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PLANNING COMMISSION MINUTES
September 10, 2009
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE OCT. 8, 2009 PLANNING COMMISSION MEETING

I. ROLL CALL

Present: Lon Wall, Chair Cathy Stuhr
Nick Tri, Vice Chair Philip Smith

Staff Present: Barton Brierley, Planning & Building Director
David Beam, Economic Development Planner
Steve Olson, Associate Planner
Jessica Nunley, Assistant Planner
Crystal Kelley, Recording Secretary

Absent: Thomas Barnes (excused) Derek Duff (excused) Matson Haug(excused)
Amanda Golson, student PC (excused)

II. OPEN MEETING

Chair Lon Wall opened the meeting at 7:03 p.m. and asked for roll call.

III. CONSENT CALENDAR

Chair Wall entertained a motion to accept the minutes of the August 13, 2009 meeting.

<p>Motion #1 Tri/Stuhr to approve the minutes from the Planning Commission meeting of August 13, 2009 as submitted. (4 Yes/ 0 No/ 3 Absent – Barnes, Duff, Haug), unanimous voice vote.</p>
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IV. COMMUNICATIONS FROM THE FLOOR

Chair Wall offered an opportunity for non-agenda items to be brought forth. No other topics were brought forward.

V. LEGISLATIVE PUBLIC HEARING

- APPLICANT: City of Newberg**
REQUEST: Accept the South Industrial Area Master Plan as a vision plan for the area located south of Newberg, on either side of Highway 219
FILE NO.: G-08-004 Resolution No. 2009-268

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

Jessica Nunley, Assistant Planner, presented the staff report (see official meeting packet for full report).

Commissioner Cathy Stuhr made recommendations for some heading changes on page one of the document, and some other edits throughout the plan. She recommended they take out all the “In order tos” and change them to “In doing so”. She went on to say that the plan document should acknowledge that the plan will change over time. She brought attention to page eight recommending they remove the use of the word “prime” for farmland. She then went to page 20 and recommended they make it more clear what plan they are referring to and what is the preferred alternative. She referred to the reference to “the district” – she recommended that the plan clarify to what district it is referring.

Public Comment:

Mr. Sid Friedman, with 1000 Friends of Oregon, informed the commissioners that 300 acres in the plan are not in the Urban Growth Boundary. There were issues raised in regards to the amount of land that was proposed. Most of the area covered by the plan is prime farm land with 90% class 1 or 2 soils. The City should give reconsideration to the amount of land and the location.

Commissioner Smith asked Mr. Friedman if the City should do any planning for land outside the urban reserve. Mr. Friedman answered the City should do rough planning rather than the detailed master planning that goes beyond what is needed to indicate what they can justify for growth in the future. It makes no sense for the City to put a lot of resources into something such as this. He confirmed to Commissioner Smith that he does believe the City should plan for future growth. He went on to say he does not think the City should go to this degree of detail for future planning. Philip Smith asked him what would convince him to support this plan. He stated that it would be less objectionable if it were smaller and within the URA; maybe approximately. 110 acres, equal to the need through 2027.

Chair Wall asked Mr. Friedman about “speculative planning”. He answered they are planning something that the state has already said “no” to once. Wall went on to ask if his primary objection is to the location or the size. Mr. Friedman answered that he is more concerned about the location rather than the size. Chair Wall asked if there is a different location that Mr. Friedman would prefer. Mr. Friedman answered the City could meet the needs within the existing Urban Reserve Area.

Mrs. Dotti Smits informed the commissioners that she has been a Newberg resident for 32 years. She began her testimony by sharing that she has just under three acres near the City. The congestion at the bottom of Rex Hill as well as other areas has taken away from the small town feel of the area. We are going to look like everyone else if we keep growing at this rate. She recommended they use common sense and not pay attention to the dollar. They need to think about what they want for families. She went on to say that 99W is over-used. They spent millions of dollars on studies for the bypass and nothing has changed. She pointed out this kind of growth brings more trash along the streets. The more houses you build the more trash it will bring. She would like more people in our community to be happy and smile. She would like to see the City enhance the character of the downtown area rather than adding large commercial businesses.

Commissioner Stuhr agreed with Mrs. Smits on the issue of the amount of trash on the roadways.

Mrs. Corine Waterbury lives on Old Parrett Mountain Road. She agrees with the statements that were made by the other members of the public. The plan for the area is described as green but she does not feel this is the proper use of this term. She does not understand how large scale development will reduce traffic. It seems they have an agenda to expand with out any thoughts to the consequences. She does not feel the plan is going to fit in with the existing farmland. The economic predictions do not indicate this is a good time to go about this degree of growth.

Commissioner Smith asked if she attended any of the meetings that were held during the development of the plan. She stated she did not and was under the impression the meetings were only open to those who were interested in developing their land. He went on to say we will not reduce the issues we have with regard to traffic, but that if we don't do this type of planning we may have worse traffic problems in the future. She stated she does not think we should not plan ahead but that she is not in agreement with this particular plan. Commissioner Smith asked Mrs. Waterbury if she thought Newberg should grow. She agreed that the City should grow but not at the expense of the small community feel of the area. Commissioner Smith pointed out we are required to plan for the next 20 years for the growth of the community.

Chair Wall stated he has been the strongest advocate for controlling growth for the City. We have had a 13% unemployment rate for the state. He went on to say that he still thinks we need to have some growth for our community. He would like to know what her position is about growth. She replied she is for slow growth. She does not think some of the proposed solutions are the best plan.

Commissioner Stuhr pointed out they are thinking about the opportunity, that growth allows us to bring others to come into our community in the future when we plan for it.

Mrs. Cheryl McCaffrey lives in Newberg off Wilsonville Road. Although, she is in favor of several pieces of the plan, she is opposed to the Industrial Area. She would like to know how many square feet are needed. Could they do the development in three-story buildings rather than three acres? She would like to see us limit the amount of area taken up for growth. The open space provides a quaint feeling. She would like to see the City focus on these areas. She reminded the Commissioners that Newberg is the gateway to wine country which needs more agricultural land. She is in agreement with the others from the public who shared input. She would like to have the plan put on the back burner until a better game plan has been provided. The County tends to underestimate the use of Wilsonville Road for commuting and she is concerned with the amount of traffic in that area. She would like to see more emphasis on public transportation which would reduce traffic congestion. A transportation system would need to be developed in order to support the current plan.

Chair Wall asked if she is more concerned with the location or the size. Mrs. McCaffrey answered she is concerned with both issues in the plan. Commissioner Wall went on to say that Wilsonville Road is not the only option for transportation routes in the area. The City chose this location because it is on Highway 219 and there is not another spot in the area where you will not run into an issue getting to a major highway.

Mrs. Shirley Cooper has been a resident of Newberg for over 30 years. She is concerned that there will be some extra cost for the plan that will cost the citizens more tax dollars. She thinks we need to scale down the plan and change the location of the plan. She is concerned our City will not be able to support a program of this size.

Commissioner Smith asked if the project would meet her approval if it was smaller. She stated it would and that would help with her concern of the cost. Chair Wall said he is not clear that there is anything in the plan that suggests they will have to raise taxes for the citizens. He asked what she saw in the proposal that led her to believe there would be new taxes. She pointed out there is one page that mentions an urban renewal option. Commissioner Stuhr pointed out it can be found in section D of the plan.

Mr. Ken Wegter has ancestry that goes back before the City of Newberg was founded. He reminded the committee that Newberg has only so much land available. He recommends instead of sacrificing the available land to asphalt we think about becoming more of an agricultural area. He stated at some point we will run out of room if we keep growing as the plan recommends. He recommends they go back to the country.

Ms. Nunley pointed out they received two late testimony letters and asked for permission to share them now. Chair Wall agreed they should review them now. Jessica Nunley went on to read the two letters presented (from Lee Does and Yamhill Soil & Water Conservation District). Copies of the letters have been obtained to be added to the official packet.

Chair Wall closed the public testimony.

Closing Comments from Staff:

Mr. Barton Brierley addressed the committee to note that over the last five years we have had over 100 meetings to talk about the future growth of Newberg. The plan before us is a result of the public feedback received along the way. There was a very strong recommendation from the Ad Hoc Committee to encourage industrial growth as part of a complete community. He went on to clarify that the acreage in the plan is total acreage, and would be added in phases. He addressed the issue of taxes and financing. They are not adopting a decision for financing but this will be a decision for the future. The plan does not include a plan to condemn farm land.

Mr. David Beam feels the City has focused on growing local businesses as opposed to recruitment. The plan would allow the City to do more recruitment. It also affects the existing businesses as well as some are size constrained and will need to expand in the future. Growth is not just how much income they make but also physical growth. They are working with the regional economic development organizations.

Commissioner Smith asked what is the percentage of agricultural land in this area as compared to all of the agricultural land in Yamhill County. Staff said it would be less than 1%. He went on to ask staff their opinion of how it would be possible to make the plan smaller. Mr. Brierley stated the plan is a long-range, 30-year plan. Ms. Nunley added that the area would likely be developed in phases over time. Chair Wall stated it is important to keep in mind that industrial agriculture is now intensified agriculture that sometimes uses a lot of chemicals and other unpleasant resources. Mr. Beam stated they envisioned some of the land would be used to support local agriculture, such as by food processing companies.

Chair Wall asked how the process will proceed after this point. Ms. Nunley pointed out that tonight they are considering accepting the plan as the vision but are not adopting the plan tonight. She brought their attention back to the portion of the packet that spoke to how they will proceed.

Motion #2: Smith/Tri moved to accept Planning Commission Resolution 2009-268.

Deliberation:

Chair Wall asked if the committee is comfortable with the fact there is no clear information from the DLCDC. Commissioner Tri stated there has not been any information from the DLCDC leaving them waiting in limbo. He went on to say they are at least still progressing towards a vision for what they would like to see come about. Commissioner Stuhr pointed out they are presenting a vision and feels they should move forward with that understanding. Chair Wall stated the committee could decide to lower our expectations due to the economic down turn. We can also say it is our obligation to try to come up with a plan to generate some jobs in the area. He would like us to avoid saying we should not do anything. He does not see any better place to promote jobs in the area and have it work out better for the community at-large. As a community, we need to keep ourselves above water. This is the plan in place for that at this time.

Commissioner Smith pointed out all planning by humans is faulty, not perfect; however, we are required by Oregon law to do future planning. He is convinced the staff is well trained and capable. Citizens who worked on other committees came to the conclusion that Newberg will continue to grow. The industrial need has been determined to be especially dire. The idea of large lot industrial land was proposed to the Planning Commission many years ago. He pointed out we are talking about industrial land. We need to have industrial growth since residential growth is not a winning proposition. The industry owners are footing the bill and providing us a lot of jobs. He is convinced Newberg needs some industrial growth and planning. You can't find the properties we need within the Urban Growth Boundary already. To oppose industrial growth would be saying Newberg should not have growth. He is in support of the plan.

Commissioner Stuhr stated she agrees with what Commissioner Smith had to say. She is hearing that the plan has the appearance of being overly optimistic. A lot of people are concerned with how big it is. There needs to be something else they can do to implement phases to the plan that would allow for the long-term vision. The large plan is scaring a lot of support away. She would like to see the option of a two-phase plan.

Commissioner Smith pointed out they could approve the vision then recommend staff narrow the plan into phases prior to the City Council hearing.

Motion #3: Tri/Smith to amend previous motion. Recommend that plan be presented to City Council including a phased approach, emphasizing that the first phase is what is expected to occur within the next 20 years (4 Yes/ 0 No/ 3 Absent – Barnes, Duff, Haug), unanimous voice vote.

Vote on Motion #2 as amended: Smith/Tri to accept the South Industrial Area Master Plan as a vision plan for the area located south of Newberg, on either side of Highway 219, with the plan to be presented to City Council including a phased approach, emphasizing that the first phase is what is expected to occur within the next 20 years (4 Yes/ 0 No/ 3 Absent – Barnes, Duff, Haug), unanimous voice vote.

Chair Wall adjourned the meeting for a five minute break at 9:25. Re-adjourned at 9:32.

Hearing continued from August 13, 2009

APPLICANT: City of Newberg

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

FILE NO.: G-09-007

RESOLUTION NO.: 2009-267

Mr. Beam presented the staff report. (see official meeting packet for full report). He pointed out they added the language to the resolution recommended by the Planning Commission.

Chair Wall brought up a concern he has with the income numbers used in the material presented indicating it did not sound realistic. Mr. Beam reminded the committee they used the numbers given by HUD for the Portland MSA rather than the numbers specific for Newberg. The Ad Hoc Committee for Affordable Housing recommended that HUD be the source for the income numbers. Commissioner Smith pointed out early in the process the affordable housing committee adopted the HUD standards for low to moderate income. Mr. Beam pointed out the HUD numbers were revised once per year, which allowed for more current numbers. Newberg specific numbers come out every ten years, although the Census' American Community Survey can provide numbers averaged over a three-year period.

The commissioners made multiple recommendations for language changes at the previous meeting. The recommended changes were noted by Mr. Beam. Discussion ensued in regards to the changes and how they would best support the material. The commissioners were in agreement on the changes to the language.

Chair Wall asked the commissioners how they would like to proceed with the resolution. Mr. Beam pointed out he sent the Commissioners a series of emails earlier this week from citizens in regards to this issue. He also had copies of another email he received just prior to the meeting that the Commissioners had not seen. He asked if they would like to consider the emails in their decision. They determined they would accept the emails as public comments but would like to move forward with a decision. Mr. Brierley stated to the commissioners that staff would include the emails in the next meeting packet.

<p>Motion #4: Stuhr/Smith to approve RESOLUTION NO.: 2009-267 to amend Newberg Development Code regarding proposed flexible development standards to support affordable housing with the language changes (4 Yes/ 0 No/ 3 Absent), unanimous voice vote.</p>

VI. ITEMS FROM STAFF

Mr. Brierley announced they had the first meeting of the Electronic Sign Ad Hoc Committee. He went on to report there is some new industrial development coming into the area. They are located on Ninth Street, near the airport and in the airport industrial district, where they will make wind turbines. Mr. Brierley reminded the commissioners of the new City website. He recommended the commissioners take the time to review the new site. There is a new page for the Planning Commission on the site, as well.

VII. ITEMS FROM COMMISSIONERS

Commissioner Stuhr and Commissioner Tri asked for an excused absence for the October 8th meeting.

VIII. ADJOURN

Chair Wall adjourned the meeting at 10:24 p.m.

Approved by the Planning Commission this 8th day of October, 2009.

AYES:

NO:

ABSENT:

ABSTAIN:

(List Name(s))

(List Name(s))

Planning Recording Secretary

Planning Commission Chair

Date

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TYPE III, QUASI-JUDICIAL PUBLIC HEARING PROCEDURE

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS¹
2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, 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")^{3 4}
 - A. PROPONENTS (PRINCIPLE PROPONENT/S FIRST, THEN OTHERS OR UNDECIDED)
 - B. OPPONENTS AND UNDECIDED
 - C. PRINCIPAL PROPONENT REBUTTAL
5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE PLANNING COMMISSION DIRECTED THROUGH THE CHAIR
6. STAFF SUMMARY OF WRITTEN TESTIMONY FROM REGISTRATION FORMS
7. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING (GAVEL)
8. FINAL COMMENTS FROM STAFF
9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT
10. 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.

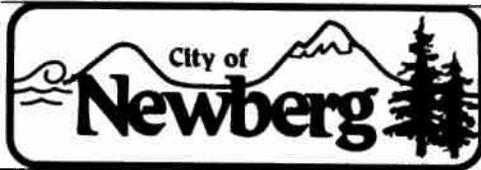
³ Questions by those wishing to testify should be directed to the Chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

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

**QUASI-JUDICIAL
PUBLIC HEARING PROCESS
TESTIMONY AND EVIDENCE REQUIREMENTS**

ORS 197.763 requires certain statements to be made at the commencement of a public hearing.

- The applicable City and State zoning criteria must be listed. This means that we must advise you of the standards that must be satisfied by the applicant prior to our approval of an application. The Planning Staff will list the applicable criteria during his or her presentation of the staff report.
- Persons wishing to participate in this hearing must direct their testimony or the evidence toward the criteria stated by the Planner or other specific City or State criteria which you believe apply. You must tell us why the testimony or evidence relates to the criteria.
- Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised in person or by letter at the local level prior to the City approving or denying the application. The law states that the issue must be raised in enough detail to afford the decision-maker and the parties an opportunity to respond. This part of the law is also known as the "raise it or waive it" requirement. If you do not bring it up now, you can't bring it up at LUBA.
- Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval in enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.
- Prior to the conclusion of the initial evidentiary hearing on an application, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Planning Commission will grant such a request through a continuance or extension of the record.



Planning and Building Department

P.O. Box 970 · 414 E. First Street · Newberg, Oregon 97132

(503) 537-1240 · (503) 537-1272 FAX · www.ci.newberg.or.us

STAFF REPORT

BARNES ACCESSORY DWELLING AT 429 S. MAIN STREET Type III Conditional Use Review

FILE NUMBER: CUP-09-003
REQUEST: Conditional use permit approval for an 800 square foot, two-story, detached accessory dwelling unit in the R-1 Low Density Residential zoning district. The Newberg Development Code identifies accessory dwellings as a conditional use in the R-1 Low Density Residential Zone.
APPLICANT: Keith & Evelyn Barnes
OWNER: Keith & Evelyn Barnes
LOCATION: 429 S. Main Street
TAX LOT: 3219AC-08300
PLAN
DESIGNATION: LDR Low Density Residential
ZONE: R-1 Low Density Residential
CODE CRITERIA: Newberg Development Code §§ 151.205 & 151.194
PREPARED BY: Newberg Planning Division Staff

ATTACHMENTS:

- Planning Commission Resolution 2009-269 with:
 - Exhibit "A" Findings
 - Exhibit "B" Conditions of Approval
- Attachment "2" Proposed Plans, Site Photos, Applicant's Criteria Response

A. EXECUTIVE SUMMARY:

Keith and Evelyn Barnes request conditional use permit approval for an accessory dwelling to their existing single family home at 429 S. Main Street. Accessory dwellings are listed as a permitted conditional use in the R-1 Zone. Approval would permit a two-story structure with a garage on the first floor and a multi-purpose room on the second floor. The proposed second floor is designed as a dwelling although the space will be used for family gatherings until a tenant leases the unit. Two existing sheds will be removed. Staff finds that the proposal meets the intent, purpose, and all applicable criteria of the Development Code. Several conditions of approval are recommended including: replacing the sidewalk along Fifth Street, replacing broken sidewalk panels on Main Street, installing a concrete driveway approach, and including a kitchen and bathroom in the design of the second floor.

At the October 8, 2009 public hearing the Commission should:

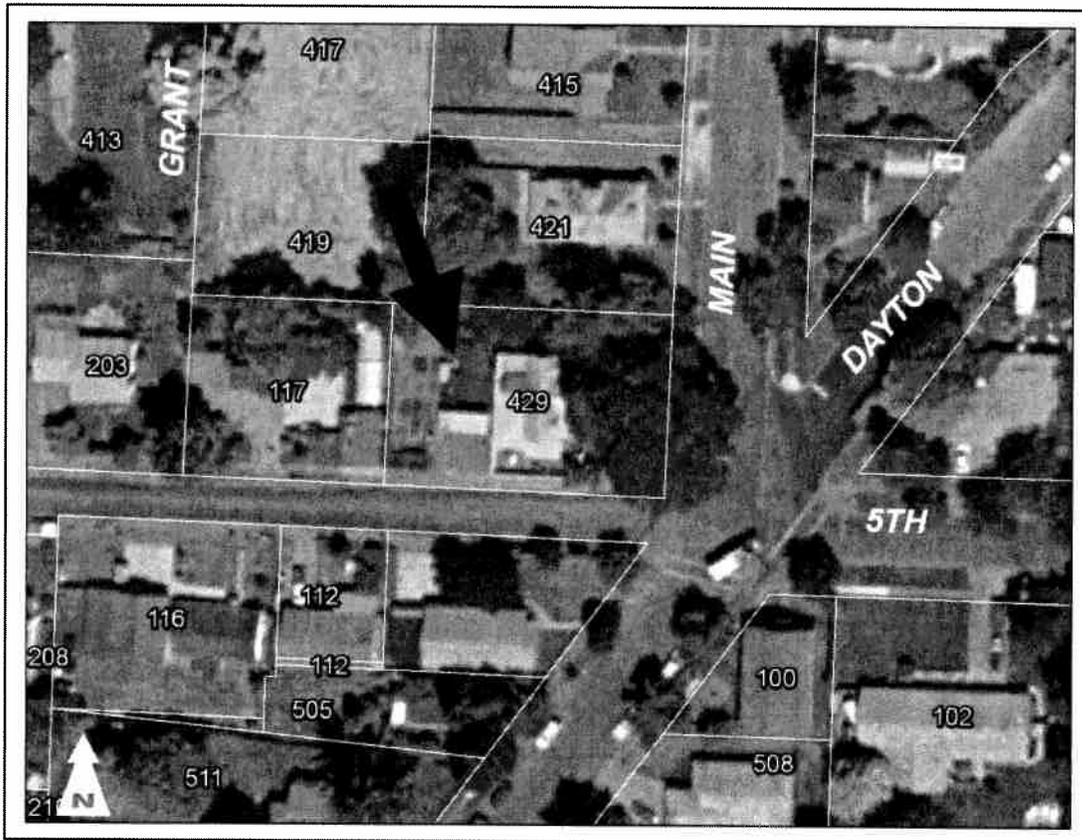
1. Review the Conditional Use and Site Design Review criteria;
2. Consider public testimony;
3. Make findings of fact; and
4. Make a decision to adopt Resolution 2009-269, a request to approve an accessory dwelling at 429 S. Main Street.

The Planning Commission may: approve with no conditions, approve with conditions, or deny the request. Unless otherwise appealed, the Planning Commission action will be the final decision. A

tentative Planning Commission Resolution, findings, and conditions of approval can be viewed in Attachment "A".

B. SITE INFORMATION:

- | | |
|--|---|
| 1. Location: | 429 S. Main Street |
| 2. Lot Area: | ≈0.28 acres or 11,988 square feet |
| 3. Comprehensive Plan Designation: | LDR Low Density Residential |
| 4. Zoning District: | R-1 Low Density Residential |
| 5. Current Land Use: | Single-family dwelling |
| 6. Adjacent Land Uses: | Single-family dwelling |
| 7. Topography & Natural Features: | Flat (1% < slope) |
| 8. Access & Transportation: | Existing and proposed access to the site is on Fifth Street. All proposed parking is on-site. |
| 9. Utilities & Public Improvements: | Water and waste water utility lines are available in the adjacent right-of-way. Sidewalk exists along Main Street and Fifth Street. |



C. DISCUSSION:

The discussion section 1) highlights existing policies that pertain to this proposal, and 2) clarifies a few Development Code provisions.

1. Intent of Conditional Use Provisions

For each zoning district the Development Code lists those uses that are permitted outright, uses that are permitted conditionally, and prohibited uses (in some zones). Uses that are permitted conditionally are those uses that are generally found acceptable but *may* have unique impacts on the community. In the context of Newberg the Development Code provides the following description and purpose for conditional uses:

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

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

2. Purpose of Accessory Dwellings

With appropriate development standards accessory dwellings may be beneficial. As stated in the Development Code the purpose of accessory dwellings are to:

- a) *Increase the number of affordable housing units in the community.*
- b) *Increase residential densities with minimal impact on the quality or character of existing neighborhoods.*
- c) *Allow small and/or older households to retain large homes as residences.*
- d) *Permit young households to achieve home ownership by using the rent from the accessory unit to offset mortgage costs.*
- e) *Provide needed space for elderly family members, teenagers, and/or returning adult children.*

3. Comprehensive Plan

The Newberg Comprehensive Plan includes the following policies that promote accessory dwellings:

- a) *The City shall encourage innovation in housing types and design as a means of offering a greater variety of housing and reducing housing costs.*
- b) *The City shall encourage an adequate supply of rental housing dispersed throughout the City to meet the needs of renters.*
- c) *Within the urban area, land use policies will attempt to provide a broad range of residential uses and encourage innovative development techniques.*

4. Defining “Detached” and “Attached”

The proposed two-story accessory dwelling is physically detached from the existing single-family home. However, in regard to the residential height requirements only, the Newberg Development Code considers a physically detached structure “attached” if it is located within five feet of the primary structure. The maximum allowed height for an attached structure is thirty feet or two stories, whichever is lesser. The maximum allowed height for a detached structure is sixteen feet or one story, whichever is lesser. The term “detached” used throughout the staff report and findings refers to the physical connection of the structure.

