

PLANNING COMMISSION AGENDA

July 14, 2011

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 June 9, 2011 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 HEARINGS (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission. No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.)

1. APPLICANT: City of Newberg

REQUEST: Amend the Newberg Development Code definitions and requirements for manufactured dwellings, and create a new manufactured dwelling district

FILE NO.: DCA-11-001

RESOLUTION NO.: 2011-293

CRITERIA: 15.302.030(C)

2. APPLICANT: City of Newberg

REQUEST: Amend the Newberg Development Code lot coverage limit in the R-1 zone from 30% to 40% for one story homes, and modify lot coverage requirements

FILE NO.: DCA-11-005

RESOLUTION NO.: 2011-294

CRITERIA: 15.302.030(C)

VI. ITEMS FROM STAFF

1. Update on Council items; Rydell letter; other reports, letters or correspondence
2. Next Planning Commission meeting: August 11, 2011

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.

PLANNING COMMISSION MINUTES

June 9, 2011

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE JULY 14, 2011 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Philip Smith, Chair Thomas Barnes, Vice Chair
Lon Wall Allyn Edwards
Art Smith Gary Bliss
Kale Rogers, Student PC

Absent: Cathy Stuhr (excused)

Staff Present: Barton Brierley, Building & Planning Director
Steve Olson, Associate Planner
DawnKaren Bevill, Minutes Recorder

II. OPEN MEETING:

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

III. CONSENT CALENDAR:

Vice Chair Smith entertained a motion to accept the minutes of the May 12, 2011 meeting.

MOTION #1: Art Smith/Gary Bliss approve the minutes from the Planning Commission Meeting of May 12, 2011. (6Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR:

Barton Brierley introduced Elizabeth Fouch who is a student from George Fox University and also doing an internship with the City of Newberg Planning Division.

V. LEGISLATIVE PUBLIC HEARINGS:

APPLICANT: City of Newberg
REQUEST: Amend the Newberg Development Code requirements for signs in the Civic Corridor zoning overlay.
LOCATION: Civic Corridor overlay zone
FILE NO. DCA-10-001 **RESOLUTION NO.:** 2011-289
CRITERIA: 15.302.030(C)

Opening of the Hearing:

Chair Smith opened the hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction to either of the two Legislative Public Hearings to be heard at this meeting. None were brought forward.

Steve Olson gave the staff report and PowerPoint presentation.

Summary:

The existing Civic Corridor sign code is too restrictive.

Some good signs that meet the intent of the Civic Corridor overlay can't be approved.

City Council Resolution 2011-2939 initiated a development code amendment process.

The Planning Commission held a workshop on this issue 4/14/11.

Tonight: Public hearing on proposed changes & PC recommendation

Next step: City Council public hearing (tent. 7/18/11)

Purpose of Civic Corridor overlay:

It was created in 2002 to emphasize the civic heart of the community, characterized by the Library and City Hall. The overlay has specific design standards for buildings and signs to ensure that new developments are consistent with local historic traditions

Mr. Olson explained the existing sign code and reviewed the existing signs in the Civic Corridor. He then explained the proposed changes to the design themes.

Proposed Changes:

Current: Signs must include at least 4 out of 6 possible design elements + meet C-3 standards.

Proposal: Simplify - require signs to meet at least one of the design themes + meet C-3 standards. The proposal simplifies the code, and allows the CCC sign to be approved. It sets clear standards for signs within the Civic Corridor, and keeps the requirement to meet C-3 standards.

Development Code Changes:

(E) *Signage standards.* In addition to the C-3 signage requirements of § 15.435.010 through §15.435.120, to encourage the historic character of the Civic Corridor as described in § 15.350.010, sign lettering within the Civic Corridor shall not exceed 12 inches in height, and signs shall include at least **one** of the following elements:

- (1) The sign includes a frame, background or lettering in copper, bronze or brass in natural finishes, comprising at least 5 percent of the sign face.
- (2) The sign is a freestanding brick monument sign.
- (3) The sign lettering is in a raised relief, and is constructed of either naturally-finished metal or white-painted wood (or material that appears to be wood).
- (4) The sign lettering is engraved in either metal or masonry.
- (5) The sign is attached to a mounting bracket and allowed to swing freely.

Staff Recommendation:

Staff recommends adoption of Resolution 2011-289 recommending that the City Council adopt the proposed Development Code amendments to the Civic Corridor sign regulations.

The commissioners generally agreed with the proposed changes. They discussed the impact the code changes would have, and did not propose any specific changes to the code language.

MOTION #2: Wall/Barnes moved to approve Planning Commission Resolution No. 2011-289. (6 Yes/ 0 No/1 Absent [Stuhr]) Motion carried.

APPLICANT: City of Newberg
REQUEST: Amend the Newberg Development Code pertaining to batch annexation procedures.
LOCATION: Citywide
FILE NO: DCA-11-002
CRITERIA: 15.302.030(C)

RESOLUTION NO.: 2011-291

Staff Report: Barton Brierley gave the staff report and Powerpoint presentation.

Proposed Amendments:

Create a “batch” annexation process, where annexation of a group of small properties could be considered together.

Clarify procedures for legislative annexations.

Modify procedures for annexation of properties surrounded by the city (“island” annexations) to conform to recent changes in state law.

Allow legal non-conforming residential use of property to remain after annexation.

Purpose of Amendments:

Reduce costs for housing (and other uses).

Clarify annexation process when City is applicant.

Conform to state laws.

Batch Annexations:

Allows small annexations (< 3 buildable acres) to be grouped.

Annexation considered directly by City Council when in compliance with comprehensive plan.

Annexations go to vote under one ballot title.

Legislative Annexations:

For City Council initiated annexations

For example – health hazards, islands, street right-of-ways

Could include R-4, LIDs

“Application” requirements not imposed

Island Annexations:

State law requires residents in island get to vote

Annexation of residential property “delayed” for 3-10 years.

Annexation of Non-conforming residential uses:

Law currently requires removal of non-conforming uses within 1-10 years of annexation

Applies to residences also

Proposal would allow non-conforming residential uses to remain indefinitely

Staff Recommendation:

Staff recommends adoption of Resolution 2011-291, recommending the City Council adopt the proposed amendments

Questions:

Commissioner Barnes asked for clarification regarding the annexation process deadlines on the bottom of page 34(B) and on page 40 B (1). Barton Brierley explained the first one is for the regular annexation process and the second one would be for the batch annexation which is a shorter process.

Commissioner Wall asked for clarification regarding the proposed amendments on page 30 and Action 4.2E on page 31. Barton Brierley explained the action in 4.2E is from the Affordable Action Plan recommendation but this amendment does not propose any changes to the voter annexation requirements.

Commissioner Wall referred to the Legislative annexations on page 38 and stated the Planning Commission will lose some oversight on some annexations in the future. He referred to page 40, item B (4) and asked why, if the City Council can initiate the batch annexation at any time, set specific deadlines for applications? Barton Brierley explained the code will have specific times when annexations can be initiated, giving property owner’s specific times they can apply and have their proposal considered. This City Council could also allow a batch annexation at other times, such as on a special election.

Chair Smith asked if an acreage limit can be placed on it, either taking it to the Planning Commission or to the City Council. Barton Brierley does not see an issue in doing that.

Commissioner Wall agreed with a limit on total acreage as Chair Smith suggested and believes the non-residential should be left out of batch annexations.

MOTION #3: Barnes/Art Smith moved to approve Planning Commission Resolution No. 2011-291.

MOTION #4: Wall/Barnes to amend the motion as follows: Batch annexations apply to only residential; adding A (4) on page 39; residential properties only. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

MOTION #5: Bliss/Smith moved to amend with the addition of B (5), page 40; if the total acreage of the batch annexations exceeds 15 acres, it shall be referred to the Planning Commission for a hearing and recommendation. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

MOTION # 6: Barnes/ Wall moved to amend re-number the paragraphs section B on page 40 as follows: B (1) remains the same; B (3) will become B (2); B (4) will become B (3); and B(2) will become B (4). (5 Yes/ 1 No [Philip Smith])/ 1 Absent [Stuhr]) Motion carried.

Vote on Motion #3: (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

VI. NEW BUSINESS:

REQUEST: Consider initiating a Development Code Amendment to increase the maximum lot coverage allowed in the R-1 zone from 30% to 40%.

FILE NO.: DCA-11-005

RESOLUTION NO.: 2011-292

Chair Smith stated he has had second thoughts regarding the procedure of this request at the last Planning Commission meeting. After talking to Mr. Brierley and Mayor Bob Andrews he believes he erred. As Planning Commission Chair, he cannot commit City resources just on his say-so alone, but instead should have stated it would be taken under advisement and then it could be voted upon during the Items from Commissioners or New Business section of the meeting as to whether or not the Planning Commission instructs City Staff to develop a resolution.

Barton Brierley gave the following background on the request:

Doug Lanz- Managing Partner for the Terrace Heights Subdivision and Northwest Classic Custom Homes, spoke.

Doug's concerns were about Newberg's lot coverage requirements. Due to 30% lot coverage regulations, the size of a ranch home is limited to around 1800sq ft (Including garage)

The biggest complaint he hears from potential buyers is the inability to build a big enough home. They want a 2200-2400sq ft home on one level.

He is asking for lot coverage to be increased to 40%.

The Planning Commission can initiate the amendment. If they so chose, staff will schedule a hearing at a later date (most likely around July 14th).

Definitions:

Lot Coverage- portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building, except any area covered by a structure where 50% or more of the perimeter of such structure is open from grade

Parking Coverage- portion of a lot covered by parking lots, aisles, and access, and parking structures, where 50% or more of the perimeter of such structure is open on it sides

Mr. Brierley reviewed the current standards

Purpose for Lot Coverage Standards:

Control Storm Drainage

Provide for Outdoor Living Area on a Lot

Limit Development Density to that Appropriate for the Zone

Mr. Brierley reviewed the City's recent changes made to development standards.

Request:

Amend the development code to increase the maximum lot coverage in R-1 from 30% to 40%

Issues:

Lot sizes have gone down, yet house sizes have increased

Preferences for single story homes and multiple car garages

Preferences more for indoor living and less for outdoor living

Options:

Adopt the resolution as attached or with amendments

Adopt the resolution, contingent on the requestor filing an application and filing fee (\$2,035)

Take no action

Deliberation:

Commissioner Bliss has difficulty with the confusing language about maximum coverage on page 51 (B) and asked for clarification from staff. Mr. Brierley explained it applies to lot and parking coverage and the language should probably be changed. Commissioner Bliss asked why a carport is different from a garage. Barton Brierley explained the code does not really define the purpose of that; his reading of it is a carport ends up being more like an outdoor area and less dense than an enclosed garage. Chair Smith said this does lack a purpose statement for the lot coverage limits because the language is not clear. Commissioner Bliss stated we will need to deal with the proximity of the houses to each other and there is nothing preventing a 2 – 3 story home.

Commissioner Art Smith stated this is an issue due to the element of population who want to move to Newberg and if this can be fixed rather easily, if 40% is a good percentage according to staff, then he agrees. It will be an asset to the community.

Commissioner Barnes stated due to the lot sizes being smaller; the 30% does not work anymore.

Kale Rogers stated if the resolution is adopted, it should be limited to single story houses.

MOTION#7: Edwards/Barnes moved to ask staff to prepare a resolution for a public hearing having to deal with 40% lot coverage in R-1; having it apply to residential uses only; for a single-story residential in the R-1 zone and not to apply to small accessory additions. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

VII. ITEMS FROM STAFF:

Update on Council items:

Barton Brierley stated at their last meeting the City Council heard the Economic Opportunities Analysis changes and the South Industrial Urban Growth Boundary amendment proposal. They will deliberate at the July 20, 2011 meeting. Also, the Habitat for Humanity partition has been appealed to the City Council and they will hear that June 20, 2011. The hearing will be a Record Hearing meaning there will be no oral testimony, just the minutes from the Planning Commission meeting. They will also discuss the uses and rules regarding public spaces on June 20, 2011.

Correspondence: Barton passed out information to the Commissioners from Mr. Anderson regarding the May 14, 2011 minutes.

The next Planning Commission Meeting is scheduled on Thursday, July 14, 2011.

VIII. ITEMS FROM COMMISSIONERS:

Gary Bliss will be away on vacation and will not be in attendance for the July 14, 2011 Planning Commission meeting.

IX. ADJOURN:

Chair Smith adjourned the meeting at 9:10 p.m.

Approved by the Planning Commission on this 14th day of July, 2011.

AYES:

NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

Planning Commission Chair

TYPE IV, LEGISLATIVE PUBLIC HEARING PROCEDURE

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS¹
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 REQUEST²
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).

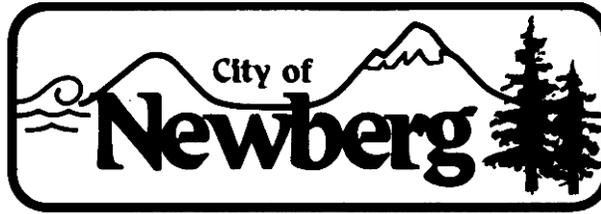
¹ The Chair of the Planning Commission may set time limits on the public testimony portion of the hearing.

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.

City of Newberg
414 E First Street
P.O. Box 970
Newberg, OR 97132



City Manager
(503) 538-9421
(503) 538-5013 Fax

Planning and Building Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132 ▪ (503) 537-1240 ▪ Fax (503) 537-1272

STAFF REPORT

FILE NO: DCA 11-001

REQUEST: Amend the Newberg Development Code regulations regarding manufactured housing, and create a new R-4 Manufactured Dwelling District

INITIATED BY: Newberg City Council via the Affordable Housing Action Plan

PREPARED BY: City of Newberg Planning Staff

DATE OF HEARING: July 14, 2011

ATTACHMENTS:

Resolution 2011-293 with:

Exhibit A: Proposed Development Code Text Amendments

Exhibit B: Findings

1. Illustrated definitions
2. Excerpts from ORS 197
3. Excerpts from ORS 446

A. SUMMARY

The proposed amendments would:

- Adopt the state definitions for manufactured housing
- Reorganize some sections, for example to clearly separate regulations for recreational vehicles and manufactured homes.
- Resolve a few inconsistencies, such as clearly determining the procedure type for some approvals.
- Implement clear and objective standards for placement of manufactured dwellings as required by state law.
- Allow recreational vehicles in manufactured dwelling parks and RV parks with no residency time limits as required by state law.

