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Commissioner Smith asked Mr. Harris if he is in favor of the policies.

Mr. Harris stated that yes, he is in favor of them

Mr. Rick Rogers, Affordable Housing Ad-hoc Committee member, said his intent is to underscore what has been said. He explained that when the Ad-hoc Committee started, some committee members were saying affordable housing might happen and others were saying it must happen. In the course of the year, they were able to come to a consensus in the group that actually started out with very different views. They believe they have a good chance of getting something done through the implementation of the plan.

Commissioner Smith reminded the Commission that he took part in the Ad-hoc Committee. He stated the Ad-hoc Committee had a unanimous vote in favor of the plan.

**Motion #2: Haug/Barnes** motioned that the Commission adopt Resolution 2009-2652 recommending that the City Council adopt the proposed Newberg Comprehensive Plan goal and policy amendments as shown in Exhibit A, contingent upon the Commissions review of other proposed Development Code changes describe in the *Newberg Affordable Housing Action Plan*.

Chair Wall clarified that just because there is a motion to approve this, they have not voted on anything. Therefore, they can change the wording of the motion before they vote. He is concerned about the issue of whether the City should provide financial incentives for affordable housing. Chair Wall was uncomfortable with parts of page 23 and cautioned about defining affordable housing too widely. He mentioned if you cast a wide enough net, at some point a large percentage of future developments could be qualified as affordable. Suddenly you may many developments in town that do not have to follow the development standards anymore – an obvious, red flag.

Commissioner Smith reminded the committee that these are policy statements that will need to be completed with concrete language in order to be implemented.

Commissioner Haug expressed his concern in the language of section “q” and asked who comes out ahead when someone gets a density bonus. Does it benefit everyone? How much would this bonus cost our community? Commissioner Haug was concerned about side effects that may come into play. He asked if anyone gets an unfair advantage if the proposed development code standards in the Plan were adopted? He asked what the financial impact on the density bonuses would be? Will the developers come out making more money? Would we be putting money in the pockets of the developers without knowing it? Who will pay for everything?

Chair Wall stated he didn’t care if a developer makes more money, provided the primary goal of getting more affordable housing developed is met.

Commissioner Barnes said the developer passes the savings on to whoever buys the property and the homeowner ends up winning because he pays a less for the home.

Commissioner Haug stated we need a good systems development charges program in order to pay for the infrastructure as it expands. If the City doesn’t have that right amount of money coming in, everybody’s water rates have to be increased. The optimal plan for utility rates is to make sure they are fair to all concerned. If you stop collecting the SDC fees, the money for the infrastructure needs to come from somewhere.

Commissioner Smith stated that section “d” is there to try to encourage the development of affordable housing through the use of density bonuses.

**Motion #3:** Haug/Smith moved to change section I.3.o. to read “The City should use development incentives such as density bonuses, flexible development standards, and streamlined review procedures to stimulate or require the production and preservation of affordable housing.” Also, the last sentence in this section should be dropped.

Chair Wall asked for clarification on the places they would like to change from “shall” to “should.” He questioned whether it needs to be addressed in here or in other verbiage also. He suggested that it might be better to identify all the spots they want to make the changes and include them all in one motion.

**Vote on Motion #3:** (5 Yes/0 No/2 Absent [Haug/Smith]). Motion Carried.

**Motion #4:** Smith/ Duff move to amend Motion #2 to change the language in all policies in Exhibit A from “should” to “shall”.

Commissioner Haug expressed concern that “Q” asked to provide a lot of discounts and reductions to charges without stating exactly how it is to be paid for, what the impacts are, and recommends changing the last sentence to read “These incentives should be paid by a housing trust fund.”

Commissioner Smith answered the general policy the Ad-hoc Committee recommended is that it be done by assessing a broad-based payer. If it is going to do this reduction of referrals, it needs to be based on a broad-based income stream so everyone who benefits from it will pay for it.

Chair Wall asked if there is a problem with the amendment as it is right now.

Commissioner Haug said he supports changing all the “shoulds” to “shalls” and come back and address some of the other concerns.

**Vote on Motion #4:** (5 Yes/0 No/2 Absent [Smith/Duff]). Motion Carried.

**Motion # 5:** Duff/Haug motion to amend the language on policies “r” and “s” in Exhibit A to read the City shall “support” rather than “supports”. and on item S the language “shall” support rather than the City supports. (5 Yes/0 No/2 Absent [Duff/Haug]). Motion Carried.