5. Conditional Use Permit Must Be Exercised to Be Effective

The Newberg Development Code §151.214 states, “...*A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision....*” The applicant is requesting conditional use permit approval for an accessory dwelling. This means, per the Code, that the dwelling is required to be constructed within one year of the approval date. However, the applicant has provided written testimony that the dwelling will unlikely be rented immediately after construction, rather it will be used as a space for large family gatherings. At a future time the space may be rented as a dwelling unit. The Development Code provides the following definition for accessory dwelling unit:

“DWELLING UNIT, ACCESSORY. One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to an existing or new single family dwelling.”

The proposal includes a private bath and kitchen facility. Staff finds that if the structure is designed and permitted as an accessory dwelling unit per the Development Code definition, the intent of the Code§151.214 is met – although the space may not be occupied by a tenant at all times.

D. PUBLIC TESTIMONY:

As of October 1, 2009 no written public testimony was received regarding this land use matter.

E. PROCESS:

The Development Code requires certain procedures regarding public notice and application review according to Oregon Revised Statutes. The procedural requirements of the Newberg Development Code § 151.022 are met as follows:

- September 17, 2009: The Director determined the application was complete.
- September 17, 2009: The applicant mailed public notice to all property owners within 500 feet of the site and posted the site.
- October 8, 2009: The Planning Commission held a public hearing to consider the request.

F. STAFF RECOMMENDATION:

Staff recommends that the Planning Commission adopts Resolution 2009-269 with the findings contained in Exhibit “A” and approve the conditional use permit to allow, in perpetuity, a two-story detached accessory dwelling at 429 S. Main Street subject to the following conditions of approval contained in Exhibit “B”. Staff recommends the following conditions of approval:

1. Replacement of all sidewalk along Fifth Street.
2. Replacement of the two uneven sidewalk panels along Main Street.
3. All on-site parking asphalt or concrete.
4. Installation of a concrete driveway approach.
5. Include a kitchen and private bathroom in the design of the second floor.

PLANNING COMMISSION RESOLUTION No. 2009-269

A RESOLUTION TO APPROVE A TWO-STORY, DETACHED, ACCESSORY DWELLING UNIT NOT TO EXCEED EIGHT HUNDRED SQUARE FEET AT 429 S. MAIN STREET, TAX LOT 3219AC-08300

RECITALS:

1. The Development Code permits an accessory dwelling as a conditional use in the R-1 Low Density Residential Zone.
2. The proposal is compatible and has minimal impact to the neighborhood because: a) the design, scale, and architectural style are similar to the existing dwelling and other structures in the immediate neighborhood, b) the operating characteristics are found to be similar to other single-family dwellings in the surrounding neighborhood, c) the traffic impacts are nominal, and d) adequate waste water and water infrastructure capacity exists to serve the proposed dwelling.
3. The proposed structure meets all of the site design review criteria of the Development Code in regard to design compatibility, parking, setbacks, lot coverage, landscaping, zoning, utilities, and frontage improvements.
4. The proposal meets the intent and purpose of the Development Code. Accessory dwelling units: increase the number of affordable housing units, increase residential densities, permit young households to achieve home ownership through renting, and provide needed space for elderly family members, teenagers, and/or returning adult children.
5. The proposal encourages an adequate supply of rental housing – a policy of the Newberg Comprehensive Plan.
6. The findings are shown in Exhibit “A”. Exhibit “A” is hereby attached and by this reference incorporated.

THE PLANNING COMMISSION OF THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The request for a conditional use permit to allow a two-story, detached, accessory dwelling at 429 S. Main Street, Tax Lot 3219AC-08300 is approved. The conditions of the approval are shown in Exhibit “B”. Exhibit “B” is hereby attached and by this reference incorporated.
2. The conditional use permit approval shall transfer with all future property sales.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: October 9, 2009.

ADOPTED by the Planning Commission of the City of Newberg, Oregon, this 8th day of October, 2009.

AYES: **NAYS:** **ABSTAIN:** **ABSENT:**

ATTEST:

Planning Commission Secretary

Exhibits:

“A” Findings

“B” Conditions of approval

Planning Commission Chair

EXHIBIT "A" FINDINGS
Resolution 2009-269/File CUP-09-003
Barnes Accessory Dwelling at 429 S. Main Street

Note: The Development Code criteria are shown in *italic font*. Findings are shown in regular font.

I. ACCESSORY DWELLING UNITS – CRITERIA THAT APPLY NDC § 151.678

A. Development Standards - NDC §151.678.2

1. *Accessory dwelling units are permitted as conditional uses in the R-1 zone and as outright permitted uses in the R-2 and R-3 zones.*
2. *Limitations. An accessory dwelling unit is permitted providing there is compliance with all of the following standards:*
 - a. *An accessory dwelling unit may be created within or as an addition to a detached single family structure or as a free-standing accessory building.*
 - b. *An accessory dwelling unit may not exceed 50% of the size of the primary unit, up to a maximum of 800 square feet.*
3. *The number of residents permitted to inhabit the accessory dwelling unit is regulated by the Uniform Building Code.*
4. *Either the primary or accessory dwelling unit must be owner-occupied.*
5. *In addition to the number of parking spaces required for the primary residence, as established in § 151.612, one on-site parking space shall be provided for the accessory dwelling unit. This parking space shall be paved and/or covered.*
6. *The front door of the accessory dwelling unit shall not be located on the front facade of the primary residence unless the door is already existing.*
7. *There shall be compliance with all of the development standards established in the base zone.*

FINDINGS:

The Planning Commission finds that the proposal meets the accessory dwelling development standards because:

1. The proposal is located in the R-1 Low Density Residential Zone.
2. The proposed accessory dwelling is a physically detached structure. However, in regard to the height requirements of this Code only, the dwelling is considered attached.
3. The proposed area of the accessory dwelling is about seven hundred eighty square feet, approximately thirty four percent of the existing structure. The floor layout of the second floor may be modified prior to building permit approval however, as a condition of approval the total gross floor area of the second floor shall not exceed eight hundred square feet.
4. The existing single-family home is owner occupied.
5. One paved covered parking space is available for the accessory dwelling.
6. The door for the accessory dwelling is located on the northeast corner of the structure - not located on the front facade of the primary residence.
7. To be considered an accessory dwelling unit the second floor shall be designed as such according to the definition of accessory dwelling unit included in the Newberg Development Code. As a condition of approval the second floor shall include, at a minimum, one private bathroom and one kitchen facility. The kitchen facility, at a minimum, shall include one stove and one sink.

II. CONDITIONAL USE CRITERIA THAT APPLY - NDC § 151.205:

A. Conditional Use Permit Criteria - NDC § 151.205

A conditional use permit may be granted through a Type III procedure only if the proposal conforms to all the following criteria:

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

FINDINGS: The Planning Commission finds that the proposal meets the conditional use criteria, and is reasonably compatible with and has minimal impacts on the livability of the neighborhood because:

1. The proposal includes adequate buffering. The proposed structure has a side yard setback of approximately twenty-two feet from the west property line and approximately thirty feet from the north property line. The minimum required setback is five feet. The proposed setback distances provide an adequate visual and noise buffer between the proposed single dwelling and the neighbors to the west and north.
2. The proposed structure will serve dual purposes as a garage for the existing residents and living space for a future resident. The existing access to the site will remain. By using the existing access point, there will be a nominal impact to the existing traffic flow on Fifth Street.
3. Traffic impact is nominal. The living area is approximately eight hundred square feet, about the size of a typical one-bedroom apartment. This size would reasonably provide for one adult, two adults, or two adults and a young child. Therefore, potentially two additional passenger vehicles would be added to the site. The typical daily trips of two passenger vehicles will have an immeasurable impact to the existing traffic flow in the neighborhood.
4. The operating characteristics are typical. The Planning Commission anticipates that the operating characteristics of the proposed use are similar to a typical single-family dwelling in the area – vacant from 9 p.m. to 5 p.m., occupied between 5 p.m. to 10 p.m., and quiet between 10 p.m. and 7 a.m.
5. The proposal maintains the neighborhood's low density. The combined lot coverage of the proposed structure and the existing home is approximately twenty-two percent – eight percent below the maximum permitted coverage in the R-1 zone. The average lot coverage is twenty four percent for developed R-1 property in this area of Newberg.
6. The proposed architectural design is similar to existing structures in the neighborhood. Design elements include: a pitched roof, vertical windows, and horizontal siding. The surrounding neighborhood includes both single-story and two-story houses.
7. Adequate utility infrastructure is available. The existing waste water and water trunk lines in Fifth and Main respectively, are adequately sized to serve the proposed development.

FINDINGS:

The proposal provides a convenient shared space for the existing homeowners as well as a future resident for several reasons. Currently no covered parking area exists on site. The enclosed garage will allow vehicles to be parked indoors, which is generally considered more attractive than outdoor parking. A two story Victorian-style garage is generally considered more attractive for a neighborhood than a single story garage with no architecturally distinct features. The upper floor of the proposed structure will allow the existing home owners to have a large open gathering space that is not currently available in the existing house. The proximity of the proposed structure (within five feet of the existing house) provides physical convenience for the homeowner.

FINDINGS:

The proposed development is consistent with Site Design Review standards, accessory dwelling standards, and conditional use criteria of the Development Code as noted in the findings contained here in Exhibit "A". Furthermore the proposal helps to achieve the purpose of accessory dwellings, which is to:

1. Increase the number of affordable housing units in the community.
2. Increase residential densities with minimal impact on the quality or character of existing neighborhoods.
3. Allow small and/or older households to retain large homes as residences.
4. Permit young households to achieve home ownership by using the rent from the accessory unit to offset mortgage costs.
5. Provide needed space for elderly family members, teenagers, and/or returning adult children

III. SITE DESIGN REVIEW CRITERIA THAT APPLY – NEWBERG DEVELOPMENT CODE § 151.194:

A. Design Compatibility

The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

FINDINGS:

The proposed design is compatible with existing structures in the surrounding area because the design includes the following elements: a pitched roof, vertical windows, horizontal siding, and window trim similar to the existing home. Furthermore, the proposed structure is two-stories – similar to surrounding homes.

B. Parking and On-Site Circulation

Parking areas shall meet the requirements of § 151.610. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in § 151.610. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

FINDINGS:

The proposal includes three covered parking stalls and two uncovered parking stalls. The Development Code requires a total of three parking stalls – two for the existing single-family home and one for the accessory dwelling unit. Access to the parking area will be taken from the existing driveway on Fifth Street. Because no additional access points will be added to the site there will be no negative impact to the local traffic system.

C. Setbacks and General Requirements

The proposal shall comply with §§ 151.535 through 151.540 dealing with height restrictions and public access; and §§ 151.550 through 151.568 dealing with setbacks, coverage, vision clearance, and yard requirements.

FINDINGS:

The proposed structure is two-stories, is located outside of the required vision clearance area and required yards, and has lot coverage of twenty-two percent.

D. Zoning district compliance. *The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in §§ 151.280 through 151.438. Through this site review process, the Director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the Director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.*

FINDINGS:

Accessory dwellings are listed as a permitted conditional use in the R-1 Low Density Residential District.

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

FINDINGS:

Sidewalk exists along the Fifth Street and Main Street frontages. No curb exists along the Fifth Street frontage. The sidewalk along Fifth Street is found to be in poor condition. The sidewalk is cracked and heaving along the entire Fifth Street frontage. Two sidewalk panels are heaving from an existing tree along Main Street. The existing driveway approach and parking areas are gravel. The Development Code requires that the abutting landowner maintain the right-of-way. As a condition of approval the applicant shall: replace all existing sidewalk along Fifth Street, replace the two panels that are heaving along Main Street, pave all on-site parking with asphalt or concrete, and install a concrete driveway approach. All required improvements within the right-of-way are subject to the Newberg Public Works Design Standards.

F. Traffic study improvements. *If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the Director.*

FINDINGS:

A traffic study is typically required for those uses that generate vehicle trips in excess of forty trips per p.m. peak hour. Two dwellings on one site do not generate more than forty trips per p.m. peak hour – no traffic study is required.

IV. OTHER CODE REQUIREMENTS

B. Conditions - NDC § 151.205

The hearing body shall designate conditions in connection with the conditional use permit deemed necessary to secure the purpose of this chapter and the general conditional use permit criteria and require the guarantees and evidence that such conditions will be complied with. Such conditions may include:

- 1. Regulation of uses.*
- 2. Special yards, spaces.*
- 3. Fences and walls.*
- 4. Surfacing of parking areas to city specifications.*
- 5. Street dedications and improvements (or bonds).*
- 6. Regulation of points of vehicular ingress and egress.*
- 7. Regulation of signs.*
- 8. Landscaping and maintenance thereof.*
- 9. Maintenance of the grounds.*
- 10. Regulation of noise, vibration, odors or other similar nuisances.*
- 11. Regulation of time for certain activities.*
- 12. Time period within which the proposed use shall be developed.*
- 13. Duration of use.*
- 14. Such other conditions as will make possible the development of the city in an orderly and efficient manner in conformity with the Newberg comprehensive plan and this Newberg Development Code.*

FINDINGS:

The Planning Commission finds that conditions shall be placed on the approval in order for the proposal to fully meet the Development Code requirements. The Conditions of Approval can be viewed in Exhibit “B” of Resolution 2009-269. The accessory dwelling is subject to all applicable requirements of the Newberg Municipal Code.

EXHIBIT "B" CONDITIONS OF APPROVAL

Resolution 2009-269/File CUP-09-003

Barnes Accessory Dwelling at 429 S. Main Street

1. The applicant must provide the following information for review and approval prior to construction of any improvements:

a. Revised Site Plan: Provide a site plan that shows the following:

- i. Replacement of all sidewalk along Fifth Street.
- ii. Replacement of the two uneven panels along Main Street.
- iii. All on-site parking asphalt or concrete.
- iv. A concrete driveway approach .

b. Building Permit Application: Provide a building permit application that includes:

- i. A permit application form.
- ii. Two sets of construction plans (to scale). The second floor plans, at a minimum, shall show:
 - (a) One private bathroom.
 - (b) One kitchen that includes one stove and one sink.
- iii. Two site plans (to scale).
- iv. Plan review fee.

2. The applicant must complete the following prior to occupancy.

a. Conditional Use Permit Conditions: Contact the Planning Division (537-1240) to verify that all conditions of approval are complete.

b. Building Division Requirements: This project is subject to compliance with all Building Division standards. This includes obtaining all applicable building, plumbing, mechanical, and electrical permits.

c. Fire Department Requirements: This project is subject to compliance with all Fire Department standards relating to access and fire protection.

d. Engineering Division Requirements: This project is subject to compliance with all Engineering Division standards.

e. Substantially Complete the Construction Improvements: Prior to issuance of an occupancy permit, construction improvements must be made substantially complete and secured for in accordance with city policy.

f. Site Inspection: Contact the Building Division (537-1240) for Building, Mechanical, and Plumbing final inspections. Contact the Fire Department (537-537-1260) for Fire Safety final inspections. Contact Yamhill County (538-7302) for electrical final inspections.

3. Development Notes

a. Conditional Use Permit Must Be Exercised to Be Effective NDC § 151.214

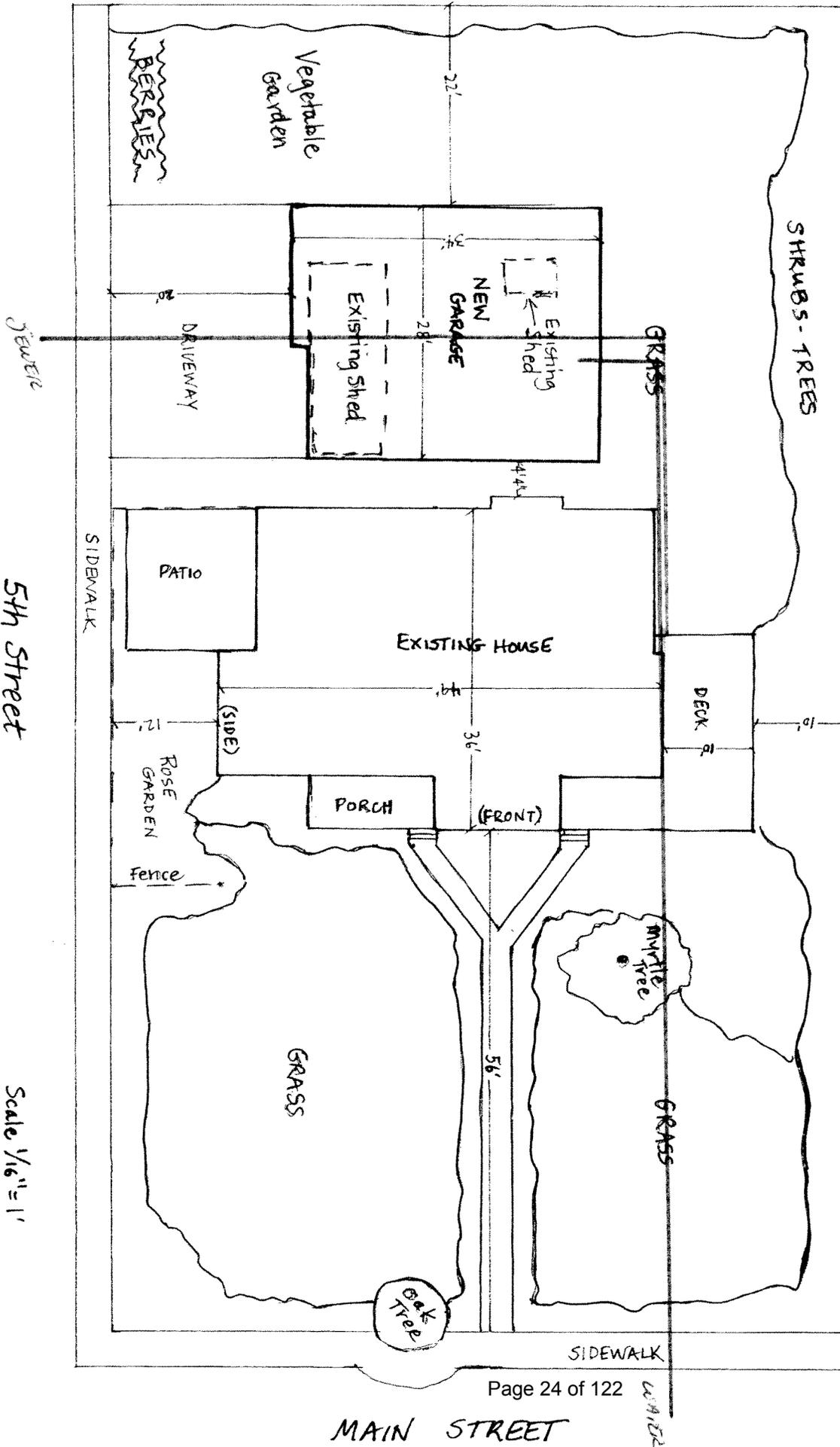
- i. A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The Director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:
 - a) The land use designation of the property has not been changed since the initial use permit approval; and
 - b) The applicable standards in this code which applied to the project have not changed.
- ii. In case such right is not exercised, or extension obtained, the conditional use permit decision shall be void. Any conditional use permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such permit

Attachment **2**

DRAINAGE:
gutters + downspouts
Flow is directed to 5th Street ditch

429 S MAIN ST PLOT Plan
Lot Size: 81' wide x 148' deep (11,988 sq. ft.)

1
N



5th Street

Scale 1/6" = 1'

429 S. Main St. Newberg

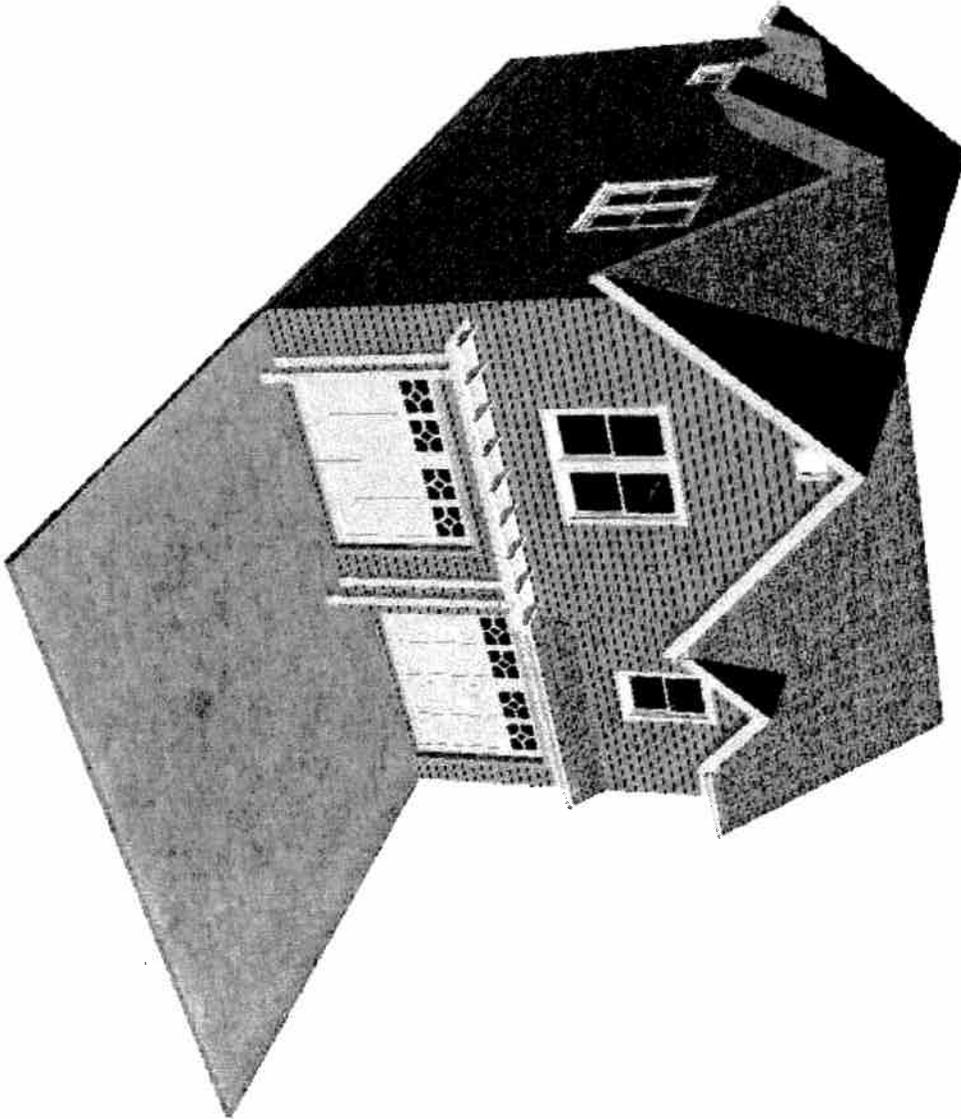
JOB BARNES DWELLING UNIT
ADDITION

DESCRIPTION
2 Car Garage w/2nd Story Recreation Room

NOTES
South & West Views

SCALE

PAGE
1



429 S. Main St. Newberg

JOB BARNES' DWELLING UNIT
ADDITION

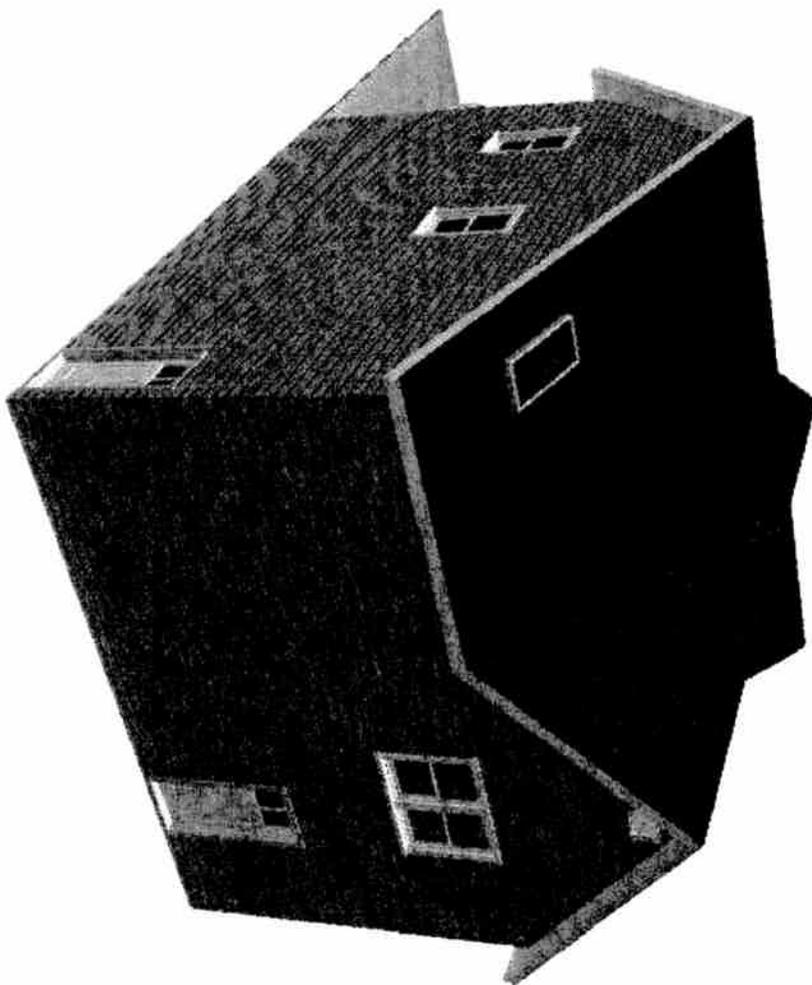
DESCRIPTION
2 Car Garage w/2nd Story Recreation Room