B. BACKGROUND

The amendments proposed have two purposes:

Purpose 1: Implement the Affordable Housing Action Plan strategy to facilitate new areas devoted to manufactured housing. Manufactured housing provides a good source of affordable housing for many

households, both old and young, couples, singles and families. About 10 percent of Newberg housing is manufactured dwellings. However, few new areas of manufactured housing are being created, and in fact some manufactured housing is being lost due to the right-of-way acquisition for the bypass.

The proposal would create a new R-4 manufactured housing zone. The impetus for this amendment comes from Action 4.2F of the Affordable Housing Action Plan, which states:

Action 4.2F: Create new R-4 zone for manufactured home subdivisions. A new R-4 zone should be created that would allow manufactured home subdivisions and parks as the sole permitted use. Properties being zoned R-4 should be eligible for the expedited annexation process described above.

The Affordable Housing Action Committee reviewed this action and proposed draft language for a new R-4 zone. The proposal would create the R-4 zone, but does not apply it to any land at this time.

Purpose 2: Bring Newberg's manufacturing housing codes up to date with state law and current industry practices. While Newberg's manufacturing housing rules have been tweaked over the years, many of the rules are still outdated. Some of the language has not changed since 1968, though practices have changed substantially since then. In addition, there have been amendments to state law controlling local zoning for manufactured housing, and Newberg has yet to update its code to match these requirements.

The Planning Commission held a workshop on this item at their March 10, 2011 meeting.

C. RECOMMENDATION

Staff recommendation is made prior to public testimony, and may be modified after the hearing. At this time, staff recommends that the Planning Commission:

Adopt Resolution 2011-293, recommending that the City Council adopt the proposed amendments.

PLANNING COMMISSION RESOLUTION NO. 2011-293

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG
RECOMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO THE NEWBERG
DEVELOPMENT CODE AND COMPREHENSIVE PLAN RELATING TO MANUFACTURED
HOUSING**

RECITALS:

1. The Newberg Affordable Housing Action Plan recommends creation of a manufactured dwelling zone to promote placement of manufactured housing in appropriate locations.
2. Newberg’s manufactured housing regulations are in need of update to conform to state laws and current industry practices.
3. On July 14, 2011, the Newberg held a hearing to consider the amendments, heard testimony, and deliberated.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends that the City Council adopt the amendment to the Newberg Development Code and Newberg Comprehensive Plan as shown in Exhibit A.

This recommendation is based on the findings shown in Exhibit B and on testimony.

Adopted by the Newberg Planning Commission this 14th day of July, 2011.

AYES: NAYS: ABSTAIN: ABSENT:

ATTEST:

Planning Commission Secretary

Planning Commission Chair

Exhibit A: Development Code Text Amendments

Exhibit B: Findings

Exhibit “A” to Resolution 2011-293 Manufactured Housing Amendments

Note: Added text is shown in double underline.

Deleted text is shown in ~~strikeout~~.

SECTION 1. NEWBERG COMPREHENSIVE PLAN POLICY I.3.e. SHALL BE AMENDED AS FOLLOWS:

Manufactured homes shall be permitted in the following locations: 1) manufactured dwelling and mobile home parks, 2) ~~mobile~~manufactured home subdivisions, and 3) individual lots within all residential districts when units meet manufactured home standards. Manufactured dwellings shall be allowed in manufactured dwelling parks, mobile home parks and ~~manufactured~~mobile home subdivisions when units meet the provisions of the ~~Zoning Ordinance~~Development Code. (As amended by Ord. 2380, 6-6-94)

SECTION 2. NEWBERG COMPREHENSIVE PLAN POLICY III.2 SHALL BE AMENDED AS FOLLOWS:

Residential land is divided into three categories. Density rather than housing type is generally the most important development criteria used to classify residential areas. Manufactured dwelling parks, ~~M~~mobile home parks and ~~mobile~~manufactured home subdivisions are permitted outright in the medium density residential zone. Manufactured homes on individual single family lots are permitted.

SECTION 3. THE DEFINITIONS IN NMC 15.05.030 SHALL BE MODIFIED AS FOLLOWS:

“Accessway” means a drive or roadway which provides vehicular access within a ~~mobile home~~ Park~~development other than a street~~.

Automobile Sales. See “motor vehicle, ~~mobile home~~manufactured dwelling, and recreational vehicles sales area.”

“Manufactured dwelling” means a residential trailer, mobile home or manufactured home.

“Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

“Manufactured dwelling park” means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a manufactured home subdivision.

“Manufactured dwelling park space” means an area, tract of land, or portion of a manufactured dwelling park that is designed or used for occupancy by one manufactured dwelling or recreational vehicle.

“Manufactured home subdivision” means a subdivision where the use of lots is limited to one manufactured home per lot or uses accessory to the home or the subdivision.

“Manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

~~“Manufactured home park” means any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to offer space free in connection with securing the trade or patronage of such person.~~

~~“Mobile home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.~~

~~A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes. A manufactured relocatable living unit.~~

~~“Mobile home Manufactured structure accessory building or structure” means: any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and specifically includes but is not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks, steps, and ramps.~~

~~1. — Any awning, portable, demountable or permanent cabana, ramada, carport, porch, skirting or steps established for use of the occupant of the mobile home and which is designed or intended to be attached to and which depend, in whole or in part, upon the mobile home for structural support.~~

~~2. — Prefabricated and site built mobile home accessory buildings and structures not dependent in whole or in part upon the mobile home for structural support.~~

~~“Mobile home park” means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Mobile home park” does not include a manufactured home subdivision.~~

~~Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to offer space free in connection with securing the trade or patronage of such person.~~

~~“Mobile home space” means a plot of ground within a mobile home park designed for the accommodation of one mobile home.~~

“Mobile home park space” means an area, tract of land, or portion of a manufactured dwelling park that is designed or used for occupancy by one manufactured structure.

“Modular home” means a dwelling meeting ~~Uniform Building Code~~the Oregon Residential Specialty Code standards and constructed and inspected prior to installation on a preformed foundation. Modular homes are not constructed with attached wheels and are not intended for moving on the highway without a special trailer. “Modular home” is treated the same as a site built dwelling for purposes of the Development Code.

“Motor vehicle, ~~mobile home~~manufactured dwelling and recreational vehicles sales area” means a lot used for display, sale or rental of any new or used motor vehicles, ~~mobile homes~~manufactured dwellings or recreational vehicles, where no repair work is done except minor, incidental repairs of motor vehicles, ~~mobile homes~~manufactured dwellings or recreational vehicles to be displayed, sold or rented for use off of the premises.

“Recreational structure” means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the State of Oregon.

“Recreational vehicle” means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the State of Oregon. ~~means a vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms. The unit shall be identified as a recreational vehicle by the manufacturer and meet applicable federal standards for construction.~~

“Recreational vehicle park” or “RV park”

1. Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

a. The renting of space and related facilities for a charge or fee; or

b. The provision of space for free in connection with securing the patronage of a person.

2. Does not mean:

a. An area designated only for picnicking or overnight camping; or

b. A manufactured dwelling park or mobile home park.

~~means a parcel or parcels of land upon which two or more recreational vehicle spaces are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational purposes.~~

“Recreational vehicle space” means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

“Residential trailer” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Type II Procedure. These actions shall be decided by the director. Type II actions shall include, but not be limited to, future street plans, site design review, partitions, subdivisions, variances, and manufactured dwelling and mobile home parks.

SECTION 4. NEWBERG MUNICIPAL CODE SECTION 15.100.030, TYPE II PROCEDURE – EXCEPT SUBDIVISIONS, SHALL BE AMENDED AS FOLLOWS

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

1. Site design review.
2. Variances.
3. Manufactured home-dwelling parks and mobile home parks.
4. Partitions consisting of three or less new lots.

SECTION 5. NEWBERG MUNICIPAL CODE SECTION 15.220.050(B)(6), CRITERIA FOR DESIGN REVIEW (TYPE II PROCESS), SHALL BE AMENDED AS FOLLOWS

6. Manufactured Home, Mobile Home and RV Parks. Manufactured home and, mobile home, ~~and recreational vehicle~~ parks shall also comply with the standards listed in 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170~~15.445.050 et seq.~~ in addition to the other criteria listed in this section.

SECTION 6. NEWBERG MUNICIPAL CODE SECTION 15.250.080 COMPREHENSIVE PLAN AND ZONING DESIGNATION (UPON ANNEXATION), SHALL BE AMENDED AS FOLLOWS:

15.250.080 Comprehensive plan and zoning designations.

A. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.

B. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of § 15.302.030 shall not be required.

Comprehensive Plan Classification	Appropriate Zoning Classification
-----------------------------------	-----------------------------------

OS	Any zoning classification
----	---------------------------

LDR	R-1
-----	-----

MDR	R-2, <u>R-4</u>
-----	-----------------

HDR	R-3, <u>R-4</u>
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, M-3, M-4 or AI
PQ	Any zoning classification
P/PP	Any zoning classification <u>CF</u>

C. If a zoning classification is requested by the applicant for other than that described in division (B) of this section, the criteria of NMC 15.302.030 shall apply. This application shall be submitted concurrently with the annexation application.

D. In the event that the annexation request is denied, the zone change request shall also be denied.

SECTION 7. NEWBERG MUNICIPAL CODE CHAPTER 15.304.030(H), PERMITTED BUILDINGS AND USES (IN THE R-1 DISTRICT) SHALL BE AMENDED AS FOLLOWS:

H. Manufactured homes on individual lots provided the homes meet the development standards set forth in NMC 15.445.~~050020~~ through 15.445.~~070040~~.

SECTION 8. NEWBERG MUNICIPAL CODE SECTION 151.306.020 K-L, PERMITTED BUILDINGS AND USES IN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT, SHALL BE AMENDED AS FOLLOWS

K. Manufactured dwelling parks, mobile home parks, and manufactured home subdivisions subject to terms and conditions set forth in NMC 15.445.075 through 15.445.160.

L. Manufactured homes, subject to the following:

1. Manufactured homes on individual lots, provided the homes meet the development standards set forth in NMC 15.445.~~020-050~~ through 15.445.~~070040~~.

2. Manufactured homes within mobile home parks and manufactured mobile-home subdivisions subject to the terms and conditions set forth in NMC 15.445.~~075050~~ through 15.445.~~170~~.

~~L. Mobile home parks and mobile home subdivisions subject to terms and conditions set forth in NMC 15.445.050 through 15.445.1~~

SECTION 9. NEWBERG MUNICIPAL CODE CHAPTER 15.308.020(L), PERMITTED BUILDINGS AND USES (IN THE R-3 DISTRICT) SHALL BE AMENDED AS FOLLOWS:

L. Manufactured homes on individual lots created prior to November 17, 1992. ~~New manufactured dwellings~~ Manufactured homes on individual lots created on or after November 17, 1992 will only be permitted through the planned unit development process. The homes must meet the development standards set forth in NMC 15.445.~~050020~~ through 15.445.~~070040~~.

**SECTION 10. THE FOLLOWING SHALL BE ADDED AS NEWBERG MUNICIPAL CODE
CHAPTER 15.309:**

Chapter 15.309

R-4 MANUFACTURED DWELLING DISTRICT

15.309.010 Description and purpose.

A. The purpose of this land use designation is to provide locations reserved for manufactured homes, manufactured dwelling parks, mobile home parks, manufactured home subdivisions, and related uses.

B. This district allows manufactured homes, mobile home parks, or manufactured home subdivisions at a density of up to 12 dwellings per acre. The R-4 District is intended to be consistent with the medium density residential or high density residential designation of the comprehensive plan.

15.308.020 Permitted buildings and uses.

In the R-4 Manufactured Dwelling District the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:

A. Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and NMC 15.309.030.

B. Group care homes within manufactured dwellings or existing dwellings..

C. Home occupations using existing dwellings or manufactured dwellings.

D. Manufactured homes on individual lots (one per lot). The homes are not subject to the development standards set forth in NMC 15.445.020 through 15.445.040.

E. Manufactured home subdivisions, including manufactured homes (one per lot) within the subdivision.

F. Manufactured dwelling parks.

G. Mobile home parks.

H. Open space.

I. Private and public parks, playgrounds.

J. Parking areas.

K. Public or private parking garages.

L. Transportation facilities and improvements.

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

15.309.030 BUILDINGS AND USES PERMITTED CONDITIONALLY.

In addition to the buildings and uses permitted conditionally, listed in NMC 15.309.020, the Planning Commission may grant a conditional use permit for any of the following buildings and uses in accordance with a Type III procedure:

A. Churches.

B. Community centers.

C. Day nurseries.

D. Duplexes.

E. Group care facilities.

F. Multiple-family dwellings.

G. Planned unit developments.

H. Private clubs, lodges and meeting halls.

I. Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure or utility pole more than 18 feet. Top hat antenna installations are prohibited.

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

SECTION 11. NEWBERG MUNICIPAL CODE CHAPTER 15.310.020(M), PERMITTED BUILDINGS AND USES (IN THE RP DISTRICT) SHALL BE AMENDED AS FOLLOWS:

M. Manufactured homes on individual lots, provided the homes meet the development standards as set forth in NMC 15.445.~~050020~~ through 15.445.~~070040~~.

SECTION 12. NEWBERG MUNICIPAL CODE CHAPTER 15.352.050(A), RESIDENTIAL DESIGN STANDARDS (IN THE RIVERFRONT DISTRICT) SHALL BE AMENDED AS FOLLOWS:

A. Single-Family Dwellings.

1. For single-family dwellings, including manufactured ~~dwellings-homes~~ on individual lots, at least two of the following design features must be provided on the street-facing facade:

- a. Covered front porch at least six feet in width and length.
- b. Eaves (minimum 12-inch overhang).
- c. Bay or bow windows.
- d. Dormers.
- e. Window shutters.
- f. Cupolas.
- g. Horizontal lap siding.

2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

SECTION 13. NMC 151.445.020 – 151.445.170 shall be amended as follows:

Article III. Mobile Homes -- Mobile Home Subdivisions -- RV Parks **Article II. Manufactured Dwellings**

15.445.~~050010~~ Description and purpose.

The regulations contained in this article are intended to provide a suitable living environment for residents of mobile home parks, manufactured dwelling parks, and manufactured mobile home subdivisions and set forth development standards that will be compatible with adjacent land uses.

15.445.~~060020~~ Applicability.

