PLANNING COMMISSION AGENDA
August 13, 2009
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

I. ROLL CALL

II. OPEN MEETING

III. CONSENT CALENDAR (items are considered routine and are not discussed unless requested by the commissioners)

1. Approval of July 9, 2009 Planning Commission Meeting Minutes

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

1. For items not listed on the agenda

V. LEGISLATIVE PUBLIC HEARING (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)

1. **APPLICANT: City of Newberg**
   REQUEST: Amend Newberg Development Code regarding proposed flexible development standards to support affordable housing
   FILE NO.: G-09-007 **RESOLUTION NO.: 2009-267**

VI. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: September 10, 2009

VII. ITEMS FROM COMMISSIONERS

VIII. ADJOURN

FOR QUESTIONS PLEASE STOP BY, OR CALL 537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TTY service please call (503) 554-7793.

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PLANNING COMMISSION MINUTES
July 9, 2009
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE AUGUST 13, 2009 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present:	Thomas Barnes	Derek Duff	Matson Haug
	Lon Wall, Chair	Cathy Stuhr	Philip Smith
	Nick Tri, Vice Chair	Amanda Golson, student PC	

Staff Present: Barton Brierley, Planning & Building Director
David Beam, Economic Development Planner
Steve Olson, Associate Planner
Dawn Karen Bevill, Recording Secretary

II. OPENING MEETING:

Chair Wall opened the meeting at 7:00 p.m. and asked for roll call.

III. CONSENT CALENDAR:

Chair Wall entertained a motion to accept the minutes of the June 11, 2009 meeting. Commissioner Haug motioned to accept the minutes and Commissioner Barnes seconded the motion. Chair Wall asked for any corrections or changes. Commissioner Stuhr noted corrections were needed as to the Commissioners who were listed as absent on many of the motions.

Motion #1 Haug/Barnes to approve the minutes from the Planning Commission meeting of June 11, 2009 as corrected (7 Yes/ 0 No/ 0 Absent), unanimous voice vote.

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Wall offered an opportunity for non-agenda items to be brought forth.

Mr. Larry Anderson stated that he was surprised to find nothing included in the proposed revisions of the development standards regarding public street standards. He believes changes are needed. Mr. Anderson hopes that this topic will be discussed in the future and he offered his help in any way he can. Newberg's rigid public street standards have as much to do with the poor planning and livability of neighborhoods as anything. It leads to more expensive housing. Creativity is needed in gaining access to develop many potential infill home sites in the community.

Commissioner Smith said the taskforce for affordable housing does recommend taking a look at street standards and making changes in the future. He asked Mr. Anderson to come back and give testimony when that issue is reviewed by the Commission. His input would be very helpful.

Commissioner Haug agrees there will be recommendations in the future and asked Mr. Anderson for a few examples of what he'd like to see changed. Mr. Anderson replied Jaquith Park Estates has private streets that work well, but would not be allowed today. The streets and right-of-way are narrower. The nicer neighborhoods have front yards but wide expansive streets take away from that. Each development parcel is unique and should be planned individually, allowing for creative design.

Chair Wall said this exact type of change regarding street standards was requested several years ago and he asked what has changed since then. Mr. Anderson said the price of land and the number of homes on a property have gone up. Lots are smaller and builders are placing large houses on those parcels to maximize profit.

Commissioner Haug stated private street standards for public streets would solve many problems.

Barton Brierley pointed out that the Affordable Housing Committee completed Phase I, which was to create an action plan; Phase II will look at potential changes to various development standards, including street standards.

V. LEGISLATIVE PUBLIC HEARING:

APPLICANT:	City of Newberg
REQUEST:	Consider adding and modifying specific standards in the Newberg Development Code to encourage affordable housing.
FILE NO.:	G-09-007
RESOLUTION:	2009-266

Chair Wall opened the hearing and asked for any abstentions, conflicts of interest, and objections to jurisdiction from the Planning Commission. None were brought forward.

David Beam gave the staff report (see meeting packet for details.) Mr. Beam announced there were members from the Affordable Housing Ad Hoc Committee in the audience, including Mike Willcuts, Charles Harris, and Dennis Russell, people who are directly involved with affordable housing development. They would be willing to answer questions posed by the Planning Commission.

Changes to Action 4.2A, Action 4.2K and Action 4.2M of the Newberg's Affordable Housing Action Plan (AHAP) were reviewed by Mr. Beam and the Planning Commission (Exhibit A to Resolution 2009-266 of the meeting packet (pages 14 – 20).

Commissioner Stuhr asked about the lot area per dwelling unit – 151.565 and asked if it encourages developers to reserve more areas for parks. David explained it should create more housing. Barton Brierley says it does encourage parks and open spaces because it helps with the density requirements.

Barton Brierley stated the Affordable Housing Committee wanted some changes regarding building heights; (pp 16 – 20). They recommended a change be made to allow for a second story on a garage for an accessory dwelling unit. Also, the committee wanted to provide an option for a residential development to go higher than allowed, based on the distance of the building from the property line and solar access.

Mr. Brierley discussed the example showing how the proposed optional standard building height limit (P18 of the packet) would work.

Chair Wall stated the shading calculations would be based on the angle of the sun in February.

Commissioner Smith likes the general idea of the proposal, but was unclear how standards E1 and E2 worked (P-17 of the meeting packet). Barton Brierley tried to clarify, using the graphic on page 18 of the meeting packet.

David Beam pointed out that graphic on page 19 did not print for some reason (under the "XXIII Building Height" title). Each Commissioner was given a handout that showed the missing graphic.

Thomas Barnes asked about the recent cell tower code amendments made by the Commission; did they allow for towers to be 18 feet above the main building? Barton Brierley replied yes.

Public Comments:

Mike Willcuts stated the information presented in the meeting packet is what was discussed at the Affordable Housing Committee meetings and he is in support of this plan. Mr. Willcuts also agreed with the comments stated by Mr. Anderson regarding the need to modify street standards.

Charles Harris also supports this resolution. He'd like to see a change on page 14 of the meeting packet, Exhibit A; 151.565 Section (A) - (1) changed from an average lot size in a subdivision for single family development not to exceed 10,000 square feet to 7,500 square feet in an R-1 District. This change is needed to promote higher density.