NOTES

North & East Views

SCALE

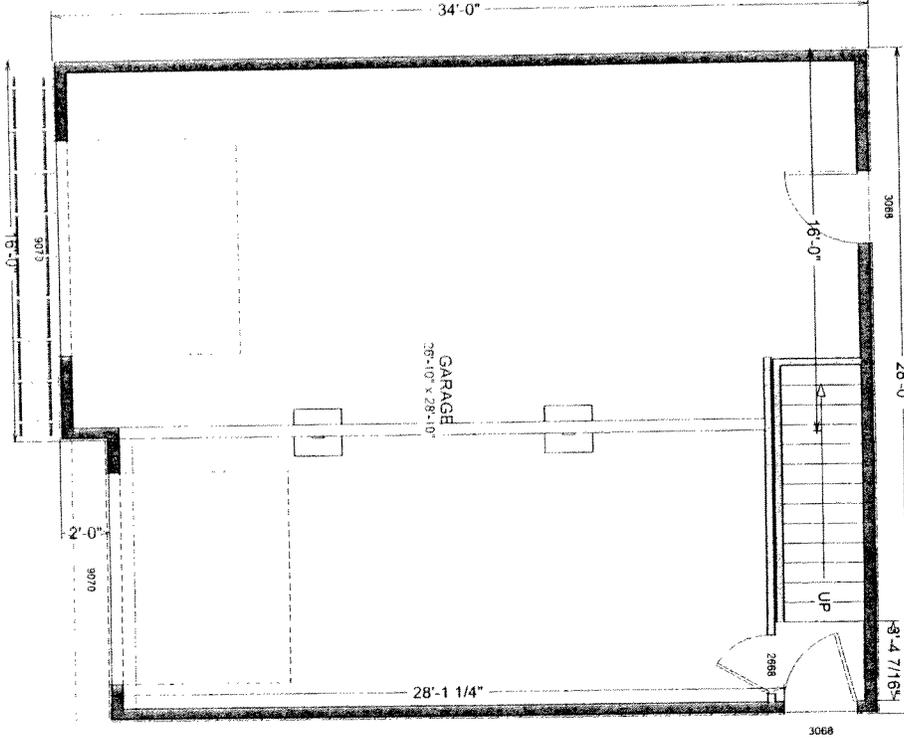
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2



429 SOUTH MAIN ST.

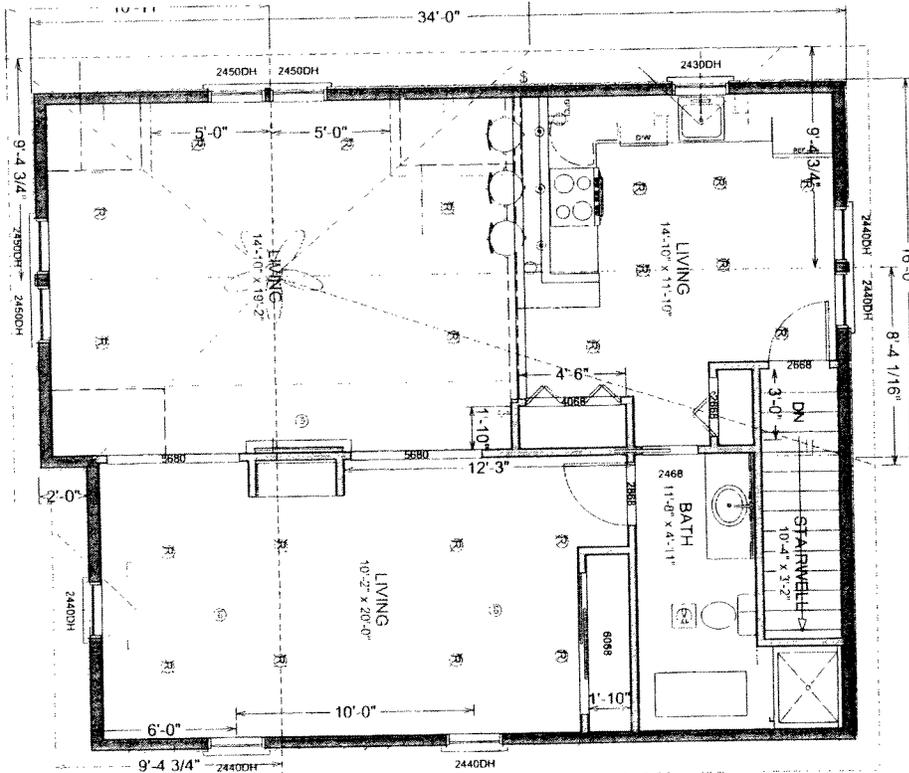
Scale 1/8" = 1ft.

GARAGE



FLOOR PLANS

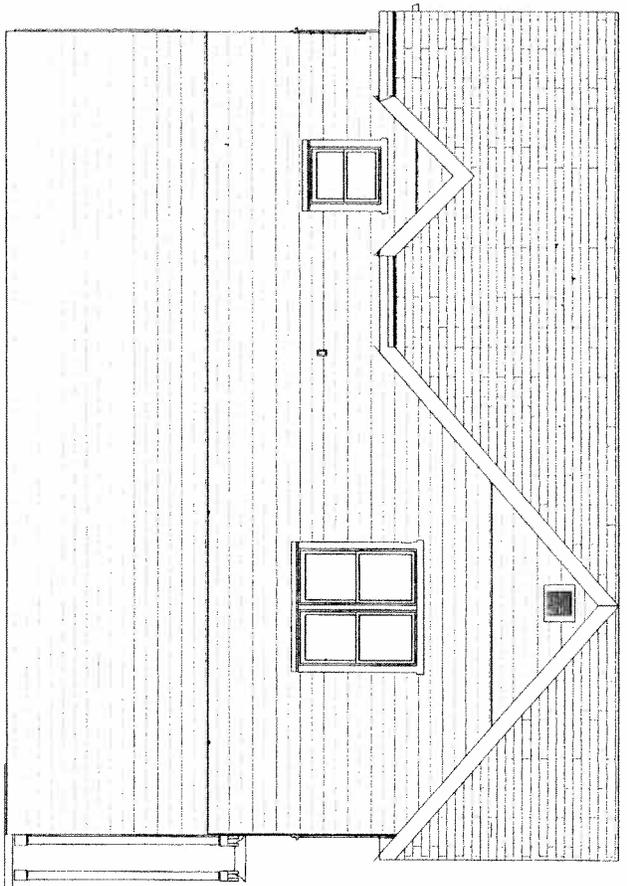
2ND FLOOR



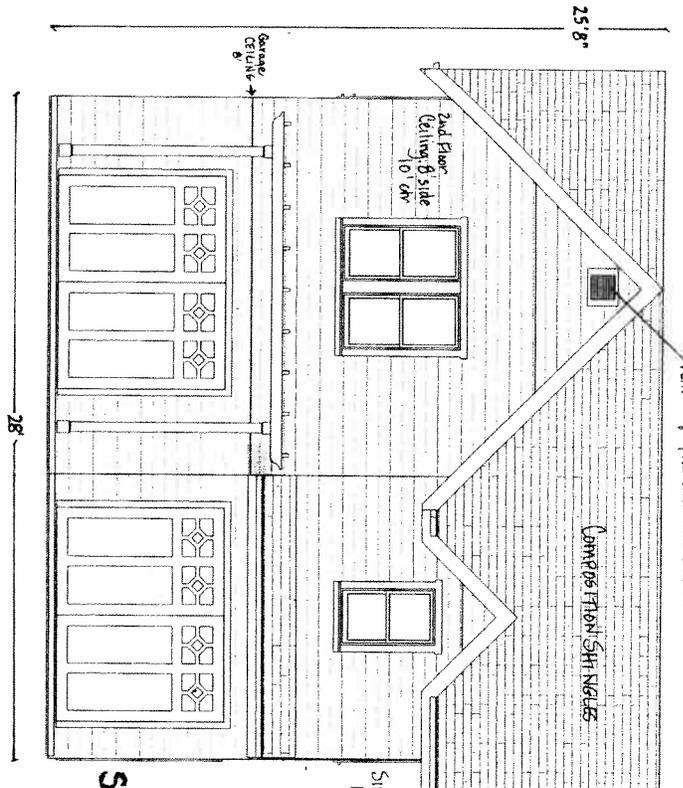
429 SOUTH MAIN ST.

Scale 1/8" = 1 ft.

West Elevation



25' 8"



Vent 1' sq. plus continuous soffit vents

Composite SHIP SHAPED

Roof Pitch 12/12

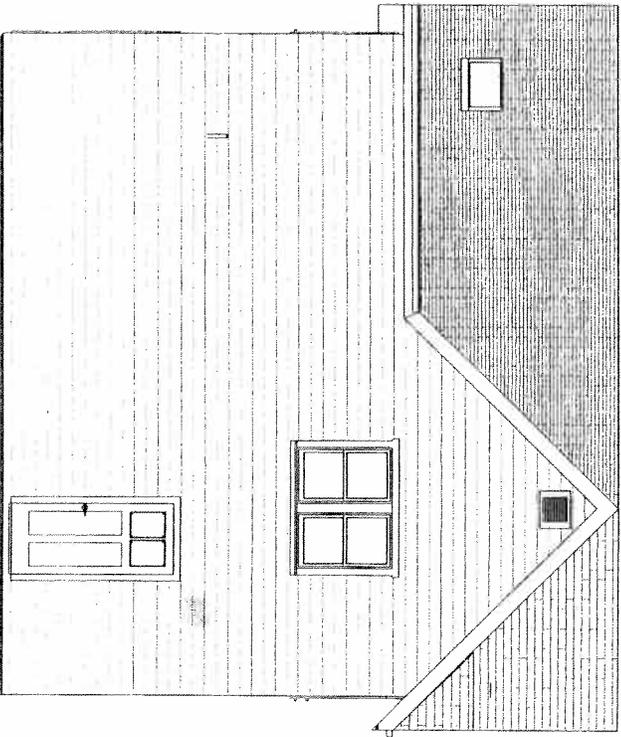
Stinks: LP SINKSIDE LAV 10" x 8" profile

South Elevation
(5th Street)

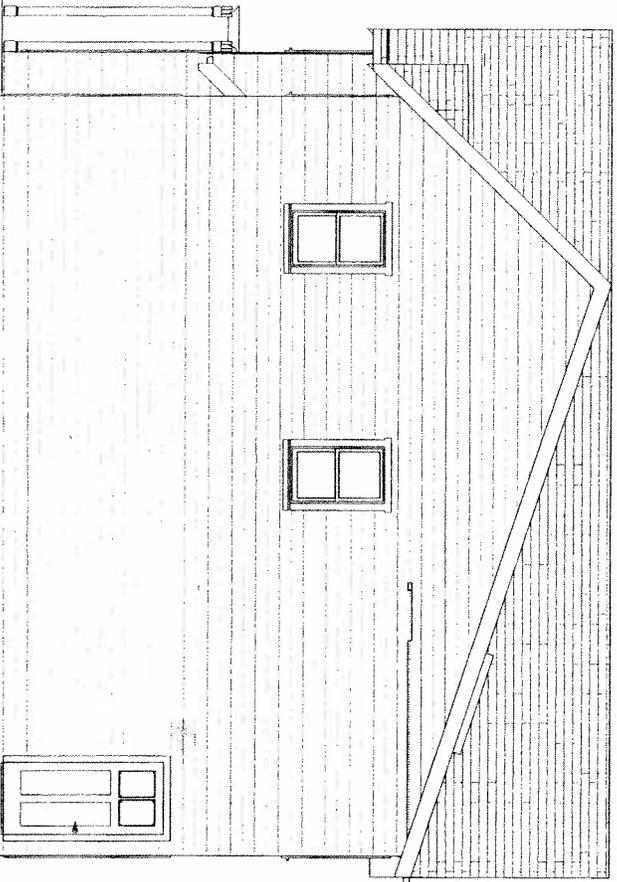
28'

DFR 22640
DUSTY DAWG
Page 1 of 12

North Elevation

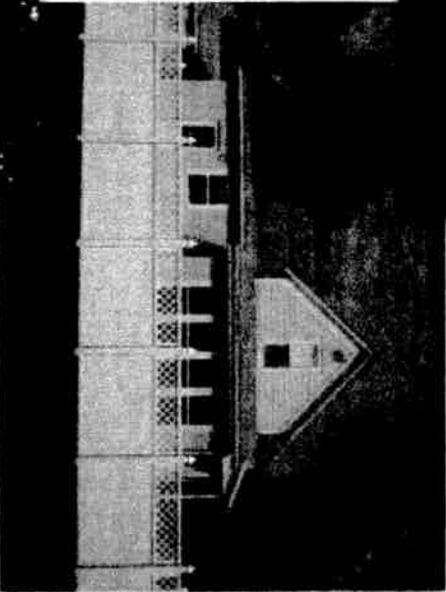


East Elevation





Existing Main Street View



Existing 5th Street View



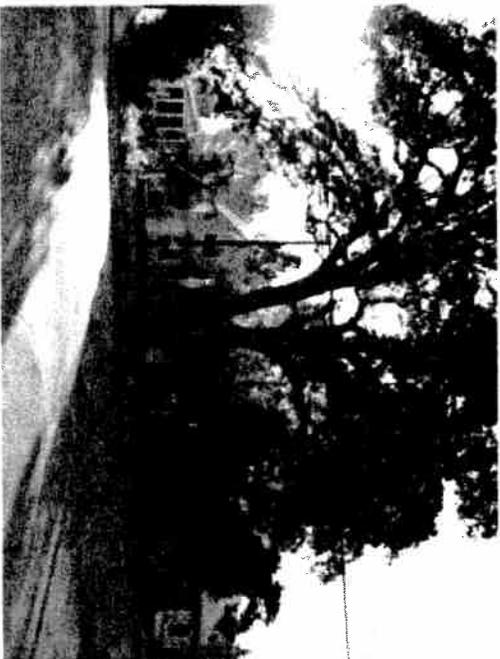
Garage Location



Garage Will Replace Shed



Neighborhood View - 5th + Main



Neighborhood View - Main St+Dayton Ave.

**PROJECT:
GARAGE/RECREATION ROOM
2 Car Garage w/ 2nd story Family Recreation Room
at
429 South Main Street
Newberg, OR**

The proposed project is a 2 Car Garage with a 780 sq. ft. living space on the second floor above the garage. The living space is designed to be a large family/recreation room with a ¾ bath and a kitchen to accommodate larger family meals and gatherings. This building would be located adjacent to the existing 2-story, 2300 sq. ft. home on the 11,988 sq. ft. lot at the corner of South Main St and 5th Street. Although it is not our intention at this time to create an accessory dwelling unit to be rented out, the floor plan is designed with that purpose in mind for a future owner or time.

While the existing house faces Main Street, the garage would face 5th Street. There would be a 52" walkway between the 2 buildings. Currently there is no garage on the lot. There is a 8'x21' foot shed and a 4'x8' shed in the space where the garage will be built. Both sheds will be removed from the lot.

Criteria Response:

A) Compatible With & Minimal Impact On abutting properties and surrounding neighborhood:

The *location* of the proposed building will be very close to the back of the existing house. Large side/back set-backs allow for over 70' distance from neighboring houses both to the north and the west. The lot is large so lot coverage, including the addition, will be low - approximately 21%.

The *size and design*, including general form, roof pitch, door, window and trim style will duplicate the existing house as much as possible considering the 105 year age difference in the two structures. The drawings show a modern look that will be modified to match the existing house more closely. The photos show the trim detail, window sizes & shapes, paint color and dormer style. A desire to add a garage that would look like it belongs with the existing house was actually the inspiration to make the garage a 2-story structure and mimic the Victorian design features. Care has been exercised in the design so the scale of each design element of the new structure is equivalent to the existing structure. The size, approximately the same height as the existing house, will still be dwarfed by the 200 year old white oak tree in the front yard and the large, mature pine and weeping willow trees on the neighboring lots. The dormers and roof lines break up the mass of the structure on all sides.

B) Site Plan provides Convenient, Functional, and Attractive living:

Certainly a permanent garage structure will be much more convenient, attractive and functional than the existing sheds. The garage will protect the automobiles from the dust accumulation generated by the gravel street it faces. The living space will provide the family with a large, open gathering area; something that does not exist in the Victorian floor plan of the existing house. Flexibility to use the living space as an apartment at some point in the future makes the property more valuable. It also provides an affordable housing unit in the community with minimal impact on the existing neighborhood.

C) Consistent with Code: Conditional Use for Accessory Dwelling Unit in R-1 zone

The proposed project meets all the *Purposes* pursuant to 151.678.1. It will increase the number of affordable housing units in the community; increase residential density with minimal impact on existing neighborhood; allow this small, getting older household to retain large home as residence; provide for continuing home ownership by offering potential for rental income to offset mortgage costs should the need arise; and provide needed space for extended family gatherings and possible returning adult children.

Additionally it meets the *Location* requirement set forth in the Development Standards of 151.678.2. The location is R-1 zone where accessory dwelling units are permitted as conditional uses.

The project complies with all the *Limitations* set forth in the Development Standards of 151.678.2 including 1) free-standing accessory building in addition to a single family structure, 2) does not exceed 50% of the size of the primary unit (is 34%), 3) will not be inhabited by more residents than UBC allows, 4) at least one of the dwelling units is owner-occupied, 5) on-site parking spaces provided by the driveway and garage exceed the 3 required for the primary residence and accessory dwelling, 6) front door of the accessory dwelling unit is not located on the front façade of the primary residence, 7) is in compliance with all development standards of R-1 zone.

Project Statement:

Operational data: this is a single family home with no employees, additional traffic, odors, or noise expected. It is located in a neighborhood with many rental homes on much smaller lots so a possible future use as a rented accessory unit will have minimal impact as well

Traffic Study:

Not required.

Keith & Evelyn Barnes
429 S Main St
Newberg, OR 97132

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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

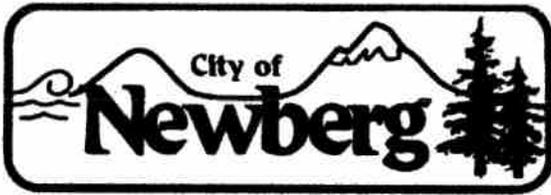
NOTE: No new public hearings will be started after 10:00 p.m. (except by majority vote of the Commission).

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.



Planning and Building Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240 • Fax 503-537-1272 • www.ci.newberg.or.us

File No: G-08-004

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

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

Planning Commission Hearing Date: October 8, 2009

Attachments:

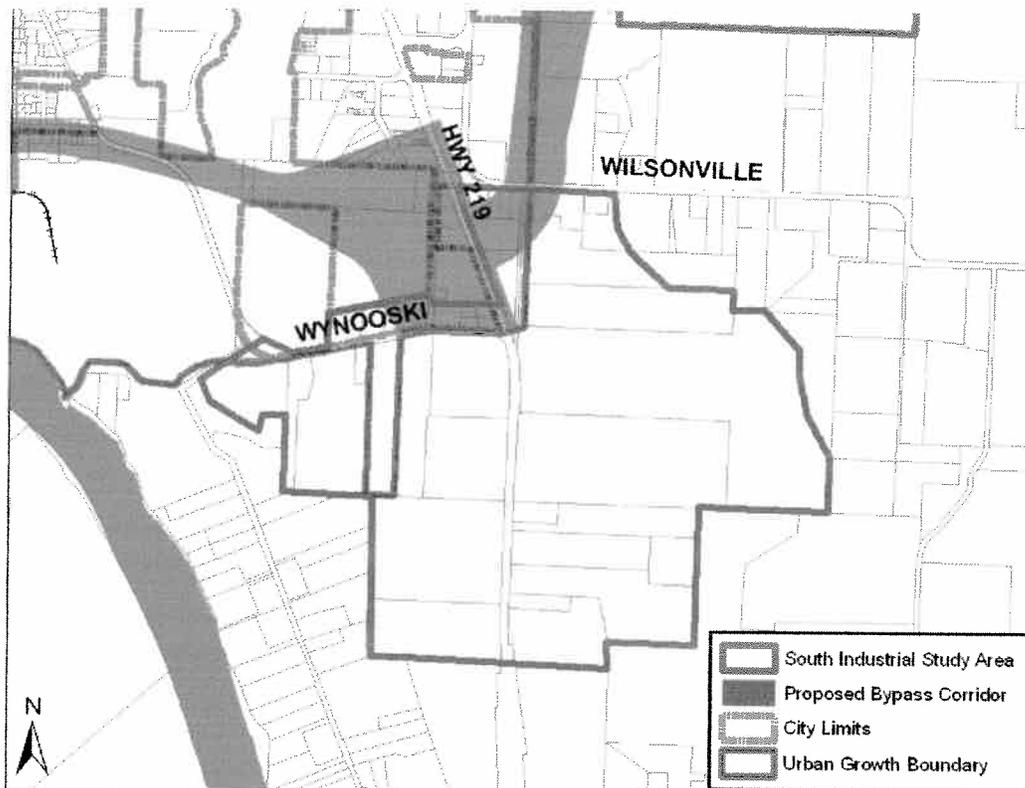
Planning Commission Resolution 2009-270 with:

Exhibit A: Proposed Development Code Amendments

Exhibit B: Findings

1: Comments from Steve Oulman, dated August 25, 2009

2: Comments from Steve Oulman, dated September 3, 2009



"Working Together For A Better Community-Serious About Service"

- A. Process:** The South Industrial Area Master Plan process kicked off in February 2009 with the hiring of WRG Design Inc. to work with staff on a master plan for the proposed South Industrial Area. Staff then held several public meetings to discuss the project and gain feedback:
- ♦ February 25, 2009 – Meeting with property owners in the study area about their visions for the future and preferred timelines for development of their properties.
 - ♦ March 10, 2009 – Community Visioning Meeting to get feedback from the community at large about their visions for the South Industrial Area, as well as opportunities and constraints to developing the area in the future.
 - ♦ May 5, 2009 – Community Open House to get feedback on three alternative layouts for the South Industrial Area.

In addition to the public meetings, staff also met with a Collaborative Design Team three times during the process to analyze the area, craft proposed zoning codes, work on transportation and utility designs, and create three proposed alternative layouts for the area.

- B. Hearings Schedule:** The proposed 2007 Urban Reserve Area amendment is still in process. Because this area is not yet included within an approved Urban Reserve Area or Urban Growth Boundary, the draft South Industrial Area Master Plan cannot be adopted and included in the Comprehensive Plan. However, the draft plan can be accepted as a vision plan for the area and Development Code amendments can be adopted to preserve the large lot status and guide development at such time as the land does come into the City's jurisdiction. The hearings schedule for the acceptance of the draft plan and the Development Code amendments is as follows:
- ♦ September 10, 2009 – Planning Commission held a hearing and recommended that City Council accept the draft South Industrial Area Master Plan as a vision plan for the study area.
 - ♦ October 8, 2009 – Planning Commission hearing to consider recommending to City Council adoption of the proposed Development Code amendments.
 - ♦ November 2, 2009 (tentative date, subject to change) – City Council hearing to consider accepting the draft South Industrial Area Master Plan as a vision plan for the study area and to consider adopting the proposed Development Code amendments.

- C. Background:** Newberg City Council created the Ad Hoc Committee on Newberg's Future (the Committee) in 2004 to provide a forum for citizen involvement in planning for Newberg's future land use patterns and to make recommendations to the City Council for future land use amendments. The Committee considered Newberg's future land use needs for the 20 year period from 2005 to 2025, and also looked at future land use needs out to the year 2040 to give recommendations for possible Urban Reserve Area expansions. The Committee's full review included considering future population and housing needs, and the land requirements for residential, industrial, commercial and industrial development. The Committee's summary of industrial land needs is as follows:

“A consistent theme that the Committee heard was the need for adequate industrial land in the community. Based on long-range employment forecasts by the Oregon Employment Department, the consultants projected the need for industrial land in the area. The Committee selected the high employment growth scenario, which they felt was both more realistic and more desirable, since it reflects Newberg's desire to bring more family-wage jobs to the area and to avoid becoming a bedroom community. Based on this need, the community will need 94 acres of industrial land through 2025, and an additional 75 acres through 2040. In addition to these needs the Committee projects a need for 4-5 large industrial sites of at least 20 acres in size for the period 2005-2025, and an additional 5-6 large industrial sites for the period 2026-2040.”