**Vote on Motion #2, as amended:** (5 Yes/0 No/2 Absent [Smith/Haug]). Motion Carried.

## 2. Workshop on Affordable Housing Action Plan’s Proposed Design Standards

David Beam presented the staff report (see meeting packet for full report).

Chair Wall asked if the Action Plan pertains to increased densities or affordable housing.

Mr. Beam answered Action Plan is about affordable housing, with increased densities being on tool to achieve that goal. A higher density does not automatically translate to more affordability, but it can be a factor. It is a livability issue as well. The proposed standards ensures that new housing is attractive and is compatible with existing surrounding developments.

Commissioner Smith stated when you start talking about affordable housing, you start coming up with plans that get more dense housing and/or less expensive housing. They are starting with the safeguards to ensure that more affordable housing does not mean unattractive housing. If you want affordable housing, you have to make sure the design standards don't add too much cost. If the safeguards are too prescriptive, they will work against the overall goal of affordability.

Commissioner Haug stated he was concerned because that is the benchmark for today with single dwellings. The point system is different from what he is proposing.

Commissioner Smith asked staff how they came up with the numbers in the point system.

Barton Brierley replied that staff reviewed various design standards and then crafted a draft point system of the design standards. Then staff tested a number of existing developments to see how they would score under the point system. Staff then brought the proposed design standards to the Affordable Housing Ad Hoc Committee for their review and refinement.

Chair Wall called a five-minute break at 9:00 p.m.

Commissioner Smith asked the status of item #7 on page 32.

Barton Brierley answered staff thought if one tree is saved in a 20-acre development there should be some credit for that. There will be more credit for certain enhancements. It would be hard to nail down to a specific point.

David Beam added that to get the design points, all the homes in the subdivision will have to apply to the standards.

Commissioner Smith stated that larger developments have more opportunities to achieve the points it needs.

Chair Wall asked what benefit there is for the developer to use the point system. Commissioner Smith answered that those developers who don't achieve the required points would be told they can not build their houses in Newberg unless they redesign the proposed project adequately enough to achieve the required points.

Chair Wall asked if the design points enter into a compromise whereas some development fees will be waived if you get enough design points.

Barton. Brierley answered that is not the plan coming from the Affordable Housing Ad-hoc Committee.

Chair Wall stated he is still not clear why they are dealing with this design issue in an affordable housing package. He understands there are already a number of codes and design requirements existing in the City to prevent poorly or cheaply constructed houses. Chairman Wall was concerned about requiring design standards that will impact all new developments. He asked why it is in the affordable housing package and wondered if that could sink the affordable housing plan.

Mr. Beam said the committee went through potential design standards and tried to identify the ones that helped the livability of the development while having a minimal impact on the housing development cost. The Committee felt that there would be pushback from the community on the affordable housing effort if good design standards were not part of the package.

Chair Wall clarified that some folks are afraid that affordable housing might be unattractive. He asked why we need standards greater than the ones already in place.

Mr. Brierley replied the issue of good design standards has been a part of the affordable housing discussion over the last two years. There have been public workshops where individuals have been saying they were not going to support anything to do with affordable housing if they do not address the livability and design issues. If that impression is incorrect, then it would be appropriate for the Planning Commission to propose putting the design issue aside for now till the Commission deals with all the other proposed development code changes to support affordable housing. They can decide later if they want to include the proposed design standards.

Chair Wall asked if the people understood this was going to be enacted citywide for all developments. Commissioner Smith stated the Committee recommended the City adopt them across the board.

Commissioner Haug said the Planning Commission needs to know what they are voting on. They need to get a presentation from staff with more details on how these design standards would work.

Chair Wall stated that he was still not convinced. This, in itself, is a big deal. He felt that the design standards were a huge distraction in trying to address affordable housing.

Commissioner Haug stated he thinks this is an important step toward affordable housing.

Commissioner Smith recommended they table the discussion of the 4.2 J for a later time. They will have many meetings to work through the affordable housing action plan and then at the end they can bring back the 4.2 J design standards feature.

Commissioner Barnes stated the design standards are the implementation for policy "o".