Chair Wall asked Mr. Harris if what is done with affordable housing should affect all scales of housing or just lower income housing. Mr. Harris replied we need to keep in mind the needs of all ranges of housing.

Dennis Russell commented he has been on a number of task forces and work groups during the length of his career. He complimented committee Chairman Philip Smith on the wonderful job he and City Staff did serving on the Affordable Housing Committee. Initiatives were put forward in "bites". A number of recommendations can be acted on now, even though there is

more refinement work to be done on other actions. Mr. Russell stated that providing affordable housing options for senior citizens is a challenge. Finding ways to incentivize developers to preserve and build affordable housing for seniors is difficult. Bringing more senior citizens into the community would be an asset to Newberg. Finding housing in Newberg with reasonable transportation options is needed for those of low income. One caveat, Charles Harris' recommendation for 7,500 square foot is Mr. Harris' recommendation; the Ad Hoc Committee voted and agreed upon 10,000 square feet figure. Mr. Russell said there are definite downward pressures on the price of a home today. Mike Willcuts and Mike Gougler, local developers and member of the Ad Hoc Committee, initiated discussion citing examples of what the market wants and what will most likely happen in the future. Market forces and development in the City was discussed and the 10,000 square feet figure was agreed upon.

Chair Wall closed the public testimony.

Closing Comments from Staff:

Barton Brierley stated that citizen participation is encouraged in Newberg and he thanked those who have been involved in those various committees that have tried to deal with the affordable housing issue. In the Committee on Newberg's Future, which Commissioner Stuhr served on, density was discussed and they recommended an increase that would move towards the established target densities.

The Affordable Housing Ad Hoc Committee looked at the density issue thoroughly. Mr. Brierley believes one of the toughest issues was regarding square footage of lot sizes -- what the maximum should be and whether the provision of affordable housing should be forced or chosen by the developer/builder.

Commissioner Haug asked about what was the profile of lot sizes for homes in Newberg. Barton Brierley replied that in the old core of Newberg, which are where there are the numbered streets, are around 5,000 square feet. The lots developed in the 1970s- 1980s are 7,500 – 9,000 square foot range. The lots developed in the 1990s in northwest Newberg area averaged at about 6,000 square feet.

Motion #2: Tri/Stuhr moved to accept the Planning Commission Resolution 2009-266.

Discussion:

Commissioner Haug stated his concern that lowering the square footage would put more pressure to create an R-0 District, which has been propose in the past.

Commissioner Smith inquired about the R-0 District. Commissioner Haug explained he remembered that there would be no limit on how big a lot could be in an R-0 District. Barton Brierley stated the proposal was years ago (1997?) and he remembered the proposal to be a lot size minimum 10,000 SF size with no maximum.

Chair Wall is in favor of the Resolution 2009-266. He would like to see making housing less expensive for people but not across the board, just on the lower income scale. This is a good move forward.

Commissioner Haug asked at what point Resolution 2009 – 266 would be forwarded to the City Council. Barton Brierley estimated five more meetings before going to the City Council.

Vote on Motion #2: Smith/Duff to approve Resolution 2009-266. (7 Yes/ 0 No/0 Absent) Motion carried.

VI. WORKSHOP: RESIDENTIAL DESIGN STANDARDS

Barton Brierley discussed the Affordable Housing Committee's recommendation that standards would apply across the board. The motion last month at the Planning Commission meeting asked staff to come back with examples and the intention at this meeting is to explain how the point system works. This is the same presentation Mr. Brierley gave to the Affordable Housing Committee. Mr. Brierley walked through the examples regarding subdivision design elements, site design elements, and building design elements using existing developments.

Creekside Development:

Commissioner Haug asked if there are points for walking paths or amenities. Barton Brierley stated some points are given for open spaces on this project. Commissioner Haug asked if there is any additional parking in the Creekside Development. Barton Brierley answered that there was some on-street parking. Commissioner Haug asked what the dimensions are of the backyards. Mr. Brierley replied most are an average of 20 feet deep and 30 feet wide; an average 600 sq. ft. back yard. Commissioner Haug asked about points for diversity of look and feel and Mr. Brierley replied none, since they are repetitive in this development.

Commissioner Haug stated this neighborhood is not attractive to him.

Chair Wall agreed, but stated it is attractive to other people. Commissioner Haug stated to some extent, different building styles makes the neighborhood more valuable and livable and many of the points aren't increasing the aesthetics of the neighborhood. Cathy Stuhr stated this area was constrained by the creek.

Commissioner Smith commented architectural features listed on the back page of the meeting handout are good; all are useful and you can't be too restrictive, but rather the scoring has to include more topics or a maximum on one particular item. Commissioner Haug believes the points should be spread out into more categories.

Commissioner Duff suggested meeting a minimum certification such as on site design.

Clifford Court:

Commissioner Haug asked about the street width and could it have been built with smaller widths. Mr. Brierley replied it is a 32-foot-wide street; much larger than needed for cars, but the extra width was needed to meet emergency vehicle standards.

Mr. Brierley added the Ad Hoc Committee thought this was a nice subdivision and that it would receive a quite a few points.

Cathy Stuhr said it lacks any points in category "A," and she likes the Creekside Subdivision better.

Chair Wall understands, but the purpose of the point system and what those points are worth to the developer is the concern at this time. He wants to hear the specifics from staff.

Commissioner Tri stated he sees only garage doors and pitched roofs when viewing this neighborhood, with no variety.

Mary Lou Lane:

Commissioner Haug stated the streets are too wide in this development, although the garages and porches are better placed.

Chair Wall stated personally he likes the Clifford Court development better.

Steve Olson stated this cul-de-sac is quite different from Clifford Court, which is a shorter cul-de-sac demanding the garage placement in front because of the pie-shaped lots with narrow frontages.

Commissioner Smith said due to the nature of the pie-shaped lots in Clifford Court, points were earned for the back yards which weren't visible on the overhead.

Barton Brierley stated many points would be earned from the architectural design and one story homes in this development.