In addition, the Committee discussed ways that industrial development could and should be provided in our community:

“Industrial development should support reasonable and well-planned growth, and provide a complete community where people can live and work. The City should encourage excellence in industrial development. To support the City’s economy, the City should:

- Maintain a supply of appropriately sized and located industrial parcels, including several large industrial sites;
- Preserve existing industrial lands where appropriate;
- Be aware that the current industrial land supply includes many parcels that are inappropriate for industrial development due to proximity to residential neighborhoods, lack of adequate access, or impacts from the Newberg-Dundee bypass.
- Expand the industrial area along Highway 219 south of Wyooski Street and the proposed Newberg-Dundee Bypass interchange to accommodate and encourage large site industrial development;
- Create zoning standards that maintain large parcels in the area planned for large-lot industrial uses.”

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

D. Applicable Comprehensive Plan Criteria

H. The Economy

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

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

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

K. Transportation

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

PLANNING COMMISSION RESOLUTION NO. 2009-270

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL AMEND THE DEVELOPMENT CODE TO INCLUDE STANDARDS FOR A NEW M-4 INDUSTRIAL ZONING DISTRICT AND STANDARDS FOR A NEW INTERIM INDUSTRIAL OVERLAY ZONING DISTRICT (II)

1. Analysis by city staff, consultants, and the Ad Hoc Committee on Newberg's Future identified the area south of Newberg, on either side of Highway 219, as the area best suited to meet Newberg's future needs for large site industrial development. Accordingly, staff facilitated a public process over a number of months to create a master plan for the area. Staff completed the draft South Industrial Area Master Plan at the end of June 2009. The Plan includes proposed Development Code amendments to create standards for a large lot M-4 industrial zoning district that will help implement the Ad Hoc Committee's vision and the policies of the Comprehensive Plan.
2. A portion of the area in and around the South Industrial study area is located within the projected Newberg-Dundee Bypass corridor. Within these areas, it is important to permit some level of industrial activity in keeping with the base zoning; however, it is also important not to impede the future right-of-way acquisition for the project. Therefore, staff created an Interim Industrial overlay zoning district (II) to be applied to properties impacted by the projected Newberg-Dundee Bypass right-of-way corridor. This overlay may also be applied to other industrially zoned properties that will be impacted by planned transportation improvements.
3. On August 14, 2009, notice of this hearing was included in the News of Newberg's Future newsletter and sent out to the comprehensive mailing list and notice was published in the Newberg Graphic newspaper on September 23, 2009.
4. On October 8, 2009, a hearing was held by the Newberg Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends to the City Council acceptance of the proposed Development Code Amendments as shown in Exhibit A. This recommendation is based on the staff report, the findings in Exhibit B, and testimony.

DATED this 8th day of October, 2009.

AYES: NAYS: ABSTAIN: ABSENT:

ATTEST:

Planning Commission Secretary

Planning Commission Chair

Exhibits:

A: Proposed Development Code Amendments

B: Findings

Exhibit A

Proposed Development Code Amendments (Planning Commission Resolution 2009-270)

In order to implement the M-4 District zoning effectively it will be necessary to modify several sections of the City of Newberg Development Code. Each section that needs to be modified is identified below, text that is proposed to be ~~DELETED~~ has is shown as ~~STRIKETHOUGH~~ and text that is proposed to be INCLUDED is UNDERLINED.

§ 151.003 DEFINITIONS

*The following definitions should be added:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

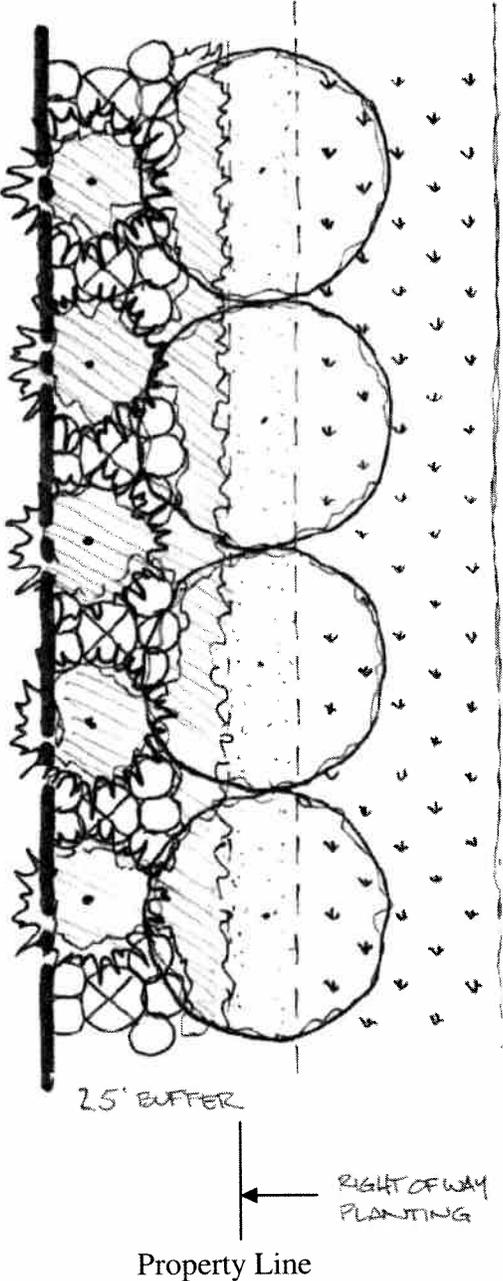
(A) *Street Standards.* Streets, alleys and private accessways shall be constructed consistent with the standards of the *City of Newberg Green Design Handbook*. Deviations from the standards can be approved via a Type III process.

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

(1) *Landscape buffer strips facing Highway 219.* Yards along the Highway 219 right-of-way shall be landscaped and maintained. The area beneath the trees shall be planted with a living ground-cover or shrubs giving 50% coverage at planting and 100% coverage within 3 years. Minimum landscape requirements per 100 lineal feet of Highway frontage or any portion thereof, shall be consistent with Figure 1 as shown on the following page:

Figure 1: Highway 219 Landscaping Standards

“Plan View”



“Street View”

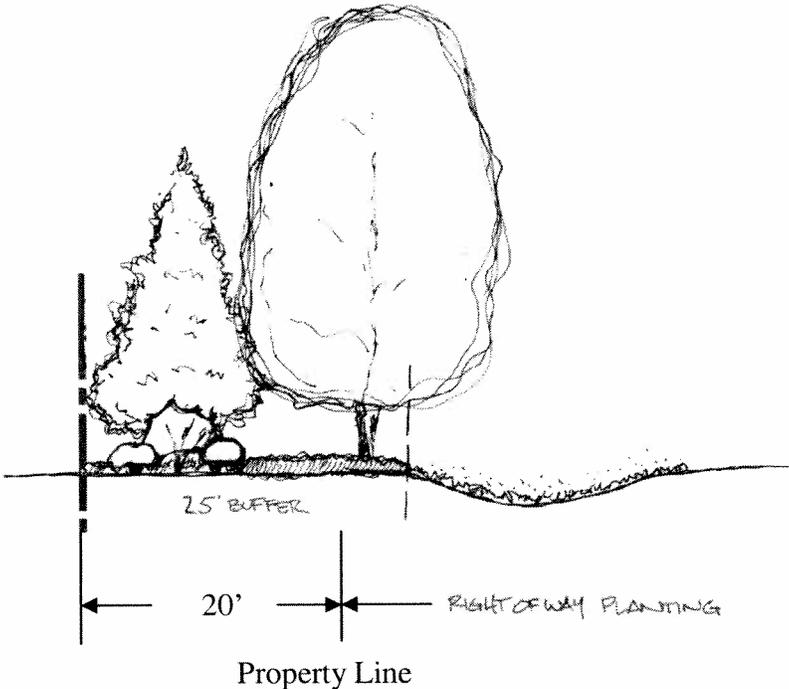
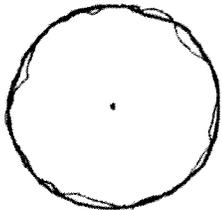
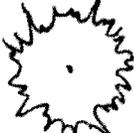


Table 1: Approved landscape species for right-of-way landscape buffer strips

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

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

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

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

- (a) Contrasting building colors
- (b) Contrasting wall textures
- (c) Change in building materials.

(d) Building offset of at least a four (4) foot change in depth and width

(e) Architectural features

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part 11. M-4 LARGE LOT INDUSTRIAL DISTRICT

§ 151.418 DESCRIPTION AND PURPOSE

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

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

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

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

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

§ 151.419 PERMITTED BUILDINGS AND USES

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

Industrial Employment Sub-District:

- (A) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and §151.419.
- (B) Agriculture.
- (C) Basic Utilities.
- (D) Industrial Service.
- (E) Light Manufacturing.
- (F) Offices.

- (G) Planned unit developments.
- (H) Parking areas and garages.
- (I) Retail sales of goods manufactured on-site, which may be sold to the general public provided the floor area dedicated to sales and display areas is less than 25% of the gross square feet of the total use. In no case shall any retail sales floor exceed 5,000 gsf.
- (J) Self-service storage.
- (K) Telecommunication facility, including radio towers and transmitters, which are 100 feet or less in height.
- (L) Transit Centers.
- (M) Transportation facilities and improvements.
- (N) Warehouse and Distribution.
- (O) Wholesale Sales.
- (P) Wineries, breweries and distilleries.
- (Q) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

Industrial Commercial Sub-District:

- (A) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and § 151.419.
- (B) Ambulance service.
- (C) Athletic facilities.
- (D) Bakeries, retail & wholesale.
- (E) Banks.
- (F) Barber and beauty shops.
- (G) Bars, Taverns, pool or billiard halls, or night clubs, (Dispenser Class "A").
- (H) Basic Utilities
- (I) Bicycle shops.
- (J) Blueprinter, copy shops.
- (K) Book stores, less than 5,000 gsf.
- (L) Delicatessen stores.
- (M) Florist shops.
- (N) Day nurseries.
- (O) Dry cleaners, tailor shops.
- (P) Florist shops.
- (Q) Card lock fueling stations.
- (R) Gift shops.
- (S) Grocery stores or markets, less than 7,500 gsf.
- (T) Hardware store, less than 7,500.
- (U) Health studios.
- (V) Locksmith shops.
- (W) Mini mart, less than 5,000 gsf.
- (X) Office supplies and equipment stores less than 5,000 gsf.
- (Y) Open space.
- (Z) Parking areas and parking garages.
- (aa) Pharmacy or drug stores less than 5,000 gsf.
- (bb) Planned unit developments.
- (cc) Post offices.
- (dd) Printing Shops.

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

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

(gg) Shoe repair shops.

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

(ii) Transit facilities.

(jj) Transportation facilities and improvements.

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

§ 151.420 BUILDINGS AND USES PERMITTED CONDITIONALLY.

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

Industrial Employment Sub-district:

(A) Day nursery.

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

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

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

(E) Waste-Related uses.

(F) Heavy Manufacturing.

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

Industrial Commercial Sub-district:

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

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

§ 151.421 SITE DESIGN REVIEW REQUIRED

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

In the Planned Development regulations, add § 151.226(G)(4) as follows:

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

Add the following to the Newberg Development Code (underlined text):

PART 21. INTERIM INDUSTRIAL (II) OVERLAY

151.532 PURPOSE.

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

151.532.1 AREA OF APPLICATION OF INTERIM INDUSTRIAL OVERLAY.

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

151.532.2 PERMITTED USES.

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

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

151.532.3 CONDITIONAL USES.

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

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

151.532.4 PROHIBITED USES.

The following uses are prohibited in the Interim Industrial Overlay:

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

151.532.5 ALTERNATIVE DEVELOPMENT STANDARDS.

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

- _____ (1) Parking and maneuvering areas need not be paved, with the exception of areas within 50 feet driving distance of the drive approach.
- _____ (2) The site shall be landscaped according to the following standards:

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

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

Newberg Development Code Section 151.416, Permitted Buildings and Uses in the M-3 Zone, shall be amended to include the following under subsection (E): Other buildings and uses:

(6) Sewage treatment plants

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

Newberg Development Code Section 151.401 (B), Permitted Buildings and Uses in the M-2 Zone, shall be amended to include the following as use (31), with remaining uses being renumbered accordingly:

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

Newberg Development Code § 151.120, ESTABLISHMENT AND DESIGNATION OF USE DISTRICTS AND SUB DISTRICTS, shall be amended as follows:

151.120 ESTABLISHMENT AND DESIGNATION OF USE DISTRICTS AND SUB DISTRICTS.

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

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

Newberg Development Code § 151.267, COMPREHENSIVE PLAN AND ZONING DESIGNATIONS subdivision (B) shall be amended as follows:

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

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

Newberg Development Code § 151.536, BUILDING HEIGHT LIMITATION, subdivision (B)(2) shall be amended as follows:

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

Newberg Development Code § 151.538, PUBLIC ACCESS REQUIRED, shall be amended as follows

151.538 PUBLIC ACCESS REQUIRED.

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

Newberg Development Code § 151.551, FRONT YARD SETBACK, subdivision (C) shall be amended as follows:

(C) *Industrial.* All lots or development sites in the M-1, M-2 or M-3 Districts shall have a front yard of 20 feet. Lots or development sites in the AI District shall have a front yard of 10 feet. Lots or

development sites in the M-4 District shall have a front yard of 20 feet where abutting Highway 219, Arterials, and Collectors, and a front yard of 10 feet along other streets.

Newberg Development Code § 151.552, INTERIOR YARD SETBACK, subdivision (C) shall be amended as follows:

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

Newberg Development Code § 151.565 LOT AREA; LOT AREAS PER DWELLING UNIT, shall be amended by adding the following as subdivision (A)(4), and renumbering remaining items as follows:

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

Newberg Development Code § 151.567 LOT DIMENSIONS AND FRONTAGE, subdivision (D), shall be amended as follows:

(D) Frontage.

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

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

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

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

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

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

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

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

Newberg Development Code § 151.580 REQUIRED MINIMUM (landscaping and outdoor areas) STANDARDS, subdivision (B)(1) shall be amended as follows:

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

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

The following shall be added as Newberg Development Code § 151.580 REQUIRED MINIMUM (landscaping and outdoor areas) STANDARDS, subdivision (B)(9) shall be amended as follows:

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

Newberg Development Code § 151.586, APPLICABILITY AND EXEMPTIONS (of outdoor lighting), subdivision (B) shall be amended as follows:

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

- (1) Public street and airport lighting.
- (2) Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.
- (3) Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- (4) *Temporary lighting.* In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:
 - (a) *Grand opening event.* A grand opening is an event of up to 30 days duration within 30 days of issuance of a Certificate of Occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the City in writing of the beginning and ending dates prior to the grand opening event.
 - (b) *Other events.* A lot may have two other events per calendar year. The events may not be more than eight consecutive days duration, nor less than 30 days apart.
- (5) Lighting activated by motion sensor devices.
- (6) Non-conforming lighting in place as of September 5, 2000. Replacement of non-conforming lighting is subject to the requirements of §§ 151.140 through 151.149.
- (7) *Light trespass onto industrial properties.* The lighting trespass standards of § 151.588 do not apply where the light trespass would be onto an industrially zoned property.

The table in Newberg Development Code § 151.612, PARKING SPACES REQUIRED, under “Industrial Types” shall be amended as follows:

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

Exhibit B

Findings to Planning Commission Resolution 2009-270

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

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

Applicable Comprehensive Plan Policies:

H. The Economy.

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

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

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

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

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

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

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

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

K. Transportation

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

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

Jessica Nunley

From: Oulman, Steve [steve.oulman@state.or.us]
Sent: Tuesday, August 25, 2009 11:36 AM
To: Jessica Nunley; Barton Brierley
Subject: Newberg South Industrial Area Master Plan

Thanks for taking time to meet with us yesterday about the south industrial UGB proposal. I hope the discussion answered some of the questions about assembling your proposal. As I said at the meeting, the department will be happy to review any draft materials you prepare with the expectation that our involvement early in the process will make everything go smoother.

I'll also share a couple of very brief comments about the master plan as you prepare to brief your planning commission on the project.

1. Goal exceptions. Were the plan to be adopted as a post-acknowledgment plan amendment (which I understand it is not), the city would likely need to take goal exceptions for sewer line extensions and new roadways outside the UGB. The phasing of these extensions will require coordination with Yamhill County and service providers even after the city amends the UGB.
2. Accessory/ancillary commercial uses. The inclusion of retail uses within an industrial area is tricky so as not to establish uses that compete for land or infrastructure. A retail center along Highway 219 will be attractive to many retail uses including those that may not support the main employment uses of the area. I understand that you're aware and concerned about this issue and likely will craft land use regulations to mitigate the effects. Tom Hogue and I will review the proposed revisions to the M-4 zone and offer suggestions in the near future.

Steven M. Oulman, AICP | Regional Representative, Mid-Willamette Valley
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Desk: 503.373.0050 x 259 | Fax: 503.378.5518
steve.oulman@state.or.us | www.oregon.gov/lcd

Jessica Nunley

From: Oulman, Steve [steve.oulman@state.or.us]
Sent: Thursday, September 03, 2009 8:45 AM
To: Jessica Nunley
Cc: Barton Brierley; Hogue, Thomas
Subject: G-08-004: M-4 zoning district

Jessica -

Tom Hogue and I have reviewed the draft code revisions creating the M-4 zone. Here are some suggestions to strengthen the proposal.

1. Link the purpose statement in section 151.418 with the rationale for the south industrial master plan and the UGB proposal. The statements for the two sub-districts are good; consider rewording the lead-in intent statement to suggest more than just providing a variety of employment opportunities.
2. Consider making retail in the Industrial Employment sub-district a conditional use. The allowance of retail as provided in section 151.419(I) suggests some a discretionary review to assure that the proposal is under the stated thresholds. I'm not aware of any rule-of-thumb for determining an appropriate percentage of retail in an otherwise industrial zone, but 25% seems high. The definition for manufacturing in section 151.003 references sale of goods from the premises and suggests that the retail piece is very modest.
3. Consider striking Vehicle Repair and Maintenance – subsection (N) – from the list of allowable uses in the industrial employment sub-district. The definition proposed for inclusion in section 151.003 suggests a commercial retail use that seems more appropriate in a service-oriented commercial area.
4. Tom and I had an interesting discussion about wineries and their place in an employment/industrial district here in the Willamette Valley. Obviously, they need to go somewhere, and if tourists want to visit the business park Memorial or Labor Day weekend that's their business. It probably would be beneficial to have a definition of wineries or otherwise spell out the sort of appropriate activities (food service, sales, etc.) beyond the manufacturing and storage aspects of a winery.
5. The concept of an industrial commercial sub-district is a bit of a conundrum. While we understand that the commercial component isn't part of the current UGB proposal, you want and need to have something in place to guide future decisions. An employment zone/business park needs some ancillary commercial/retail services, but those uses ought not be destinations themselves. However, it's not very realistic to expect that commercial/retail can survive without some pass-by traffic. Your concept plan seems reasonable in limiting the size of the district to about four acres and including development standards that get at appearance and access/circulation. I suggest that you build in a trip cap provision as one means to guard against commercial nibbling away at the industrial/employment land base. (It may otherwise be necessary as the result of a transportation analysis.)

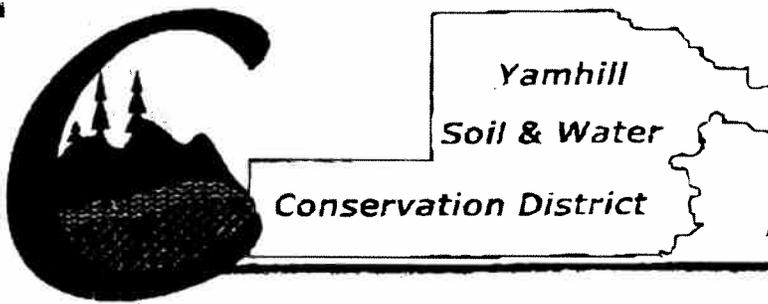
You might also think about a way to avoid the long list of permissible uses and go with a performance approach. For the most part, it isn't going to matter a whole lot if what's in the building shell is a bank, an office, or a print shop as long as it is consistent with the function of the industrial/employment area as a whole.

We hope that these comments are useful; let us know if there is anything else we can do to help move this project along.

Steven M. Oulman, AICP | Regional Representative, Mid-Willamette Valley
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Desk: 503.373.0050 x 259 | Fax: 503.378.5518
steve.oulman@state.or.us | www.oregon.gov/lcd

Paper copies:

Testimony submitted by email for 9/10/09 Planning Commission hearing on Affordable Housing/Flexible Development Standards. As requested, here are paper copies of this testimony.



Providing Natural
Resource Leadership

2200 SW 2nd Street
McMinnville, OR 97128
(503) 472-
1474-83
FAX (503) 472-2450
yamhillswcd@swcd.org

FAX TRANSMITTAL

DATE: 9-10-09	PAGES (Including cover page): 2
TO: Newberg Planning Commission	COMPANY:
TEL:	FAX: 503-537-1272

FROM: YAMHILL SWCD
Tim Stieber, District Manager
Email: Tim.Stieber@or.nacdnet.net

Please enter comments from YSWCD into
written record for 6-08-004.

Thanks.

Newberg Planning Committee
Date: 9-10-09
Re:
No: 6-08-004



**Yamhill
Soil & Water**

Conservation District

*Providing Natural
Resource Leadership*

2200 SW 2nd Street
McMinnville, OR 97128
(503) 472-1474 x102
FAX (503) 472-2459
www.yamhillswcd.org

TO: Newberg Planning Commission
401 E. Third Street
Newberg, OR 97132

FROM: Yamhill Soil and Water Conservation District

Re: G-08-004

The Yamhill Soil and Water Conservation District (YSWCD) Board of Directors has discussed G-08-004, the South Industrial Master Plan, and wishes to submit the following comments for your consideration:

The city should genuinely consider the serious concerns expressed by LCDC and their resulting remand order related to the size of the proposal, the lack of justification for inclusion of prime farmland, nor the availability of partially developed rural residential areas, which by law are a higher-priority for inclusion than high value farmland. Acceptance by the Planning Commission of the SE Industrial Area Master Plan would instead signal that the city intends to keep pushing previously-rejected proposals without regard for the serious policy considerations raised by LCDC.

Agriculture is an industry, too. This land supports what is by some measures the leading industry in Yamhill County- Agriculture. In 2008 direct sales in the county were close to \$300 million dollars, supporting thousands of jobs. And it is a growing industry, unlike manufacturing or high-tech at the moment. Both are needed but agriculture relies on high value soils that are lost forever once developed with industry. Over 90% of farmland in the proposal is rated as prime Class I and Class II land and is actively farmed.

The district recommends denying G-08-004 as it is written and prepare a more reasonable proposal that addresses LCDC concerns.

Comments respectfully submitted.

Tim D. Stieber
Executive Director, Yamhill SWCD

Lee M. Does
Dr. Amy L. Does
173 NE Renne Road
Newberg, Oregon 97132

3 September 2009

Newberg Planning Commission
Lon Wall, Chair
401 E. Third Street
Newberg, Oregon 97132

Newberg Planning Committee

Date: 9-10-09

Re: _____

No.: 12-08-004

re: South Industrial Area Master Plan

Dear Planning Commission Chair:

My wife and I will be out of town during the 09/10 commission meeting, but wish to voice our strenuous objections to the city's proposed acceptance of the South Industrial Area Master Plan. Amy and I have been active participants in the land use process to date, and recently testified at LCDC hearings concerning the city's proposed URA expansion to the southeast of town. Given the fact that the URA was remanded in its entirety, we fail to see the city's justification for master planning for this area at this time. There can be no logic in continuing to expend scarce city resources for speculative planning for an area that may well be excluded from both the URA and the UGB. Before this or any further such expansions be considered, we urge you to address the following concerns:

1. What is the city's justification for condemning farmland that already supports the leading industry in Yamhill County? Agriculture is an integral part of our local economy. Unlike high-tech and other industries that are now outsourcing jobs, agriculture is a growing industry.
2. Why not focus development strategies on undeveloped and underdeveloped industrial land within the city's existing UGB? From both practical and economic viewpoints, working with existing lands would make far better sense than focusing on lands at the fringe... lands that will ultimately require expensive new infrastructure.
3. Higher-priority lands are currently available within the city's acknowledged URA and exception areas. We note that the LCDC remand registered serious concerns over the city's failure to plan for eventual infill within exception lands.
4. Lands fronting or near highway 99 between Newberg and Dundee are currently undeveloped or underutilized, and remain in large parcels. What is the logic in bringing services to an all-new industrial area when the city could instead be utilizing lands already served by both highway and rail?
5. With our national economy currently in a deep recession, what is the justification for expanding Newberg's boundaries while continuing to accumulate vacancies within the city's established core?
6. ODOT engineers have cautioned the City that existing intersections in town are already "... at or near capacity", while the city has yet to provide an acceptable traffic plan. We again ask that the city demonstrate both the need and the logic for promoting further sprawl rather than working to revitalize its existing infrastructure.