Chair Wall said that they would only be only if the Commission decided that they pertain to affordable housing.

**Motion #6:** Smith/Haug directed staff to provide a visual presentation on the effects of the design standards on developments and to postpone the design standards decision to a later meeting; date unknown. (5 Yes/0 No/2 Absent [Smith/Haug]). Motion Carried.

## V. ITEMS FROM STAFF:

### 1. Update on Council items

Mr. Brierley reported the Council has been dealing with the issue of housing development fees. Due to the current recession, the Council is trying to help developers financially to encourage the development of and create jobs. Monday night, they will consider a resolution to grant a limited fee reduction for up to 10 affordable dwellings if they are constructed within the next year. Also, city staff participated in the URA hearing before the Land Conservation and Development Commission (LCDC) on Tuesday of last week. A special meeting regarding the URA will be held on July 21, 2009. The debate now is focused on the idea that not all land is the same. Mr. Brierley is still optimistic the URA expansion request will prevail.

The next Planning Commission meeting: July 9, 2009.

## VII. ITEMS FROM COMMISSIONERS:

Commissioner Barnes brought along some pictures, which he shared and discussed via a PowerPoint presentation. They were examples of design elements for housing in the Villebois development in Wilsonville.

**VIII. ADJOURN:**

Meeting adjourned at 10:02 p.m.

**Approved by the Planning Commission this 9<sup>th</sup> day of July, 2009.**

<b>AYES:</b>	<b>NAY:</b>	<b>ABSENT:</b>	<b>ABSTAIN:</b>
		<b>(List Name(s))</b>	<b>(List Names(s))</b>

\_\_\_\_\_  
Planning Recording Secretary

\_\_\_\_\_  
Planning Commission Chair

## **TYPE IV, LEGISLATIVE PUBLIC HEARING PROCEDURE**

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS<sup>1</sup>
2. CALL FOR ABSTENTIONS, CONFLICTS OF INTEREST AND OBJECTIONS TO JURISDICTION
3. STAFF REPORT
  - A. PROJECT SUMMARY AND RECOMMENDATION BY STAFF
  - B. STAFF SUMMARY OF LATE CORRESPONDENCE SUBJECT TO PLANNING COMMISSION REQUEST<sup>2</sup>
4. PUBLIC TESTIMONY (SEE "HOW TO TESTIFY" FORM)<sup>3 4</sup>
  - A. THE PLANNING COMMISSION CHAIR WILL CALL YOUR NAME WHEN IT'S YOUR TURN TO TESTIFY (NOTE: COMMISSIONERS MAY ASK QUESTIONS DURING THE TESTIMONY PERIOD, AT THE DISCRETION OF THE CHAIR)
5. STAFF SUMMARY OF WRITTEN TESTIMONY FROM REGISTRATION FORMS
6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING (GAVEL)
7. FINAL COMMENTS FROM STAFF
8. DELIBERATION OF COMMISSION
9. ACTION BY THE PLANNING COMMISSION

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

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

<sup>2</sup> 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.

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

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

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### CITY OF NEWBERG COMPREHENSIVE PLAN AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Amend Newberg Development Code regarding various residential lot and building height standards to support affordable housing

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** July 9, 2009

**ATTACHMENTS:**

Planning Commission Resolution No. 2009-266:

Exhibit A: Proposed Development Code Amendments

1. Proposed December 2007 Development Code Amendments regarding building heights
2. Design Standards Draft
3. Public Comment
4. *Newberg Affordable Housing Action Plan* (by reference)

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**SUMMARY**

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing. On July 9, 2009, the Newberg Planning Commission will hold a public hearing regarding the proposed amendments regarding residential lot dimensions, sizes, setbacks and building heights. The proposed Planning Commission Resolution No. 2009-266 recommends that the City Council adopt these proposed amendments.

At the meeting, we also will continue our discussion from the last Planning Commission meeting regarding proposed residential design standard amendments to the Development Code. A presentation will be made illustrating how some existing developments would fare under the proposed design standards.

## **BACKGROUND**

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

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

One of the recommended actions within the Plan is for the City to consider the adoption of goal and policy amendments to the Newberg Development Code that are designed to support affordable housing, including standards regarding residential lot dimensions, sizes, setbacks and building heights. On June 9, 2009, the Newberg Planning Commission will hold a public hearing regarding the proposed amendments supporting affordable housing to the Newberg Development Code. The proposed Planning Commission Resolution No. 2009-266 recommends that the City Council adopt the proposed amendments.