Arlington:

Commissioner Haug stated this is an example of what Larry Anderson referred to during his comments early on at this meeting. He pointed out the overall feel and quality is nice due to the trees in the neighborhood.

Deborah/Douglas:

Barton Brierley stated this development didn't meet the standards at all; it only earned points for density and some homes are close to the street.

Commissioner Haug asked about the setback in this development. Barton Brierley said 5 -6 feet between the homes.

Commissioner Smith agrees with Chair Wall's statement that it's difficult to take aesthetic judgments and build them into a city code, but in spite of that, this point system can be helpful and useful. There will be no perfect system. It may need to be "tweaked" into more categories. There's a lot of flexibility for builders. Doing more than what this offers would be difficult.

Chair Wall asked City Staff what the developers get for their points. Barton Brierley said that they earned approval to build the project. In another sense, had the Deborah Project been built like the Arlington Project, it would be much more valuable since the densities are comparable. Chair Wall asked what they will get besides that. Mr. Brierley replied, per the code, it doesn't matter if it's one point over or many points over the threshold. He believes they get a more sellable product that will appreciate in value over time. Chair Wall asked if it would naturally be in the developer's interest to build something attractive to the buyer and is going to get as much money as possible; so why is a system needed to encourage them to do that, if there isn't any other trade off anywhere else. Shouldn't the points be based on better material benefit to the community than just personal aesthetics? Barton Brierley explained when the Planning Commission last saw these six to nine months ago there was something like that built in. There was a 3-prong system giving flexibility and different standards and in exchange for that flexibility, more design points needed to be met. In other words, if a lot of aesthetics were added to a project there would be more substantive flexibility; more density and the ability to have narrower lots. The Affordable Housing Committee recommended against that system and simply took the design standards out and moved them aside. Chair Wall stated if that's the case, this is much ado about nothing.

Commissioner Haug stated in order to have requirements for density, let's safeguard the community with an attractive place to live with inter connectivity between neighborhoods and contour with walkways, etc. which adds quality and comfort of livability to the community. Unfortunately, he's disappointed in the slide show due to lack of diversity in the presentation. He wants to be able to look at all the features at one time. In order to have more density, it's appropriate to make the best attempt possible to protect the livability, and he believes this can be made to work with enough flexibility. It will need to be a living document that changes over time.

Commissioner Smith reiterated that to have greater density, which should translate to greater affordability, there needs to be design elements to prevent "ugly" housing. One would hope the design scale would be so great and work so well a builder could not only make the scale but double the scale and use it to promote their houses. That's why the Affordable Housing Committee moved in this direction. He believes it's a livability approach with flexibility to the developer.

Commissioner Stuhr agrees with Commissioner Smith and stated these are the things valued in the community.

Steve Olson stated that he has some experience as a planner working with Newberg's point systems for multifamily homes and signs. Developers typically don't design around the standards but come in with a good idea of what they want to do and then see how the point system fits the

project. If they need to earn more points then they usually try to find the least costly way to do so. Developers only want to build projects that they think are marketable, so that is their starting point when they approach the city.

Barton Brierley asked for Amanda Golson's opinion, as well as any from the audience. Amanda Golson stated the developers want to make money and may do the bare minimum to make a profit. A "carrot" is needed in this process. The grouping system may work in the listed categories. Variety is needed in Newberg.

Commissioner Duff asked in terms of recent developments, are there any close to what is actually needed. Barton Brierley replied his feeling is that virtually every development over the last 5 years would have met these standards.

Councilor Denise Bacon, who was in attendance in the audience, stated that when the point system was originally developed and brought to the Planning Commission there were many who were upset about the notion; but as the Affordable Housing Committee continued discussions this concept became more acceptable.

Loriel Stutsman, audience member, asked what the cumulative effect will be and how to co-exist with more historic structures. Are we setting ourselves up to change every 30 years?

Commissioner Haug stated he has been on the Planning Commission for over 12 years and the Development Code and Comprehensive Plan are living documents, constantly evolving.

Commissioner Smith stated her question is a good one; the history of the City affects us whether we like it or not. At the same time, as time goes on, we have to be flexible. One of the criteria is design points for architectural element requirements. There will be change; yet parts of the City's past will continue to shape what is built.

Chair Wall stated he's been on the Planning Commission for nine years and there is a great deal in urban planning that is very arrogant and assumes we know how people should live, commute, what they should do - such as "Smart Planning", which can prejudice their point of view. The planning community nationally is bad about this; this is not a criticism of Newberg's City Staff. An awful lot of urban planning is based on opinion. He agrees with Commissioner Haug concerning gaining more information on this process.

Loriel Stutsman commented the points seem reasonable.

Chair Wall asked the Commissioners what they'd like to do at this point.

Commissioner Haug asked staff if they have the time and resources it would take to put together a handful of slides that show the variety of examples in the different categories. He feels the Commissioners do not have the aesthetic training on these features and values.

Commissioner Barnes suggested some Commissioners could take pictures on their own time and he volunteered as one of them. The Commissioners agreed and Mr. Barnes will take the time to do this.

Chair Wall asked if staff could help in this process. Barton Brierley stated staff could take tonight's discussion and work on a revision with more slides. They can incorporate that with the work Commissioner Barnes will do.

Commissioner Haug stated there may be some benefit to the community if the standards are more flexible.

VII. ITEMS FROM STAFF:

Update on Council Items:

Barton Brierley stated the City Council discussed the McClure property annexation at their last meeting, which has been appealed to the Land Use Board of Appeals. The question was whether to go forward with the election while the appeal is pending. The Council decided to set it aside for now and see if the appeal picture becomes clearer.

At the next meeting on July 20, 2009 they'll consider creating the structure for Phase II of the Affordable Housing Committee with an umbrella committee which will meet quarterly and a number of sub-committees that will meet more frequently.

The property at the corner of Mountainview and Alice Way has requested a one year extension to correct their non-conforming use. Some work has been done already. The City Council will be considering that extension on July 20, 2009.

Other Reports, Letters, or Correspondence:

Staff has made contact with Kentucky Fried Chicken regarding cleaning up their landscaping, and Steve Olson has received a call from the landscaper who will be working on it. We expect that the site will soon be improved by the owner/operator.