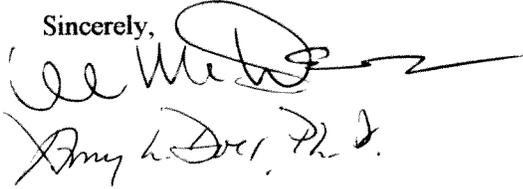
The subject lands are not within an existing Newberg URA. The city's attempt to condemn farmland within this same area was remanded by LCDC at a hearing on 21 July of this year. We had hoped that the city would genuinely reconsider its prior proposals, especially in light of the serious concerns

Page #1 of 2

expressed by LCDC and their resulting remand order. Acceptance of the SE Industrial Area Master Plan would instead signal that the city intends to keep pushing previously-rejected proposals without regard for the serious policy considerations raised by LCDC.

We ask that you honor the spirit of the LCDC remand, and defer action on the South Industrial Area Master Plan until and unless the area is included within the acknowledged URA for the City of Newberg.

Sincerely,

Handwritten signatures of Lee M. Does and Amy L. Does, PhD. The signature of Lee M. Does is written in cursive and is positioned above the signature of Amy L. Does, PhD., which is also in cursive.

Lee M. Does
Amy L. Does, PhD.

cc: Richard Whitman, DLCD
Commissioners, Yamhill County Planning Dept.

**PLEASE DISTRIBUTE
TO ALL
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FOR 09/10 MEETING**

LEENADES
10730 NE RENUE ROAD
NEWBERG, OREGON 97132

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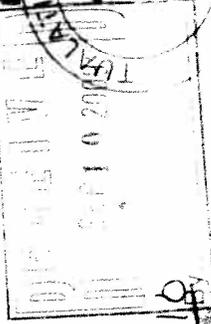


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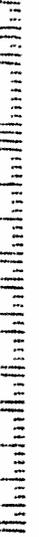
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97132



1000



Steve Olson

From: David Beam
Sent: Thursday, September 10, 2009 8:29 AM
To: Steve Olson
Subject: FW: Comments for Planning Commission Agenda File G-09-007

Stever: Please forward to PC. Thanks.

David A. Beam, AICP
City of Newberg
Economic Development Planner
PO Box 970
414 E. First Street
Newberg, OR 97132
Phone: 503-537-1213
Fax: 503-537-1272
Email: david.beam@ci.newberg.or.us
Web: www.ci.newberg.or.us

-----Original Message-----

From: Larry Anderson [mailto:andeng1@comcast.net]
Sent: Thursday, September 10, 2009 8:15 AM
To: Bob Andrews; Bob Larson; Bart Rierson; mark.shelton@ci.newberg.or.us; Wade Witherspoon; Denise Bacon; Stephen McKinney; thegraphic@eaglenewspapers.com; Allen Gary; Barton Brierley; Dan Danicic; David Beam; Leonard A. Rydell, PE, PLS, WRE
Cc: dew@gofreewire.com; Rick & Lisa Rogers; Lawrence Fain
Subject: Re: Comments for Planning Commission Agenda File G-09-007

Thanks Leonard but I prefer to speak for myself.

I personally think it's the lack of competition in home building that has driven Newberg prices up and quality down. It started when a national builder tied up the largest block of available land at what at the time, an exceptional price per acre. Then they proceeded to buy up all the small parcels in the area at incredibly high prices. Those small parcels became the comps for the appraisal of the large block, driving it's value up and also driving away the competing builders who could not afford to buy land at those prices.

Because there is no development competition, you all have to impose regulations to force down the price of housing down. Where there is competition, developers have to keep their quality up and prices down or they will lose sales to their competitors.

Most of the development going on in Newberg today is not being done to the current development standards. Developers will almost always work with the City to modify the standards through a PUD or a condominium or some kind of variance.

For most small landowners, this process is too complicated. There's too much upfront costs and risk and frustration and so they sell to a developer.

A landowner partnering with local contractors will develop better neighborhoods and better quality homes and put them on the market at lower prices than a production builder will. Newberg will bring back the competition when they take away the unnecessary obstacles and make it easier for small land owners to develop their own property.

Larry Anderson

----- Original Message -----

From: "Leonard A. Rydell, PE, PLS, WRE" <larydell@teleport.com>
To: <Bob.Andrews@ci.newberg.or.us>; <bob.larson@ci.newberg.or.us>;
<bart.rierson@ci.newberg.or.us>; <mark.shelton@ci.newberg.or.us>;
<wade.witherspoon@ci.newberg.or.us>; <denise.bacon@ci.newberg.or.us>;
<stephen.mckinney@ci.newberg.or.us>; <thegraphic@eaglenewspapers.com>; "Allen Gary"
<GAllen@Eaglenewspapers.com>; <barton.brierley@ci.newberg.or.us>; "Dan Danicic"
<dan.danicic@ci.newberg.or.us>; "David Beam" <David.Beam@ci.newberg.or.us>
Cc: "Larry Anderson" <andengl@comcast.net>; <dew@gofreewire.com>; "Rick & Lisa Rogers"
<rlrckrogers@comcast.net>; "Larry Fain"
<lawrence.fain@ci.newberg.or.us>
Sent: Monday, September 07, 2009 5:13 PM
Subject: Comments for Planning Commission Agenda File G-09-007

> Barton,
>
> Here is my input to the Planning Commission.
>
> Please see that they get my comments in their entirety.
>
> I feel like a broken record, but Newberg's staff and planning
> commission is not taking a long term view and addressing future growth
> or innovative development. Larry Anderson feels the same. Please in
> particular read my next to last paragraph in my letter.
>
> Your changes are tied to "affordable", but don't even approach the
> levels of common normal practice elsewhere. It is time for the
> Planning Commission and Staff to rethink their approach. If you
> delete the affordable requirements and apply the reductions to the
> standards only, you will have made a baby step for change, but it is
> not enough.
>
> Thanks,
>
> Leonard
>

> Leonard A. Rydell, P.E., P.L.S., W.R.E.
> 601 Pinehurst Drive
> Newberg, Oregon 97132-1625

Steve Olson

From: David Beam
Sent: Thursday, September 10, 2009 1:21 PM
To: Steve Olson
Cc: Barton Brierley
Subject: FW: Comments for Planning Commission Agenda File G-09-007

Please forward to PC via email if you think appropriate at this late date. As we discussed, would you please make copies of this for tonight's meeting. Thanks.

David A. Beam, AICP
City of Newberg
Economic Development Planner
PO Box 970
414 E. First Street
Newberg, OR 97132
Phone: 503-537-1213
Fax: 503-537-1272
Email: david.beam@ci.newberg.or.us
Web: www.ci.newberg.or.us

From: Leonard A. Rydell, PE, PLS, WRE [<mailto:larydell@teleport.com>]
Sent: Thursday, September 10, 2009 12:35 PM
To: Larry Anderson; Bob Andrews; Bob Larson; Bart Rierson; mark.shelton@ci.newberg.or.us; Wade Witherspoon; Denise Bacon; Stephen McKinney; thegraphic@eaglenewspapers.com; Allen Gary; Barton Brierley; Dan Danicic; David Beam
Cc: dew@gofreewire.com; Rick & Lisa Rogers; Lawrence Fain
Subject: Re: Comments for Planning Commission Agenda File G-09-007

Larry,

Thanks for taking the time to read my comments. I hope that by mentioning you that I did not offend you. If so, I apologize.

My reference to you was regarding your comments on Clifford Court where the wide street is inappropriate. I thought that your presentation was well done. I also appreciated your comments to me that we need more design flexibility in developing projects, particularly with in fill. I totally agreed with your comments as they were consistent with mine.

I am unsure of what your message below is stating, are you advocating more regulations to force the cost of housing down or less obstacles for smaller developers to develop their property?

I think that we both agree that our regulations stifle development options.

My biggest point is that Newberg is very unimaginative regarding long range impacts to present day policies, and that our present course prevents us from growing as a vibrant community with a strong downtown.

Thanks,

Leonard

At 08:14 AM 9/10/2009, Larry Anderson wrote:

Thanks Leonard but I prefer to speak for myself.

I personally think it's the lack of competition in home building that has driven Newberg prices up and quality down. It started when a national builder tied up the largest block of available land at what at the time, an exceptional price per acre. Then they proceeded to buy up all the small parcels in the area at incredibly high prices. Those small parcels became the comps for the appraisal of the large block, driving it's value up and also driving away the competing builders who could not afford to buy land at those prices.

Because there is no development competition, you all have to impose regulations to force down the price of housing down. Where there is competition, developers have to keep their quality up and prices down or they will lose sales to their competitors.

Most of the development going on in Newberg today is not being done to the current development standards. Developers will almost always work with the City to modify the standards through a PUD or a condominium or some kind of variance.

For most small landowners, this process is too complicated. There's too much upfront costs and risk and frustration and so they sell to a developer.

A landowner partnering with local contractors will develop better neighborhoods and better quality homes and put them on the market at lower prices than a production builder will. Newberg will bring back the competition when they take away the unnecessary obstacles and make it easier for small land owners to develop their own property.

Larry Anderson

----- Original Message ----- From: "Leonard A. Rydell, PE, PLS, WRE" <larydell@teleport.com>
To: <Bob.Andrews@ci.newberg.or.us>; <bob.larson@ci.newberg.or.us>;
<bart.rierson@ci.newberg.or.us>; <mark.shelton@ci.newberg.or.us>;
<wade.witherspoon@ci.newberg.or.us>; <denise.bacon@ci.newberg.or.us>;
<stephen.mckinney@ci.newberg.or.us>; <thegraphic@eaglenewspapers.com>;

"Allen Gary" <GAllen@Eaglenewspapers.com>;
<barton.brierley@ci.newberg.or.us>; "Dan Danicic"
<dan.danicic@ci.newberg.or.us>; "David Beam" <David.Beam@ci.newberg.or.us>
Cc: "Larry Anderson" <andeng1@comcast.net>; <dew@gofreewire.com>; "Rick &
Lisa Rogers" <rlrckrogers@comcast.net>; "Larry Fain"
<lawrence.fain@ci.newberg.or.us>
Sent: Monday, September 07, 2009 5:13 PM
Subject: Comments for Planning Commission Agenda File G-09-007

Barton,

Here is my input to the Planning Commission.

Please see that they get my comments in their entirety.

I feel like a broken record, but Newberg's staff and planning commission is not taking a long term view and addressing future growth or innovative development. Larry Anderson feels the same. Please in particular read my next to last paragraph in my letter.

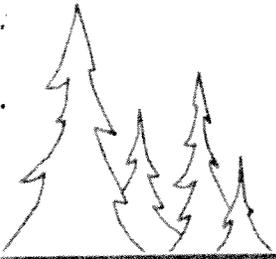
Your changes are tied to "affordable", but don't even approach the levels of common normal practice elsewhere. It is time for the Planning Commission and Staff to rethink their approach. If you delete the affordable requirements and apply the reductions to the standards only, you will have made a baby step for change, but it is not enough.

Thanks,

Leonard

Leonard A. Rydell, P.E., P.L.S., W.R.E.
601 Pinehurst Drive
Newberg, Oregon 97132-1625
Phone: (503) 538-5700
FAX: (503) 538-9167
Cell: (503) 781-4138

Leonard A. Rydell, P.E., P.L.S., W.R.E.
601 Pinehurst Drive
Newberg, Oregon 97132-1625
Phone: (503) 538-5700
FAX: (503) 538-9167
Cell: (503) 781-4138



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.com8

4 September 2008

To the Editor
The Newberg Graphic
P. O. Box 110
Newberg, Oregon 97132

Re: Affordable Housing Changes

To the Editor:

Thursday, 10 September 2009, the Newberg Planning will consider "Flexible Development Standards" that are baby steps to the changes that Newberg should be making for the future long term growth, health and livability of our community. This "flexibility" has strings attached that will render their "solution" ineffective at solving our affordable housing shortage.

The "flexible standards" listed in the proposed ordinance are more stringent than more forward looking communities have been doing for decades as standard practice. "More of the same" seems to be Newberg's only development options.

Unfortunately, once we trash our land with wasteful development practices, we can't afford to undo the damage.

Newberg needs to stop thinking on a planning horizon of ten to twenty years, but 100 to 250 years and actually do planning, not more regulation. Currently we are irrevocably committed on a path of slowly converting our downtown areas to fewer buildings and more parking lots, maintaining our existing developed areas "as is" and converting our outlying farm and orchards to cookie cutter tract homes. This needs to change now. Not making a decision is making a decision towards expansion into our surrounding farms, orchards and vineyards.

Thank you.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S., W.R.E.
LAR/lar

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Sincerely yours,

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

LAR/lar

Steve Olson

From: David Beam
Sent: Wednesday, September 09, 2009 1:31 PM
To: Barton Brierley
Cc: Steve Olson
Subject: FW: Comments for Planning Commission Agenda File G-09-007
Attachments: Newberg-Affordable4Sept09.pdf; ATT00001.txt

Barton: We sent these to the PC members via email yesterday. Should we print them it out for them as well for tomorrow's PC meeting?

David A. Beam, AICP
City of Newberg
Economic Development Planner
PO Box 970
414 E. First Street
Newberg, OR 97132
Phone: 503-537-1213
Fax: 503-537-1272
Email: david.beam@ci.newberg.or.us
Web: www.ci.newberg.or.us

-----Original Message-----

From: Leonard A. Rydell, PE, PLS, WRE [mailto:larydell@teleport.com]
Sent: Monday, September 07, 2009 5:13 PM
To: Bob Andrews; Bob Larson; Bart Rierson; mark.shelton@ci.newberg.or.us; Wade Witherspoon; Denise Bacon; Stephen McKinney; thegraphic@eaglenewspapers.com; Allen Gary; Barton Brierley; Dan Danicic; David Beam
Cc: Larry Anderson; dew@gofreewire.com; Rick & Lisa Rogers; Lawrence Fain
Subject: Comments for Planning Commission Agenda File G-09-007

Barton,

Here is my input to the Planning Commission.

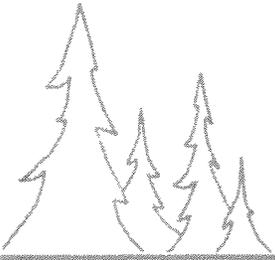
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Your changes are tied to "affordable", but don't even approach the levels of common normal practice elsewhere. It is time for the Planning Commission and Staff to rethink their approach. If you delete the affordable requirements and apply the reductions to the standards only, you will have made a baby step for change, but it is not enough.

Thanks,

Leonard



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.com8

4 September 2008

Newberg Planning Commission
City of Newberg
P. O. Box 970
Newberg, Oregon 97132

Re: Exhibit A-Affordable Housing

Dear Planning Commission,

I reviewed Exhibit "A" of your resolution and have several concerns, some of which are specific to the exhibit, and several that reflect Newberg's long term inability to address future growth issues.

Regarding Exhibit A, I recommend:

Reduce R-2 Lot Standards Further - I have designed projects with lots under 1200 square feet, so I feel that your lot sizes are still 20% too large. If you actually think about it, what is important is creating nice places to live, and lot areas generally have nothing to do with existing parcel sizes, topography or creating attractive places for people.

Side Yard Setbacks - A 3' yard is applicable for single family detached houses, but there needs to be a clause for single family attached houses or row houses. Since a 3 foot setback is virtually unusable alongside a house, you should allow a zero setback with a six foot maintenance easement on one side of the house with a six foot yard on the other side.

Lot Coverage - Land is a finite resource so lot coverages should be increased, but the environmental impact can be lessened by pervious walks and pavement, rain gardens, and vegetated roofs. Environmentally friendly development should allow increased densities.

Street Widths - I recommend that the minimum street width be decreased to 20 feet for a two lane road per the "NEIGHBORHOOD STREET DESIGN GUIDELINES" handbook and Oregon's Model Development Code for Small Cities (DEQ standards recommend 18 feet). Please note that this handbook is endorsed by The Office of the State Fire Marshall, the Oregon fire Chief's Association and the Oregon Fire Marshall's Association.

Right-of-Way Width - Right-of-way widths control density, i.e. units per acre, and are used to measure front setbacks. There is no reason for right-of-way width standard as sidewalks and utilities can be places in public easements. The City already requires homeowners to maintain sidewalks and planter strips, so why is there a need for it to be public?. As an example, the private street in "JAQUITH PARK ESTATES" is 24 feet, i.e. gutter to gutter.

In Charbonneau, much of the project was 30 feet. The general public is unaware where the right-of-way is, and it has no effect on community standards or liveability. Right-of-way widths should be flexible based on the specific design of the project, particularly when we are dealing with odd parcel sizes and urban infill. You are recommending 38 feet for affordable housing only, but the Washington County standard residential width is 34 feet. I recommend a minimum guideline of 30 feet, but flexibility should be allowed on a project by project basis. We need to also get rid of the insane requirement that only two dwelling units can be served by one driveway (see attached).

Applicability of Flexible Standards - I would delete section 151.232 in its entirety and allow the flexible standards to apply to all development. As David Beam so eloquently stated in one of the first meetings of the original task force, "Affordable" affects all income ranges, so we should apply the standards to all housing, not just that which meets your three pages of requirements.

As one example of flexible standards, several suggestions for change are included in the attached handout from the Minnesota urban Small Sties BMP Manual. I find it significant that Newberg has adopted the gridiron development practice that results in the most lineal feet of pavement per unit area. Coupling that with our wide curbed street standards maximizes environmental destruction of our surrounds.

I have been in the community design business for 37 years and have had the privilege of working on several of Oregon's signature projects, many of which would never be currently allowed in Newberg. We need to stop thinking on a planning horizon of ten to twenty years, but 100 to 250 years. Currently we are irrevocably committed on a path of slowly converting our downtown areas to fewer buildings and more parking lots, maintaining our existing developed areas "as is" and converting our outlying farm and orchards to cookie cutter tract homes. This needs to change, and now.

Adopting the recommendations above will not reverse our path, but it will be a step in the right direction.

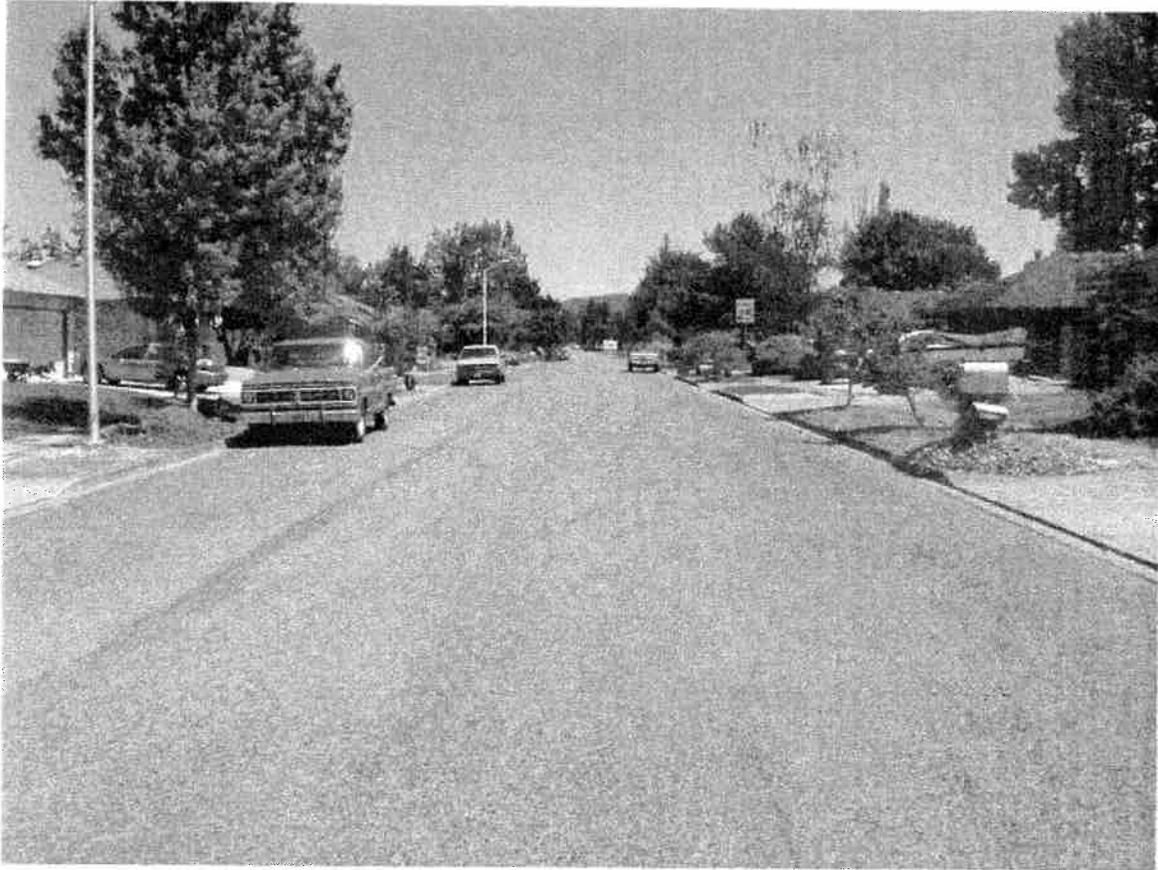
Thank you.

Sincerely yours,



Leonard A. Rydell, P.E., P.L.S., W.R.E.
LAR/lar
encl: as stated

Parking on Pinehurst Drive



Length = 1400'

No. Lots = 36

Garage Parking = 73

Driveway Parking = 127

Street Parking = 84

Total Parking = 284

Assume 2.78 People/Lot

Spaces/House = 7.89

Spaces/Person = 2.78

Cars on Street = 6

Street Parking Use = 7%

Excess Unused Impervious Areas = 0.87 Acres

Street Constructed in 1976

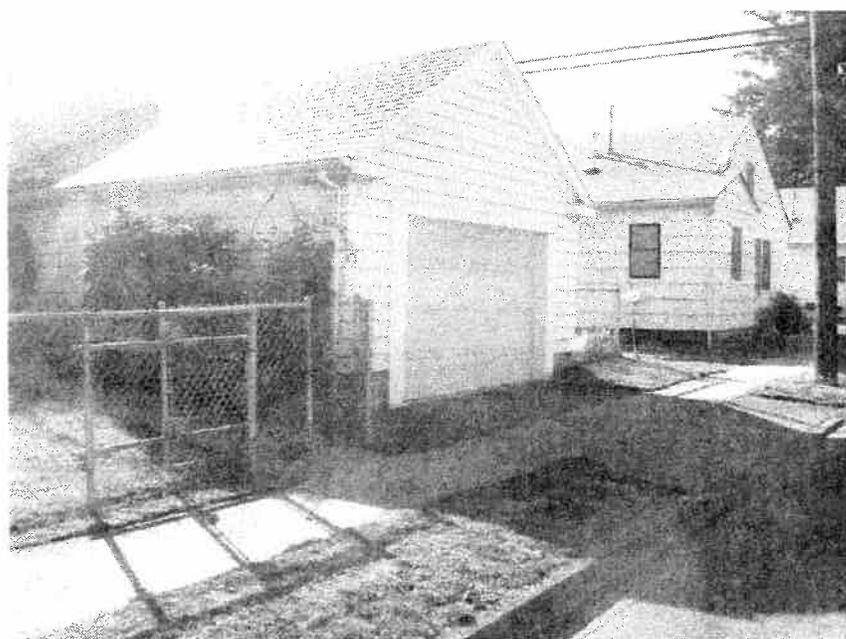
Never Maintained

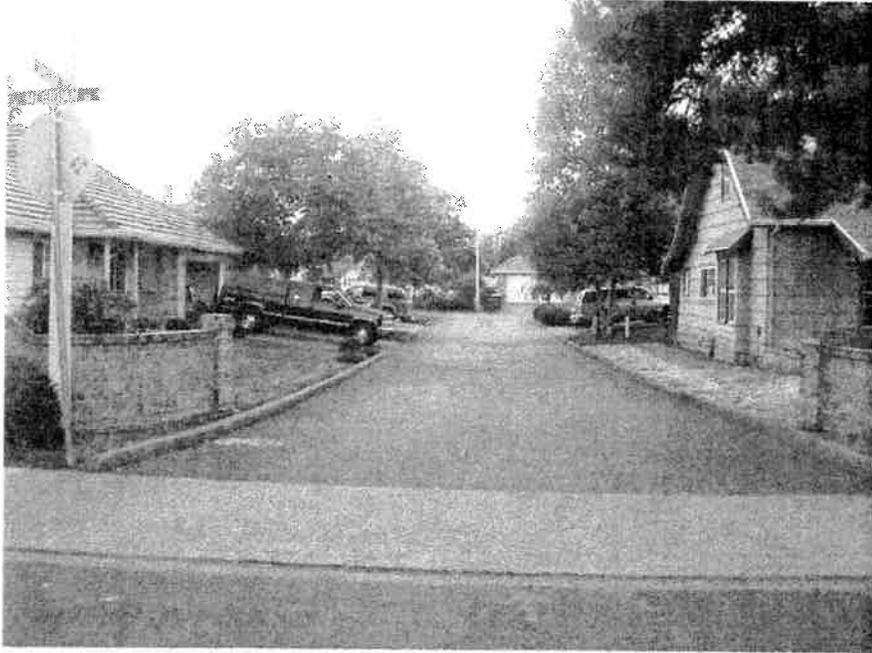
Cost of 2-inch Overlay \$96,444

Do all projects need on-site parking? This one in Newberg doesn't have any.