For reference, Attachment 1 provides a comparison of the current proposed building height standards to the amendments previously proposed in December 2007.

## **PRELIMINARY STAFF RECOMMENDATION**

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

Move to adopt **Planning Commission Resolution 2009-266** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

## PLANNING COMMISSION RESOLUTION NO. 2009-266

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG DEVELOPMENT CODE STANDARDS REGARDING RESIDENTIAL LOT DIMENSIONS, SIZES, SETBACKS AND BUILDING HEIGHTS TO SUPPORT AFFORDABLE HOUSING

#### RECITALS:

1. On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families."
2. On May 4, 2009, the Housing for Working Families Ad Hoc Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.
3. One of the recommended actions within the *Newberg Affordable Housing Action Plan* is that the City consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing, including standards regarding residential lot dimensions, sizes, setbacks and building heights.
4. On June 24, 2009, notice of a public hearing on the proposed amendments was published in the Newberg Graphic. The same notice was posted in four public places on June 18, 2009 and mailed to interested parties on June 18, 2009.
5. On July 9, 2009, the Newberg Planning Commission held a public hearing on the proposed amendments.

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

This recommendation is based on the staff report and testimony.

ATTEST:

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Planning Commission Chair

Exhibit A: Proposed Newberg Development Code Amendments

## Exhibit A to Resolution 2009-266 Proposed Newberg Development Code Amendments

Editorial Key:

Normal = existing text

~~Strikethrough~~ = proposed text deletion

Underline = proposed text additions

### *LOT REQUIREMENTS*

#### **151.565 LOT AREA; LOT AREAS PER DWELLING UNIT.**

(A) In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code.

(1) In the R-1 District, each lot or development site shall have a minimum area of ~~7,500~~ 5,000 square feet or as may be established by a sub-district. The average size of lots in a subdivision intended for single family development shall not exceed 10,000 square feet.

(2) In the ~~AI, AR, R-2, R-3, and RP, C-1, C-2, and C-3~~ Districts, each lot or development site shall have a minimum area of ~~5,000~~ 3,000 square feet or as may be established by a sub-district. In the R-2 and R-P Districts, the average size of lots in a subdivision intended for single family development shall not exceed 5,000 square feet.

(3) In the AI, AR, C-1, C-2, and C-3 Districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a sub-district.

~~(3)~~ (4) In the M-1, M-2 and M-3 Districts, each lot or development site shall have a minimum area of 20,000 square feet.

(4) (5) Institutional Districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.

~~(5)~~ (6) Within the commercial zoning district(s) of the Riverfront Overlay Sub-district, there is no minimum lot size required, provided the other standards of this code can be met.

(B) Lot or development site area per dwelling unit.

(1) In the R-1 District, there shall be a minimum of 5,000 square feet per dwelling unit.

(2) In the R-2, AR, and R-P Districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P Districts, lots or development sites in excess of 15,000 square feet used for multiple single family, duplex or multiple family dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

(3) In the R-3 District, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit. Lots or development sites in excess of 15,000 square feet used for multiple single family, duplex or multiple family dwellings shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

(C) In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely

used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

(D) Lot size averaging is allowed for any subdivision. Some lots may be a under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.

(Ord. 96-2451, passed 12-2-96; Am. Ord. 99-2507, passed 3-1-99; Am. Ord. 2002-2564, passed 4-15-02; Am. Ord. 2006-2647, passed 6-5-06) Penalty, see § 151.999

### **151.567 LOT DIMENSIONS AND FRONTAGE.**

(A) Width. Widths of lots shall conform to the standards of this code.

(B) Depth to width ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.

(C) Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.

(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.

(b) Each lot in an ~~R-1, R-2, and R-3, AI, or RP~~ Zone shall have a minimum width of ~~50~~ 30 feet at the front building line.

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

~~(e)~~ (d) 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.

