

FILE # (insert the file number assigned to you at the time of application)

PROPOSAL: (insert general description of project)

FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Planning & Building Department
414 E First Street
Phone: 503-537-1240

2′

3′

Notice must be white with black letters, and must be landscape orientation, as shown above.
The notice must be lettered using block printing or a “sans-serif” font, such as Arial.

·CITY OF NEWBERG
AFFIDAVIT OF NOTICING REQUIREMENTS

The affidavit on the following page must be submitted to the Planning & Building Department **within two (2) days of mailing notice** and **within two (2) days of posting notice.** The consequences of failure to mail and post notice, and to submit the affidavits within the two (2) day deadline are described in Newberg Development Code §15.100.210(J) and §15.100.260(I).

§15.100.210(J) - Failure to Mail the Notice:
Failure to mail the notice and affirm that the mailing was completed in conformance with the code shall result in:

(1) Postponement of a decision until the mailing requirements have been met; or

(2) Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or

(3) The entire process being invalidated; or

(4) Denial of the application.

§15.100.260(I) - Failure to Post the Notice:
The failure of the posted notice to remain on the property shall not invalidate the proceedings. Failure by the applicant to post a notice and affirm that the posting was completed in conformance with the code shall result in:

(1) Postponement of a decision until the mailing requirements have been met; or

(2) Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or

(3) The entire process being invalidated; or

(4) Denial of the application.

PLANNING DIVISION FILE #: _____

CITY OF NEWBERG
AFFIDAVIT OF NOTICING

REFERENCE ATTACHED LIST(S)/NOTICE(S)

I, _____, do hereby certify that the attached Notice of Land Use Action was:

a) mailed to the following list of property owners, by United States mail, postage prepaid on_____;
(date)

b) posted on the site according to standards established in Newberg Development Code §15.100.260 on_____.
(date)

_____
Date

_____
Signature

_____
Print Name

Planning Commission Schedule of Meetings 2015

Location: Public Safety Building - Training Room, 401 E. Third Street. 7 PM.

	APPLICATION DEEMED COMPLETE * 5 weeks prior to meeting	MAIL NOTICE TO PROPERTY OWNERS ** 3 weeks prior to meeting	NEWSPAPER AD, POST ON SITE *** 2 weeks prior to meeting (On Wednesday)	DISTRIBUTE PACKET TO COMMISSION (mandated)**** 8 days prior to meeting (On Wednesday)	MEETING DATE 2 nd Thursday (4th Thursday - Optional)
	December 4, 2014	December 18, 2014	December 23, 2014	December 31, 2014	January 8, 2015
	January 8, 2015	January 22, 2015	January 28, 2015	February 4, 2015	February 12, 2015
	February 5, 2015	February 19, 2015	February 25, 2015	March 4, 2015	March 12, 2015
	March 5, 2015	March 19, 2015	March 25, 2015	April 1, 2015	April 9, 2015
	April 9, 2015	April 23, 2015	April 29, 2015	May 6, 2015	May 14, 2015
	May 7, 2015	May 21, 2015	May 27, 2015	June 3, 2015	June 11, 2015
	June 4, 2015	June 18, 2015	June 24, 2015	July 1, 2015	July 9, 2015
	July 9, 2015	July 23, 2015	July 29, 2015	August 5, 2015	August 13, 2015
	August 6, 2015	August 20, 2015	August 26, 2015	September 2, 2015	September 10, 2015
	September 3, 2015	September 17, 2015	September 17, 2015	September 30, 2015	October 8, 2015
	October 8, 2015	October 22, 2015	October 28, 2015	November 4, 2015	November 12, 2015
	November 5, 2015	November 19, 2015	November 25, 2015	December 2, 2015	December 10, 2015

* *The application must be deemed complete by the Planning staff and fees paid by this date in order to be considered for the next Planning Commission meeting (add 20 days to submittal date for comprehensive plan and zone change application due to 35 days DLCD notice). After an application is submitted the Planning staff will check it for completeness. This typically takes two weeks, and can take up to 30 days.*

** *500 foot notice to property owners abutting the site. Notice must also be mailed prior to any hearing*

*** *An ad must be placed in "Newberg Graphic's" Wednesday edition at least 10 days prior to the Planning Commission Meeting*