Do all garages need a 20' setback?





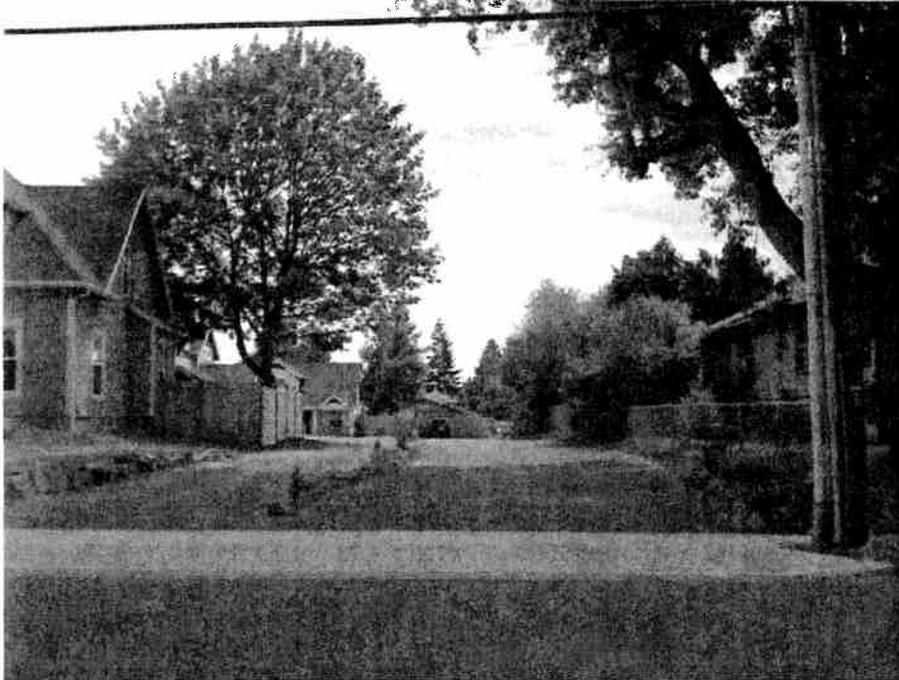
We Prohibited This



To Do This

CITY CODE

(3) No more than two lots may access one shared driveway.



On Illinois Street, we required two driveways for four houses.

In "TESKY PARK", the third house has to back out a steep uphill driveway into College Street instead of a private driveway to Columbia Street.



Which street do you want to live on?

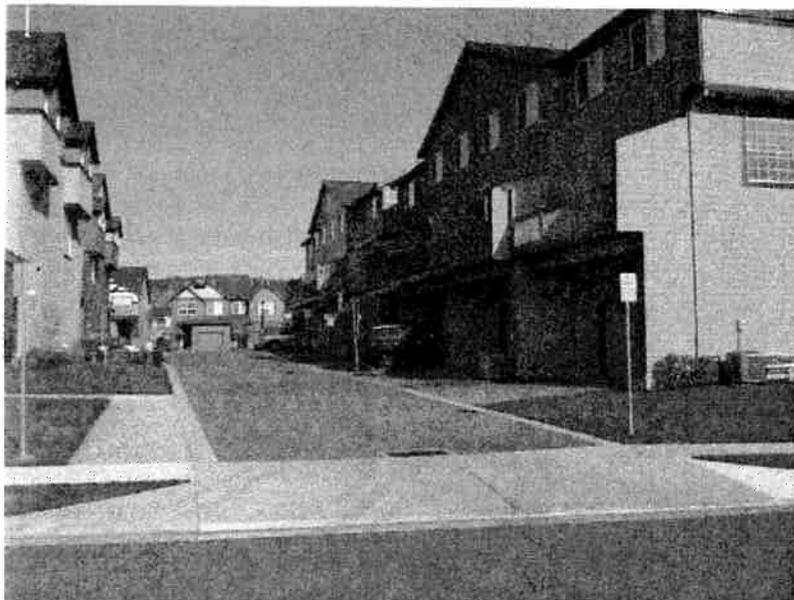


This one in Newberg, or.....



This one in Jacksonville, Oregon

An Alley in Newberg



An Alley in "NUNAN SQUARE"



Which do you prefer?

Which is allowed in Newberg?

Check out <http://www.oregon.gov/LCD/TGM/Nunan.shtml>

409-3.3 All streets proposed to be of private ownership inside the UGB shall conform to the following standards:

A. Local Residential Streets:

		STRUCTURAL STANDARDS			
	FUNCTION	**MIN. PAVEMENT WIDTH	SECTION	CURBS	SIDEWALKS
	One-way				
(1)	1-2 units	10 ft.	(1)	None	None
(2)	3-8 units	15 ft.	(2)	None	None
(3)	9 or more units	15 ft.	(3)	Yes	Both Sides
	Two-way				
(4)	1-2 units (Less than 150 feet in length)	10 ft.	(1)	None	None
(5)	1-2 units (Over 150 feet in length)	15 ft.	(1)	None	None
(6)	3-4 units (Less than 150 feet in length)	15 ft.	(1)	None	None
(7)	3-4 units (Over 150 feet in length)	20 ft.	(1)	None	None
(8)	5-8 units	22 ft.	(2)	One Side	One Side
(9)	9 or more units	24 ft.	(3)	Yes	Both Sides
	Alleys (One-way or two-way)				
(10)	1-8 units	16 ft.	(1)	***Yes	None
(11)	9 or more units	16 ft.	(2)	***Yes	None

** MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

***Curbs shall be required only if they are needed for drainage

B. Private Commercial and Industrial Streets:

		STRUCTURAL STANDARDS			
	FUNCTION	**MIN. PAVEMENT WIDTH	SECTION	CURBS	SIDEWALKS
	One-way				
(10)	300 Max ADT	12 ft.	(2)	Yes	Both Sides
(11)	1,500 Max ADT	15 ft.	(3)	Yes	Both Sides
(12)	3,000 Max ADT	15 ft.	(4)	Yes	Both Sides
(13)	3,000 Plus ADT	22 ft.	(4)	Yes	Both Sides
	Two-way				
(14)	300 Max ADT	22 ft.	(2)	Yes	Both Sides
(15)	1,500 Max ADT	28 ft.	(3)	Yes	Both Sides
(16)	3,000 Max ADT	36 ft.	(4)	Yes	Both Sides
(17)	3,000 Plus ADT	40 ft.	(4)	Yes	Both Sides

	Alleys (One-way or two-way)				
(18)	1,500 Max ADT	16 ft.	(3)	***Yes	None
(19)	1,500 Plus ADT	16 ft.	(4)	***Yes	None

** MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

***Curbs shall be required only if they are needed for drainage

C. Private Street Length:

For the purpose of this Section, private street length shall be measured as the distance between the near side curb line of the intersecting street and the far edge of pavement of the private road, including any turnaround.

409-3.4 Private Street Design and Construction

A. Construction Plans

- (1) Construction plans for private streets constructed per Sections 409-3.3 A(3), or (8-17) shall be prepared by a registered civil engineer. Prior to final approval, written certification shall be provided by the engineer that the proposed design complies with the applicable requirements of Sections 409-3.3, 409-3.5 and 409-3.6, any modifications approved pursuant to Section 409-3.8 and in accordance with the preliminary approval.
- (2) Construction plans for private streets constructed per Sections 409-3.3 A. (1, 2, 4, 5, 6 or 7) are not required to be prepared by a civil engineer unless the applicant chooses to construct the street in accordance with the County road standards as provided by Section 409-3.6 A. (1).
- (3) Final construction plans for all private streets shall be submitted prior to final approval.

B. Private Street Construction

- (1) Private streets constructed per Section 409-3.3 A. (3), or (8 through 17) shall be constructed prior to final plat approval for land divisions; or prior to occupancy or issuance of a certificate of occupancy for commercial, industrial, institutional or multi-family development, whichever occurs first. The applicant's engineer shall provide written certification that the street(s) has been constructed in accordance with the certified final construction plans.
- (2) Private streets constructed per Section 409-3.3 A. (1, 2, 4, 5, 6, or 7) shall be constructed prior to final plat approval unless approved otherwise by the Director. The applicant's engineer or contractor shall provide written certification that the street was constructed in accordance with the final

409-3.5 Private Street Tracts

The pavement width, and curbs, if any, of all private streets, except private streets serving one or two single-family residential lots or parcels, shall be located in a tract which meets the provisions of Section 409-4. Sidewalks may be located outside a tract on individual lots or parcels when approved by the Review Authority provided the following standards are met:

- A. The sidewalk shall be located in an easement; and
- B. Except in transit oriented districts, a minimum twenty (20) foot setback to the garage vehicle entrance, measured from the sidewalk or easement for public travel, whichever is closest shall be provided. In transit oriented districts, the minimum setback to the garage vehicle entrance shall be no less than the minimum setback required by Section 375 or Section 431.

409-3.6 Structural Section Key:

All private streets shall be constructed to the following minimum standards as identified in Section 409-3.3:

A. Structural Section Type:

- (1) Three (3) inch Type "C" AC over six (6) inches compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (2) Three (3) inch Type "C" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (3) Two (2) inch Type "C" AC over two (2) inch Type "B" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (4) Two (2) inches Type "C" AC over three (3) inches Type "B" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.

B. Curb Standards Type:

- (1) Standard curb and gutter, six (6) inches exposed (see standard drawings of County Road Standards).
- (2) Mountable curbs.

C. Sidewalks:

Concrete sidewalks, minimum five (5) feet width (see standard drawings of County Road Standards), and sidewalk ramps at street corners.

D. Drainage:

All roadways shall be drained pursuant to the requirements of the Drainage Standards, Section 410.

E. Additional Street Design Requirements:

Street design characteristics not otherwise addressed in this section such as intersections, sight distance, and vertical and horizontal alignments, shall be designed to meet nationally accepted specifications and standards, and shall be approved by the appropriate fire district.

409-3.7 Emergency Access:

A dead-end private street exceeding one hundred-fifty (150) feet in length shall have an adequate turn around facility approved by the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.

409-3.8 Modification of Private Road Standards

A variance to the provisions of Section 409-3.3 may be approved by the Review Authority in accordance with Section 435 and the following:

- A. The design has been approved by the appropriate Fire Marshal;
- B. The design has been prepared, submitted and certified by a registered engineer (Oregon); and
- C. The design has been documented and references nationally accepted specifications or standards.

409-4 General Provisions For Urban Private Streets

- 409-4.1 A recorded document providing for the ownership, use rights, and allocation for liability for maintenance of all private streets shall be submitted to the Review Authority prior to or in conjunction with final approval.
- 409-4.2 When streets are proposed to be private, access easements shall be provided to all properties needing access to the private street.
- 409-4.3 A traffic signing plan shall be provided for proposed private streets. At a minimum, the Review Authority shall require a standard "stop sign" at the intersection of private and public streets, "No Parking" signs as applicable, and a sign stating "private street, not maintained by Washington County" at the entrance to the public street. Dead end streets shall be so signed.

- 409-4.4 Private streets which access public or County roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for County roads.
- 409-4.5 Private street access to a County or public road shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards, the standards of this Section and Section 501-8.5. Additional sight distance may be required where a safety hazard exists.



NEIGHBORHOOD STREET DESIGN GUIDELINES

*An Oregon Guide
for Reducing Street Widths*

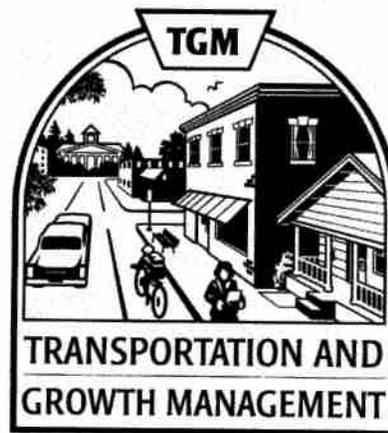
**A Consensus Agreement
by the Stakeholder Design Team**

**November
2000**

**Prepared by the
Neighborhood Streets
Project Stakeholders**

*This guidebook is dedicated to the memory of
Joy Schetter
who passed away before she could see the
remarkable success of this project.*

*Joy's leadership, hard work, calm manner, and
ability to work with all of the stakeholders
were key factors in that success.*



*Funding for this project was provided from
two State of Oregon programs:*

the Public Policy Dispute Resolution Program
and
the Transportation and Growth Management
(TGM) Program.

TGM is a joint program between the
Oregon Department of Transportation and the
Department of Land Conservation and Development.

The TGM Program relies on funding from the
Federal Transportation Efficiency Act
for the Twenty-First Century (TEA -21)
and the State of Oregon.

2nd Printing - June 2001

Includes minor clarifications to the sections on residential fire sprinklers (pages 9 and 16.)

JOHN A. KITZHABER, M.D.
GOVERNOR



February 16, 2001

To the Citizens of Oregon:

I am pleased to present to Oregon's communities a new publication called *Neighborhood Street Design Guidelines*. This handbook is a valuable tool for local governments. In workbook style, it recommends a process for development of street standards, provides important information to help communities consider and decide on the standards, and includes model designs as a starting point.

Street design, in particular street width, has been an important issue in Oregon for the past decade. Oregon's award-winning Transportation Planning Rule, adopted in 1991, requires local governments to minimize street width considering the operational needs of the streets. Also, citizens and planners in many Oregon communities, as well as towns across the country, have advocated for narrower streets as part of a larger movement to build more livable neighborhoods.

The desire to reduce the standards for street widths raises concerns about large vehicle access, especially emergency service providers who need to reach their destinations fast. The issue has resulted in heated debate in some communities and among state agencies and statewide organizations.

This document is the result of hard work and commitment of individuals who joined in a collaborative process to reconcile the multiple uses of our neighborhood streets. Many thanks to the Neighborhood Streets Project Stakeholders, Design Team members, and reviewers for the time and expertise they contributed to this effort.

John A. Kitzhaber, M.D.
Governor

PROJECT STAKEHOLDERS

These Guidelines have been endorsed by . . .

- Office of the State Fire Marshal
- Oregon Fire Chiefs Assoc.
- Oregon Fire Marshal's Assoc.
- Oregon Chiefs of Police Assoc.
- Oregon Refuse and Recycling Assoc.
- Oregon Building Industry Assoc.
- Oregon Chapter of the American Planning Assoc.
- Oregon Chapter of the American Public Works Assoc.
- Assoc. of Oregon City Planning Directors
- Livable Oregon, Inc.
- 1000 Friends of Oregon
- Oregon Department of Land Conservation & Development
- Oregon Department of Transportation
- Metro also supports the guidelines and has adopted a specific set of guidelines for the Portland metropolitan region.

*** Design Team Members**

The Design Team was responsible for the overall collaborative process with assistance from a facilitator and DLCD staff. The Design Team vested themselves with responsibility for negotiating the issues and guiding the development of this agreement.

Fire/Emergency Response

- * Bob Garrison (Office of State Fire Marshal)
- * Jeff Grunewald (Tualatin Valley Fire & Rescue)
- * Burton Weast (Oregon Fire District Directors' Association)
Gary Marshall (City of Bend Fire Marshal)
Ken Johnson (for Michael Sherman, Oregon Fire Chiefs Association)
Debbie Youmans (Oregon Chiefs of Police Association)

Service Providers

- Ron Polvi (NW Natural)
- Kristan Mitchell (Oregon Refuse and Recycling Association)
- John Fairchild (School Board Association)

Developers/Consultants

- * Ernie Platt (Oregon Building Industry Association)
- Rod Tomcho (Tennant Developments)
- Ryan O'Brien (LDC Design Group)

Transportation Engineers/Planners

- * Jim West (Institute of Transportation Engineers: Kimley-Horn Inc.)
Peter Fernandez (City of Salem)

Public Works

- * Byron Meadows (American Public Works Association, Oregon Chapter; Marion County Public Works Operations Supervisor)

Non-Profit Groups

- * Amber Cole Hall (Livable Oregon, Inc.)
Lynn Petersen (1000 Friends of Oregon)

City Representatives

- * John McLaughlin (City Planning Directors' Association; Community Development Director, City of Ashland)
- Cameron Gloss (City of Klamath Falls)
- Jan Fritz (City Councilor of Sublimity)
- Allen Lowe (City of Eugene Planning)
- John Legros (City of Central Point Planning Commissioner)
- Bob Dean (City of Roseburg Planning Commission Chair)
- Margaret Middleton (for Randy Wooley, City of Beaverton Engineering)

County Representative/Planner

- Tom Tushner (Washington County)
- Lori Mastrantonio-Meuser (County Planning Directors' Association)

Regional Government

Tom Kloster (and Kim White, Metro)

State Government

* Eric Jacobson (Department of Land Conservation and Development)
Amanda Punton (Department of Land Conservation & Development)
Kent Belleque (for Jeff Scheick, Oregon Department of Transportation)

Project Managers

Joy Schetter, ASLA (Department of Land Conservation & Development)
Elaine Smith, AICP (Department of Land Conservation & Development)

Project Mediator/Facilitator

Keri Green (Keri Green and Associates, Ashland, Oregon)

*Many thanks to the
Neighborhood Streets Project Stakeholders,
Design Team Members, and the
Community of Reviewers
for the time and expertise
they contributed to this effort.*

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I. Introduction

The standards for the design of local streets, in particular the width of streets, has been one of the most contentious issues in local jurisdictions in Oregon for the past decade. The disagreements have also been fought at the state level among state agencies and advisory, advocacy, and professional groups that have sought to influence decisions made at the local level. Previous efforts of these groups to provide guidance have failed because of lack of consensus.

This document is the result of the hard work of a group of diverse stakeholders that finally developed that consensus. *Neighborhood Street Design Guidelines* was developed to help local governments consider and select neighborhood street standards appropriate for their communities. As the title attests, the handbook provides guidelines and is not prescriptive. The authors hope that the consideration of the guidelines and examples will stimulate creative ideas for street designs in local communities.

This guidebook explains the issues surrounding the width of neighborhood streets with respect to livability and access for emergency and other large vehicles. It recommends a community process for developing neighborhood street width standards, a checklist of factors that should be addressed in that process, street cross-sections, and a list of resources that provide additional information. The guidelines are intended for *local* jurisdiction streets that carry limited traffic, not collectors or arterials. They are not intended, nor are they to be used on state highways.

II. The Issues

Why Narrow Streets?

Streets are key determinants of neighborhood livability. They provide access to homes and neighborhood destinations for pedestrians and a variety of vehicle types, from bicycles and passenger cars to moving vans and fire apparatus. They provide a place for human interaction: a place where children play, neighbors meet, and residents go for walks and bicycle rides. The design of residential streets, together with the amount and speed of traffic they carry, contributes significantly to a sense of community, neighborhood feeling, and perceptions of safety and comfort. The fact that these may be intangible values makes them no less real, and this is often reflected in property values.

The width of streets also affects other aspects of livability. Narrow streets are less costly to develop and maintain and they present less impervious surface, reducing runoff and water quality problems.

The topic of automobile speeds on neighborhood streets probably tops the list of issues. Where streets are wide and traffic moves fast, cities often get requests from citizens to install traffic calming devices, such as speed humps. However, these can slow response times of emergency service vehicles creating the same, or worse, emergency response concerns than narrow streets.

Oregon's Land Conservation and Development Commission recognized the values associated with narrow street widths when it adopted the Transportation Planning Rule. The rule requires local governments to establish standards for local streets and accessways that minimize pavement width and right-of-way. The rule requires that the standards provide for the operational needs of streets, including pedestrian and bicycle circulation and emergency vehicle access.

Why Are Emergency Service Providers Concerned?

Street width affects the ability of emergency service vehicles to quickly reach a fire or medical emergency. Emergency service providers and residents alike have an expectation that neighborhood streets provide adequate space for emergency vehicles to promptly reach their destination and for firefighters to efficiently set up and use their equipment.

Fire equipment is large and local fire departments do not have full discretion to simply "downsize" their vehicles. Efforts by some departments to do this have generally not been successful, since these smaller vehicles did not carry adequate supplies for many typical emergency events.

The size of fire apparatus is driven, in part, by federal Occupational Health and Safety Administration (OSHA) requirements and local service needs. The regulations require that fire trucks carry considerable equipment and that firefighters ride completely enclosed in the vehicle. In addition, to save money, fire departments buy multi-purpose vehicles that can respond to an emergency like a heart attack or a traffic accident, as well as a fire. These vehicles typically provide the

first response to an emergency. An ambulance will then provide transport to a hospital, if needed. To accommodate the need to move the vehicles and access equipment on them quickly, the Uniform Fire Code calls for a 20-foot wide clear passage.

The risk of liability also raises concerns about response time and the amount of equipment carried on trucks. A successful lawsuit in West Linn, Oregon found that a response time of eight minutes was inadequate. The National Fire Protection Association, which is the national standard-setting body for the fire service, is proposing new rules that would require a maximum four-minute response time for initial crews and eight-minute response for full crews and equipment for 90% of calls. Fire departments have also been sued for not having the proper equipment at the scene of an accident. This puts pressure on departments to load all possible equipment onto a vehicle and increases the need to use large vehicles.

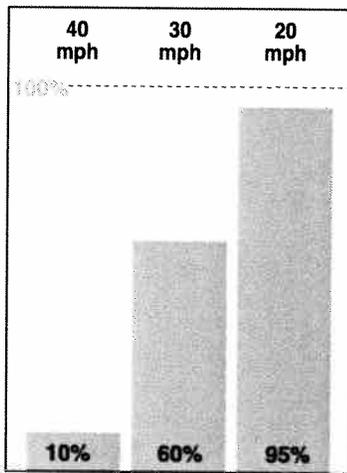
III. Background

Residential streets are complex places that serve multiple and, at times, competing needs. Residents expect a place that is relatively quiet, that connects rather than divides their neighborhood, where they can walk along and cross the street relatively easily and safely, and where vehicles move slowly. Other street users, including emergency service providers, solid waste collectors, and delivery trucks, expect a place that they can safely and efficiently access and maneuver to perform their jobs. Clearly, balancing the needs of these different users is not an easy task.

Oregon's cities reflect a variety of residential street types. In many older and historic neighborhoods built between 1900 and 1940, residential streets typically vary in width in relation to the length and function of the street. In many cases, a typical residential street may be 24 feet to 28 feet in width with parking on both sides. However, it is not uncommon to find streets ranging from 20 feet to 32 feet in width within the same neighborhood. Newer subdivisions and neighborhood streets built since 1950 tend to reflect a more uniform design, with residential streets typically 32 feet to 36 feet in width with parking on both sides and little or no variation within a neighborhood.

Designs For Livability. Over the last decade, citizens, planners, and public officials throughout the United States have expressed increased interest in development of compact, pedestrian-friendly neighborhoods. The design of neighborhood streets is a key component in this effort. Nationally, the appropriate width and design of neighborhood streets has been the subject of numerous books and articles targeted not just to the planning and development community, but also the general population. In May 1995, *Newsweek* magazine featured an article on neotraditional planning that listed reducing the width of neighborhood streets as one of the “top 15 ways to fix the suburbs.” In addition, developments such as Kentlands in Maryland and Celebration in Florida have gained fame by incorporating many of the features of traditional, walkable neighborhoods and towns, including narrow neighborhood streets.

Chances of a Pedestrian Surviving a Traffic Collision



Survival Rates

Graphic adapted from “Best Management Practices,” Reid Ewing, 1996; data from “Traffic Management and Road Safety,” Durkin & Pheby, 1992.