(Ord. 96-2451, passed 12-2-96; Am. Ord. 99-2507, passed 3-1-99; Am. Ord. 2006-2647, passed 6-5-06) Penalty, see § 151.999

### **151.568 LOT COVERAGE AND PARKING COVERAGE REQUIREMENTS.**

(A) For all buildings and uses the following shall mean the maximum permitted lot coverage, maximum coverage of public or private parking areas or garages, and/or combined maximum lot and parking combined coverage required in the various districts expressed in percentage of the area of the lot or development site in which district such coverage is permitted or required (Fig. IV).

(1) Maximum lot coverage.

(a) R-1: 30%.

(b) R-2 and RP: ~~40%~~ 50%.

- (c) AR and R-3: 50%.
- (2) Maximum coverage for parking lots; aisles and access; and parking structures, where 50% or more of the perimeter of such structure is open on its sides: R-1, R-2, R-3, and RP: 30%.
- (3) Combined maximum lot and parking area coverage:
  - (a) R-1, R-2 and RP: 60%.
  - (b) R-3: 70%.

(B) All other districts not listed in division (A) of this section shall not be limited as to lot coverage and parking area coverage.

(Ord. 96-2451, passed 12-2-96; Am. Ord. 2006-2647, passed 6-5-06) Penalty, see § 151.999

### **151.552 INTERIOR YARD SETBACK.**

(A) Residential.

(1) All lots or development sites in the AR, R-1, R-2, ~~and~~ R-3, and R-P Districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.

~~(2) All lots or development sites in the RP District shall have interior yards of not less than eight feet.~~

### **151.536 BUILDING HEIGHT LIMITATION.**

(A) Residential:

(1) In the R-1, R-2, AR, and RP Districts, no main building shall exceed ~~two and one-half stories, or 30 feet in height, whichever is lesser.~~ Accessory buildings in the R-1, R 2, R-3, AR, and RP Districts are limited to ~~one story, or 16 feet in height, whichever is lesser,~~ except that as follows:

(a) up to 800 square feet of an accessory building may have a height of up to 24 feet.

(b) aircraft hangars in the AR District may be the same height as the main building.

(2) In the R-3 District, no main building shall exceed ~~three stories or 45 feet in height, whichever is lesser,~~ except where an R-3 district abuts upon an R-1 District, the maximum permitted building height shall be limited to ~~two and one-half stories or 30 feet, whichever is the lesser,~~ for a distance of 50 feet from the abutting boundary of the aforementioned district.

(3) Single family dwellings permitted in commercial or industrial districts shall not exceed ~~two and one-half stories or 30 feet in height, whichever is the lesser.~~

(B) Commercial and industrial:

(1) In the C-1 District no main building or accessory building shall exceed ~~two and one-half stories or 30 feet in height, whichever is the lesser.~~

(2) In the AI, C-2, C-3, M-1, M-2, and M-3 Districts there is no building height limitation, except ~~when~~ where 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.

(3) In the C-4 District, building height limitation is described in § 151.527.4(J)(1) of this code.

(C) The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.

(D) Institutional:

(1) The maximum height of any building or structure will be 75 feet except as follows:

(a) Within 50 feet of an interior property line abutting a C-1, R-1, R-2 or R-P District, no main building may exceed 30 feet.

(b) Within 50 feet of an interior property line abutting an R-3 District, no main building may exceed 45 feet.

(c) Within 100 feet of a property line abutting a public street or railroad right-of-way, or within 100 feet of property lines abutting parcels with an R-1, R-2, R-3, R-P, C-1, C-2, C-3, M-1, M-2, or M-3 zoning designation, no main building may exceed 50 feet in height.

(d) To utilize the maximum permitted height standard, at least 80% of the building's ground coverage must be beyond the setback area designated in subdivision (c) above. The maximum encroachment may not exceed 25 feet.

(E) Alternative building height standard: As an alternative to the building height standards above, any project may elect to use the following standard (See Figure XXIV). To meet this standard:

(1) Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and

(2) Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.