It is the policy of the city to conform its regulations to federal and state laws and regulations, and this article are a supplement to federal and state statutes, rules and regulations governing the manufacture and installation of ~~mobile homes~~manufactured dwellings and ~~mobile homemanufactured dwelling~~

accessory structures, and the design and development of mobile home parks, manufactured dwelling parks, and manufactured mobile home subdivisions. Nothing herein contained shall be construed to supersede or replace federal or state statutes, rules or regulations with respect to, but not limited to, park and mobile-manufactured dwelling setbacks, coverage, minimum play area, patio requirements, street and walkway design and lighting, accessory buildings and structures, skirting, tie down, plumbing, electrical, fire safety, sanitation, certification and inspection requirements.

15.445.070030 Permitted locations.

Unless otherwise provided herein, upon compliance with applicable regulations and processes, mobile homes for dwelling purposes manufactured dwellings only shall be permitted:

- A. In ~~licensed and~~ approved mobile home parks or manufactured dwelling parks.
- B. As manufactured homes ~~in~~ approved manufactured mobile home subdivisions.
- C. As manufactured homes on individual lots, where such homes meet the requirements of

15.445.020 through 15.445.040.

D. In newly annexed areas or within manufactured dwelling districts on individual lots not meeting the standards of 15.445.05020 through 15.445.070040 not located in a mobile home park, manufactured dwelling park, or manufactured mobile home subdivisions, ~~provided:~~

~~———— (1) The owner records the occupancy of the lot by the mobile home with the Director; and~~

~~———— (2) There is no change in residents subsequent to annexation; and~~

~~———— (3) The owner's use of the lot for mobile home occupancy is not discontinued for a period of more than six months.~~

~~(D) In newly annexed areas in mobile home parks, provided:~~

~~———— (1) Within 90 days of annexation the owner or Director of the park submits to the Director an application for a license, a plot plan, and such additional related information as may be required by the Director; and~~

~~———— (2) Within 120 days of annexation a written agreement is executed between the Director and park owner or Director specifying the modifications that will be accomplished to provide that compliance to a degree satisfactory to the Director with current statutes, rules and regulations.~~

~~(E) In newly annexed areas on individual lots in mobile home subdivisions, provided the owner records each lot occupancy with the Director.~~

~~(F) Outside mobile home parks or mobile home subdivisions, provided, however, a mobile home may not be used for sleeping or living purposes for a period of time in excess of 14 days.~~

E. On a private lot for a period of not more than six months, during construction of a new home situated on the same lot. Before the expiration of this time the applicant may petition the director for a six month extension of this deadline if home construction is underway but not yet completed. The applicant shall post a bond or deposit of \$1,000.00 with the director. Upon the removal of the manufactured dwelling from the premises, the director will return the bond or deposit. If, at the end of six months, the manufactured dwelling has not been removed, the bond or deposit will be forfeited, and the city will use this for the removal of the manufactured dwelling from the property. Before the manufactured dwelling is used, the applicant shall connect it to the city water and sewer systems with proper permits and inspections.

GF. As general offices in commercial or industrial districts for a period of not more than 18 consecutive months, provided:

1. The director finds that such use will be reasonably compatible with and have minimal impact on uses on abutting property and in the surrounding neighborhood and grants approval based thereon; and

2. Within six months from the date approval is granted on application for a building permit for a permanent structure or the permit is filed with the director. Failure to submit the application within the specified time will terminate the approval.

GH. For temporary construction office use on the premises of new constructions until the construction is completed.

HI. As permanent living quarters for a night watchman or caretaker in commercial or industrial districts upon a finding by the director that such use will be reasonably compatible with and have minimal impact on uses on abutting property and in the surrounding neighborhood, is required for property security and issues a permit therefor.

Article II. Manufactured Homes on Individual Lots

15.445.05020 Manufactured homes on individual lots - Purpose.

Manufactured homes are allowed on individual lots in all residential areas. These development standards will allow manufactured homes to be intermixed with traditional "stick built" housing while assuring that they are compatible with and contribute to the scale and harmony of their neighborhood.

15.445.030060 Manufactured homes on individual lots - Uses.

These regulations allow manufactured homes on individual lots as a permitted use in all residential zones.

15.445.040070 Manufactured homes on individual lots -- Development standards.

Manufactured homes and manufactured home duplexes on individual lots in all residential districts shall meet the following minimum standards:

A. Each manufactured home which provides only one residential dwelling unit shall enclose a space of not less than 1,000 square feet. Manufactured homes which provide two residential dwelling units (duplex) shall enclose a combined space of not less than 1,800 square feet. Each individual dwelling unit must be multi-sectional.

B. Each manufactured home shall be placed on an excavated and back filled foundation and enclosed on the perimeter such that the chassis shall be located not more than 12 inches above grade and any axles or other transportation mechanisms shall be removed.

C. Each manufactured home shall have a roof slope no less than three feet in height for every 12 feet in width.

D. Each manufactured home shall have exterior siding and roofing which in color, material, and appearance is the same as at least three other dwellings within 500 feet of the property or similar to the exterior siding and roofing material commonly used on "stick built" residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.

E. All manufactured homes shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building codes defined in O.R.S. 455.010.

F. All dwelling units shall have a carport or garage constructed of like materials. A garage shall be provided where such is consistent with the predominant construction of immediately surrounding dwellings at least 50 percent to the dwellings on abutting lots, including lots directly across the street, have garages.

G. Manufactured homes shall not be located immediately adjacent to, have a common property line with, or be separated only by a street from historic resources listed on the Final Inventory of Historic Resources in the comprehensive plan.

15.445.140-075 Mobile home and manufactured home dwelling parks – General provisions.

- A. Minimum area. Five acres.
- B. Maximum area of lots or spaces. 150 or distinct neighborhoods with a maximum of 100 spaces each.
- C. Maximum density. Shall not exceed the permitted density of the district.
- D. Perimeter treatment. Except as required for vision clearance, the outer perimeter of each park shall be improved with:
 - 1. A masonry wall not less than four feet not more than six feet in height shall be built around the perimeter of the park. Acceptable materials include brick, split-face concrete block, and concrete block with a stucco finish. Other types of exposed masonry may be used subject to review and approval of the director;
 - 2. In addition to subsection (D)(1), adjacent to public streets, a landscape planter that is at least ten feet in depth (this shall be in addition to the width of any required sidewalk). This landscaped area shall be dedicated as part of the public street.
- E. Perimeter setbacks. As measured from the property line, a minimum setback of 15 feet shall be provided for all homes and accessory structures along a public street. A minimum of five feet shall be provided for all other property lines. Projections as allowed under NMC 15.410.070 shall apply to these setbacks.

15.445.080 Mobile home and manufactured dwelling parks -- Application and processing--Type I.

An application for a mobile home park or manufactured dwelling park or the enlargement of an existing mobile home or manufactured dwelling park shall be processed ~~under the Type I procedure~~under the site design review process under Chapter 15.220 NMC, subject to the following provisions:

- A. The services of an architect, a landscape architect and an engineer, all licensed to practice in Oregon, shall be employed in the preparation and execution of all plans. Upon proof by the applicant that the scope of the proposal does not require the services of an architect, the director may waive that requirement.
- B. In the event of denial, applications may be resubmitted within one year of the denial, provided the director finds the denial was based on internal (on-site) factors and now plans have been submitted which are sufficiently modified to warrant consideration by the city.
- C. An enlargement of a mobile home park or manufactured dwelling park site or an increase in the number of mobile home or manufactured dwelling spaces shall be subject to the provisions of this code regulating new mobile home or manufactured dwelling parks.

15.445.090 Limiting mobile home parks and manufactured dwelling parks to mobile home park or manufactured dwelling park uses.

Manufactured dwelling parks may contain one manufactured dwelling or one recreational vehicle on each manufactured dwelling park space, and accessory uses to the manufactured dwelling park. Mobile home parks may contain one manufactured structure on each mobile home park space, and accessory uses to the mobile home park. Except as set forth in this code, no building or land within the boundary of a mobile home or manufactured dwelling park shall be used for any other purpose. Mobile home and manufactured dwelling parks shall conform to plans as approved by the city and the state.

15.445.100 Mobile Home and manufactured dwelling parks -- Maintenance

Mobile home parks and manufactured dwelling parks shall be maintained to continue to be in compliance with the applicable provisions of this code and state codes.

15.445.100 LICENSE OF MOBILE HOME PARK.

~~(A) — *Transfer of license.* If a transfer of license for a mobile home park under the provisions of this code is desired, an application for transfer shall be filed with the Director. The application shall contain the name and address of the present licensee, the applicant and the location of the park. Before the transfer of license is approved, the application shall be signed by the Director, certifying that the mobile home park conforms to all city regulations governing mobile home parks. Upon receipt of the application, the Director shall issue a new license to be valid until January 1 next following.~~

~~(B) — *Display of license.* Any required mobile home park license shall be displayed in a conspicuous place on the mobile home park premises.~~

~~(C) — *Revocation of license.*~~

~~———— (1) — The City Council may revoke any license to maintain and operate a trailer park if either of the following conditions occur:~~

~~———— (a) — The certificate of sanitation for the park is revoked.~~

~~———— (b) — The park does not conform to the provisions of this code and other ordinances of the city or requirements of the state relative thereto.~~

~~———— (2) — Prior to revocation of a license, the licensee shall be given notice of a hearing before the City Council, at which time the revocation will be considered. The notice shall be before the hearing. For the purpose of the notice, the name and address that appears on the application for license or transfer of license shall be used.~~

~~———— (3) — If the license is revoked, the City Council may later authorize issuance of the license after the owner of the park has obtained a certificate of sanitation and conforms to the provisions of this code.~~

15.445.110 APPLICATION FOR LICENSE TO OPERATE.

~~———— A. — No person shall maintain or operate a mobile home park within the city without compliance to this code and applicable state requirements.—~~

~~———— B. — All mobile home parks within the Newberg city limits must have a Director or representative who can be contacted. The mobile home park director or representative’s name, address and telephone number for where they can be reached between the hours of 8:00 a.m. to 5:00 p.m., must remain current, on file within the Director. It shall be the responsibility of the Director or representative to notify the Director of any change in address.~~

~~———— C. — No building on land within the boundaries of a mobile home park area shall be used for any purpose except for the uses permitted by this code.~~

~~———— D. — The application for a license to operate a new mobile home park or to expand an existing park shall be accompanied by ten copies of the plot plan for the proposed park. The plan shall be drawn on a sheet of 18 x 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet, and shall show the following information:~~

- ~~———— 1. — Proposed name of the mobile home park or trailer park.~~
- ~~———— 2. — Name and address of applicant.~~
- ~~———— 3. — Name and address of the owner.~~
- ~~———— 4. — Name and address of the contractor.~~
- ~~———— 5. — Name and address of the engineer.~~
- ~~———— 6. — Scale and Northpoint of the plan.~~

- ~~7. Vicinity map showing relationship of the mobile home park to adjacent properties.~~
 - ~~8. Boundaries and dimensions of the mobile home park.~~
 - ~~9. Location and dimensions of the mobile home space.~~
 - ~~10. Location of existing and proposed buildings.~~
 - ~~11. Location and width of access roads.~~
 - ~~12. Location and access to utilities, including fire hydrants.~~
 - ~~13. Location and width of walkways.~~
 - ~~14. Location of recreation areas and buildings.~~
 - ~~15. Location and type of fencing or screening.~~
 - ~~16. Location of telephone service for the park.~~
 - ~~17. Enlarged plot plan of a typical mobile home space showing location of the stand, patio, storage space, parking, sidewalk and utility connections.~~
 - ~~18. Plans and specifications must be stamped and signed by a registered engineer.~~
 - ~~19. Plans and specifications must be approved and signed by the city prior to issuing any permit for construction in the mobile home park.~~
- ~~E. When the Director have approved the completed mobile home park, as indicated by their final inspection, and upon issuance of a certificate of sanitation by the delegated authority, the city shall issue a license to the applicant.~~

15.445.150 Mobile home Manufactured home subdivisions – General provisions **TYPE III.**

A. Intent. It is the intent of this section to provide manufactured home ~~mobile home~~ owners with an alternative to renting space in a manufactured dwelling park or mobile home park; ~~provided the opportunity for smaller groupings of mobile homes in areas where available land does not permit park developments of an adequate size to be financially feasible;~~ establish standards for permanent installation of mobile-manufactured homes in subdivisions ~~which are intended primarily for resident owners~~; and establish certain design features enabling mobile-manufactured homes to blend with conventional housing.

B. ~~Minimum number of lots. Eighteen.~~ Lot size. The average size of lots in the subdivision shall not exceed 5,000 square feet.

C. Minimum size. Five acres per subdivision.

D. Dwelling types permitted. ~~Mobile homes which are used as permanent residences and comply with the National Mobile Home Construction and Safety Standards. Manufactured homes that comply with federal manufactured housing construction and safety standards regulations in effect at the time of construction are permitted. Mobile homes, recreational vehicles and residential trailers are not permitted.~~

E. Perimeter treatment.

1. Boundary screening shall not be required; however, each ~~mobile home~~ manufactured home shall be:

a. Equipped with skirting which in design, color, and texture ~~appears to be an integral part of the adjacent~~ matches the exterior wall of the mobile-manufactured home; and

b. Covered by a roof pitched at a minimum slope of two inches in 12 inches, which is finished in non-reflective paint or permanently covered with non-reflective material.

2. When screening is installed, the director may require each owner-occupant in the subdivision to execute a homeowner's association agreement or record protective covenants which have been approved by the city, and provides for its permanent maintenance.

F. Occupied area surface treatment. Unless in conflict with state laws and regulations, all areas covered by ~~manufactured home mobile homes~~ and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.

~~G. Mobile home and accessory building support and tie down. Mobile and accessory building foundations shall be of sufficient strength to support the required live loads and actual dead loads imposed by the mobile home and any attached or supported structure based on accepted engineering design standards. Foundations, tie downs, or other supports shall be provided to withstand the specified horizontal up lift and overturning wind forces on the mobile home and any attached or supported structure based on accepted engineering design standards.~~

GH. Code conformance. Manufactured Mobile homes in manufactured mobile-home subdivisions must conform in all respects to local, state and federal requirements in effect at the time of their installation.

~~HI. Ownership. Lots shall be owner occupied, except that an owner occupant may own one additional lot in the same subdivision for rental purposes. This provision shall be made a part of and a condition or covenant of resident ownership in the subdivision.~~

Removal. If a ~~manufactured mobile~~-home is removed from its foundation and not replaced by another home within 30 days, the owner of the lot shall immediately thereafter remove the foundation, additions, and accessory structures, and disconnect and secure all utilities.