Safe and Livable. There is growing appreciation for the relationship between street width, vehicle speed, the number of crashes, and resulting fatalities. Deaths and injuries to pedestrians increase significantly as the speed of motor vehicles goes up. In 1999, planner Peter Swift studied approximately 20,000 police accident reports in Longmont, Colorado to determine which of 13 physical characteristics at each accident location (e.g., width, curvature, sidewalk type, etc.) accounts for the crash. The results are not entirely surprising: the highest correlation was between collisions and the width of the street. A typical 36-foot wide residential street has 1.21 collisions/mile/year as opposed to 0.32 for a 24 foot wide street. The safest streets were narrow, slow, 24-foot wide streets.

Award-Winning Neighborhoods. In Oregon, citizens, non-profit organizations, transportation advocates, and state agencies interested in the livability of our communities have advocated reducing the width of neighborhood streets. Several new developments that include narrow neighborhood streets such as Fairview Village in Fairview, West Bend Village in Bend, and Orenco Station in Hillsboro have received *Governor’s Livability Awards* (See Appendix A for contact

information). Although cited as models of livable communities, the narrow street widths included in these developments are not allowed in many of Oregon's cities, often because of concerns about emergency service access.

Emergency Response. The movement to reduce street standard widths raised concerns with emergency service providers. Thus, the most controversial issue facing Oregon's fire departments in the past decade has been street width. Fire departments must move large trucks, on average, 10 feet wide mirror-to-mirror.

Response times can be slowed depending upon the amount of on-street parking and traffic encountered. Narrow streets lined with parked cars may not provide adequate space for firefighters to access and use their equipment once they have reached the scene of an emergency. In addition, emergency vehicle access can be completely blocked on streets that provide less than 10 feet of clear travel width.

Authority to Establish Standards. Prior to 1997, there had been some confusion over who had the authority to establish street standards. Oregon's land use laws grant local governments the authority to establish local subdivision standards, which include street widths (ORS 92.044). However, the *Uniform Fire Code*, which was adopted by the State Fire Marshal and is used by many local governments to establish standards for the prevention of and protection from fires, includes standards which affect the width and design of streets. The *Uniform Fire Code* is published by the Western Fire Chiefs and the International Congress of Building Officials as partners.

This question of authority was clarified in 1997 when ORS 92.044 was amended to state that standards for the width of streets established by local governments shall *"supersede and prevail over any specifications and standards for roads and streets set forth in a uniform fire code adopted by the State Fire Marshal, a municipal fire department or a county firefighting agency."* ORS 92.044 was also amended to establish a consultation requirement for the local governments to *"consider the needs of the fire department or fire-fighting agency when adopting the final specifications and standards."*

IV. Collaborative Process

This project was undertaken to:

“Develop consensus and endorsement by stakeholders on a set of flexible guidelines for neighborhood street designs for new developments that result in reduced street widths.”

The collaborative process relied on two groups of stakeholders. A larger group was comprised of a broad cross-section of interest groups and numbered about thirty people from around the state. A core team of nine members, a subset of the larger group, was convened to guide the collaborative problem-solving process, working in conjunction with the consultant and staff. This “Design Team” consisted of representatives from these groups: special districts, fire service, state fire marshal, non-profit advocacy, traffic engineering, builder/developer, city planner, public works, and a representative from the Department of Land Conservation and Development.

The Design Team’s responsibilities were to recommend participants for the larger collaborative working group, determine the priority interests, recommend a statewide endorsement and implementation process, and provide input on technical presentations required. At the Design Team’s first meeting, they decided to assign themselves the task of creating the draft street design guidelines. They would take their products to the larger group for input, recommendations, and eventual endorsement. Consensus would be sought within the Design Team before going to the large group. Likewise, consensus at the large group would be fundamental to achieving the project’s goals.

The large group was instrumental in providing actual scenarios of community experiences to the Design Team. They also helped enlarge the scope of affected parties and corresponding issues by including other service providers that use large vehicles, such as school busses and solid waste haulers. Members of the large group provided valuable reference materials to the Design Team. They provided substance that had been over-looked on more than one occasion. Large group members were pleased to know that a core team of well-respected stakeholders was representing their interests. The Design Team engaged the large group at significant junctures in its work.

V. A Community Process for Adopting Standards

Unique issues will arise in each community, whether related to hills, higher density neighborhoods, or existing street patterns. Close collaboration with fire and emergency service providers, public works agencies, refuse haulers, and other neighborhood street users must be maintained throughout the process. This will ensure that the standards developed to meet the general goals of the community will also meet the specific needs of different stakeholder groups.

Through broad-based involvement, educational efforts, and sensitive interaction with stakeholders, a community can adopt new street standards that will meet the transportation needs of the citizens, while providing and encouraging a very livable residential environment.

The following steps reflect a realistic process development and local government adoption of standards for narrow neighborhood streets.

- Steps for Local Government Consideration and Adoption of Neighborhood Street Standards**
1. Determine stakeholders
 2. Inform/Educate: What is the value of narrow residential street standards?
 3. Ensure dialogue among stakeholders
 4. Identify specific issues, such as seasonal needs and natural features
 5. Prepare draft standards
 6. Review draft with stakeholders/officials /public
 7. Revise, conduct public review, and adopt standards
 8. Implement and ensure periodic evaluation

Determine stakeholders. There are many benefits to a community adopting narrow street standards. Many stakeholders share an interest in residential transportation issues. These stakeholders must be included from the outset of any new street standard adoption process.

Inform and Educate. A community or jurisdiction considering the adoption of narrow residential street standards must conduct an open and information-intensive process. Narrow streets have many advantages for a community, including slower traffic speeds and increased neighborhood livability. But there are some access trade-offs. A strong educational component involving city council members, planning commissioners, community groups, developers and emergency service providers must be conducted at the beginning of the process. Agreement about the value of narrow streets, i.e., slow speeds, safer pedestrian environments, and more livable neighborhoods must be understood and agreed to prior to beginning to develop specific standards. There are many educational resources available including printed materials, videos, and professional speakers willing to share their experience.

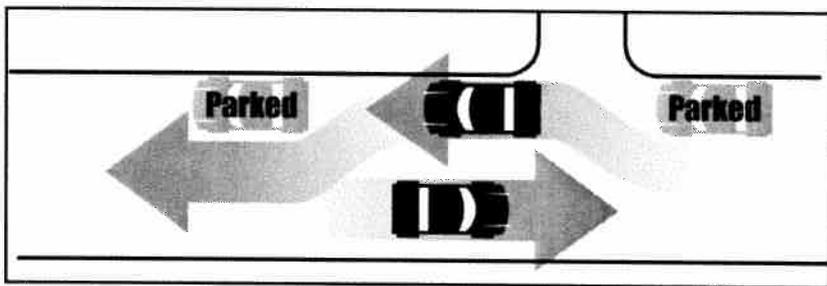
Develop standards that reflect local concerns. Once a jurisdiction has determined that more narrow street standards will be beneficial, the development of specific standards, unique to the community where they will be implemented, is the next step. Many cities and counties have adopted narrow street standards, and their efforts can provide a model for the initial drafts. Review and input from stakeholders, the public, and community officials will help identify local issues and provide the opportunity to tailor standards to local needs.

VI. Checklist for Neighborhood Streets

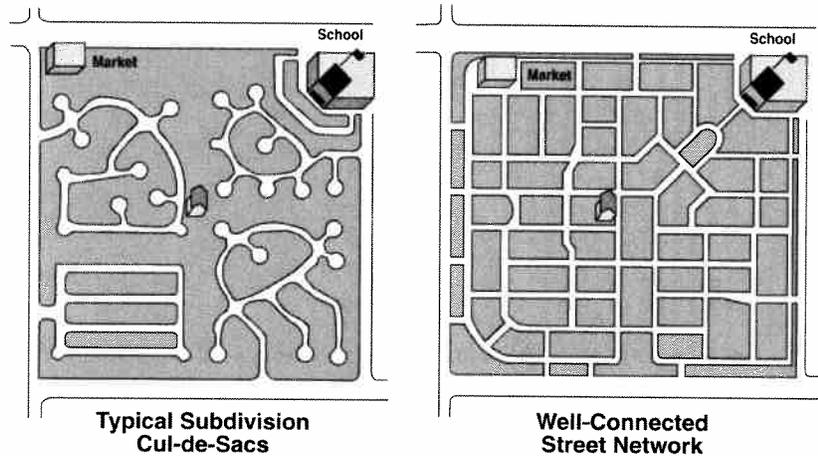
Key Factors

The checklist is based on five key factors listed below:

- ✓ **Queuing.** Designing streets so that moving cars must occasionally yield between parked cars before moving forward, as shown below, permits development of narrow streets, encourages vehicles to move slower, and allows for periodic areas where a 20-foot wide clear area is available for parking of fire apparatus.



- ✓ **Connected Street Networks.** Connected street networks provide multiple ways for emergency response vehicles to access a particular location and multiple evacuation routes. In addition, a connected street system encourages slow, cautious driving since drivers encounter cross traffic at frequent intervals.



- ✓ **Adequate Parking.** When parking opportunities are inadequate, people are more likely to park illegally in locations that may block access by emergency service vehicles. Communities need to review their parking standards when they consider adopting narrow street standards to make sure that adequate on-street and off-street parking opportunities will be available.

- ✓ **Parking Enforcement.** The guidelines are dependent on strict enforcement of parking restrictions. Communities must assure an on-going commitment to timely and effective parking enforcement by an appropriate agency. In the absence of such a commitment, these narrow street standards should not be adopted.

- ✓ **Sprinklers Not Required.** The checklist and model cross-sections provided in this guidebook do not depend upon having fire sprinklers installed in residences. More flexibility in street design may be possible when sprinklers are provided. However, narrow streets still need to accommodate fire apparatus that respond to non-fire, medical emergencies. Other types of vehicles (such as moving vans, public works machinery, and garbage/recycling trucks) also need to be able to serve the neighborhood.

The Checklist



Community stakeholder groups should systematically proceed through the checklist below as part of their decision making process. Also, your community may wish to add to this checklist. The format of the checklist includes room for comments: encourage stakeholders to make notes regarding their concerns and record decisions about how the items in the checklist have been addressed.

The factors are interrelated and are best considered together. The items are grouped by category in a logical order, but are not weighted.

Community Process/Decision-Making		<i>Notes</i>
<input type="checkbox"/>	<p>Good City Department Working Relations</p> <p>Develop good, close working relationships between the fire/emergency response professionals, public works, building officials, land use and transportation planners, engineers, and other large vehicle operators. The goal is to achieve trusting working relationships that lead to effective accommodation of each other's needs related to agreements about neighborhood street standards.</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p>Consistency of Ordinances</p> <p>Review all applicable codes and ordinances and make them consistent with the narrow neighborhood street standards you are adopting. Consider performance-based codes and ordinances to address the larger development issues, of which street design is just one part. Amend ordinances only when you have the concurrence of emergency and large service vehicle providers.</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p>Uniformly Allowed</p> <p>Uniformly allow narrow neighborhood streets by code and ordinance rather than requiring a special process, such as a variance or planned unit development. Or consider a modification process similar to the City of Beaverton's that uses a multi-disciplinary committee review and approval process during the development review process. <i>See Appendix A for more info.</i></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p>Community Process</p> <p>Determine what your community process will be for developing and adopting neighborhood street standards including following legal requirements, gaining political support, and encouraging public education and involvement. Teamwork and involvement of all large vehicle service providers is a critical component for success. Consider the potential benefits of narrow streets, such as slower traffic, less stormwater runoff, and lower costs. Look for ways to minimize the risk that fire apparatus will not be able to quickly access an emergency and minimize possible inconvenience for other large vehicles. <i>For more information see Chapter V, "A Community Process for Adopting Standards."</i></p>	<hr/>

Users of the Street

Notes

Use of Street

Recognize the needs of all of the "everyday" users of the street, including autos, pedestrians, and bicycles. Street standards typically provide for easy maneuverability by autos. It is very important that neighborhood streets also provide a comfortable and safe environment for pedestrians. Consideration should be given to pedestrians both moving along and crossing the street.

Fire/Emergency Response and Large Service Vehicle Access

Provide access to the street for Fire/Emergency Response and large service vehicles to meet their main objectives. Consider the maneuvering needs of all large vehicles such as fire/emergency response, refuse/recycling trucks, school buses, city buses, delivery vehicles, and moving trucks. Fire trucks are generally 10-feet wide from mirror to mirror and room adjacent to a truck is necessary to access equipment from the truck. Recognize that for some service providers, the federal government has requirements that affect vehicle size such as fire trucks, school buses, and ambulances.

Utility Access

Provide utility access locations regardless of whether utilities are in the street, the right-of-way adjacent to the street, utility easements, or some combination thereof. Consider utility maintenance requirements.

Street Design

Traffic Volume and Type

Relate street design to the traffic that will actually use the street and the expected demand for on-street parking. Generally, on streets that carry less than 1,000 vehicles per day, a clear lane width of 12 to 14 feet is adequate for two-way traffic, if there are frequent pull-outs to allow vehicles to pass. Where there is on-street parking, driveways typically provide gaps in parking adequate to serve as pull-outs. If there is a high percentage of trucks or buses, wider streets or longer pull-outs may be needed. For street design, consider both the current traffic volume and the projected long-term traffic volume.

Provision for Parking

Make sure that adequate parking is provided so that on-street parking is not the typical primary source of parking. The objective is to have space between parked cars so that there are queuing opportunities. Also, parking near intersections on narrow streets should not be permitted because it can interfere with the turning movements of large vehicles (*see illustration at the end of the checklist*). This can be accomplished by a lack of demand for on-street parking or by design. The design option requires place-

ment of no-parking locations (i.e., driveways, fire hydrants, mailboxes) at appropriate intervals to provide the needed gaps.

Notes

Parking (con't)

When determining the number of parking spaces required, consider adjoining land uses and the availability of off-street parking. Parking demand is likely to be less where an adjoining land use is one that will create little or no parking demand (e.g., wetlands, parks, floodplains) or if adjoining development will provide off-street parking adequate for residents and guests. On-street parking demand may be affected by recreational vehicle/equipment if parking of such equipment is allowed. Parking availability will be affected by whether a neighborhood has alleys, if parking is allowed in the alley, or if visitor parking bays are provided in the area.

Self-Enforcing Design....perceptions count!

The design of the street should encourage the desired speed, traffic flow, parking, and use of the street. When this is the case, a design is said to be self-enforcing. This means that a driver would discern an implied prohibition against parking by the visual appearance of the street. A self-enforcing design intended to reduce speed might, for example, use trees in parkrows or strategically placed curb extensions.

- Unless traffic volumes are very low, 21 to 22-foot streets with parking on one side can be problematic for large vehicles.
- 21 to 24-foot streets with no on-street parking should not be considered because they invite parking violations.
- 26 and 27-foot streets where parking is permitted on one side can result in chronic violations because the street will look wide enough for parking on both sides.

Parking Enforcement

With adequate parking and proper street design, enforcement should not be a problem. Where parking is prohibited, provide signs that clearly indicate this, even on streets with a self-enforcing design. Enforcement is essential and can be done in a variety of ways. Consider tow zones or using volunteers to write parking tickets. (The City of Hillsboro allows both police and fire personnel to write traffic tickets.)

Public and Private Streets

Build public and private streets to the same standard. The need for access by emergency and other large vehicles is the same on private streets as for public. (In addition, private streets not built to the same construction standards may end up being a maintenance problem later if the local jurisdiction is forced to assume maintenance because homeowners do not fulfill their responsibilities.)

Block Length

Design block length to enhance street connectivity. Block lengths should generally not exceed 600 feet. As block lengths increase from 300 feet, attention to street width and other design features becomes more important. This is because fire apparatus preconnected hoses are 150 feet in length. With a connected street system and 300-foot block lengths, the fire apparatus can be parked at the end of the block where a fire is located and the hose can reach the fire.

Coordinate block length requirements with spacing requirements for connection to arterial streets. Preserve integrity, capacity, and function of the neighborhood's surrounding arterials and collectors by adhering to access management standards.

Notes

Local Issues**Evacuation Routes for Wildfire Hazard and Tsunami Zones**

Designated wildfire hazard or tsunami zones may need wider streets to provide for designated evacuation routes, including 20 feet of clear and unobstructed width. Different communities may have different street standards depending on whether a neighborhood is located in one of these zones or is in a designated evacuation route.

Agricultural Equipment

If your community is a regional agricultural center, consider adequate passage for agricultural equipment. Discourage passage on residential streets.

Preserving Natural Features

If your community has sensitive natural features, such as steep slopes, waterways, or wetlands, locate streets in a manner that preserves them to the greatest extent feasible. Care should be taken to preserve the natural drainage features on the landscape. Street alignments should follow natural contours and features, whenever possible, so that visual and physical access to the natural feature is provided as appropriate.

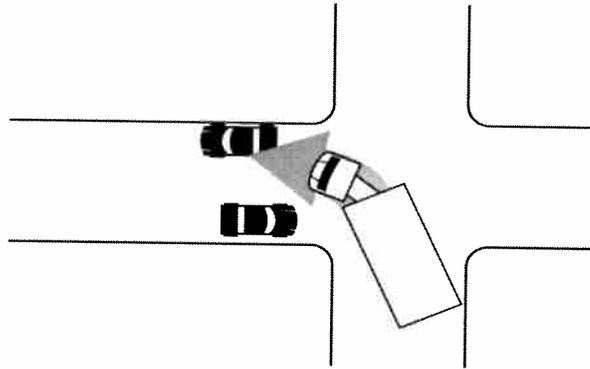
Snow

If snow removal and storage is an issue in your community, consider snow storage locations, and whether temporary parking restrictions for snow plowing or storage will be required. Some communities may consider providing auxiliary winter parking inside neighborhoods (though not on residential collectors). Work with your public works and engineering departments to see if any adjustments may be made in terms of operations or street design that would make narrow neighborhood streets work better for your community (wider parkrows to store snow, for instance).

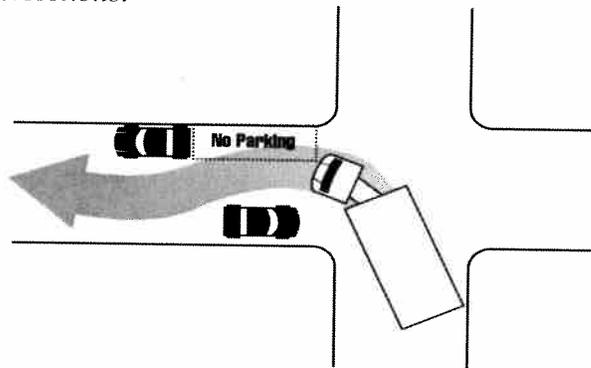
		<i>Notes</i>
<input type="checkbox"/>	<p>Ice If maneuvering on icy roads is an issue in your community, consider parking restrictions near street corners, auxiliary winter parking at the base of hills, wider street cross-sections on hills, or seasonal parking restrictions on hills.</p>	<hr/> <hr/> <hr/>
<input type="checkbox"/>	<p>Sloping or Hilly Terrain If your community has steep slopes, make special design provisions. This can be done through utility placement, connected streets, sidewalk placement, provision of one-way streets, property access, and minimizing cut and fill slopes.</p>	<hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><i>Other Community Concerns?</i></p>	<hr/>

No Parking At Intersections

On narrow streets, parked cars near the intersection can interfere with the turning movements of large vehicles.



The solution is to prohibit on-street parking within 20 - 50 feet of intersections.



VII. Model Cross-Sections

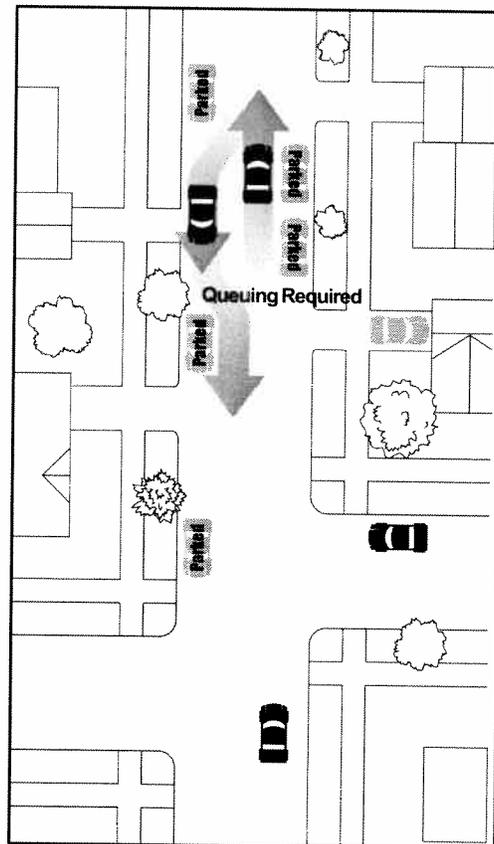
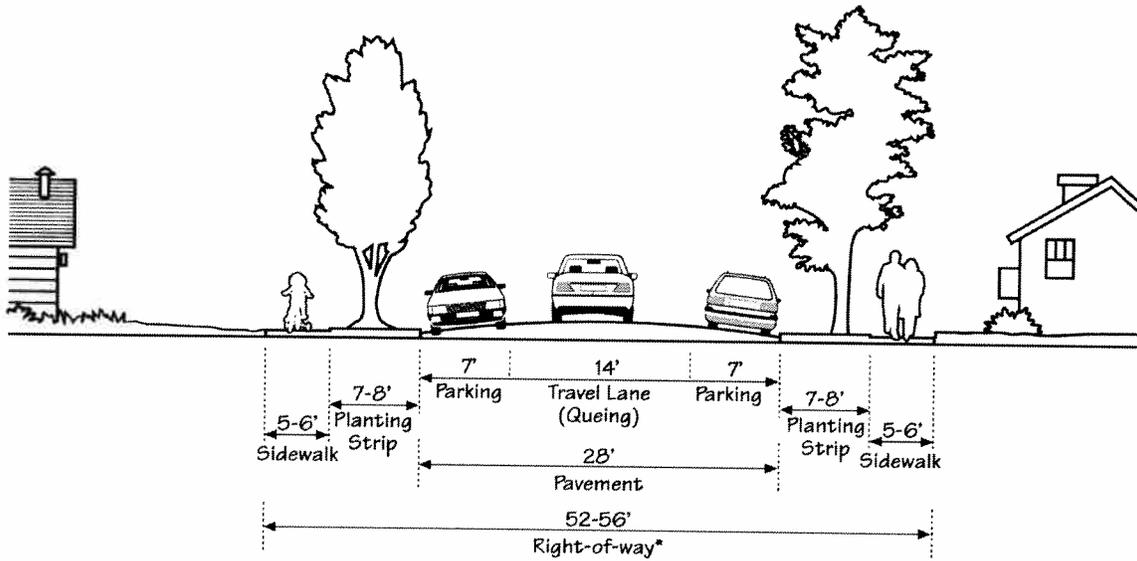
The following three scenarios are presented as “model standards.” However, *they do not represent the full range of possible solutions.* Communities are encouraged to use these as a starting point; innovative solutions can be designed for local situations. Here are a few key points to keep in mind:

- ✓ Streets **wider than 28 feet** are NOT, by definition, a “narrow street.”
- ✓ **Two-way streets under 20 feet** are NOT recommended. If, in a special circumstance, a community allows a street **less than 20 feet**, safety measures such as residential sprinklers*, one-way street designations, and block lengths less than 300 feet may be needed.

* Fire sprinklers in one and two family structures must be approved by the local building department in accordance with standards adopted by the Building Codes Division under ORS 455.610.