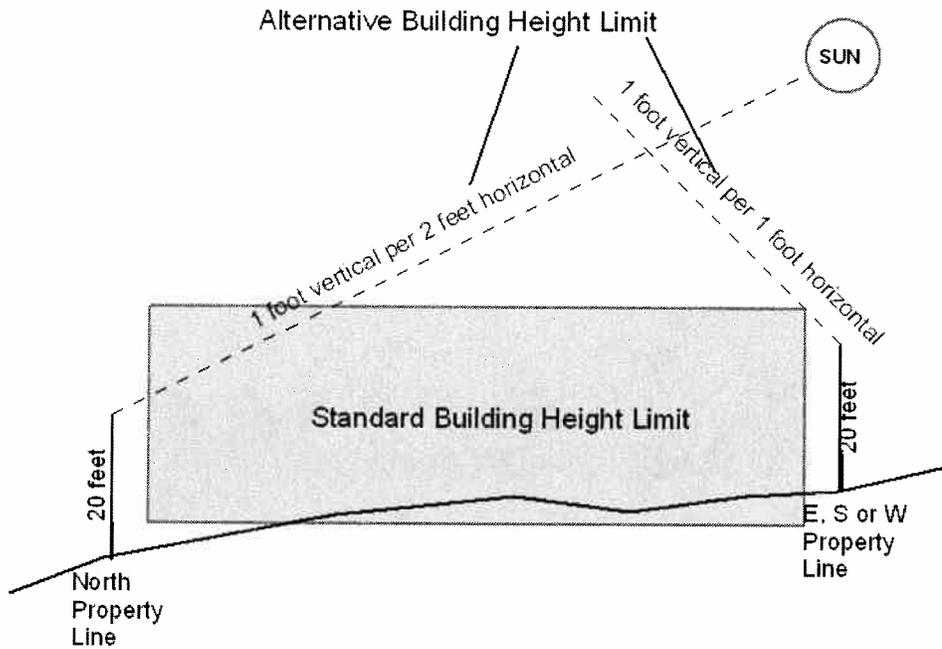
(F) Buildings within the Airport Overlay Sub-district are subject to the height limits of that sub-district.

### **151.537 BUILDING HEIGHT EXEMPTIONS.**

Roof structures and architectural features. ~~For~~ for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, T.V. antennas, steeples and similar structures may be erected above the height limits prescribed in this code, provided that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. ~~Provided, further, that~~ Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the Airport Overlay Sub-district.

[Note: Figure XXIV below would be added to the Development Code]

## XXIV. ALTERNATIVE BUILDING HEIGHT STANDARD



BUILDING HEIGHT. The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. See Figure XXIII.

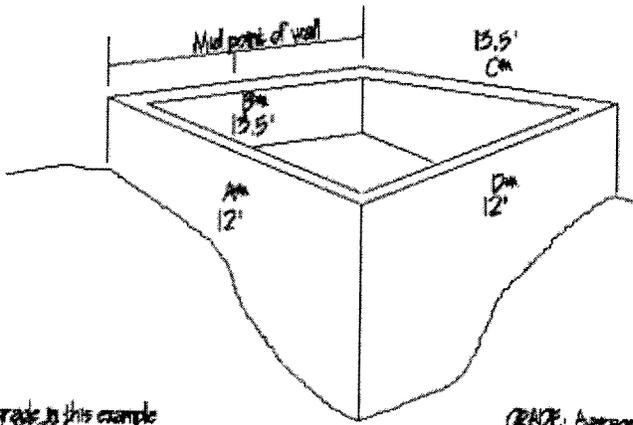
*[Note: Figure XXIII below would be added to the Development Code]*

### **XXIII. BUILDING HEIGHT.**

GRADE (ADJACENT GROUND ELEVATION): The average elevation of the finished surface of the ground at the midpoints of all walls or edges of a structure, or ~~The the~~ lowest point of elevation of the finished surface of the ground between the exterior wall of a building or edge of a structure and the property line, if it is less than five feet distance from said wall or edge. In case walls are parallel to and within five feet of, or the edge of a structure with no walls is within five feet of a public sidewalk, alley or public way, the grade shall be the elevation of the sidewalk, alley or public way.

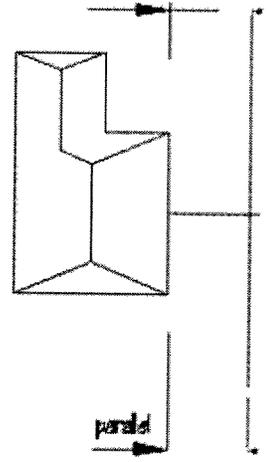
*[Note: Figure III below is existing in the Development Code]*

### **III. GRADE.**



grade in this example  
is 12.75'

GRADE: Average of elevations  
of finished ground levels at  
points A, B, C, and D.  
\*\* : Measured at mid point  
of wall



Proposed December 2007 Development Code amendments regarding building heights

§ 151.536 BUILDING HEIGHT LIMITATION.