**** *Packet must be in the mail to the Planning Commission and distributed to the Library, Department Heads and interested parties on this Distribution date: City Hall Bulletin Board: Planning Commissioners: Planning Staff: Director: City Manager: Support Team: Council*

§ 15.250.030 - TYPE III ANNEXATION CRITERIA

Annexation is the first step to converting future urbanizable lands to urbanizable land within the Newberg Urban Growth Boundary. It is an important part of the process of providing timely and orderly urban development. Development of lands at an urban density must include the provision of an adequate level of required urban services such as sewer, water, and roads. The City Charter requires that, unless otherwise mandated by state law, annexation may only be approved by a majority of those voting.

The following conditions must be met prior to or concurrent with city processing of any annexation request:

- The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.
- The subject site must be contiguous to the existing city limits

Provide a written response that specifies how your project meets the following criteria:

(A) The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.

(B) An adequate level of urban services must be available, or made available, within three years time of annexation. An adequate level of urban services shall be defined as:

(1) Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

(2) Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

(C) Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

(D) The burden for providing the findings for divisions (A), (B) and (C) of this section is placed upon the applicant.

ANNEXATION CHECKLIST

The following information shall be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division staff regarding additional requirements for your project.

☐ **FEES**

☐ **PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list to all properties within 500'.

Submit one original 8-1/2″ x 11″ or 11″ x 17″ reproducible document together with 20 copies of the following information.

☐ **WRITTEN CRITERIA RESPONSE** – Address the criteria listed on page 15.

☐ **CURRENT TITLE REPORT**

☐ **MEASURE 49 WAIVER**

☐ **ANNEXATION CONSENT FORMS**

☐ **MAP AND LEGAL DESCRIPTION OF THE PROPERTY –** Provide a map and a corresponding written legal description of the area to be annexed. The map and legal description must be capable of closure and be certified by a registered engineer or surveyor. If not certified, the map and description must be approved by the Department of Revenue per ORS 308.225.

☐ **GENERAL LAND USE PLAN –** Indicate types and intensities of proposed development, transportation routes (for pedestrians and vehicles), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and any development on adjacent properties.

☐ **DEVELOPMENT CONCEPT STATEMENT –** Provide a written statement about the overall development concept that addresses methods by which the physical and social environment of the site, surrounding area, and community will be enhanced by this project.

☐ **PUBLIC FACILITIES FINANCING STATEMENT –** Provide a written statement outlining the method and source of financing that will be used to provide public utilities to the site.

☐ **POSITIVE AND NEGATIVE EFFECTS STATEMENT –** Provide a written statement regarding the potential positive and negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller sub-community or neighborhood of which it will become a part, along with proposed actions to mitigate the negative effects.

ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned _____

_____

_____

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address)_____and (tax lot)_____, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this _____ day of _____, 20 ___.

_____

_____

_____

_____

STATE OF _____, County of _____ ss _____.
Month / day / year

Personally appeared the above named _____

_____

_____

and acknowledged the foregoing instrument to be _____ voluntary act and deed.

Before me:

_____

Notary Public for _____

My commission expires _____

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned

_____

_____

_____as

owner(s) of certain property have signed a consent to annex that property to the City of Newberg, Oregon, which consent is attached; and

WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city."; and

WHEREAS: The owner(s) desire that this consent to annex be valid until the property is annexed.

NOW, THEREFORE:

The undersigned do hereby request that the attached consent to annex be valid until the property is annexed to the City of Newberg, Oregon.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this _____ day of _____, 20 ___.

_____

_____

_____

_____

STATE OF _____, County of _____ ss _____.
month/day/year

Personally appeared the above named _____

_____

_____

and acknowledged the foregoing instrument to be _____ voluntary act and deed.

Before me:

_____

Notary Public for:

_____

My commission expires:

_____

§ 15.302.030 - TYPE III COMPREHENSIVE PLAN/ZONING MAP AMENDMENT CRITERIA

Property owners or the city may initiate a map amendment for one parcel or a small group of parcels under the Type III procedure. It may be initiated by a resolution of the Planning Commission or City Council. Unlike other Type III procedures, the decision of the Planning Commission on a Type III plan map amendment shall be in the form of a recommendation to the City Council. The City Council shall hold another new hearing and make a final decision. Where an application has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the City Council for good cause shall grant permission to do so.