15.445.160 ~~Mobile home~~Manufactured home subdivisions -- Application and processing.

Land divisions for ~~mobile home~~manufactured home subdivisions shall be subject to the provisions of this code to the same degree and in the same manner as conventional residential subdivisions.

Article III. Recreational Vehicles

15.445.~~120-165~~ Limiting travel trailers and mobile homesAllowable use of recreational vehicles.

~~No vacation trailer, motor home or pickup camper off of its vehicle shall be parked at the curb of any city street for more than 48 hours.~~ No person shall maintain an occupied ~~travel trailer or mobile home~~recreational vehicle at any location other than a mobile home park, manufactured dwelling park or recreational vehicle park licensed under the provisions of the state and this code, except as follows:

A. Temporary use.

1. Bona fide ~~vacation trailers and pickup campers~~recreational vehicles may be used by visitors of the residents, and shall be allowed on lots in residence areas for a period of time not to exceed 14 days.

2. ~~Vacation trailers (equipped with bath) or mobile homes~~Recreational vehicles may be used for a residence on a private lot for a period of not more than six months, during construction of a new home situated on the same lot. A bond or ~~check deposit~~ of \$500.00 shall be posted with the City Recorder/director; and upon the removal of the ~~trailer or mobile home~~recreational vehicle from the premises, the ~~deposit/check~~ or bond will be returned. If, at the end of six months, the ~~trailer or mobile home~~recreational vehicle has not been removed, the bond or ~~deposit/check~~ will be forfeited, and the city will use this for the removal of the ~~trailer or mobile home~~recreational vehicle from the property. Before ~~the trailer or mobile home~~recreational vehicle is used, it will be connected to the city water and sewer systems and passed on by the city plumbing inspector. A temporary permit must be obtained from the director and displayed on the ~~trailer or mobile home~~recreational vehicle.

3. ~~Travel trailers or mobile homes~~Recreational vehicles placed where specifically authorized by any other ordinance of the city.

B. Residential use.

~~(1) Prior to the occupancy of any mobile home upon real property in the City of Newberg, Yamhill County, in accordance with the provisions of this code, the property owner shall secure an installation permit from the Building Inspector of the city.~~

~~(2) The Building Inspector of the City of Newberg, prior to occupancy of a mobile home or house trailer, shall inspect such mobile home to determine if such occupancy for permanent living quarters complies with all the laws, provisions, ordinances and regulations of the State of Oregon and the City of Newberg relating to the use and occupancy of the mobile homes.~~

~~(3) Upon issuance of an installation permit for the installation of the mobile home, a permit indicating approval of the mobile home and its installation shall be placed by the Building Inspector in the unit so as to be visible from the street or road, unless otherwise screened from view.~~

~~(4) Said mobile home shall have continuous noncombustible skirting around its perimeter.~~

~~(5) All plumbing facilities outside of trailers for occupied mobile homes shall be designed, constructed and maintained in accordance with rules and regulations as set forth in the Plumbing Code for the City of Newberg and the State of Oregon. No plumbing or sewage disposal system repair, alteration, renovation or installation covered by the Plumbing Code shall be begun until a plumbing permit shall have first been obtained by the person, firm or corporation which is to perform the work.~~

~~(6) Nothing within these regulations shall be construed to allow a travel trailer as a permanent dwelling.~~

~~(7) Mobile Homes may be placed where specifically authorized by any other ordinance of the city.~~

15.445.130 Prohibited occupancy of recreational vehicles.

~~A. No owner or person in charge of premises within the city shall occupy or allow the occupancy of a recreational vehicle upon the premises as permanent living quarters or beyond the time limits described in subsection A of this section, unless the recreational vehicle is placed on a manufactured dwelling park space, mobile home park space, or recreational vehicle park space.~~

~~**BC.** Parking and storage. No recreational vehicle shall be parked at the curb of any city street for more than 48 hours. Nothing contained herein shall prevent the parking of an unoccupied recreational vehicle not in daily use on the owner's property, except, the vehicle may not be parked in the required front yard setback for more than 48 hours.~~

15.445.170 Recreational vehicle parks – General provisions—Type III procedure.

RV parks shall require a conditional use permit in accordance with Chapter 14.225 NMC, and shall be processed using a Type III procedure.

A. Site development plan. A site plan shall be submitted which conforms with the site development plan standards listed in NMC 15.220.030.

B. Development standards.

1. Park density. Maximum density shall not exceed 25 spaces per acre.

2. Space size. Each recreational vehicle space shall be at least 1,000 square feet in size.

3. Setbacks. No recreational vehicle space or park structure shall be located within 25 feet of a property line. When abutting a residential district, the setback shall be 50 feet.

4. Roadways. Roadways shall be finished with a durable dust free surface. Asphalt or concrete may be required adjacent to residential areas or commercial areas. The roadway widths shall be as follows:

a. A one-way roadway shall be a minimum of 12 feet in width, posted "no parking - fire lane."

b. A two-lane road shall be a minimum of 20 feet wide, posted "no parking - fire lane."

5. Parking. One parking space shall be provided at each recreational vehicle space. The parking space shall be finished with a durable dust free surface. Asphalt or concrete may be required adjacent to residential areas or commercial areas.

6. Common facilities. The park shall provide toilets, lavatories, and showers in accordance to the Oregon Revised Statutes.

7. Perimeter treatment. In addition to other landscaping improvements required by this code, the park shall screen all areas, other than entrances and landscaped street frontages, with the following:

a. A sight-obscuring fence or wall six feet in height; or

b. A maintained landscape hedge that will mature within three years and reach at least six feet in height; or

c. A combination of subsections (B)(7)(a) and (b) of this section.

C. Miscellaneous provisions.

1. Length of stay. ~~The length of use shall be limited to no more than three months during any 12 month period.~~ To remain in the park for more than 30 days, a recreational vehicle shall be equipped with plumbing facilities and shall be connected with the water and sewer systems of the park.

2. Accessory uses. Accessory commercial operations shall cater only to the residents of the park. Such operations shall present no visible evidence from any street of their commercial character which would attract customers from outside the park.

Exhibit “B” to Resolution 2011-293 Findings

Newberg Comprehensive Plan Housing Policies I.3. c, d, and e.:

c. Manufactured dwellings shall be recognized as a source of affordable housing.

d. Modular housing (prefabricated structures) meeting all building codes and placed on permanent foundations shall be treated as single-family units. They will be subject to the same location and density requirements as other single-family dwellings. Manufactured housing on individual lots shall be subject to special development standards to assure design consistency and compatibility.

e. Manufactured homes shall be permitted in the following locations: 1) mobile home parks, 2) mobile home subdivisions, and 3) individual lots within all residential districts when units meet manufactured home standards. Manufactured dwellings shall be allowed in mobile home parks and mobile home subdivisions when units meet the provisions of the Zoning Ordinance.

Finding: The amendments promote the placement of manufactured homes in areas found to be appropriate through the zone changes process. The amendments allow modular housing where traditional single family homes are allowed.

ORS 197.307:

197.307 Effect of need for certain housing in urban growth areas; approval standards for certain residential development; placement standards for approval of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

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

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

(b) A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.

(c) The provisions of paragraph (b) of this subsection do not apply to an application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(d) In addition to an approval process based on clear and objective standards as provided in paragraph (b) of this subsection, a local government may adopt an alternative approval process for residential applications and permits based on approval criteria that are not clear and objective provided the applicant retains the option of proceeding under the clear and objective standards or the alternative process and the approval criteria for the alternative process comply with all applicable land use planning goals and rules.

(e) The provisions of this subsection shall not apply to applications or permits for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(4) Subsection (3) of this section shall not be construed as an infringement on a local government's prerogative to:

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

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

(c) Establish approval procedures.

(5) A jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

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

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

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

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

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

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

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

(6) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Finding: The proposed amendments comply with the above statutes by establishing clear and objective standards for locating manufactured dwelling parks, mobile home parks, and manufactured homes on individual lots.



Residential Vehicle

“Recreational vehicle” means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the State of Oregon. The unit shall be identified as a recreational vehicle by the manufacturer and meet applicable federal standards for construction.



Residential Trailer

A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes **and that was constructed before January 1, 1962.**



Mobile Home

A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes **and that was constructed between January 1, 1962, and June 15, 1976.**



Manufactured Home

A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.



Modular Home

“Modular home” means a dwelling meeting the Oregon Residential Special Code standards and constructed and inspected prior to installation on a preformed foundation. Modular homes are not constructed with attached wheels and are not intended for moving on the highway without a special trailer. “Modular home” is treated the same as a site built dwelling for purposes of the Development Code.



Recreational Structure

A structure designed to be used temporarily for human occupancy for recreational, seasonal, or emergency purposes such as a camping cabin or a yurt

Manufactured Dwelling

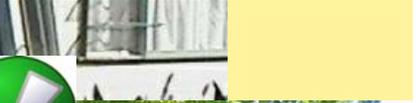
- A residential trailer, mobile home, or manufactured home



Manufactured Structure

- A Recreational Vehicle, Manufactured Dwelling, or Recreational Structure





Mobile Home Park

Any place where four or more **manufactured structures** are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership



Manufactured Dwelling Park

Any place where four or more **manufactured dwellings** are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership. Special rules also allow placement of recreational vehicles.





Manufactured Home Subdivision

“Manufactured home subdivision” means a subdivision where the use of lots is limited to one manufactured home per lot or uses accessory to the homes or the subdivision.



Recreational Vehicle Park

A place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership

197.303 “Needed housing” defined. (1) As used in ORS 197.307, until the beginning of the first periodic review of a local government’s acknowledged comprehensive plan, “needed housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government’s acknowledged comprehensive plan, “needed housing” also means:

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
 - (b) Government assisted housing;
 - (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
 - (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.
- (2) Subsection (1)(a) and (d) of this section shall not apply to:
- (a) A city with a population of less than 2,500.
 - (b) A county with a population of less than 15,000.
- (3) A local government may take an exception to subsection (1) of this section in the same manner that an exception may be taken under the goals. [1981 c.884 §6; 1983 c.795 §2; 1989 c.380 §1]

197.304 Lane County accommodation of needed housing. (1) Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County. The city shall, separately from any other city:

- (a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and
 - (b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.
- (2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County. [2007 c.650 §2]

197.305 [1973 c.80 §52; 1977 c.664 §23; repealed by 1979 c.772 §26]

197.307 Effect of need for certain housing in urban growth areas; approval standards for certain residential development; placement standards for approval of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

- (2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.
- (3)(a) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing, including housing for farmworkers, shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.
- (b) A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.
- (c) The provisions of paragraph (b) of this subsection do not apply to an application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.
- (d) In addition to an approval process based on clear and objective standards as provided in paragraph (b) of this subsection, a local government may adopt an alternative approval process for residential applications and permits based on approval criteria that are not clear and objective provided the applicant retains the option of proceeding under the clear and objective standards or the alternative process and the approval criteria for the alternative process comply with all applicable land use planning goals and rules.
- (e) The provisions of this subsection shall not apply to applications or permits for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(4) Subsection (3) of this section shall not be construed as an infringement on a local government's prerogative to:

- (a) Set approval standards under which a particular housing type is permitted outright;
- (b) Impose special conditions upon approval of a specific development proposal; or
- (c) Establish approval procedures.

(5) A jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

- (a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.
- (b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
- (c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

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

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

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

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

(6) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2]

197.309 Local ordinances or approval conditions may not effectively establish housing sale price or designate class of purchasers; exception. (1) Except as provided in subsection (2) of this section, a city, county or metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178, a requirement that has the effect of establishing the sales price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale to any particular class or group of purchasers.

(2) This section does not limit the authority of a city, county or metropolitan service district to:

- (a) Adopt or enforce a land use regulation, functional plan provision or condition of approval creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or condition designed to increase the supply of moderate or lower cost housing units; or
- (b) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295. [1999 c.848 §2; 2007 c.691 §8]

197.310 [1973 c.80 §53; 1977 c.664 §24; repealed by 1979 c.772 §26]

197.312 Limitation on city and county authority to prohibit certain kinds of housing, including farmworker housing; real estate sales office. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2) A city or county may not impose any approval standards, special conditions or procedures on farmworker housing that are not clear and objective or have the effect, either in themselves or cumulatively, of discouraging farmworker housing through unreasonable cost or delay or by discriminating against such housing.

(3)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family

dwellings in the same zone.

Attachment 2

(4)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(5) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public. [1983 c.795 §5; 1989 c.964 §7; 2001 c.437 §1; 2001 c.613 §3]

197.313 Interpretation of ORS 197.312. Nothing in ORS 197.312 or in the amendments to ORS 197.295, 197.303, 197.307 by sections 1, 2 and 3, chapter 795, Oregon Laws 1983, shall be construed to require a city or county to contribute to the financing, administration or sponsorship of government assisted housing. [1983 c.795 §6]

197.314 Required siting of manufactured homes; minimum lot size; approval standards. (1) Notwithstanding ORS 197.296, 197.298, 197.299, 197.301, 197.302, 197.303, 197.307, 197.312 and 197.313, within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003. A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307 (5).

(2) Cities and counties shall adopt and amend comprehensive plans and land use regulations under subsection (1) of this section according to the provisions of ORS 197.610 to 197.650.

(3) Subsection (1) of this section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

(4) Manufactured homes on individual lots zoned for single-family residential use in subsection (1) of this section shall be in addition to manufactured homes on lots within designated manufactured dwelling subdivisions.

(5) Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city or county shall not adopt, by charter or ordinance, a minimum lot size for a manufactured dwelling park that is larger than one acre.

(6) A city or county may adopt the following standards for the approval of manufactured homes located in manufactured dwelling parks that are smaller than three acres:

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

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

(7) This section shall not be construed as abrogating a recorded restrictive covenant. [1993 c.184 §2; 1997 c.295 §1; 1999 c.348 §7; 2005 c.22 §139]

197.315 [1973 c.80 §54; 1977 c.664 §25; repealed by 1979 c.772 §26]

MOBILE HOME, MANUFACTURED DWELLING AND RECREATIONAL VEHICLE PARKS Attachment 3

197.475 Policy. The Legislative Assembly declares that it is the policy of this state to provide for mobile home or manufactured dwelling parks within all urban growth boundaries to allow persons and families a choice of residential settings. [1987 c.785 §3; 1989 c.648 §53]

197.480 Planning for parks; procedures; inventory. (1) Each city and county governing body shall provide, in accordance with urban growth management agreements, for mobile home or manufactured dwelling parks as an allowed use, by July 1, 1990, or by the next periodic review after January 1, 1988, whichever comes first:

(a) By zoning ordinance and by comprehensive plan designation on buildable lands within urban growth boundaries; and

(b) In areas planned and zoned for a residential density of six to 12 units per acre sufficient to accommodate the need established pursuant to subsections (2) and (3) of this section.