(A) Residential: Except as may be modified under § 151.253, the following height limitations apply:

(1) Except as provided under § 151.253, in the R-1, R-2, AR, and RP Districts, no main building shall exceed 30 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP Districts are limited to 16 feet in height, except as follows:

(a) Up to 800 square feet of an accessory building may have a height of up to 24 feet.

(b) Aircraft hangars in the AR District may be the same height as any primary structure.

(2) Except as provided under § 151.253, in the R-3 District, no main building shall exceed three stories or 45 feet in height, whichever is lesser, except where an R-3 district abuts upon an R-1 District, the maximum permitted building height shall be limited 30 feet, for a distance of 50 feet from the abutting boundary of the aforementioned district.

(3) Except as provided under § 151.253, single family dwellings permitted in commercial or industrial districts shall not exceed 30 feet in height.

(B) Commercial and industrial:

(1) In the C-1 District no main building or accessory building shall 30 feet in height,

(2) In the AI, C-2, C-3, M-1, M-2, and M-3 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.

(3) In the C-4 District, building height limitation is described in § 151.527.4(J)(1) of this code.

(C) The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.

(D) Institutional:

(1) The maximum height of any building or structure will be 75 feet except as follows:

(a) Within 50 feet of an interior property line abutting a C-1, R-1, R-2 or R-P District, no main building may exceed 30 feet.

(b) Within 50 feet of an interior property line abutting an R-3 District, no main building may exceed 45 feet.

(c) Within 100 feet of a property line abutting a public street or railroad right-of-way, or within 100 feet of property lines abutting parcels with an R-1, R-2, R-3, R-P, C-1, C-2, C-3, M-1, M-2, or M-3 zoning designation, no main building may exceed 50 feet in height.

(d) To utilize the maximum permitted height standard, at least 80% of the building's ground coverage must be beyond the setback area designated in subdivision (c) above. The maximum encroachment may not exceed 25 feet.

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- Deleted: exceed two and one-half stories or
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## ATTACHMENT 4: PROPOSED DESIGN STANDARDS

(Note: Balloons on right show changes from December 2007 draft)

**Action 4.2J: Create design standards that promote the development of attractive, livable, and functional neighborhoods, taking care not to increase costs of housing or reduce the number of dwellings.**

Good design need not necessarily create additional costs. However, care should be taken not to require items that do increase development costs or reduce the amount of housing that can be created. Design standards should provide a wide menu design options to choose from, rather than prescribing that certain elements be used. Some elements which may be feasible in larger developments, such as creating common areas or walking paths, may not be feasible in smaller developments. Thus, the committee recommends a two-tier approach to design standards: one for smaller and one for larger developments.

A menu of choices could include items such as

- In larger developments, incorporating pathways or common areas.
- Narrowing driveways to provide greater front yard greenspace and additional on-street parking.
- De-emphasizing the garage on the front façade to promote human scale and feel in the neighborhood.
- Orienting the building and entrances toward the street and minimizing the front setback to promote human scale neighborhoods, neighbor interaction and eyes on the street.
- Using entry features and accents, such as porches or recessed entries, to make buildings inviting.
- Using historical architectural styles to blend with Newberg.
- Varying dwelling designs to create interest and avoid monotony.
- Creating small, useable yards for outdoor living space.
- Adding interest to building architecture by incorporating features such as pitched roofs, contrasting siding materials, and interesting window designs.
- Limiting heights of buildings near neighboring property boundaries.

The following is a starting point for amendments to the Development Code.

### DRAFT DEVELOPMENT CODE DESIGN STANDARDS

#### § 151.XXX RESIDENTIAL DESIGN STANDARDS

The purpose of this section is to ensure that residential developments provide good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the review process, an applicant for a residential subdivision, multi-unit residential project, or planned unit development project must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project.

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For more information and illustrations of the following design elements, refer to *Newberg Residential Development Design Guidelines (July 1997)*.

(A) Multi-unit projects shall use the design standards in § 151.195. Projects with six or fewer units shall achieve at least 16 points using the elements in that section. Projects with seven or more units shall achieve at least 22 points using the elements in that section.