Next Planning Commission Meeting will be held on August 13, 2009.

VIII. ITEMS FROM COMMISSIONERS: None heard at this time.

IX. ADJOURN:

Chair Wall adjourned the meeting at 9:55 p.m.

Approved by the Planning Commission this 13th day of August, 2009.

AYES:	**NO:**	**ABSENT:** (List Name(s))	**ABSTAIN:** (List Names(s))

Planning Recording Secretary *Planning Commission Chair* *Date*

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TYPE IV, LEGISLATIVE PUBLIC HEARING PROCEDURE

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS[1]

2. CALL FOR ABSTENTIONS, CONFLICTS OF INTEREST AND OBJECTIONS TO JURISDICTION

3. STAFF REPORT

   A. PROJECT SUMMARY AND RECOMMENDATION BY STAFF

   B. STAFF SUMMARY OF LATE CORRESPONDENCE SUBJECT TO PLANNING COMMISSION REQUEST[2]

4. PUBLIC TESTIMONY (SEE "HOW TO TESTIFY" FORM)[3] [4]

   A. THE PLANNING COMMISSION CHAIR WILL CALL YOUR NAME WHEN IT'S YOUR TURN TO TESTIFY (NOTE: COMMISSIONERS MAY ASK QUESTIONS DURING THE TESTIMONY PERIOD, AT THE DISCRETION OF THE CHAIR)

5. STAFF SUMMARY OF WRITTEN TESTIMONY FROM REGISTRATION FORMS

6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING (GAVEL)

7. FINAL COMMENTS FROM STAFF

8. DELIBERATION OF COMMISSION

9. ACTION BY THE PLANNING COMMISSION

NOTE: No new public hearings will be started after 10:00 p.m. (except by majority vote of the Commission).

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1 The Chair of the Planning Commission may set time limits on the public testimony portion of the hearing.

2 ORS 197.763(3)(j) allows the City to establish procedures for submittal of evidence. The Planning Commission has established a period of one week prior to hearing for submittal of written evidence in order to be considered at the hearing. Written testimony received late will only be considered at the discretion of the Planning Commission.

3 Questions by those wishing to testify should be directed to the Chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

4 Questions may be asked by the Commissioners thru the chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

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City of Newberg
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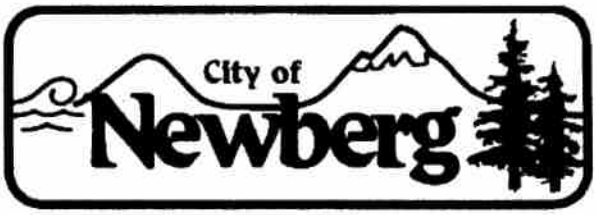

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Planning and Building Department

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CITY OF NEWBERG
COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT

FILE NO: GEN FILE 09-007

REQUEST: Amend Newberg Development Code regarding proposed flexible development standards to support affordable housing

APPLICANT: City of Newberg

PREPARED BY: City of Newberg Planning Staff

DATE OF HEARING: August 13, 2009

ATTACHMENTS:
Planning Commission Resolution No. 2009-267:
Exhibit A: Proposed Development Code Amendments
1. Proposed December 2007 Development Code Amendments regarding flexible development standards
2. Public Comment - None
3. *Newberg Affordable Housing Action Plan* (by reference)

SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing. On August 13, 2009, the Newberg Planning Commission will hold a public hearing regarding the proposed flexible development standards. The proposed Planning Commission Resolution No. 2009-267 recommends that the City Council adopt these proposed amendments.

BACKGROUND

In recent years, the City of Newberg has been taking examining the community's future land needs and taking steps to accommodate the anticipated future growth. The City's analysis of future land needs has found that if current housing construction trends continue into the future, lack of affordable housing in Newberg will likely continue to be a significant issue.

On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families." The Committee met twice a month from July 2008 to April 2009 with the goal to create an action plan to support the development and retention of affordable housing. On May 4, 2009, the Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing. Action 4.1 of the Plan proposes an optional "Flexible Development Track" that would allow developers flexibility in some development standards, provided they commit to providing some affordable housing. Under this proposal, a developer who voluntarily chooses to use this track would be given flexibility in development standards intended to make it easier and less expensive to create housing. In exchange for this flexibility, the developer would have to provide at least a certain amount of affordable housing. The obligation to provide affordable housing can be achieved with market-rate housing, provision of affordable housing units remain affordable in the long-term, and/or in-lieu credits though cash contributions to a City of Newberg Housing Trust Fund.

In regards to the most appropriate legal tool(s) to ensure that any provided affordable housing units that must remain affordable in the long-term, the Newberg Affordable Housing Action Plan recommends that these tools be developed in consultation with the City Attorney. It should also be noted that the City of Newberg Housing Trust Fund will need to be established.

On August 13, 2009, the Newberg Planning Commission will hold a public hearing regarding the proposed amendments supporting affordable housing to the Newberg Development Code. The proposed Planning Commission Resolution No. 2009-267 recommends that the City Council adopt the proposed amendments.

For reference, Attachment 1 describes the flexible development standard amendments previously proposed in December 2007. It should be noted that the current proposal does not include the design requirements element that was included in the 2007 version. The proposal is that the design standards would apply to all development, not just those using the flexible development track. That is why they are being considered separately.

PRELIMINARY STAFF RECOMMENDATION

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2009-267** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

PLANNING COMMISSION RESOLUTION NO. 2009-267

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG DEVELOPMENT CODE STANDARDS BY ADDING AN OPTIONAL "FLEXIBLE DEVELOPMENT TRACK" THAT WOULD ALLOW DEVELOPERS FLEXIBILTY IN SOME DEVELOPMENT STANDARDS, PROVIDED THEY COMMIT TO PROVIDING SOME AFFORDABLE HOUSING

RECITALS:

1. On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families."

2. On May 4, 2009, the Housing for Working Families Ad Hoc Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

3. One of the recommended actions within the *Newberg Affordable Housing Action Plan* is that the City consider the adoption of various amendments to the Newberg Development Code. Action 4.1 of the Plan proposes an optional "Flexible Development Track" that would allow developers flexibility in some development standards, provided they commit to providing some affordable housing.