Comprehensive Plan Designation	Corresponding 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, or M-3
PQ	Any zoning classification
P/PP	Any zoning classification

An application for a zoning map amendment is required to be submitted concurrently with an annexation application. In the event that the annexation request is denied, the zone change request shall also be denied.

Provide a written response that specifies how your project meets the following criteria:

The applicant must demonstrate compliance with the following criteria:

a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;
b) Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change.
c) Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENT CHECKLIST

The following information shall be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division staff regarding additional requirements for your project.

☐ **FEES**

☐ **PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list to all properties within 500'.

Submit one original 8-1/2″ x 11″ or 11″ x 17″ reproducible document together with 17 copies of the following information.

☐ **WRITTEN CRITERIA RESPONSE** – Address the criteria listed on page 19. The written response should detail how the proposed comprehensive plan map/zoning map amendment meets the goals and policies of the Newberg Comprehensive Plan. The written response should also address the location and size of existing public utilities to serve the site, or if none are currently available, detail how public utilities will be extended to serve the site.

☐ **CURRENT TITLE REPORT**

☐ **MEASURE 49 WAIVER**

☐ **MAP AND LEGAL DESCRIPTION OF THE PROPERTY –** Provide a map and a corresponding written legal description of the area to be changed. The map and legal description must be capable of closure and be certified by a registered engineer or surveyor. If not certified, the map and description must be approved by the Department of Revenue per ORS 308.225.

☐ **GENERAL LAND USE PLAN –** Indicate types and intensities of proposed development, transportation routes (for pedestrians and vehicles), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and any development on adjacent properties.

☐ **TRAFFIC STUDY –** A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility, or that would allow uses that would increase trip generation 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 be required by the Director for changes in areas 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. If required, the traffic study shall be conducted according to the City of Newberg design standards.

§ 15.225.060 - TYPE III CONDITIONAL USE PERMIT CRITERIA

It is recognized that certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration involves, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.

All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as out-right uses in any of the various districts herein defined. The authority for the location and operation thereof shall be subject to review and the issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of any such use shall be reasonably compatible with the types of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this code shall be served. Nothing construed herein shall be deemed to require the hearing body to grant a conditional use permit.

Conditional Uses Permitted in Any Zoning District (with an approved conditional use permit application):

(A) Airports and landing fields.
(B) Amusement parks.
(C) Carnivals and circuses, if established for more than two weeks, except those in conjunction with a county fair or other outdoor governmentally sponsored event.
(D) Cemeteries.
(E) Facilities for the care and/or lodging of alcoholics, except publicly or privately operated rehabilitation centers providing clinical supervision, care and intensive treatment to persons with alcohol and/or chemical dependency problems.
(F) Garbage dumps, sanitary land fills. Solid waste collection facility when under franchise by the city. This conditional use would include temporary storage and transfer of recyclable solid waste, supply storage, vehicle and equipment storage, service or repair and related accessory uses including disposal or landfill sites.
(G) Heliports and helistops.
(H) Jails or penal farms.
(I) Mental hospitals.
(J) Pound, dog or cat, (kennel).
(K) Race tracks, including drag strips and go-cart tracks.
(L) Sewage treatment plants.
(M) Home occupations with more than one outside paid employee working at the residence at any given time.
(N) Modifications to public street standards for the purpose of ingress and egress to a minimum of three and not more than six lots.

Provide a written response that specifies how your project meets the following criteria:

(A) The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.
(B) The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants. The proposed development will be consistent with this code.
(C) The proposed development will be consistent with this code.

CONDITIONAL USE PERMIT CHECKLIST

The following items must be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division regarding additional requirements for your project.

☐ **FEES**

☐ **PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list of all properties within 500'.

☐ **CURRENT TITLE REPORT** (within 60 days old)

Submit one original 8 ½″ x 11″ or 11″ x 17″ reproducible document together with 10 copies of the following information. In addition, submit two (2) full size copies of all plans.

☐ **WRITTEN CRITERIA RESPONSE** – Address the criteria listed on page 21.

☐ **PROJECT STATEMENT** – Provide a written statement that addresses the operational data for the project, including hours of operation, number of employees, traffic information, odor impacts, and noise impacts.