(B) Single family subdivisions shall use the design standards in § 151.XXX below.

(C) Developers of attached single family projects, projects with multiple single family dwelling on one lot, or projects with combinations of single family detached, single family detached, and multi-unit developments may elect to use either the standards in § 151.195 or § 151.XXX.

### **§ 151.XXX SINGLE FAMILY RESIDENTIAL DESIGN STANDARDS**

Projects subject to these design standards shall achieve at least the minimum number of design points describe below.

Projects of 20 dwelling units or more must achieve at total number of design points equal to 10 design points multiplied by the number of dwelling units (10 points x # of dwelling units).

Projects of 19 dwelling units or fewer must achieve at total number of design points equal to 7 design points multiplied by the number of dwelling units (7 points x # of dwelling units).

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

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

#### **(A) Subdivision design elements**

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

(2) Use public walkways or multi-use paths not adjacent to streets in side yards or common areas connecting to a park or collector or arterial street (1 design point per 100 linear feet of walkway or path)

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

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

(4) Use antique street lighting styles as approved by City (1 design point per lighting fixture used) (NOTE: City will research cost effective designs available).

(5) Use site furnishings to enhance open space. Communal amenities such as benches, gazebos, playground equipment, fountains, and/or common patios enhance the outdoor environment and comprise not less than one-half percent of the estimated construction cost of all building(s). Estimated costs are subject to city review and approval. (1 design point per \$1,000 in furnishings)

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

(7) Provide a natural feature and tree preservation/replacement plan. Plan shall specify replacement tree caliper and maintenance of natural features. (design points - to be determined).

**(B) Site design elements**

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

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

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

(4) Provide a useable interior yard or courtyard, of at least 1000 square feet. (1 design point per dwelling)

(5) Use a uniform front yard fence design for the development. (1 design point per lot with fence design)

**(C) Building design elements**

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

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

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

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(4) Use alleys for access (3 design points per lot with alley access)¶ (5)

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

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

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

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

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

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

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

(f) Garage entrance not facing street. If side of garage faces the street, then windows, doors, shutters, or similar architectural features are placed that comprise at least 20 percent of the side wall, or landscaping that will upon maturity obscure at least 30 percent of the side wall (2 design point per dwelling)

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

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

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

(5) Use roof pitches 5:12 to 6:12 (1 design point per dwelling)

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(6) Use at least two (2) different types of contrasting siding materials on the front street-facing elevation. Siding materials may including, but are not limited to wood, wood composite (wood-appearance siding), board and batten (not more than 24 inches between batts), brick masonry, stone masonry, shake (cedar or concrete-fiber shake applied on upper portions of exterior walls and gable ends), stucco, and similar materials at the discretion of the Director. Each material or pattern used to meet this standard shall comprise at least 20 percent of the subject elevation (1 design point per dwelling).

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(7) Use architectural features to create interest in the façade such exterior wood or wood-appearance shutters, or false shutters, pergolas, or trellis work, curved windows or windows with divided or simulated divided lights. (1 design point per dwelling).

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(8) On boundaries with lots outside the development that have existing dwellings, limit the height of new dwellings to not more than 5 feet higher than the existing dwelling, unless new dwelling or portion of the new dwelling would

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be separated from the existing dwelling by 15 feet or more (2 design points per dwelling on the boundary).

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

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

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P.O. BOX 1083  
MCMINNVILLE, OR 97128

Attachment 3

Helping to shape the use of our natural resources to protect the quality of life in Yamhill County.

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June 19, 2009

Chair and Newberg Planning Commission Members  
City of Newberg  
P.O. Box 970  
Newberg, OR

Dear Planning Commission Chair and Members:

Friends of Yamhill County appreciates your work on the Affordable Housing Action Plan. Regarding the proposed amendments to the Comprehensive Plan, it is important that wording be specific so that future decision-makers understand that meeting citizen needs for affordable housing is not just an aspirational goal, but a requirement. We support the proposed word changes which strengthen the Affordable Housing Action Plan. FYC supports inserting the word "shall" in the place of a vague term like "should".

Please keep FYC informed of future hearings or opportunities for comment on the Affordable Housing Action Plan.

Sincerely,

Ilsa Perse, President

Merilyn B. Reeves, Land Use Chair