4. On July 29, 2009, notice of a public hearing on the proposed amendments was published in the Newberg Graphic. The same notice was posted in four public places on July 23, 2009 and mailed to interested parties on July 23, 2009.

5. On August 13, 2009, the Newberg Planning Commission held a public hearing on the proposed amendments.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendments to the Newberg Development Code as shown in Exhibit A, contingent upon the Planning Commission's review of additional proposed development code amendments described in the Newberg Affordable Housing Action Plan.

This recommendation is based on the staff report and testimony.

DATED this 13th day of August, 2009

AYES: NAYS: ABTAIN: ABSENT:

ATTEST:

Planning Commission Secretary

Planning Commission Chair

Exhibit A: Proposed Newberg Development Code Amendments

Exhibit A to Resolution 2009-267
Proposed Newberg Development Code Amendments

§ 151.230 FLEXIBLE DEVELOPMENT TRACK PURPOSE AND INTENT

The purpose of this section is to provide an optional "Flexible Development Track" that would allow developers flexibility in some development standards, provided they commit to providing some affordable housing. Under this proposal, a developer who voluntarily chooses to use this track would be given flexibility in development standards intended to make it easier and less expensive to create housing. In exchange for this flexibility, the developer would have to provide at least a certain amount of affordable housing. The obligation to provide affordable housing can be achieved with market-rate housing, provision of affordable housing units guaranteed to remain affordable in the long-term, and/or in-lieu credits though cash contributions to the City of Newberg Housing Trust Fund.

§ 151.231 FLEXIBLE DEVELOPMENT STANDARDS

Developers choosing this option may elect to use any/all of the following flexible development standards. Use of this option will require the developer to make provisions for affordable housing as described in § 151.232.

(A) *Lot Standards:*

(1) *Street frontage.* Lot frontage or easement width required may be reduced from 25 feet to 20 feet.

(2) *Lot depth to width ratio.* Lot depth to width ratio may exceed standards otherwise permitted.

(3) *Other lot dimensions.* Other required lot dimensions, such as lot width, may be reduced without limit.

(4) *Rounding up credit for "partial" lots.* Where the maximum number of lots allowed is a fraction the number of lots allowed may be rounded (with decimals 0.5 or over rounded up). For example, where zoning allows 10.8 lots, applicant may round up to 11 lots. Lot sizes within the development may be reduced by up to 25% in order to attain the partial lot.

(5) Multi-unit density bonus. Multi-unit residential developments may increase the allowed number of units by up to 5 percent beyond the maximum density otherwise allowed in the zone.

(6) *Minimum lot size.* Minimum lot sizes may be reduced as follows:

(a) R-2: Reduce from 3,000 square feet to 2,500 square feet

(b) R-3: Reduce from 3,000 square feet to 1,500 square feet

(c) R-P Reduce from 3,000 square feet to 2,500 square feet

(B) Site Design Standards.

(1) *Side yard setback.* Side yard setback may be reduced to 3 feet.

(2) *Front yard setback.* Front yard setbacks may be reduced to 10 feet.

(3) *Coverage.* Lot coverage, parking coverage or combined coverage may be increased an additional 10% beyond the applicable standard (for example, from 30% to 40%).

(C) Street and Sidewalk Standards.

(1) *Sidewalk location.* Sidewalks may be constructed on one side only of local streets.

(2) *Sidewalk type.* Curb-side sidewalks, 6-feet in width, may be constructed on local streets, eliminating required planter strips.

(3) *Street width.* Subject to Fire Marshal and City Engineer approval, street width may be reduced to 28-feet with parking on both sides where, in their determination, adequate emergency access, large vehicle access, and parking can be maintained.

(4) *Right-of-way width.* Right-of-way width may be reduced, depending upon the street/planter strip/sidewalk configuration. In no case shall the right-of-way width be less than 38 feet.

§ 151.232 FLEXIBLE DEVELOPMENT STANDARDS – AFFORDABLE HOUSING PROVISION

A developer that chooses to utilize the flexible development standards described in § 151.231 shall provide affordable housing, as detailed below. The required amount of affordable housing to be provided will be 50% of the extra units above what would normally be expected in the development. "What would normally be expected" would be calculated as 80% of the target density. The formula is as follows:

50% x [#dwelling units in development – (target density in zone {du/ac} x lot size in acres x 80%)] = required Equivalent Affordable Dwelling Units (EADUs).

The following describe affordable dwelling units:

(A) *Long-term Affordable Dwellings*

(1) *Moderate income units.* Residential units on the subject property reserved for qualifying buyers or renters with incomes at or below one hundred percent (100%) of Newberg area median income equal 0.75 EADUs.

(2) *Low income units.* Residential units reserved for qualifying buyers or renters with incomes at or below eighty percent (80%) of Newberg area median income equal 1.0 EADUs.

(3) *Very low income units.* Residential units reserved for qualifying buyers or renters with incomes at or below fifty percent (50%) of Newberg area median income equal 1.25 EADUs.

(4) In order to use this option, the applicant must execute a development agreement to produce the requisite, long-term affordable units, and to guarantee they remain affordable for a period of not less than 25 years. The agreement must be approved by the City Attorney,

(5) The applicant also may meet this obligation by transfering title to a sufficient amount of buildable land for development of equivalent number of affordable housing units, as prescribed in subsections a, b, and/or c, to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable development corporation for the purpose of complying with subsections a, b, and/or c, above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. If to be transferred, ownership of the land shall be transferred to the affordable housing developer or development corporation in accordance with said development agreement

(6) The Director shall determine the Newberg area median income.

(7) Rent rates for long-term affordable dwelling units shall be established so that a household at the moderate, low, or very low income levels, as appropriate, does not pay more than thirty percent (30%) of its gross household income on rent.

(8) Housing sales prices for deed-restricted for-sale, affordable dwelling units shall be established so that a household at the moderate, low, or very low income levels, as appropriate does not pay more than thirty percent (30%) of their gross household income on a mortgage, homeowners insurance, and property taxes at the time of purchase.