(2) A city or county shall establish a projection of need for mobile home or manufactured dwelling parks based on:

(a) Population projections;

(b) Household income levels;

(c) Housing market trends of the region; and

(d) An inventory of mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development.

(3) The inventory required by subsection (2)(d) and subsection (4) of this section shall establish the need for areas to be planned and zoned to accommodate the potential displacement of the inventoried mobile home or manufactured dwelling parks.

(4) Notwithstanding the provisions of subsection (1) of this section, a city or county within a metropolitan service district, established pursuant to ORS chapter 268, shall inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development no later than two years from September 27, 1987.

(5)(a) A city or county may establish clear and objective criteria and standards for the placement and design of mobile home or manufactured dwelling parks.

(b) If a city or county requires a hearing before approval of a mobile home or manufactured dwelling park, application of the criteria and standards adopted pursuant to paragraph (a) of this subsection shall be the sole issue to be determined at the hearing.

(c) No criteria or standards established under paragraph (a) of this subsection shall be adopted which would preclude the development of mobile home or manufactured dwelling parks within the intent of ORS 197.295 and 197.475 to 197.490. [1987 c.785 §4; 1989 c.648 §54]

197.485 Prohibition on restrictions of manufactured dwelling. (1) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight to 12 units per acre.

(2) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, on a buildable lot or parcel located outside urban growth boundaries or on a space in a mobile home or manufactured dwelling park, if the manufactured dwelling is being relocated due to the closure of a mobile home or manufactured dwelling park or a portion of a mobile home or manufactured dwelling park.

(3) A jurisdiction may impose reasonable safety and inspection requirements for homes that were not constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403). [1987 c.785 §5; 1989 c.648 §55; 2005 c.22 §143; 2005 c.826 §12; 2007 c.906 §10]

197.490 Restriction on establishment of park. (1) Except as provided by ORS 446.105, a mobile home or manufactured dwelling park shall not be established on land, within an urban growth boundary, which is planned or zoned for commercial or industrial use.

(2) Notwithstanding the provisions of subsection (1) of this section, if no other access is available, access to a mobile home or manufactured dwelling park may be provided through a commercial or industrial zone. [1987 c.785 §6; 1989 c.648 §56]

197.492 Definitions for ORS 197.492 and 197.493. As used in this section and ORS 197.493:

(1) “Manufactured dwelling park,” “mobile home park” and “recreational vehicle” have the meaning given those terms in ORS 446.003.

(2) "Recreational vehicle park":

Attachment 3

(a) Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

- (A) The renting of space and related facilities for a charge or fee; or
- (B) The provision of space for free in connection with securing the patronage of a person.

(b) Does not mean:

- (A) An area designated only for picnicking or overnight camping; or
- (B) A manufactured dwelling park or mobile home park. [2005 c.619 §11]

Note: 197.492 and 197.493 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 197 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

197.493 Placement and occupancy of recreational vehicle. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
- (b) Occupied as a residential dwelling; and
- (c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle. [2005 c.619 §12]

Note: See note under 197.492.

MOBILE HOME AND MANUFACTURED DWELLING PARKS

Attachment 3

446.003 Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires otherwise, or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, and except as provided in ORS 446.265:

- (1) "Accessory building or structure" means any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule by the Director of the Department of Consumer and Business Services.
- (2)(a) "Alteration" means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation that may affect the operation, construction or occupancy of a manufactured structure.
- (b) "Alteration" does not include:
 - (A) Minor repairs with approved component parts;
 - (B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;
 - (C) Adjustment and maintenance of equipment; or
 - (D) Replacement of equipment or accessories in kind.
- (3) "Approved" means approved, licensed or certified by the Department of Consumer and Business Services or its designee.
- (4) "Board" means the Residential and Manufactured Structures Board.
- (5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured structure to provide additional living space.
- (6) "Certification" means an evaluation process by which the department verifies a manufacturer's ability to produce manufactured structures to the department rules and to the department approved quality control manual.
- (7) "Conversion" or "to convert" means the process of changing a manufactured structure in whole or in part from one type of vehicle or structure to another.
- (8) "Dealer" means any person engaged in selling or distributing manufactured structures or equipment, or both, primarily to persons who in good faith purchase or lease manufactured structures or equipment, or both, for purposes other than resale.
- (9) "Department" means the Department of Consumer and Business Services.
- (10) "Director" means the Director of the Department of Consumer and Business Services.
- (11) "Distributor" means any person engaged in selling and distributing manufactured structures or equipment for resale.
- (12) "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured structure.
- (13) "Federal manufactured housing construction and safety standard" means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).
- (14) "Fire Marshal" means the State Fire Marshal.
- (15) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury.
- (16) "Insignia of compliance" means:
 - (a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or
 - (b) For all other manufactured structures, the insignia issued by this state indicating compliance with state law.
- (17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.
- (18) "Installation" in relation to:
 - (a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured structure.
 - (b) Siting means the manufactured structure and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.
- (19) "Installer" means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects licensed under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

(20) "Listed" means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

(21) "Lot" means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured structure.

(22)(a) "Manufactured dwelling" means a residential trailer, mobile home or manufactured home.

(b) "Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

(23) "Manufactured dwelling park" means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

(24)(a) "Manufactured home," except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.

(25)(a) "Manufactured structure" means a recreational vehicle, manufactured dwelling or recreational structure.

(b) "Manufactured structure" does not include any building or structure regulated under the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

(26) "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured structures or equipment.

(27) "Manufacturing" means the building, rebuilding, altering or converting of manufactured structures that bear or are required to bear an Oregon insignia of compliance.

(28) "Minimum safety standards" means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

(29) "Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(30) "Mobile home park" means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

(31) "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact codes.

(32) "Recreational structure" means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the director.

(33) "Recreational vehicle" means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the director.

(34) "Residential trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(35) "Sale" means rent, lease, sale or exchange.

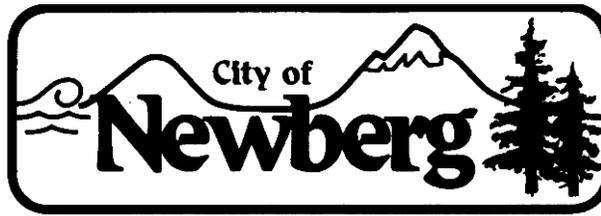
(36) "Skirting" means a weather resistant material used to enclose the space below the manufactured structure.

(37) "Tiedown" means any device designed to anchor a manufactured structure securely to the ground.

(38) "Transitional housing accommodations" means accommodations described under ORS 446.265.

(39) "Utilities" means the water, sewer, gas or electric services provided on a lot for a manufactured structure. [1975 c.546 §10 (enacted in lieu of 446.002 and 446.004); 1979 c.884 §1; 1983 c.707 §1; 1987 c.274 §1; 1987 c.414 §21; 1989 c.527 §1; 1989 c.648 §§1,1a; 1989 c.683 §1; 1989 c.919 §6b; 1991 c.226 §1; 1991 c.844 §21; 1993 c.744 §47; 1995 c.251 §1; 1997 c.205 §1; 1999 c.758 §7; 2003 c.675 §6; 2005 c.22 §313; 2009 c.259 §25; 2009 c.567 §28]

City of Newberg
414 E First Street
P.O. Box 970
Newberg, OR 97132



City Manager
(503) 538-9421
(503) 538-5013 Fax

Planning and Building Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132 ▪ (503) 537-1240 ▪ Fax (503) 537-1272

STAFF REPORT – LOT COVERAGE AMENDMENTS

FILE NO: DCA 11-005
REQUEST: Amend Newberg Development Code regulations regarding lot coverage
INITIATED BY: Newberg Planning Commission
PREPARED BY: City of Newberg Planning Staff
DATE OF HEARING: July 14, 2011

ATTACHMENTS:

Resolution 2011-294 with:
Exhibit A: Proposed Development Code Text Amendments
Exhibit B: Findings
1. Submittal from Doug Lanz

A. SUMMARY

The proposal would:

1. Increase the percentage of a lot that can be covered by buildings in the R-1 zone from 30 percent to 40 percent if all buildings are single story.
2. Exclude small accessory buildings from the calculation of lot coverage.
3. Exclude non-residential uses in residential zones from needing to meet the lot coverage standards.
4. Add definitions and purpose statements.
5. Allow additional parking coverage on a lot if pervious paving materials are used.

B. BACKGROUND

1. **Project origin and process.** At the May Planning Commission hearing, Doug Lanz appeared before the Commission and requested a change to allow an increase in the percent lot coverage in the R-1 Zone. The Commission asked Mr. Lanz to work with staff to prepare a draft for their consideration. At the June Planning Commission meeting, the Planning Commission adopted Resolution 2011-292, initiating the amendment.

2. **Current lot coverage standards.**

The current maximum lot coverage is as follows:

Zone	Maximum Lot Coverage (Buildings)	Maximum Parking Coverage	Maximum Combined Coverage (Buildings + Parking)
R-1	30%	30%	60%
R-2, R-P	50%	30%	60%
R-3, AR	50%	30%	70%

3. **Purpose for lot coverage standards**

The amendment would adopt the following as purposes for the changes:

a. Control storm drainage. The more land that is covered by impervious surfaces, the less that can absorb rainwater, and thus the more need for storm water control facilities. Note that the current proposal would modify the amount of the lot that could be covered by a *building*, but would not modify the total amount of the lot that could be covered by impervious surfaces. Also note that the City is currently undergoing a thorough review of storm water standards in an effort to control runoff and meet state and federal storm drainage standards. These may result in additional requirements for storm drainage control.

b. Provide for outdoor living area on a lot. By limiting the amount of lot coverage, the development code effectively requires that some of the lot be retained for lawns, gardens, backyard barbeque areas, and other recreational activities.

c. Limit development density to that appropriate for the zone. We often speak of “density” in terms of the number of dwelling units per acre of land. For the casual observer, “density” also refers to the look and feel of a neighborhood. A neighborhood with large, two story homes built to minimum setbacks will feel more dense than one with smaller, single story homes with greater setbacks, even if number of dwellings per acre is less. Limiting lot coverage limits the total bulk of building allowed on a lot.

4. **Discussion of proposal**

The amendments would do the following:

a. **Increase the percentage of a lot that can be covered by buildings in the R-1 zone from 30 percent to 40 percent if all buildings are single story.** This would allow larger single story homes on a lot, but limit two story homes to the current 30 percent coverage maximum.

b. **Exclude small accessory buildings from the calculation of lot coverage.** The proposal would buildings that do not require building permits from the lot coverage calculations. These include one-story sheds under 200 square feet.

- c. **Exclude non-residential uses in residential zones from needing to meet the lot coverage standards.** The proposal would exclude schools, churches, and other non-residential uses in residential zones from having to meet the lot coverage standards.
- d. **Add definitions and purpose statements.** The proposal would add more clear definitions of lot coverage, and modify the figure in the code.
- e. **Allow additional parking coverage on a lot if pervious paving materials are used.** The proposal would count ½ the paved area as parking coverage if pervious paving materials are used. For example, 1,000 square feet of grasscrete would count the same as 500 square feet of asphalt when calculating parking coverage maximums.

C. STAFF RECOMMENDATIONS

Staff recommendation is made prior to public testimony, and may be modified after the hearing. At this time, staff recommends that the Planning Commission:

Adopt Resolution 2011-294, recommending that the City Council adopt the proposed amendments.

PLANNING COMMISSION RESOLUTION NO. 2011-294

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG
RECOMMENDING THE CITY COUNCIL ADOPT AMENDMENTS TO THE NEWBERG
DEVELOPMENT CODE REGARDING LOT COVERAGE**

RECITALS:

1. Newberg recently amended the Development Code to modify the minimum lot size allowed in the R-1 Zone. The changes made no change in the maximum building coverage standards.
2. The Planning Commission believes it would be appropriate to allow additional lot coverage for single story residences in the R-1 Zone.
3. The Commission would like to exempt small accessory buildings and non-residential uses from needing to meet the lot coverage standards.
4. The Commission held a hearing on July 14, 2011, considered testimony, and deliberated.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends that the City Council adopt the amendment to the Newberg Development Code and Newberg Comprehensive Plan as shown in Exhibit A.

This recommendation is based on the findings shown in Exhibit B and on testimony.

Adopted by the Newberg Planning Commission this 14th day of July, 2011.

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Planning Commission Secretary

Planning Commission Chair

Exhibit A: Development Code Text Amendments

Exhibit B: Findings

**Exhibit “A” to Resolution 2011-294
Newberg Development Code Lot Coverage Amendments**

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

Section 1. Newberg Development Code Section 15.405.040 shall be amended as follows:

15.405.040 Lot coverage and parking coverage requirements.

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

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

~~A.B For all buildings and uses the following shall mean the maximum permitted lot coverage, maximum coverage of public or private parking areas or carports, and/or combined maximum lot and parking combined coverage required in the various districts expressed in percentage of the area of the lot or development site in which district such coverage is permitted or required (see Appendix A, Figure 4). Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.~~

1. Maximum Lot Coverage.

- a. R-1: 30 percent, or 40 percent if all structures on the lot are one-story.
- b. R-2 and RP: 50 percent.
- c. AR and R-3: 50 percent.

2. Maximum Parking Coverage. ~~Maximum coverage for parking lots, aisles and access, and parking structures, where 50 percent or more of the perimeter of such structure is open on its sides:~~ R-1, R-2, R-3, and RP: 30 percent.

3. Combined Maximum Lot and Parking ~~Area~~ Coverage.

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

B.C . All other districts and uses not listed in subsection (A) of this section shall not be limited as to lot coverage and parking ~~area~~ coverage except as otherwise required by this code.