☐ **SITE DEVELOPMENT PLAN**. Make sure the plans are prepared so that they are at least 8 ½ x 11 inches in size and the scale is standard, being 10, 20, 30, 40, 50, 100 or multiples of 100 to the inch (such as 1":10', 1":20' or other multiples of 10). Include the following information in the plan set (information may be shown on multiple pages):

- ☐ Existing Site Features: Show existing landscaping, grades, slopes and structures on the site and for areas within 100' of the site. Indicate items to be preserved and removed.
- ☐ Drainage & Grading: Show the direction and location of on and off-site drainage on the plans. This shall include site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project. Provide an engineered grading plan if necessary.
- ☐ Utilities: Show the location of and access to all public and private utilities, including sewer, water, storm water and any overhead utilities.
- ☐ Public Improvements: Indicate any public improvements that will be constructed as part of the project, including sidewalks, roadways, and utilities.
- ☐ Access, Parking, and Circulation: Show proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points from adjacent streets. Provide dimensions for parking aisles, back-up areas, and other items as appropriate. Indicate where required bicycle parking will be provided on the site along with the dimensions of the parking spaces.
- ☐ Site Features: Indicate the location and design of all on-site buildings and other facilities such as mail delivery, trash disposal, above ground utilities, loading areas, and outdoor recreation areas. Include appropriate buffering and screening as required by the code.
- ☐ Exterior Lighting Plan: Show all exterior lighting, including the direction of the lighting, size and type of fixtures, and an indication of the amount of lighting using foot candles for analysis.
- ☐ Landscape Plan: Include a comprehensive plan that indicates the size, species and locations of all planned landscaping for the site. The landscape plan should have a legend that indicates the common and botanical names of plants, quantity and spacing, size (caliper, height, or container size), planned landscaping materials, and description of the irrigation system. Include a calculation of the percentage of landscaped area.
- ☐ ADA Plan Compliance: Indicate compliance with any applicable ADA provisions.
- ☐ Architectural Drawings: Provide floor plans and elevations for all planned structures.
- ☐ Signs and Graphics: Show the location, size, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features if applicable.
- ☐ Other: Show any other site elements which will assist in the evaluation of the site and the project.

☐ **TRAFFIC STUDY.** A traffic study shall be submitted for any project that generates in excess of forty (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 be required by the Director for projects below forty (40) trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service.

§ 15.344.030(A) - TYPE III HISTORIC LANDMARK ALTERATION / MODIFICATION CRITERIA

Excluding routine maintenance and minor alterations subject to Director review, requests to alter a designated landmark in such a manner as to affect its exterior appearance shall be reviewed for permit approval by the Planning Commission using the Type III procedure.

Alteration criteria – Provide a written response that specifies how your project meets the following criteria:

(A) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. Specific design elements which must be addressed include:
   1. Average setback. When a new structure is being constructed on an infill lot, the front yard setback shall be the same as the buildings on either side. When the front setbacks of the adjacent buildings are different, the front setback of the new structure shall be an average of the two.
   2. Architectural elements. The design shall incorporate architectural elements of the city's historic styles, including Queen Anne, Colonial Revival, Dutch Colonial Revival, and Bungalow styles. Ideally, the architectural elements should reflect and/or be compatible with the style of other nearby historic structures. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, roof dormers, and decorative trim boards.
   3. Building orientation. The main entrance of the new structure shall be oriented to the street. Construction of a porch is encouraged but not required. Such a porch shall be at least six feet in depth.
   4. Vehicle parking/storage. Garages and carports shall be set back from the front facade of the primary structure and shall relate to the primary structure in terms of design and building materials.
   5. Fences. Fences shall be built of materials which are compatible with the design and materials used in the primary structure

(B) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(C) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(D) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved to the extent possible.

(E) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall reasonably match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(F) Chemical or physical treatments, such as sandblasting, that cause extensive damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(G) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(H) New additions, exterior alterations, or related new construction shall not destroy historic character of the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(I) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

§ 15.344.030(B) - TYPE III HISTORIC LANDMARK NEW CONSTRUCTION CRITERIA

If an application is made to build a new building on a landmark site, the Planning Commission shall review the request through the Type III procedure to ensure the plans are compatible with any existing Landmark structures on the site. No new structure or major public improvement shall be constructed without review pursuant to the following criteria.