(9) The housing sales prices and rent levels prescribed in subsections (f) and (g), above, shall be at the time of purchase or execution of rental contract, as applicable. Sales prices and rent levels of long-term affordable dwelling units shall be allowed to appreciate or increase according to an inflation index as determined by the Director.

(B) *Market rate affordable units.* Market rate affordable units are dwellings on the subject property that, by virtue of their size, are more likely to be affordable on the open market. Such market rate units must meet one or more of the following criteria:

(1) studio or one-bedroom dwellings with less than 600 square feet gross floor area.

(2) two-bedroom dwellings with less than 800 square feet gross floor area.

(3) dwellings containing three or more bedrooms and containing less than 1,000 square feet floor area.

(4) accessory dwelling units.

Market rate affordable units equal 0.5 EADUs.

(C) *Construction of off-site units.* Long term affordable dwellings or market rate affordable units may be constructed at an alternate location in the City and equal 75% of the EADUs of on-site units. The off-site unit may not be used as affordable dwelling points for any other project. If this option is selected, the applicant shall file an agreement with the City stating the election to use the off-site unit as credit for the applicant's project. A property for construction of the off-site units must be secured and platted in a reasonable time frame, as determined at the Planning and Building Director's discretion. The off-site units must be constructed within 2 years of the completion of the principal on-site development.

(D) *Purchase of affordable dwelling in-lieu credits.* In-lieu of constructing affordable dwelling units, the applicant may purchase affordable dwelling in-lieu credits by paying a fee to the City of Newberg Housing Trust Fund. The fee shall be assessed at the time of final plat for a subdivision, or at time building permit issuance for other projects. The price of each credit shall be established by resolution of the City Council. The price of a credit shall be calculated based on the following:

The estimated average cost for a market-rate dwelling unit suitable for a median sized family in Newberg, minus the estimated average purchase price affordable to a median sized low-income family

DECEMBER 2007 DRAFT FLEXIBLE DEVELOPMENT STANDARDS
(FOR COMPARISON ONLY - NOT CURRENTLY PROPOSED)

SECTION 7. THE FOLLOWING SHALL BE ADDED AS NEWBERG DEVELOPMENT CODE §§ 151.253.1 THROUGH 151.253.7

FLEXIBLE DEVELOPMENT, AFFORDABLE DWELLINGS AND DESIGNS

• 151.253.1 PURPOSE AND INTENT

The purpose of this section is to support development at target densities, to facilitate the development of affordable dwelling units, and to promote traditional neighborhood development design. • 151.2543.5 provides flexibility in residential development standards when such development provides affordable dwelling units and improved design as compared to conventional code requirements.

• 151.253.2 APPLICABILITY

This section applies to the following types of land use applications:

(A) Residential development of a property with a zone change approved on or after *[the effective date of this section]*, where the change results in an increase in allowable density, and with the potential to create four (4) or more dwelling units, including annexation requests.

(B) Planned unit developments

(C) Preliminary subdivision plats where the applicant is utilizing the flexible development standards/incentives under • 151.253.4.

(D) Multifamily design review where the applicant is utilizing the flexible development standards/incentives under • 151.253.5.

• 151.253.3 REVIEW PROCEDURES

Projects using the standards in •151.253 are reviewed under the same process as a development not using • 151.253, except the applicant must also provide an Affordable Dwelling Unit Plan, as follows:

(A) Planned unit developments, preliminary subdivision plats, and multifamily design review applications must specify the number, type, size (number of bedrooms and floor area) and location of proposed affordable dwelling units in accordance with • 151.253.4.

(B) The review body may modify and/or condition the Affordable Dwelling Unit Plan to ensure conformity with • 151.253.4.

(C) The review body may require the applicant to enter into a development agreement, record deed restrictions, and/or provide other assurances for the provision of affordable dwelling units in accordance with this section.

• 151.253.4 CALCULATION OF POINTS AND MINIMUM SCORES

Projects using these standards accumulate flexible development points (flex points) using • 151.253.5, affordable dwelling points (affordable points) using • 151.253.6, and residential design points (design points) using • 151.253.7.

In order to be approved, any project using these standards shall achieve a score where the sum of

the affordable dwelling points and the residential design points meet or exceed the number of flexible development points accumulated. In addition, the number of affordable dwelling points achieved shall be at least 40 percent of the number of flexible development points accumulated, and the number of residential design points achieved shall be at least 40 percent of the number of flexible development points accumulated. The following formulas must be met:

Affordable points ≥ flex points x 40%

Design points ≥ flex points x 40%

Affordable points + design points ≥ flex points

• 151.253.5 FLEXIBLE DEVELOPMENT POINTS

Developments using this section may gain flexibility in the density and design using the standards listed below. For each flexible standard used, the development shall accumulate flexible development points (noted as "flex points") as noted below.

(A) *Density change flexible standards.* Where a zone change (including annexation) has been approved that would allow a greater residential density of the property, the property shall accumulate flexible development standard points using the following formula: *Flex points = (New Target Density – Previous target or maximum density) x lot area x 10.* Where there was no target or maximum density previously on the property, or where the previous density was less than one dwelling unit per acre, the previous target density shall be assumed to be one dwelling unit per acre.

(B) *Subdivision lot design flexible standards.*

(1) *Lot size averaging.* Lot size may be reduced below the minimum size allowed in the zone by up to 20% provided the average size of all lots in the land division is equal to or greater than the minimum lot size allowed by the zone. Lots intended for non-residential uses shall not be counted when calculating the average lot size, except that the area in tracts set aside as usable common open space or natural resources may be counted toward the overall lot area. Such tracts need not be counted in the total number of lots for this purpose. *(1 flex point for each 1% lot size reduction on each lot)*

(2) *Street frontage.* Lot frontage or easement width required may be reduced from 25 feet to 20 feet (*1 flex point for each foot of frontage reduction for each lot with reduced lot frontage*)

(3) *Lot depth to width ratio.* Lot depth to width ratio may exceed standards otherwise permitted *(10 flex points for each lot exceeding the maximum lot width to depth ratio.)*