Section 2. The definitions in Newberg Development Code Section 15.05.030 shall be amended as follows:

“Accessory Structure, Exempt” means a structure for which a permit is not required by the applicable building code, and which may or may not be subject to standards of this code. Until amended, this includes, but is not limited to, the following structures accessory to single family and two-family dwellings:

1. Nonhabitable one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet and a height of 10 feet measured from the finished floor level to the average height of the roof surface,
2. Prefabricated swimming pools where the pool walls are entirely above grade, excluding barriers subject to building permit requirements.
3. Swings and other playground equipment.
4. Patio and porch covers not over 200 square feet and supported by an exterior building wall.
5. Porches and decks, where the floor or deck is not more than 30 inches above adjacent grade at any point and where in the case of a covered porch, the covered portion of the porch does not come closer than 3 feet to property lines.
6. Frame-covered nonhabitable accessory buildings not more than 500 square feet in area, one story in height and not closer than 3 feet to a property line, where the structure is composed of a rigid framework that supports a fabric membrane.

Exempt Accessory Structure. See **“Accessory Structure, Exempt.”**

“Lot coverage” means that portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building, except any area covered by a structure where 50 percent or more of the perimeter of such structure is open from grade, or any exempt accessory structure. (See also Appendix A, Figure 4.)

“Parking coverage” means that portion of a lot covered by parking lots, aisles and access, and parking structures, where 50 percent or more of the perimeter of such structure is open on its sides. It includes one-half the area covered by approved pervious paving materials such as grasscrete, permeable asphalt, or permeable pavers.

Section 3. Appendix A, Figure 4 shall be replaced with the following figure.

Figure 4. Lot Coverage and Parking Coverage

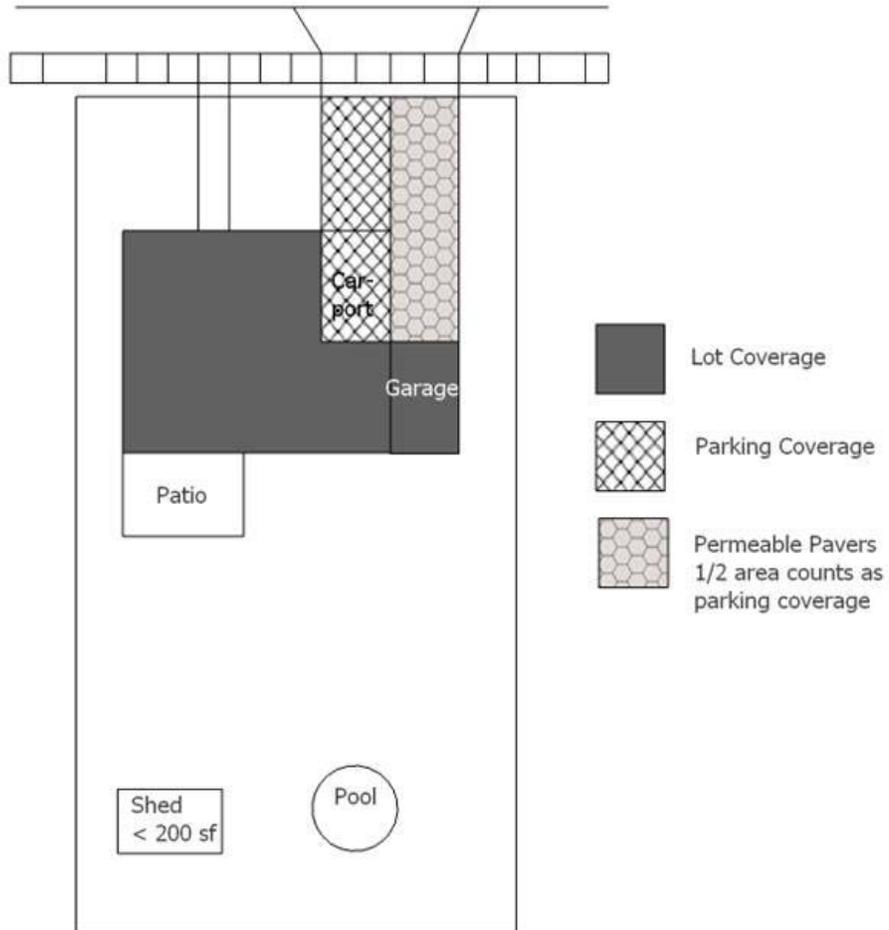


Exhibit “B” to Resolution 2011-294 Findings

NEWBERG COMPREHENSIVE PLAN POLICIES

RECREATION POLICY G.2. *To provide adequate recreational resources and opportunities for the citizens of the community and visitors.*

Finding: The amendments would continue to allow areas on lots for private recreation by limiting lot coverage to no more than 40 percent, and retaining the combined parking and lot coverage maximum percentage at 60 percent.

URBAN DESIGN GOAL J.1: *To maintain and improve the natural beauty and visual character of the City.*

Finding: The amendment retains the visual character of R-1 areas by limiting the lot coverage of two-story buildings to 30 percent, while allowing 40 percent lot coverage for one story buildings.

RESIDENTIAL LAND USE PLAN CLASSIFICATIONS III.2

Residential land is divided into three categories. Density rather than housing type is generally the most important development criteria used to classify residential areas. Mobile home parks and mobile home subdivisions are permitted outright in the medium density residential zone. Manufactured homes on individual single family lots are permitted. (As amended by Ord. 2380, 6-6-94).

The following is a summary of the three residential land use categories:

a. Low Density Residential (LDR)

The objective of this designation is to provide a wide range of housing types and styles, while allowing for an overall density of up to 4.4 units per acre.

*Typical housing types will include single-family attached and detached housing. Clustered housing areas within Planned Unit Developments or condominiums **must include adequate open areas to maintain the low overall density of this classification.***

Services shall include improved streets, underground utilities (except electrical transmission lines), street lighting, sidewalks, and in some cases, bikeways.

Finding: The amendments would continue to require 40% total open area on a lot in the R-1 zone, allowing open space, outdoor recreational use, and an overall low density.

Pacific Northwest Land Development inc.

Oregon City, Oregon

To: City of Newberg, Oregon

Planning Commission

Dear Commission Members;

We are writing to you at the request of the commission chair to explain our position on the need to change the current residential lot building coverage code of 30%. This letter focuses on single level homes only. We feel along with others in the city that the 30% lot coverage is too restrictive for a single level home. As we look at different examples of the 30% coverage you will see that it is economically unfeasible to build a new single level home in the city of Newberg due to this code.

As you are all aware we are living in very difficult times for building new single family homes. But we feel that Newberg as a unique opportunity for growth in new homes, based on your location and appeal to a certain segment of people that want to live in your city. I am speaking of people who are retired or close to retirement. These folks are looking to your city for its quiet appeal and friendly atmosphere. They are looking for high quality homes that offer modern living on a single level, with large gathering areas within the home for family and friends. Most are moderate to high income folks, looking for more luxury and efficiency in their home. As this may well be their last home. And that is very good business for the city of Newberg to have these people living in your city.

Most of these folks have raised their families and are now empty nesters. They have different needs in housing than do younger couples with children. Most have had the typical two story homes and are now looking for a different living style that is designed to meet current and future needs. They are looking for more living area in a single level home without staircases that may pose a problem to them down the road. They also want larger garages as many have a couple of vehicles and they may want work space in the garage. They may also want a small out building or shed for their yard. What they are not looking for, are large yards to maintain. As many travel and don't want the upkeep of a large yard. And this is not just for the empty nesters but for others as well. People's living styles are changing the single level home on smaller lot sizes is becoming more and more desirable to all groups for living ease and resale value.

As you will see by the exhibits that are attached; we can easily achieve this by simply increasing the buildable lot coverage from its current 30% to a more desirable 40%. As you will notice we are not asking for extreme lot coverage, but common sense lot coverage.

Exhibit "A" '5000 square foot lot' a single level home with a small two stall garage of 400 square feet. (20'x20' smaller than is commonly built). You will see that the largest living space area that can be built is only 1100 square feet. There is no way that a builder can build this home effectively due to the fact that the square foot cost would be over \$100.00 per square to build. The reason is that. Kitchens and baths tend to be the most expensive rooms in a house, costing over \$180.00 a square foot and up. In order to spread that cost through the house, we need other square footage (typically: bedrooms and living areas which cost less than \$40.00 a square foot) to balance that cost out. It should also be noted that the owner of this home would not even be able to place a small 8'x8' shed on the property; as that would put them over the current 30% lot coverage. With a change in lot coverage to 40% the house could now be built to 1600 square feet making the price per square foot much more feasible and the house much more desirable to live in.

Exhibit “B” ‘5000 square foot lot’ a single level home with a larger garage of 520 square feet (still undersized for a three stall garage, (22’x24’=528). You can see that the largest living area that can be built is only 980 square feet. A home of this size would never get built by any builder. It is both cost prohibited as well as totally unpractical to build in any modern market. No out buildings (shed) of any kind can be placed on this property at the current code coverage of 30%. But by changing the code to 40% lot coverage we can now build a 1480 square foot home with the garage. And now we have a nice little starter home, that fits the lot well and offers buyers a much improved value on the square foot cost to build as we are spreading the cost of the kitchens and baths across the house.

Exhibit “C” ‘7500 square foot lot’ a single level home with a small 400 square foot two stall garage. With the larger lot size, a 20’x20’ garage would never be built. Most garages are at least 22’ wide and at least 20’ to 23’ deep especially when you factor in the placement of a furnace and hot water heater that will be in the garage taking up space. With the additional cost of the land factored in and only being able to produce a house of 1847 square feet of living space, it would be very expensive to build this home under the current code. Most people that want a little larger single level home want it for the ability to spread the rooms out for more convenient living. They are factoring in their lifestyle as well as their future needs. This is a section of home building that we are very familiar with. As you can see there is still a large area of unused land on this property. We feel that a more balanced approach should be taken to these moderately sized homes. Most people who are looking for this style of home have already down sized from larger two story homes and are looking for the more living space with open floor plans, that are now being offered. They want less yard to care for and more outdoor living space, as is proven out in current trends for outdoor kitchens and fireplaces in the market. Gone are the days of large oversized master bedrooms and multi living areas. The new and future trends point to smaller bedrooms and having home offices to work from. Along with one central living area that is open to other parts of the home. Being able to have guests come and stay comfortably at your home.

Exhibit “D” ‘7500 square foot lot’ a single level home with a larger two stall plus garage. It should be noted that all of the these garages we are showing you are all very undersized to what the market is asking for. If we increased the garage size to what the current market size is in new housing it would make the house living space even smaller. As you can see the house is not in proportion to the lot size or building envelope.

We thank you for taking a look at this matter council members. We are asking for the change of lot coverage from 30% to 40% lot coverage. We strongly believe that this is needed in both the market place and for the future of your city.

Sincerely yours

Douglas Lanz

Pacific Northwest Land Development

LOT COVERAGE

LOT AREA: 5,000 SQ. FT.
FOOTPRINT: 1,500 SQ. FT.

PERCENTAGE: 30%

LIVING AREA REMAINING (single story): 1,100 SQ. FT.

LIVING AREA @ 40% COVERAGE WOULD BE: 1,600 SQ. FT.

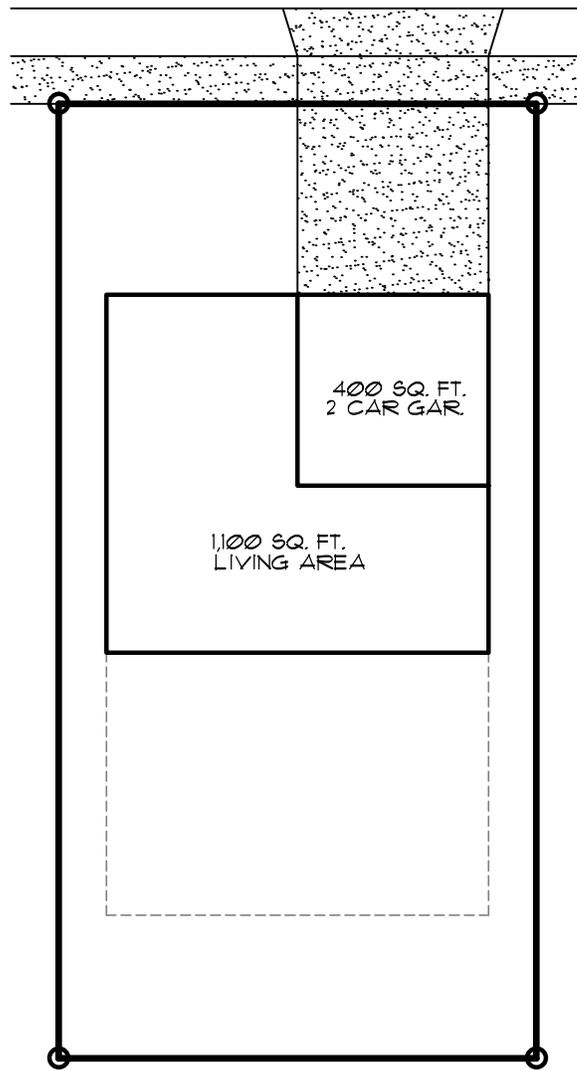


EXHIBIT "A"



LOT COVERAGE

LOT AREA: 5,000 SQ. FT.
FOOTPRINT: 1,500 SQ. FT.

PERCENTAGE: 30%

LIVING AREA REMAINING (single story): 980 SQ. FT.

LIVING AREA @ 40% COVERAGE WOULD BE: 1,480 SQ. FT.

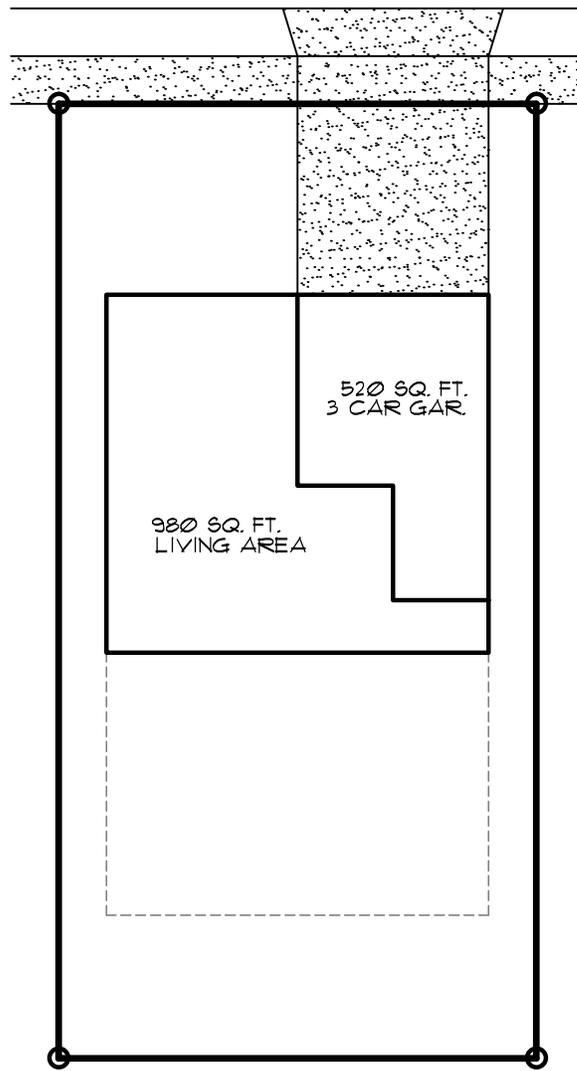


EXHIBIT "B"



LOT COVERAGE

LOT AREA: 7,500 SQ. FT.
FOOTPRINT: 2,250 SQ. FT.