New Construction Criteria – Provide a written response that specifies how your project meets the following criteria:

Designs shall be compatible with any existing Landmark structures on the site in terms of size, scale, material and character. Contemporary designs shall not be discouraged when they do not destroy significant historical, architectural, or cultural material. Review criteria shall include consideration of the guidelines listed in § 15.344.030 (A)(3).

§ 15.344.030(C) - TYPE III HISTORIC LANDMARK DEMOLITION AND MOVING CRITERIA

The process and public notice for review of a demolition permit shall be conducted under the Type III procedure. Unless extended by mutual consent of the applicant and the Planning Commission, the Planning Commission shall complete any review within 45 days of the date the City received a complete application, with the intent that the Planning Commission and applicant seek alternatives such as sale, salvage, relocation or donation to historic or interested groups, not simply to delay the demolition or moving. The City Council may order the removal or demolition of any structure determined to be dangerous to life, health, or property. In the event of the demolition or moving of a landmark, building, structure, site or object, the history of such landmark shall be documented and kept on file with the city.

Demolition/Moving Criteria – Provide a written response that specifies how your project meets the following criteria:

In reviewing an application for a demolition permit or moving permit, the Commission shall consider the purpose of this code as stated in § 15.344.010 and the criteria used in the original designation of the landmark as stated in § 15.344.030 (D).

HISTORIC LANDMARK MODIFICATION/ALTERATION REVIEW CHECKLIST

The following items must be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division regarding additional requirements for your project.

☐ **FEES**

☐ **PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list of all properties within 500'.

☐ **CURRENT TITLE REPORT** (within 60 days old)

Submit one original 8 ½″ x 11″ or 11″ x 17″ reproducible document together with 11 copies of the following information. In addition, submit two (2) full size copies of all plans.

☐ **WRITTEN CRITERIA RESPONSE** – Address the criteria listed on page 23 or 24 as applicable.

☐ **PROJECT STATEMENT** – Provide a written statement that addresses the scope of the project. Include information about the historic nature of the structure (age, style) along with details about the existing and planned materials, textures, or any other information relevant to the structure.

☐ **SITE PLAN**. Make sure the plans are prepared so that they are at least 8 ½ x 11 inches in size and the scale is standard, being 10, 20, 30, 40, 50, 100 or multiples of 100 to the inch (such as 1":10', 1":20' or other multiples of 10). Include the following information in the plan set (information may be shown on multiple pages):

- ☐ Existing Site Features: Show existing landscaping, grades, slopes and structures on the site and for areas within 100' of the site. Indicate items to be preserved and removed.
- ☐ Site Features: Indicate the location and design of all on-site buildings and other facilities such as mail delivery, trash disposal, above ground utilities, loading areas, and outdoor recreation areas. Include appropriate buffering and screening as required by the code.
- ☐ ADA Plan Compliance: Indicate compliance with any applicable ADA provisions.
- ☐ Architectural Drawings: Provide floor plans and elevations for all existing and planned alterations. Include detail about existing materials used on the structure as well as proposed materials to be used in conjunction with any alteration of the structure.
- ☐ Other: Show any other site elements which will assist in the evaluation of the site and the project.

§ 15.240.010 - TYPE III PLANNED UNIT DEVELOPMENT CRITERIA

The city's planned unit development regulations are intended to:

(A) Encourage comprehensive planning in areas of sufficient size to provide developments at least equal in the quality of their environment to traditional lot by lot development and that are reasonably compatible with the surrounding area; and
(B) Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations; and
(C) Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types; and
(D) Provide for economy of shared services and facilities; and
(E) Implement the density requirements of the comprehensive plan and zoning districts through the allocation of the number of permitted dwelling units based on the number of bedrooms provided.

Prior to filing an application for preliminary plan consideration, the applicant or coordinator may request through the Director a pre-application conference to discuss the feasibility of the proposed planned unit development and determine the processing requirements. Consideration will be given to on-site and off-site factors to preserve natural amenities, create an attractive, safe, efficient, and stable environment, and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.