(4) *Other lot dimensions.* Other required lot dimensions, such as lot width, may be reduced without limit *(10 flex points per lot dimension modified per lot)*

(5) *Rounding up credit for "partial" lots.* Where the maximum number of lots allowed is a fraction the number of lots allowed may be rounded (with decimals 0.5 or over rounded up). For example, where zoning allows 10.8 lots, applicant may round up to 11 lots. *(10 flex points for each 0.1 lot added)*

(B) *Site design flexible standards*

(1) *Reduced side yard setbacks.* Side yard setbacks may be reduced to 3 feet, subject to building codes. (*5 flex points for each lot with reduced side yard setbacks.*)

(2) *Coverage.* Lot coverage, parking coverage or combined coverage may be increased, up to 10%. *(1 flex point for each 1% increase in lot coverage per lot)*

(C) *Building design elements*

(1) *Increased building height.* Building height may be increased by up to 36 feet, up to 3 stories. *(1 flex point for each foot of building height increase per dwelling)*

(D) Street and access standards. Reduction of street widths are allowed, where permitted as a conditional use under § 151.211 N. *(1 flex point for each foot of street width reduction times the number of lots accessing that street)*

(E) Multi-unit density bonus. Multi-unit residential developments may increase the allowed number of units by up to 5 percent beyond the maximum density otherwise allowed in the zone *(10 flex points for each dwelling unit achieved over the maximum number otherwise allowed).*

• 151.253.6 AFFORDABLE DWELLING POINTS

Developments using this section accumulate affordable dwelling points (shown as "affordable points" below) according as noted below.

(1) *Deed-Restricted Affordable Dwellings*

(a) *Median income units.* Residential units on the subject property reserved for qualifying buyers or renters with incomes at or below one hundred percent (100%) of Newberg area median income *(75 affordable points per dwelling unit)*

(b) *Low income units.* Residential units reserved for qualifying buyers or renters with incomes at or below eighty percent (80%) of Newberg area median income *(100 affordable points per dwelling unit).*

(c) *Very low income units.* Residential units reserved for qualifying buyers or renters with incomes at or below sixty percent (60%) of Newberg area median income *(125 affordable points per dwelling unit).*

(d) In order to use this option, the applicant must execute a development agreement to produce the requisite, deed-restricted affordable units, that runs with the land; or transfer title to a sufficient amount of buildable land for development of equivalent number of affordable housing units, as prescribed in subsections a, b, and/or c, to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable development corporation for the purpose of complying with subsections a, b, and/or c, above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. If to be transferred, ownership of the land shall be transferred to the affordable housing developer or development corporation in accordance with said development agreement. The agreement must guarantee compliance with affordable criteria for a period of not less than *[10-60]* years.

(e) The Director shall determine the Newberg area median income.

(f) Rent rates for deed-restricted affordable dwelling units shall be established so that a household does not pay more than thirty percent (30%) of its gross household income on rent and utilities.

(g) Housing sales prices for deed-restricted for-sale, affordable dwelling units shall be established so that the household does not pay more than thirty percent (30%) of their gross household income on a mortgage, homeowners insurance, utilities, and property taxes at the time of purchase.

(h) The housing sales prices and rent levels prescribed in subsections (f) and (g), above, shall be at the time of purchase or execution of rental contract, as applicable. Sales prices and rent levels of deed-restricted affordable dwelling units shall be allowed to appreciate or increase according to an inflation index as determined by the Director.

(i) For projects requiring 300 or more affordable points, at least 25 percent of the points must be accumulated using this option.

(2) *Market rate affordable units*: Affordable dwelling points may be accumulated by providing residential units on the subject property that, by virtue of their size, are more likely to be affordable on the open market. Such market rate units must meet one or more of the following criteria: *(50 affordable points per dwelling unit).*

(a) studio or one-bedroom dwellings with less than 600 square feet gross floor area.

(b) two-bedroom dwellings with less than 800 square feet gross floor area.

(c) dwellings containing three or more bedrooms and containing less than 1,000 square feet floor area.

(d) accessory dwelling units.

(3) *Construction of off-site units:* Deed restricted affordable units or market rate affordable units may be constructed at an alternate location in the City and receive 75 percent of the affordable points that would be given for on-site units. The off-site unit may not be used as affordable dwelling points for any other project. If this option is selected, the applicant shall file an agreement with the City stating the election to use the off-site unit as credit for the applicant's project. A property for construction of the off-site units must be secured and platted in a reasonable time frame, as determined at the Planning and Building Director's discretion. The off-site units must be constructed within 2 years of the completion of the principal on-site development. The off-site units shall meet the residential design standards of • 151.253.7. (4)

(4) *Purchase of affordable dwelling in-lieu credits.* In-lieu of constructing affordable dwelling units, the applicant may purchase affordable dwelling in-lieu credits by paying a fee to the City of Newberg Housing Trust Fund. The fee shall be assessed at the time of final plat for a subdivision, or at time building permit issuance for other projects. The price of each credit shall be established by resolution of the City Council. Unless determined otherwise by the Council, the credit shall be determined with the following formula: 1 affordable credit = (median Newberg dwelling sale price – house price affordable to median Newberg family)/75.

• 151.253.7 RESIDENTIAL DESIGN POINTS

The purpose of this section is to ensure that residential developments taking advantage of the flexible development standards under • 151.253.5 provide good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the review process, an applicant for a residential subdivision, multi-unit residential project, or planned unit development project that is subject to • 151.253.5, must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. For more information and illustrations of the following design elements, refer to *Newberg Residential Development Design Guidelines (July 1997).*

Where the applicant is using design elements that will be achieved when future building permits are issued , the applicant shall submit a design sheet for the subdivision that explains which design elements must be incorporated into the dwellings when they are constructed.

The applicant shall develop appropriate Covenants, Codes and Restrictions which include design requirements that meet the standards of this section of the Code to be recorded at the time of final plat.