PERCENTAGE: 30%

LIVING AREA REMAINING (single story): 1,847 SQ. FT.

LIVING AREA @ 40% COVERAGE WOULD BE: 2,600 SQ. FT.

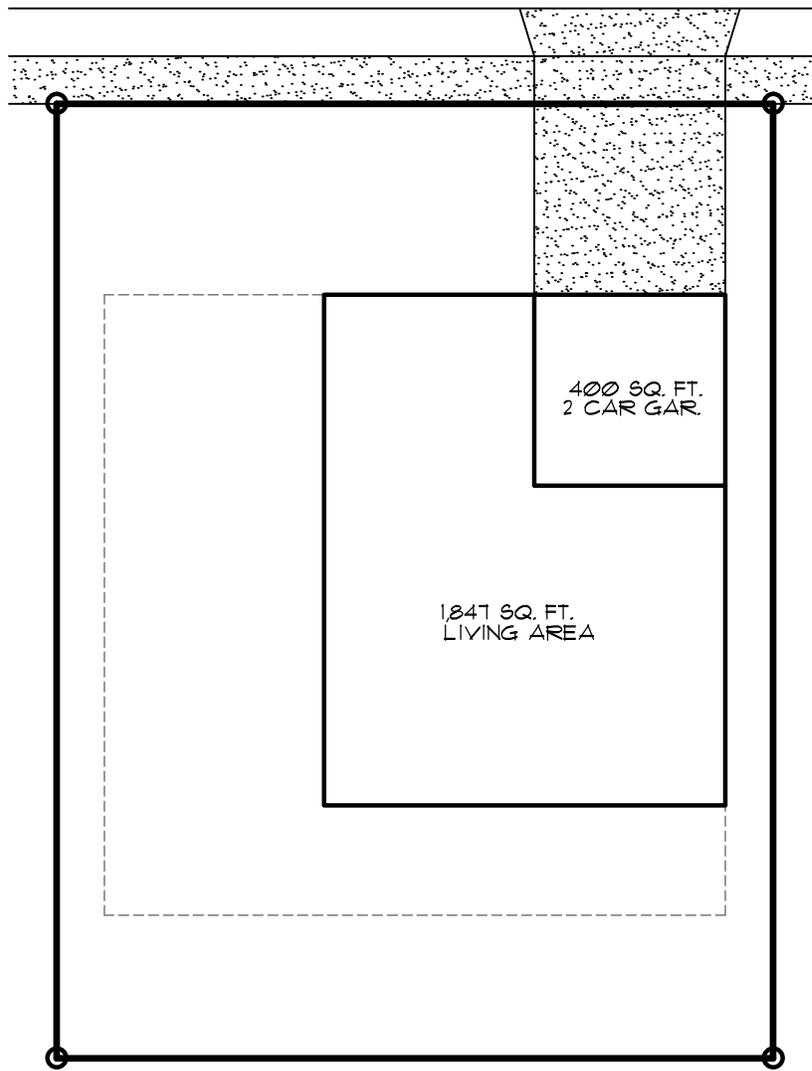


EXHIBIT "C"



LOT COVERAGE

LOT AREA: 7,500 SQ. FT.
FOOTPRINT: 2,250 SQ. FT.

PERCENTAGE: 30%

LIVING AREA REMAINING (single story): 1,727 SQ. FT.

LIVING AREA @ 40% COVERAGE WOULD BE: 2,480 SQ. FT.

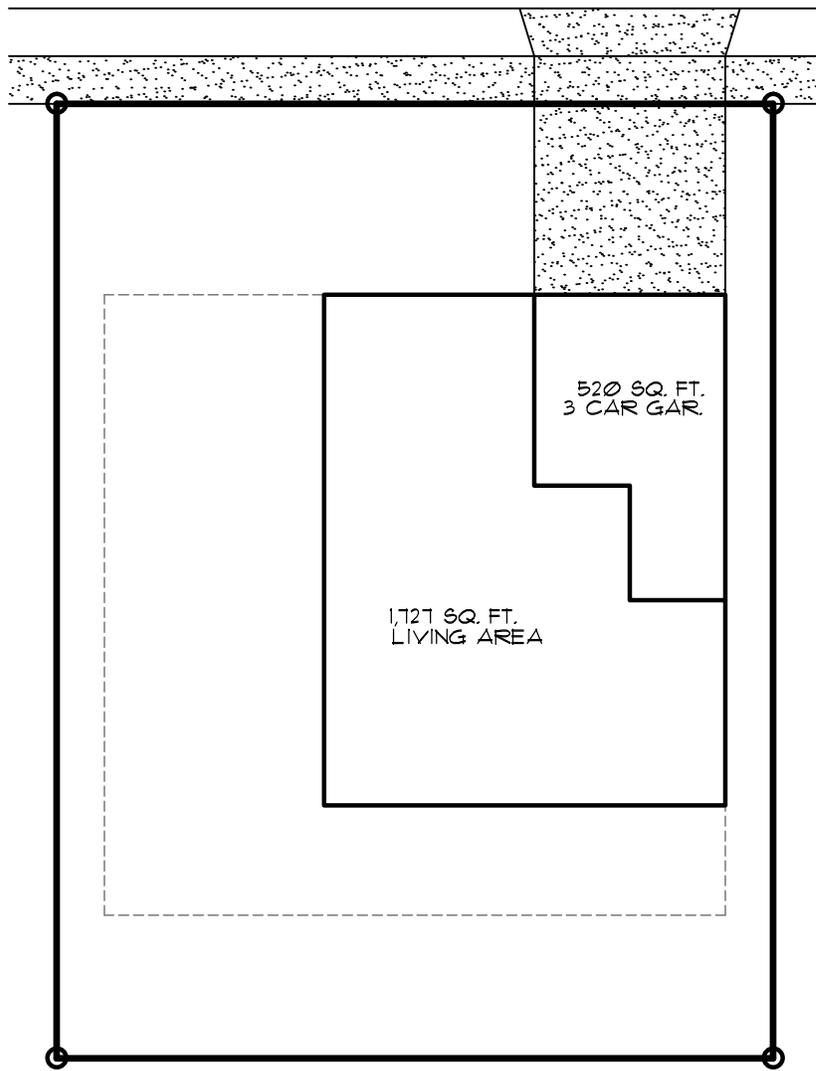
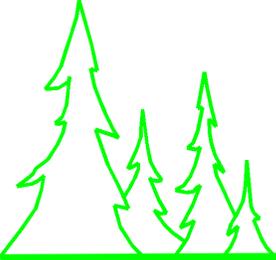


EXHIBIT "D"





LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625
(503) 538-5700 FAX 538-9167
larydell@teleport.com

8 June 2011

Honorable Mayor and City Council
City of Newberg
P. O. Box 970
Newberg, Oregon 97132

Re: Habitat 9th Engineering Issues

Dear Mayor and City Council,

I am writing on my own behalf regarding the appeal of the approval of Habitat for Humanity's partition request for Lots 7 and 8 of "EDWARDS ADDITION TO NEWBERG". As you are aware, I also prepared the land use application.

I am providing volunteer services for Habitat for Humanity, but my only one third of my goal is to promote their construction of their two houses in Newberg. The other two thirds of my goal is to promote affordable housing in Newberg for everyone.

Newberg seems intent of creating a city funded (by more fees) to "create" more affordable housing in Newberg, yet is failing to take action on the fundamental problem that our well intentioned codes prohibit affordable housing from being constructed.

Therefore, this letter has two purposes, one to make specific recommendations for Habitat Ninth, and second, to illustrate that our land use codes effectively prohibit affordable housing construction.

Specific issues and recommendations are as follows:

PARTITIONING VERSUS LOT LINE ADJUSTMENT

I am attaching a copy of the original plat of "EDWARDS ADDITION". Habitat has purchased two platted lots, Lots 9 and 10 of Block 57. As shown on the site plan, the front house has been constructed across the common lot line between the lots. This historically has been a common practice, and a simple letter to the County Assessor originally combined the two original platted lots to one tax lot.

In this age of increasing regulations, this practice is no longer allowed as building inspectors and planners say that you cannot violate the setbacks without replatting the property to "erase" the common lot line. The Newberg Community Development has required platting in this instance.

However, this "problem" could be resolved with a simple lot line adjustment where the two existing lots could have the common line rotated 90 degrees to create two lots that conform to existing requirements. However, the Community Development Department has rejected that option.

Honorable Mayor and City Council
8 June 2011

Page 2 of 6

At present, the house straddling the lot line does not conform to current codes. If the lot line was adjusted, it would comply. The development of Habitat Main was similar in that the current code would not allow the lot to be partitioned, but if it was partitioned, the two lots would meet current standards and be allowed. Therefore, City Staff ignored the code to achieve two developable lots. The same could be done in this case with a lot line adjustment to convert two platted lots that don't conform to two lots that do.

According to 151.235 (B) (1) PROPERTY CONSOLIDATIONS, the property is consolidated by virtue of a house being constructed across the property line, and it could be interpreted that you would have to partition the property.

However, it then states, "Restoring consolidated properties as separate lots. Properties that have been consolidated may not be restored as separate lots unless approved by the Director." Partitioning is only required if it was originally combined through a platting process. The platting process essentially gets rid of the original plat and replaces it with the new plat, but this did not happen in this case.

It should be noted that a lot line adjustment and approval for a dwelling is a Type I permit. The Newberg fee is \$680.

Just for comparison, the Lot Line Adjustment Fee for the City of McMinnville is \$150.00.

Furthermore, the cost difference per a lot line adjustment versus platting the property fees by \$1160 and result in the future home owner repaying \$2,241.77 over 30 years (assuming 5% interest rate). This is based on \$140 more for creating two parcels, \$680 plus \$140 for two parcels for the City to sign the final partition plat, \$200 to the Yamhill County for a deposit to review the partition plat (a portion may be refundable) for a total of \$1,160 which does not include preparation of the applications, addressing the criteria, title reports, additional time in the final plat review, prepayment of taxes, etc.

Recommendation: Promote affordable housing by allowing a lot line adjustment.

FIRE ACCESS

The City of Newberg is requiring at Habitat's expense the improvement of 543.75 feet of the alley for fire department access including 12 foot wide asphalt from the site to Meridian Street. This is far out of proportion for the conversion of an existing garage to a single family house, and is not a condition required by Oregon's Fire Code or the Newberg Fire Department. There are several issues involved including distances to a hydrant, acceptable access and the quality of the access road.

The Oregon Fire Code does not necessarily require a Fire Access under the following exception:

Honorable Mayor and City Council
8 June 2011

Page 3 of 6

EXCEPTION: The fire code official is authorized to modify Sections 503.1 and 503.2 where any of the following applies:

1. *The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3.*

Furthermore, Oregon Fire Code Section 503 requires an unobstructed width of 20 feet for a fire access, presumably for access to the sides of vehicles during emergency operations. It does not specify the driving surface width.

The City of Newberg has required a 20 foot driveable surface width for the West portion of the alley and a 12 foot asphalt paving width for the entire 543.75 foot length of the alley including one or two concrete driveway approaches at the ends.

However, these width requirements can again be waived under Section 503.1.1 of the Fire Code if the building if residential sprinklers are installed. Habitat for Humanity has no objections to installing a sprinkling system.

Fire Code Section 503.5.3 requires that, *“Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaces so as to provide all-weather driving capabilities.”* This is a reasonable requirement, but it does not exclude gravel roads.

The existing alley improvements have been in place for years. Changing existing conditions will create additional runoff necessitating additional improvements such as curbing, storm pipes, catch basins and manholes, all of which further degrade the environment. The condition of approval required that all increased flows be directed to “the public storm drain system”. Unfortunately, there is no public storm drainage system other than the existing curbs and gutters, and the alley is virtually level. Does the need for the improvements compensate for the environmental degradation and costs to society even if one house could afford to do it?

Pavers are a common solution to installing a subsurface drainage system. Unfortunately, Newberg’s Engineering Department will not allow pavers. Pervious pavement or pervious concrete is also an option, but is more expensive.

Therefore, why is a paved road instead of a gravel road being required? Oregon Fire Code or the Newberg Fire Department does not require paving. The real issue is whether or not a fire truck can drive down the alley and not get stuck.

Recomendation: Promote affordable housing by deleting the paving and concrete apron requirements except for requiring paving or pavers fronting the property. As other lots develop, the alley improvements can be completed. However, I do suggest

Honorable Mayor and City Council
8 June 2011

Page 4 of 6

a requirement to add gravel as necessary to allow fire truck access for the entire alley during wet weather. While the alley is probably already structurally adequate, a requirement to demonstrate that it is capable of all weather fire truck access is reasonable.

FIRE HYDRANT

The City is approval suggests that a fire hydrant may be required. This has been discussed extensively during the application process, and again, the Oregon Fire Code does not require hydrants if sprinklers are installed, nor has a new hydrant been required by the Newberg Fire Department. Two years ago, the low bid for a fire hydrant for new construction was \$3078. Since tapping an existing main will be required, the cost of a new hydrant is anticipated to be greater, depending upon the location and size of the existing water line.

Recommendation: Delete the fire hydrant clause No. viii.

NEW SEWER LATERAL

The submitted site plan proposed to utilize the existing 4-inch sewer lateral for the two houses. It is a design standard in Newberg to have one 6-inch lateral to the main to serve two houses with 4-inch laterals to a 6-inch wye cleanout, and it is my understanding that a 4-inch lateral to the main for two houses has previously been allowed in the City of Newberg. Conditions ix and x require a new sewer lateral into the existing manhole, and since the street will be dug up, the City is requiring that the entire street be ground and repaved.

All work in the right-of-way typically requires signage, a traffic control plan and flaggers.