Provide a written response that specifies how your project meets the following criteria:

(1) The proposed development is consistent with standards, plans, policies and ordinances adopted by the city; and
(2) The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and
(3) Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:
   a) Public facility planning by the appropriate agencies; or
   b) A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project; or
   c) Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development.
(4) The provisions and conditions of this code have been met; and
(5) Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and
(6) There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and
(7) Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and
(8) Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.

PLANNED UNIT DEVELOPMENT CHECKLIST

The following items must be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division regarding additional requirements for your project.

☐ **FEES**

☐ **CURRENT TITLE REPORT** (within 60 days old)

☐ **PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list of all properties within 500'.

☐ **MEASURE 49 WAIVER**

Submit one original 8 ½″ x 11″ or 11″ x 17″ reproducible document together with 18 copies of the following information. In addition, submit two (2) full size copies of all plans.

☐ **WRITTEN CRITERIA RESPONSE** – Address the criteria listed on page 26. In addition, the written response should address the planned unit development general provisions found in § 15.240.020 of the Development Code.

☐ **SITE DEVELOPMENT PLAN** - Make sure the plans are prepared so that they are at least 8 ½ x 11 inches in size and the scale is standard, being 10, 20, 30, 40, 50, 100 or multiples of 100 to the inch (such as 1":10', 1":20' or other multiples of 10). Include the following information in the plan set (information may be shown on multiple pages):

- ☐ Existing Site Features: Show existing landscaping, grades, slopes and structures on the site and for areas within 100' of the site. Indicate items to be preserved and removed.
- ☐ Drainage & Grading: Show the direction and location of on and off-site drainage on the plans. This shall include site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project. Provide an engineered grading plan if necessary.
- ☐ Utilities: Show the location of and access to all public and private utilities, including sewer, water, storm water and any overhead utilities.
- ☐ Public Improvements: Indicate any public improvements that will be constructed as part of the project, including sidewalks, roadways, and utilities.
- ☐ Access, Parking, and Circulation: Show proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points from adjacent streets. Provide dimensions for parking aisles, back-up areas, and other items as appropriate. Indicate where required bicycle parking will be provided on the site along with the dimensions of the parking spaces.
- ☐ Site Features: Indicate the location and design of all on-site buildings and other facilities such as mail delivery, trash disposal, above ground utilities, loading areas, and outdoor recreation areas. Include appropriate buffering and screening as required by the code.
- ☐ Exterior Lighting Plan: Show all exterior lighting, including the direction of the lighting, size and type of fixtures, and an indication of the amount of lighting using foot candles for analysis.
- ☐ Landscape Plan: Include a comprehensive plan that indicates the size, species and locations of all planned landscaping for the site. The landscape plan should have a legend that indicates the common and botanical names of plants, quantity and spacing, size (caliper, height, or container size), planned landscaping materials, and description of the irrigation system. Include a calculation of the percentage of landscaped area.
- ☐ ADA Plan Compliance: Indicate compliance with any applicable ADA provisions.
- ☐ Architectural Drawings: Provide floor plans and elevations for all planned structures.
- ☐ Sun Exposure Plan Diagram: All buildings and structures on the site must comply with the sun exposure plan (see Figure VIII in the Development Code for more details).
- ☐ Signs and Graphics: Show the location, size, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features if applicable.
- ☐ Other: Show any other site elements which will assist in the evaluation of the site and the project.

☐ **TRAFFIC STUDY -** A traffic study shall be submitted for any project that generates in excess of forty (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 be required by the Director for projects below forty (40) trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service.

AFTER RECORDING RETURN TO:
City of Newberg
Planning and Building Department
PO Box 970 – (414 E. First Street)
Newberg, OR 97132

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Recitals

1) The undersigned, _____ and _____ (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to _____,_____ for the real property described in **Exhibit A** which is attached hereto and incorporated herein.

2) Pursuant to the enactment of **Ballot Measure 49** (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.

3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.

4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.

5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

NOW THEREFORE, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: _____, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.

4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER OWNER

_____ _____

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me on this _____day of _____, 200___, by _____ and _____.

_____
Notary Public for Oregon
My Commission expires: _____

CITY OF NEWBERG

_____
Norma I. Alley, City Recorder

Dated: _____

APPROVED AS TO FORM:

_____
Terrence D. Mahr, City Attorney

Dated: _____