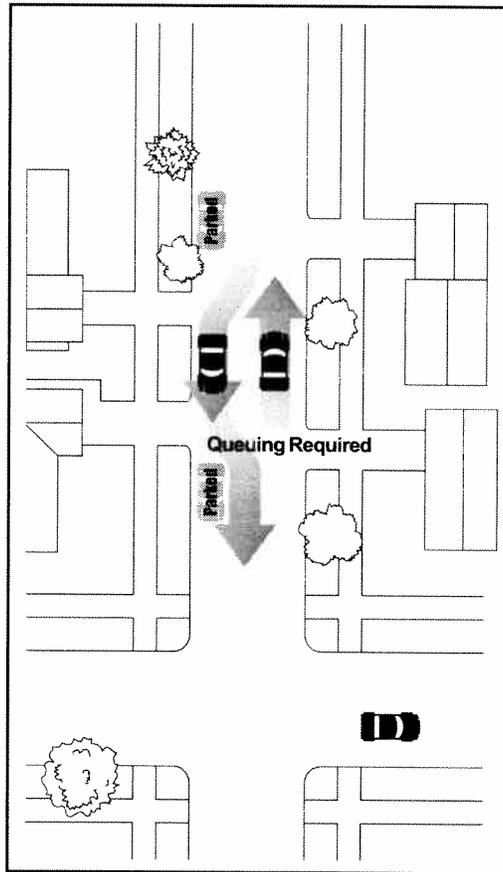
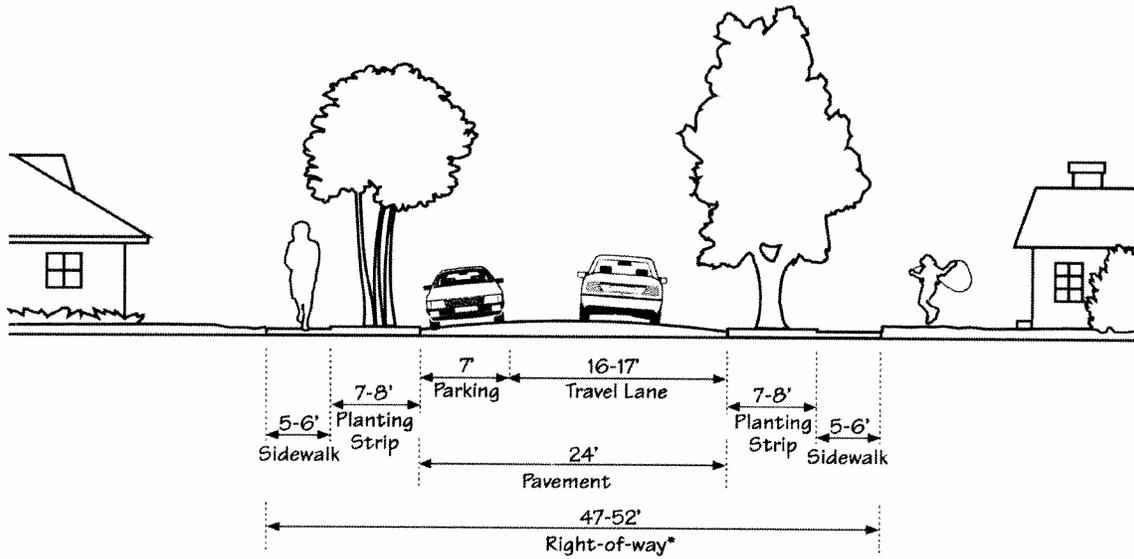
Scenario 1

28 Ft. Streets Parking on both sides



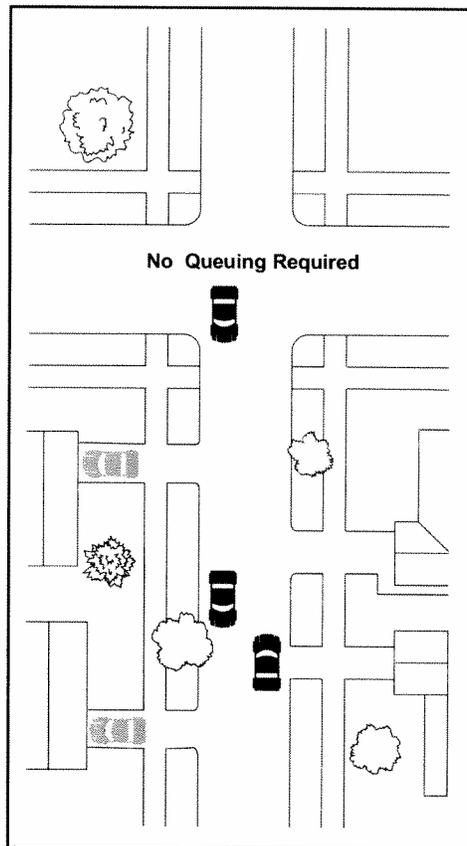
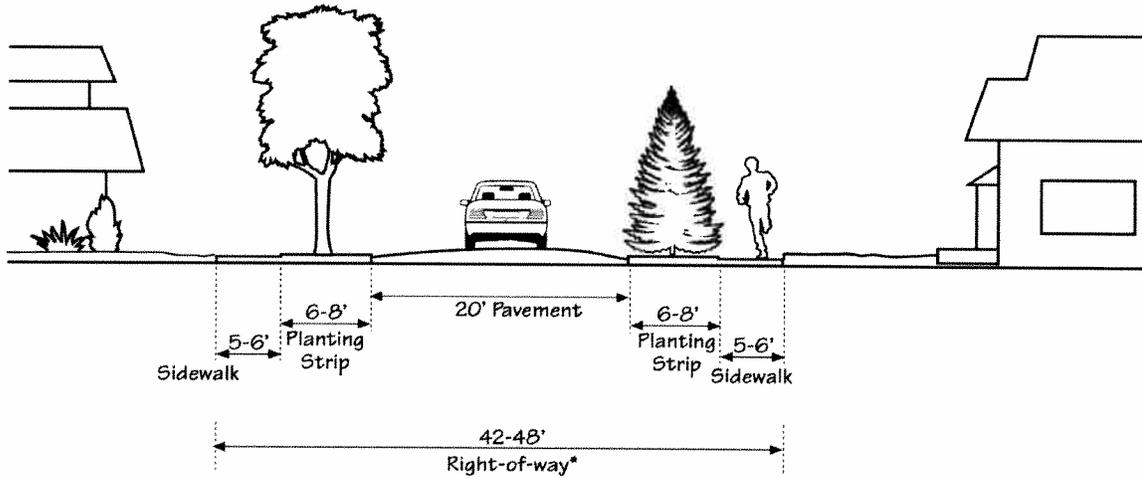
Scenario 2

24 Ft. Streets Parking on one side only



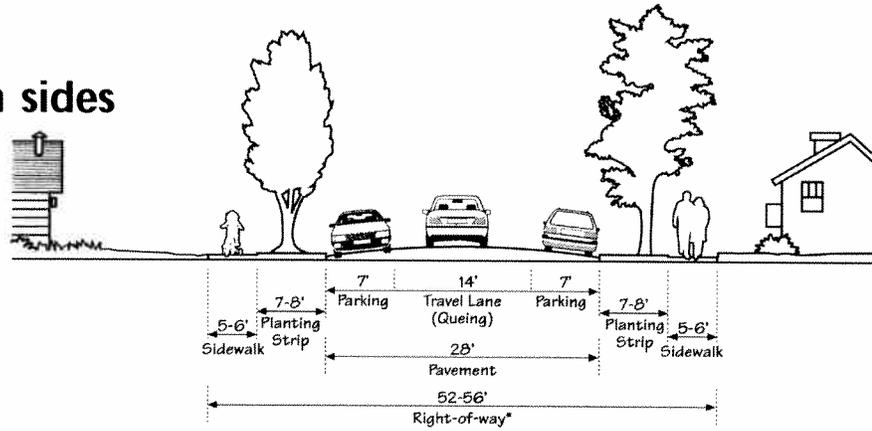
Scenario 3

20 Ft. Streets
No parking allowed

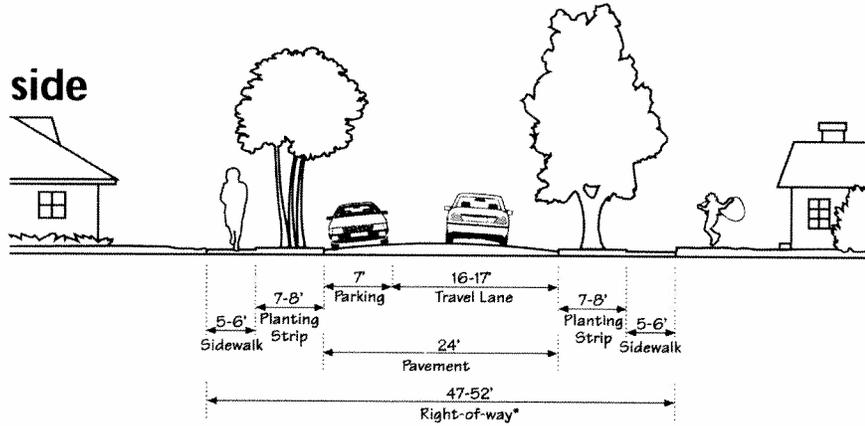


Summary of Three Potential Scenarios

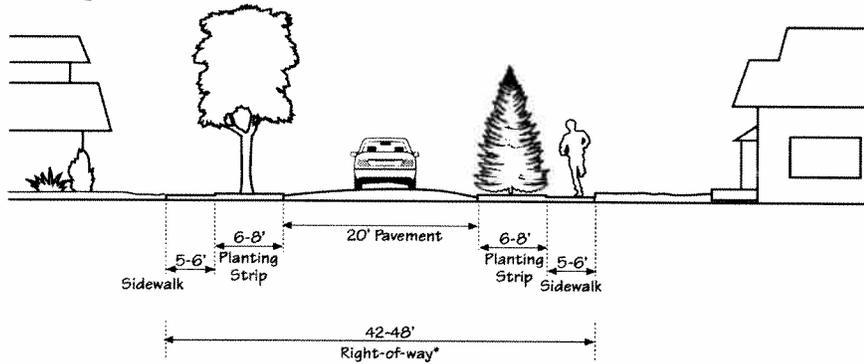
28 Ft Street Parking on both sides



24 Ft Street Parking on one side



20 Ft Street No on-street parking allowed



Appendix A - References and Resources

Annotated References

AASHTO - The Policy on Geometric Design of Highways and Streets, also known as the “*Green Book*,” is published by the American Association of State Highway and Transportation Officials (AASHTO) and is considered to be the principle authority on street geometrics. Narrow streets are sometimes cited as being contrary to traffic engineering practices because they may hinder the free-flowing movement of vehicular traffic. However, the *Green Book* supports the notion of using narrow residential streets. For example, the *Green Book* states: “On residential streets in areas where the primary function is to provide land service and foster a safe and pleasant environment, at least one unobstructed moving lane must be ensured even where parking occurs on both sides. The level of user inconvenience occasioned by the lack of two moving lanes is remarkably low in areas where single-family units prevail...In many residential areas a 26-ft.-wide roadway is typical. This curb-face-to-curb-face width provides for a 12-ft. center travel lane and two 7-ft. parking lanes. Opposing conflicting traffic will yield and pause on the parking lane area until there is sufficient width to pass.”

Residential Streets – Residential Streets is published jointly by the American Society of Civil Engineers, the National Association of Homebuilders, and the Urban Land Institute. This book was published to encourage a flexible approach to designing residential streets to respond to the street’s function in the transportation system as well as part of the community’s living environment. *Residential Streets* is a hierarchy of residential streets, including 22’-24’ access streets with parking on both sides, 26’ subcollector street with parking on both sides, and a 28’ subcollector with parking on both sides where “on-street parking lines both sides of the street continuously.”

ITE – The Institute of Transportation Engineers (ITE) has published several documents that refer to the recommended width of neighborhood streets. The 1993 publication *Guidelines for Residential Subdivision Street Design* states that a 28-foot curbed street with parking on both sides is an acceptable standard “based upon the assumption that the community has required adequate off-street parking at each dwelling unit.” In addition, the 1994 publication *Traffic Engineering for Neo-Traditional Neighborhood Design, (NTND)*, states that the recommended width of a basic NTND residential street “may be as narrow as 28 to 30 feet.”

Street Design Guidelines for Healthy Neighborhoods – Published by the Local Government Commission’s Center for Livable Communities, Street Design Guidelines for Healthy Neighborhoods was developed by a multi-disciplinary team based upon field visits to over 80 traditional and 16 neo-traditional neighborhoods. When combined with other features of traditional neighborhoods, the guidelines recommend neighborhood streets ranging from 16-26 feet in width. The team found 26-foot-wide roadways to be the most desirable, but also “measured numerous 24-foot and even 22-foot wide roadways, which had parking on both sides of the street and allowed delivery, sanitation and fire trucks to pass through unobstructed.”

Oregon Resources

Fairview Village. Holt & Haugh, Inc., phone: 503-222-5522, fax: 503-222-6649, www.fairviewvillage.com

West Bend Village. Tennant Developments, 516 SW 13th St., Suite A, Bend, Oregon 97702, phone: 541-388-0086

Orenco Station. Mike Mehaffy, Pac Trust, 15350 SW Sequoia Pkwy, Suite 300, Portland, Oregon 97224, 503-624-6300, www.orencostation.com

Street Standard Modification Process. The City of Beaverton has a modification process similar to an administrative variance procedure. If you would like information on this process contact: Margaret Middleton, City of Beaverton, Engineering Department, P.O. Box 4755, Beaverton, Oregon 97076-4755, 503-526-2424, mmiddleton@ci.beaverton.or.us

Additional References

Street Design Guidelines for Healthy Neighborhoods. Dan Burden with Michael Wallwork, P.E., Ken Sides, P.E., and Harrison Bright Rue for Local Government Commission Center for Livable Communities, 1999.

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Washington County Uniform Road Improvement Design Standards. Washington County Department of Land Use and Transportation, 1998.

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Woonerf. Royal Dutch Touring Club, 1980.

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APA Recommendations for Pedestrians, Bicycle and Transit Friendly Development Ordinances. TPR Working Group Oregon Chapter APA, 1993.

Residential Street Typology and Injury Accident Frequency. Swift & Associates, Longmont, CO, Peter Swift, Swift and Associates, Longmont, CO., 1998.

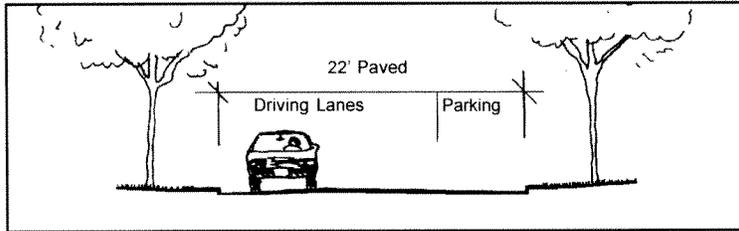
Appendix B

Oregon Community Street Widths

City/County	No Parking	Parking One Side	Parking Both Sides	Contact Information
Ashland		22'	25'-28'	Maria Harris, Associate Planner, 541-552-2045
Albany		28'		Rich Catlin, Senior Planner, Albany Community Development, 541-917-7564
Beaverton	20'	25.5' "infill option," with rolled curb on other	28'	Margaret Middleton, Engineering Department, 503-526-2424
Brookings			30'	John Bischoff, Planning Director, 541-469-2163,x237
Clackamas County			28'	Joe Marek, County Engineer, 503-650-3452
Coburg			28'	Harriet Wagner, City Planner, 541-682-7858
Corvallis			28'	Kelly Schlesener, Planning Manager - Community Development, 541-766-6908
Eugene		24'	28'	Allen Lowe, Eugene Planning, 541-682-5113
Forest Grove			26'	Jon Holan, Community Dev. Director, 503-992-3224
Gresham			26'	Brian Shetterly, Long Range Planner, 503-618-2529; Ronald Papsdorf, Lead Transportation Planner, 503-618-2806
Happy Valley			26'	Jim Crumley, Planning Director, 503-760-3325
Lincoln City			28'	Richard Townsend, Planning Director 541-996-2153
McMinnville			26'	Doug Montgomery, Planning Director, 503-434-7311
Milton-Freewater		28'		Gina Hartzheim, City Planner, 503-938-5531
Portland		20'	26'	Steve Dotterrer, Portland Department of Transportation, 503-823-7731
Redmond			28'	Bob Quitmeier, Community Development Director, 541-923-7716
Seaside		20'	26'	Kevin Cupples, Planning Director, 503-738-7100
Sherwood			28'	John Morgan, City Manager, 503-625-5522
Washington County		24'	28'	Tom Tushner, Principal Engineer, 503-846-7920
Wilsonville		28'		Stephan Lashbrook, Planning Director, 503-682-1011.

Source: February 2000, Livable Oregon, Inc.

Street Design



Description

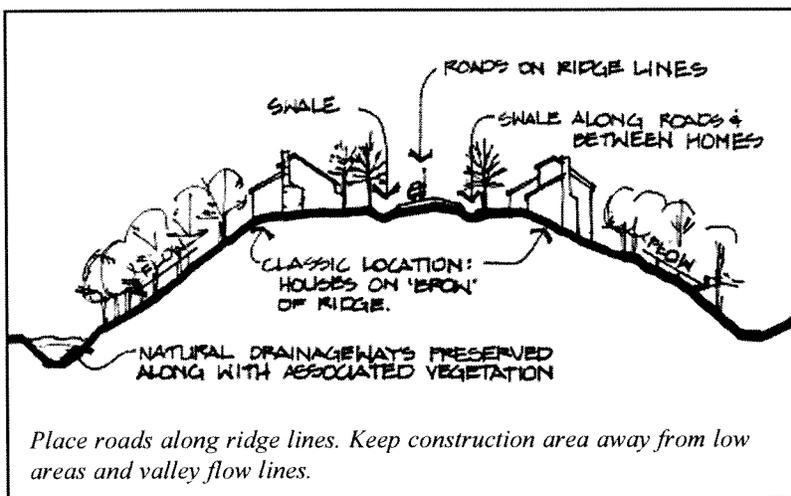
Street design offers numerous opportunities to reduce impervious surfaces and thus decrease runoff and associated stormwater management requirements. Areas of opportunity include the siting of streets, street width and drainage design.

Siting Streets

In new developments, road siting and street network layout are important considerations. To maximize stormwater filtration and infiltration, municipalities should aim to preserve natural drainage patterns whenever possible and avoid locating streets (and other impervious surfaces) in low areas or on highly permeable soils.

For example, locate roads on ridge lines, allowing water to drain naturally downhill. (See Fig. 1.) Whenever possible, choose sites with the least permeable soils for roads.

While designers must consider development character and context when designing a street system, they also should be aware that the



Place roads along ridge lines. Keep construction area away from low areas and valley flow lines.

Figure 1

Source: MPCA, 2000

Purpose

Water Quantity

Flow attenuation	
Runoff volume reduction	

Water Quality

Pollution prevention	
Soil erosion	
Sediment control	
Nutrient loading	

	Primary design benefit
	Secondary design benefit
	Little or no design benefit

Street Design

type of network selected affects the total amount of pavement. A typical grid system, for example, results in approximately 20,800 lineal feet of pavement, while a scheme of “loops and lollipops” (cul-de-sacs) results in 15,300 lineal feet of pavement. (See Fig. 2.)

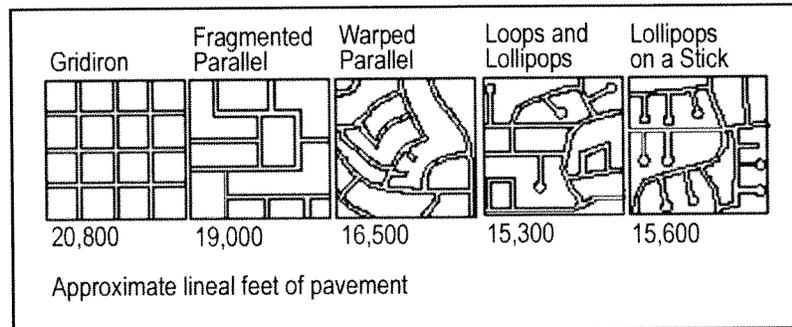


Figure 2

Source: Prince George's County, 2000 (adapted from ULI, 1980)

Design Width

Many residential streets are wider than necessary. They should be designed with the minimum pavement width that will support the area's traffic volume; on-street parking needs; and emergency, maintenance and service vehicles.

A simple way to narrow a suburban residential street is to provide for one parking lane rather than two. In especially low traffic areas, sidewalks may be restricted to one side of street or, in certain situations, eliminated.

Street Drainage

While curb-and-gutter is often considered the “standard” in road design, it tends to amplify stormwater volume and velocity while discouraging infiltration and groundwater recharge. Curbless road design, such as the so-called “rural residential section,” encourages infiltration via roadside swales. (See Fig. 3.) On low-traffic streets without curbs, grass shoulders can serve as an occasional parking lane, allowing a narrower paved area.

Advantages

- Thoughtful siting and design of streets helps achieve stormwater control “at the source,” which means less runoff requiring management, less stormwater infrastructure, and less impact on downstream water bodies.
- Reducing paving lowers development and maintenance costs.
- Forgoing curb-and-gutter in favor of a rural residential section results in major cost savings.
- Rural-section streets can incorporate attractive “rain garden” plantings in low areas adjacent the roadway, when soils permit.
- Narrower streets tend to slow traffic and create a more pedestrian-friendly environment.
- Reducing pavement lessens the urban heat island effect—the increase in air temperature that occurs when highly developed areas are exposed to the sun.

Limitations

- Local ordinances may preclude narrowed or curbless street design.
- Cities' desire to design roads to accommodate future growth may impede innovations.

Street Design

- Roadside swales are difficult to accommodate in single family residential developments with net densities above 8 units per acre.
- Good drainage for road subgrade must be provided when using roadside infiltration methods.
- Soil and topography may limit street siting opportunities.

Design

- Design residential streets with the minimum pavement width necessary to support: the traffic volume; on-street parking needs; and emergency, maintenance, and service vehicles.
- Use shallow, grassed roadside swales (rural residential cross-section) instead of curb and gutter when net densities are 6 to 8 units per acre or less.
- Swales to catch road runoff should be sloped no more than 3:1 (See Lot Level Infiltration and Rain Gardens.)

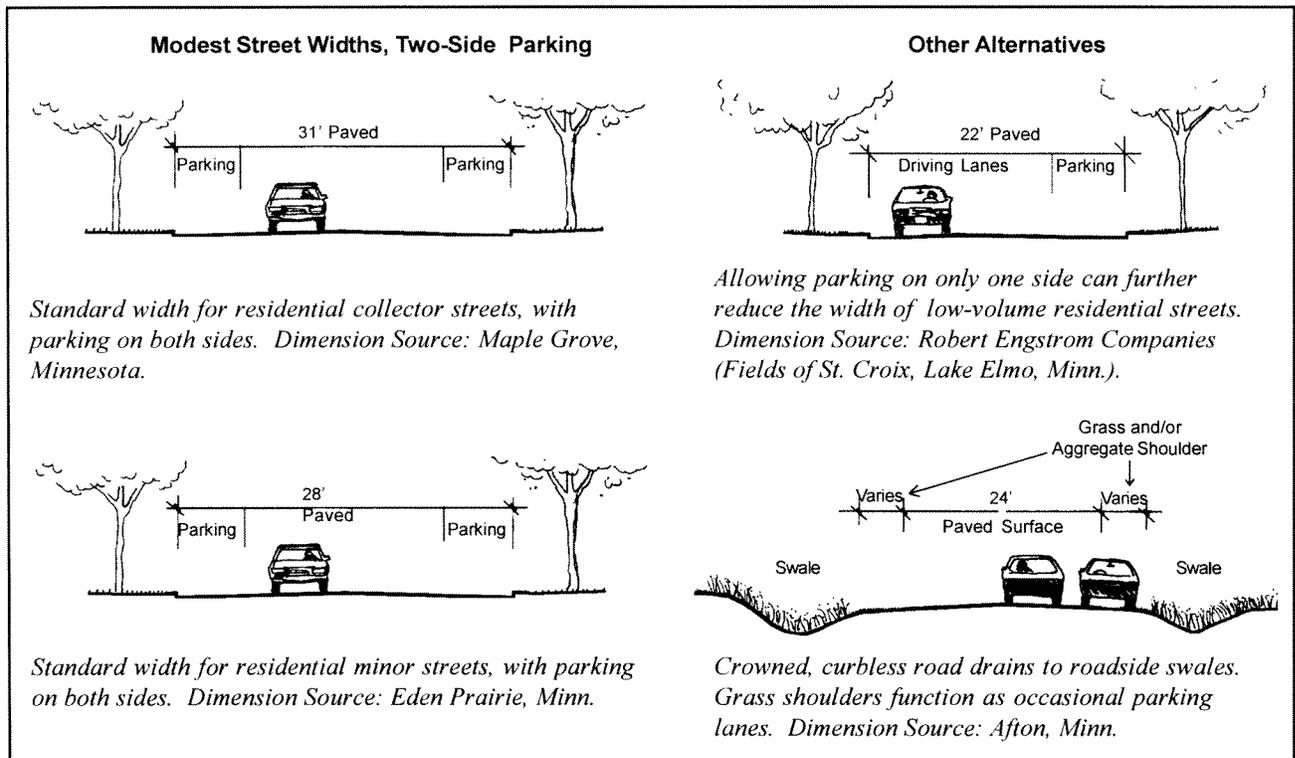


Figure 3

Source: Valley Branch Watershed District, 2000

Street Design

Design

- Limit sidewalks to one side on roads with less than 400 Average Daily Traffic (ADT) (or 200 ADT for cul-de-sacs).
- Resist designing for distant future growth.

Construction

- Take care not to compact adjacent, permeable soils during road construction.
- Protect swales and other infiltration areas from sediment influx during construction, or remove sediment after construction is complete.
- For subgrade drainage options, see Lot Level Infiltration BMP.

Maintenance

- Swales planted with perennials grasses and wildflowers rather than turfgrass must be weeded at least monthly during the first two to three years. After that, weeding once or twice a growing season may suffice.
- Swales will need periodic sediment removal to maintain volume and filtering ability (see Rain Garden BMP).

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