The submitted Site Plan proposes two individual house laterals running to the existing sewer connection at the 9th street North right-of-way line where a wye cleanout assembly will be installed. This again is a current City of Newberg standard except that the line to the street is 4-inches instead of the standard 6-inches.

There are three engineering options:

- 1. Don't install a new lateral, and use the existing lateral.** This is the cheapest option. As shown on the site plan, a new 4-inch wye and cleanout can be installed at the property line. A 4-inch line at 2% (minimum) slope can handle 0.27 cubic feet per second or 121 gallons per minute. A 6-inch main at 2% slope can handle 0.79 cubic feet per second or 354 gallons per minute. Assuming four toilets flushing at once, five gallons per flush, and a 12 second flush time, there would be a maximum

Honorable Mayor and City Council
8 June 2011

Page 5 of 6

of 100 gallons per minute through the line assuming that each flush was perfectly timed to reach the wye at the same time. The plumbing code allows 216 fixture units on a 4-inch line. A typical single family home typically has 20 to 28 fixture units, so under plumbing code standards, a four inch line is more than adequate to serve 7 to 8 houses, yet only two houses are proposed.

Question: Why isn't a four inch double wye acceptable?

Question: Would a 24" manhole instead of a double wye and cleanout be more acceptable?

- 2. If a new lateral is installed, don't grind the pavement, but use Controlled Density Backfill (CDF) to avoid the trench from settling.** CDF backfill is essentially a one sack mix per cubic yard of concrete that prohibits trench settlement, yet allows the trench materials to be dug up in the future.

Question: Why is not CDF backfill not an option to street grinding?

- 3. Install the new lateral, grind and repave the street.** Grinding costs \$3000 plus the cost of installing the lateral. Installing a new lateral will require traffic control, asphalt cutting, tapping the main, installing the new lateral, backfilling and compacting the trench, a temporary pavement patch, removing the patch, grinding the pavement and repaving the street. **This is the most expensive option.**

Question: What is more important, a recently paved street or affordable housing?

Recommendation: Promote affordable housing to allow both houses to connect to the existing 4-inch lateral as submitted. It should be noted that Habitat for Humanity is looking at another property in Newberg that may be partitioned into two lots, so establishing this policy will save thousands in future sewer costs for each new house is existing developed areas.

PARKING STALLS

I have visited several alleys in Newberg, and parallel parking seems to be the rule, not the exception. Furthermore, two parking spaces per house is the standard. The Community Development Department is requiring three at 90 degrees to the alley.

Obviously, turning 90 degrees into parking spaces is more difficult than parallel parking along the 50 foot lot frontage. Obviously, with parallel parking, you can look in your mirror to see if traffic is coming. That is more difficult when backing out.

The biggest concern is that the liveable space to be occupied by the future residents is

Honorable Mayor and City Council
8 June 2011

Page 6 of 6

severely impacted. Is the loss of side and rear yards worth the requirement to have 90 degree parking? Having one space in the rear of the other two creates situations where one car has to be moved to get the other one out.

Recommendation: Allow parallel parking and reduce the number of spaces to two, particularly since only a two bedroom house is proposed for the lot.

In conclusion, if we cannot afford to tear down substandard housing and build new, our affordable housing quality in Newberg will continue to decline. Establishment of City Funds to promote affordable housing will **never** be effective if the City is unable to realistically address the current development code requirements and the costs of conforming to the codes.

We also need to consider whether or not our requirements create a neighborhood that we want to live in. Improved streets can mean for and faster traffic. More parking spaces means less outdoor space for our residents.

I am attaching an Engineer's Estimate of the additional unnecessary costs to meet the unnecessary city requirements. Furthermore, the engineering and surveying cost to get to the partition application stage at my normal rates were \$6,455, and approval is not yet received. We cannot expect any normal property owner to pay these type of fees.

I look forward to your responses, and should you have any questions, please feel free to give me a call.

Thank you.

Sincerely yours,



Leonard A. Rydell, P.E., P.L.S., W.R.E.

LAR/lar

cc: Newberg Habitat for Humanity

CHAPTER 5 FIRE SERVICE FEATURES

SECTION 501 GENERAL

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter. See also ORS 92.044, 203, 221, 195.065, 368.039, 478.920, OAR 918-480-0100 and Oregon State Fire Marshal Interpretation #94-02.

ORS Chapters 92.044, 203, 221, 368.039, 195.065 and 478.920 and OAR Chapter 918 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 92.044 is the adoption of standards and procedures governing approval of plats and plans; delegation to planning commission; fees.

ORS 203 is the county bodies; county home rule.

ORS 221 is the organization and government of cities.

ORS 368.039 allows road standards adopted by local government to supercede standards in fire codes and requires consultation with local fire agency.

ORS 195.065 requires local governments and special districts that provide urban service to enter into urban service agreements. For the purpose of this statute, "urban service" means: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

ORS 478.920 describes elements that maybe included in the scope of a fire prevention code adopted by a rural fire protection district, including but not limited to mobile fire apparatus means of approach to buildings and structures, and providing fire-fighting water supplies and fire detection and suppression apparatus adequate for the protection of buildings and structures.

OAR 918-480-0100 describes the procedure for approving the installation of automatic fire sprinklers where fire apparatus access or fire-fighting water supply do not meet local standards.

ORS 479.200 regulates water supply requirements for certain public buildings erected after July 1, 1967, as defined in ORS 479.010(1)(1).

OSFM Interpretation #94-02 recommends methods for calculating water supply requirements based on local conditions or ISO grading using Appendix B or NFPA 1142.

501.2 Permits. A permit shall be required as set forth in Sections 105.6 and 105.7.

501.3 Construction documents. Construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

501.4 Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.

SECTION 502 DEFINITIONS

502.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

NOTE: Specifications and standards for public streets are regulated by county or city governing bodies in accordance with ORS 368.039, wherein input from the fire service is required during planning for community development projects.

FIRE COMMAND CENTER. The principal attended or unattended location where the status of the detection, alarm communications and control systems is displayed, and from which the system(s) can be manually controlled.

FIRE DEPARTMENT MASTER KEY. A limited issue key of special or controlled design to be carried by fire department officials in command which will open key boxes on specified properties.

FIRE LANE. A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.

KEY BOX. A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

SECTION 503 FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 (see Appendix D).

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or

FIRE SERVICE FEATURES

within the jurisdiction. The fire apparatus access roads shall comply with the requirements of this section and shall extend to within 1.50 feet (457.20 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to modify Sections 503.1 and 503.2 where any of the following applies:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 23.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.2 Authority. The fire code official shall have the authority to modify the dimension specified in Section 503.2.1.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 1.50 feet (457.20 mm) in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at

both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.

503.3 Marking. Where required by the fire code official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

503.5 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways.

503.5.1 Secured gates and barricades. When required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

Exception: The restriction on use shall not apply to public officers acting within the scope of duty.

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

SECTION 504

ACCESS TO BUILDING OPENINGS AND ROOFS

504.1 Required access. Exterior doors and openings required by this code or the *International Building Code* shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

504.2 Maintenance of exterior doors and openings. Exterior doors and their function shall not be eliminated without prior approval. Exterior doors that have been rendered nonfunctional and that retain a functional door exterior appearance shall have a sign affixed to the exterior side of the door with the words THIS DOOR BLOCKED. The sign shall consist of letters having a principal stroke of not less than 0.75 inch (19.1 mm) wide and at least 6 inches (152 mm) high on a contrast

background. Required fire department access doors shall not be obstructed or eliminated. Exit and exit access doors shall comply with Chapter 10. Access doors for high-piled combustible storage shall comply with Section 2306.6.1.

504.3 Stairway access to roof. New buildings four or more stories in height, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3 percent slope), shall be provided with a stairway to the roof. Stairway access to the roof shall be in accordance with Section 1009.12. Such stairway shall be marked at street and floor levels with a sign indicating that the stairway continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as required for such occupancy classification.

SECTION 505 PREMISES IDENTIFICATION

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

505.2 Street or road signs. Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

SECTION 506 KEY BOXES

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

506.1.1 Locks. An approved lock shall be installed on gates or similar barriers when required by the fire code official.

506.2 Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

SECTION 507 HAZARDS TO FIRE FIGHTERS

507.1 Trapdoors to be closed. Trapdoors and scuttle covers, other than those that are within a dwelling unit or automatically operated, shall be kept closed at all times except when in use.

507.2 Shaftway markings. Vertical shafts shall be identified as required by this section.

507.2.1 Exterior access to shaftways. Outside openings accessible to the fire department and which open directly on a hoistway or shaftway communicating between two or more floors in a building shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches (152 mm) high on a white background. Such warning signs shall be placed so as to be readily discernible from the outside of the building.

507.2.2 Interior access to shaftways. Door or window openings to a hoistway or shaftway from the interior of the building shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches (152 mm) high on a white background. Such warning signs shall be placed so as to be readily discernible.

Exception: Marking shall not be required on shaftway openings which are readily discernible as openings onto a shaftway by the construction or arrangement.

507.3 Pinfalls. The intentional design or alteration of buildings to disable, injure, maim or kill intruders is prohibited. No person shall install and use firearms, sharp or pointed objects, razor wire, explosives, flammable or combustible liquid containers, or dispensers containing highly toxic, toxic, irritant or other hazardous materials in a manner which may passively or actively disable, injure, maim or kill a fire fighter who forcibly enters a building for the purpose of controlling or extinguishing a fire, rescuing trapped occupants or rendering other emergency assistance.

SECTION 508 FIRE PROTECTION WATER SUPPLIES

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

508.2 Type of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

508.2.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24.

508.2.2 Water tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.

508.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method (see Appendix B).

508.4 Water supply test. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.

508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6 (see Appendix C).

508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the

FIRE SERVICE FEATURES

jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

508.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.

508.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually.
2. Fire service main piping: Inspection of exposed, annually; flow test every 5 years.
3. Fire service main piping strainers: Inspection and maintenance after each use.

508.5.4 Obstruction. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

ORS 811.550(16) is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 811.550(16) prohibits parking within 10 feet (3048 mm) of a fire hydrant.

OAR 860-024-0010 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 860-024-0010 is an Oregon Public Utility Commission rule that adopts the *National Electrical Safety Code* (NESC). The NESC contains rules that limit the placement of a fire hydrant a minimum of 4 feet (1219 mm) from any supporting structure for electrical equipment, such as transformers and poles.

508.5.5 Clearspace around hydrants. A 3-foot (914 mm) clearspace shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

508.5.6 Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means shall comply with Section 312.

SECTION 509 FIRE COMMAND CENTER

509.1 Features. Where required by other sections of this code and in all buildings classified as high-rise buildings by the *International Building Code*, a fire command center for fire department operations shall be provided. The location and accessibility of the fire command center shall be approved by the fire department. The fire command center shall be separated from the remainder of the building by not less than a 1-hour fire barrier constructed in accordance with Section 706 of the *International Building Code* or horizontal assembly constructed in accordance with Section 711 of the *International Building Code*, or both. The room shall be a minimum of 96 square feet (9 m²) with a minimum dimension of 8 feet (2438 mm). A layout of the fire command center and all features required by this section to be contained therein shall be submitted for approval prior to installation. The fire command center shall comply with NFPA 72 and shall contain the following features:

1. The emergency voice/alarm communication system unit.
2. The fire department communications system.
3. Fire-detection and alarm system annunciator system.
4. Annunciator visually indicating the location of the elevators and whether they are operational.
5. Status indicators and controls for air-handling systems.
6. The fire-fighter's control panel required by Section 909.16 for smoke control systems installed in the building.
7. Controls for unlocking stairway doors simultaneously.
8. Sprinkler valve and water-flow detector display panels.
9. Emergency and standby power status indicators.
10. A telephone for fire department use with controlled access to the public telephone system.
11. Fire pump status indicators.
12. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire protection systems, fire-fighting equipment and fire department access.
13. Work table.
14. Generator supervision devices, manual start and transfer features.
15. Public address system, where specifically required by other sections of this code.

FIRE SERVICE FEATURES

SECTION 510

FIRE DEPARTMENT ACCESS TO EQUIPMENT

510.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

ENGINEER'S EXTRA COSTS ESTIMATE

HABITAT 9TH - NEWBERG

No.	Item	Quantity	Unit Price	Total
ALLEY IMPROVEMENTS				
1.	Driveway Approaches	2 each	\$ 1200.00	\$ 2,400.00
2.	Truncated Domes	2 each	\$ 250.00	\$ 500.00
3.	Subgrade Preparation	1 each	\$ 1400.00	\$ 1,400.00
4.	9" Rock	490 sq.yd.	\$ 14.00	\$ 6,860.00
5.	4" Leveling Rock	490 sq.yd.	\$ 6.20	\$ 3,038.00
6.	Asphalt Paving	6,237 sq.ft.	\$ 1.58	\$ 9,822.90
7.	Relocate Wood Fence	58 feet	\$ 10.00	\$ 580.00
	Sub Total - Alley Improvements		\$	24,600.90
SANITARY SEWER SYSTEM IMPROVEMENTS				
8.	Core Manhole	1 each	\$ 250.00	\$ 250.00
9.	Saw Cut Pavement	36 feet	\$ 2.00	\$ 72.00
10.	4" 3034 Laterals w/Backfill	34 feet	\$ 50.00	\$ 1,700.00
11.	Pavement Grinding	1 each	\$ 2000.00	\$ 2,000.00
12.	Repaving 2" Asphalt	1,600 sq.ft.	\$ 1.05	\$ 1,680.00
13.	4" 3034 Laterals w/Backfill	138 feet	\$ 40.00	\$ 5,520.00
14.	Traffic Control Plan	1 each	\$ 600.00	\$ 600.00
15.	Traffic Signage	8 each	\$ 24.00	\$ 192.00
16.	Flaggers	24 Hours	\$ 24.00	\$ 576.00
	Sub Total - Sewer System		\$	12,590.00
Extra Platting Fees				
17.	Partition Application Lot Fee	2 Lots	\$ 70.00	\$ 140.00
18.	Partition Plat Base Fee	1 Plat	\$ 680.00	\$ 680.00
19.	Partition Plat Lot Fee	2 Lots	\$ 70.00	\$ 140.00
20.	County Surveyor Plat Fee	1 each	\$ 200.00	\$ 200.00
21.	Preparation of Partition Plat	1 each	\$ 1200.00	\$ 1,200.00
	Sub Total - Extra Partition Fees		\$	2,360.00
	Total Improvements		\$	39,550.90