Multi-unit developments – the number of residential design points accumulated shall be determined using the following formula: *Number of points scored using § 151.195 x number of dwelling units x 0.25.*

Residential subdivisions and Planned Unit Developments - the number of residential design points (known as "design points") shall be determined as follows:

(A) Subdivision design elements

(1) The subdivision achieves at least 80 percent of the target density for the zone. *(5 design points for each dwelling above 80% of target density using the following formula: Proposed # of dwellings - Target # of dwellings x 80%) x 5 points = # points, rounded to nearest whole number)*

(2)Use public walkways or multi-use paths not adjacent to streets *(1 design point per 100 linear feet of walkway or path)*

(3) Use extra width (6 feet or wider) planter strips between sidewalks and streets *(1 design point for each 100 square feet of additional planter strip area)*

(4) Use alleys for access *(3 design points per lot with alley access)*

(5) Provide additional on-street parking *(1 design point per on-street parking space provided beyond 1 per unit)*

(6) Use antique street lighting styles as approved by City *(1 design point per lighting fixture used)*

(7) Use site furnishings to enhance open space. Communal amenities such as benches, gazebos, playground equipment, fountains, and/or common patios enhance the outdoor environment and comprise not less than one-half percent of the estimated construction cost of all building(s). Estimated costs are subject to city review and

approval. *(1 design point per $1,000 in furnishings)*

(8) Provide usable common recreational area, including but not limited to play fields, walking trails, exercise circuit, playgrounds, common patios, gardens, and/or similar functional and age-appropriate common facilities, a central green or pocket park(s) in a subdivision. *(1 design point per 500 square feet of area)*

(9) Preserve existing natural features, including topography, water features, and/or native vegetation. *(1 design point per 1,000 square feet of natural area, up to 20% of required design point total)*

(10) Preserve and protect existing healthy, attractive trees with a trunk diameter of 8 inches or larger. *(1 design point per tree 8 to 16 inches diameter, 2 design points per tree above 16 inches diameter)*

(11) Provide maintenance contracts for common areas and planter strips. *(1 design point per lot fronting a planter strip or common area with maintenance contract)*

(B) Site design elements

(1) Bring dwelling close to street by keeping dwelling at most 25 feet from the front property line. *(1 design point per dwelling)*

(2) Use a single narrow (10 to 14 feet width) driveway per unit, or single shared driveway (20 feet to 24 feet width) for two units *(1 design points per dwelling)*

(3) Provide increased setbacks between buildings. Increase side yard setbacks (perpendicular to street) so that there is minimum 15-foot separation between buildings on at least one side. *(1 design points per separation)*

(4) Provide a useable interior yard or courtyard (minimum width and depth of 20 feet at all points) of at least 1000 square feet. *(1 design point per dwelling)*

(5) Reduce percent total lot and building coverage. *(1 design point per each 2 percent lot coverage reduction)*

(6) Use a uniform fence design for the development. *(1 design point per lot with fence design)*

(C) Building design elements

(1) Use entry features and accents such as distinctive building or paving materials and detailing (e.g., unenclosed and covered porch (minimum depth of 6 feet and minimum width of 8 feet), roof overhang or, recessed entry with distinctive arch or gable, pergola, arbor, pathway pavers, or similar feature) to mark major entries to multi-unit buildings or individual units. *(1 design point per dwelling)*

(2) De-emphasize the garage on the front façade

(a) If on front façade, limit garage to single car entrance (16 feet entrance width or less) *(2 design points per dwelling)*

(b) If on front façade, limit garage to two car entrance (28 feet entrance width or less) *(1 design points per dwelling)*

(c) Garage even with or setback up to 10 feet from front façade of dwelling. *(1 design point per dwelling)*

(d) Garage setback 10-19 feet from front façade of dwelling *(2 design point per dwelling)*

(e) Garage setback 20 or more feet from front façade. *(3 design point per dwelling)*

(f) Garage entrance not facing street. If side of garage faces the street, then windows, doors, shutters, or similar architectural features are placed that comprise at least 20 percent of the side wall *(2 design point per dwelling)*

(3) Orient buildings toward the street. This means orienting individual entries and porches to the street, with front entry not more than 25 feet from the street. In cluster cottage developments with internal circulation and grounds, this means that at least 50% of the units have main entries facing a street or common private drive, rather than be oriented toward a parking lot or the interior. *(1 design point per dwelling)*

(4) Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings. *(1 design point per 5 dwellings)*

(5) Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch Colonial Revival, or Bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style window, roof eave brackets, dormer windows, and decorative trim boards. *(1 design point per dwelling)*

(6) Use roof pitches 6:12 or greater *(1 design point per dwelling)*

(7) Use at least two (2) different types of contrasting siding materials on each elevation. Siding materials may including, but are not limited to wood, wood composite (wood-appearance siding), board and batten (not more than 16 inches between batts), brick masonry, stone masonry, shake (cedar or concrete-fiber shake applied on upper portions of exterior walls and gable ends), stucco, and similar materials at the discretion of the Director. Each material or pattern used to meet this standard shall comprise at least 20 percent of the subject elevation *(1 design point per dwelling).*

(8) Use architectural features to create interest in the façade such as bay windows, wood or wood-like sash windows with divided lights, curved windows, exposed wooden window shutters, wood or wood-like sash windows, and wood or wood-like trim, balconies, cupolas, rounded arches, and pergolas/trellis work integrated into building facades *(1 design point per dwelling).*

(9) On boundaries with lots outside the development that have existing dwellings, limit the height of new dwellings to not more than 5 feet higher than the existing dwelling, unless new dwelling or portion of the new dwelling would be separated from the existing dwelling by 30 feet or more *(2 design points per dwelling on the boundary).*

(10) To promote privacy, on upper floors facing and within 10 feet of an interior property line, any windows must be either placed above the sight line from interior, or must be of a frosted or opaque type *(1 design point per dwelling).*

(11) Use multiple, non-repetitive dwelling designs. Where substantially similar dwelling designs are repeated within a subdivision, they are separated by at least two dwellings of different designs on the same side of any street frontage. Dwellings designs that vary at least three dominant façade features (such as façade materials, roof orientation, reversed orientation, porch or garage features) are not considered substantially similar *(1 design point per dwelling).*

• 151.253.7 APPLICABILITY OF OTHER REGULATIONS

Except as expressly provided by • 151.253.5, the provisions of this section do not replace or supersede any other city regulations, codes or standards.