

PLANNING COMMISSION MINUTES

February 13, 2013

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE MARCH 14, 2013 PLANNING COMMISSION MEETING

I. CALL MEETING TO ORDER

Chair Cathy Stuhr opened the meeting at 7:00 PM

II. ROLL CALL

Members Present:	Cathy Stuhr, Chair	Art Smith, Vice Chair	Thomas Barnes
	Gary Bliss	Jason Dale	Allyn Edwards
	Philip Smith	Antonio Saavedra, Student PC	

Members Absent: Mayor Bob Andrews, Ex-Officio

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

III. CONSENT CALENDAR

Approval of the January 10, 2013, Planning Commission Meeting Minutes.

MOTION: Philip Smith/Allyn Edwards to approve the Consent Calendar including the planning commission minutes for January 10, 2013. Motion carried (7Yes/0 No).

IV. PUBLIC COMMENTS

No items were brought forward.

V. QUASI-JUDICIAL PUBLIC HEARINGS

- APPLICANT:** Newberg Communities LLC
REQUEST: Highlands at Hess Creek Phase 3 Subdivision Preliminary Plan Approval (16 lots and one tract)
LOCATION: West end of Kennedy Drive
TAX LOT: 3220-1400
FILE NO.: SUB3-12-004 **ORDER NO.:** 2013-01
CRITERIA: NDC 15.235.060(A)

Chair Stuhr opened the quasi-judicial hearing and read ORS 197.763 and called for any abstentions, bias, ex-parte contact or objections to jurisdiction. Commissioner Bliss visited the site this week and had an ex-parte contact with the developer as he was walking the site. They introduced themselves and Commissioner Bliss questioned the location of the sewer riser in respect to the plan only. Chair Stuhr drives by the intersection of

Hwy 219 and Second Street and questioned the traffic at that intersection only as a thought as she reviewed the application.

Mr. Barton Brierley, Building & Planning Director, presented the staff report accompanied by a PowerPoint presentation reviewing the subdivision process and showing the preliminary plan meets the development code requirements with conditions (see official meeting packet for full report).

Commissioner Bliss finds the application is inadequate as the stream overlay covers a ridge-line. The creek drainage is to the east in the back of four lots. In looking at the code, the overlay does not indicate the stream corridor needs to be in a separate tract. He questioned staff as to provisions for protection. Mr. Brierley also looked carefully at the stream corridor and noted the same issue brought forward by Commissioner Bliss. Ten years ago, the cemetery wanted a flatter area and placed fill material in the stream corridor area. Mr. Brierley contacted the county code enforcement officer who stated because it is outside city limits, the city ordinances protecting the stream corridor do not apply. Because it was defined by the city as part of the comprehensive plan, it is still designated as a stream corridor and the applicant could ask for a review to re-designate it, if he so chooses.

Commissioner Bliss stated there is a drainage way and the existing conditions cover the property to the west, suggesting there is surface water draining down that depression. What determines the location of the overlay? Mr. Brierley replied a 20% slope is the edge of the stream corridor. The corridor did indicate stream channels with more gentle slopes with no break and so in those cases, the comprehensive plan says to go 50 feet from the edge of the wetland from the stream corridor.

Chair Stuhr asked for clarification on improvements to HWY 219 and if they are budgeted and scheduled for construction. Mr. Brierley explained there is a bond to make those improvements. ODOT has identified a number of improvements in phase one of the bypass, including this one and Springbrook Road, which are scheduled to happen by year 2016.

Antonio Saavedra suggested the trees to be relocated be donated to the school.

Chair Stuhr opened the public testimony starting with proponents.

TIME – 7:41 PM

Mart Storm is the applicant and clarified some of the questions brought forward by the commission. He referred to the preliminary plat and addressed the turn-a-round issue stating it will be built to specification and will be restricted. It can be relocated with a temporary easement if necessary. Clean water specifications will be applied as listed in the conditions, requiring a swale.

Commissioner Bliss asked where the drainage swale will be located. Mr. Storm replied the rear lot-line would be moved to 100 feet deep, making the lots shallower. Commissioner Bliss stated shallowing would protect the swale for off-site drainage to flow freely and also protect the stream corridor.

Undecided:

Pat Darby represents the Darby Family Trust that owns the property to the south of the cemetery and to the east of the development. Prior to the start of the development they entered into an agreement with the developer to provide an access to their property to lay a sewer line to provide a sewer easement to the city. Part of the agreement stated they would eventually have an access road built to their property. He asked if the access is shown on the plot plan and will it be built during this phase of the development. Mr. Storm believes the Darby's have an easement that was given in exchange for the sewer easement. If there is no easement, he will see that one is put in place. Mr. Brierley stated the sewer easement and an access easement exists. He sees nothing in this phase but it will need to be addressed in the future.

Chair Stuhr closed public testimony at 8:00 PM.

During deliberation, the planning commission came to a consensus regarding amendments to the conditions. Delete the word “for” in the second sentence under Exhibit B, Item A(iv), amend Exhibit B, Item A(b)(i) to provide a plan for temporary turn-a-round meeting fire standards and waste management standards, either utilizing the private driveway or a turn-a-round at the south end of the Kennedy Drive extension. If it utilizes the Kennedy Drive extension, it shall be a hard surface with a 10-year design life with a public access easement to be extinguished when no longer necessary. Add 2(f) under Final Plat Requirements, stating lots 9 – 12 shall be shallowed in depth or a public drainage easement shall be provided along the rear of the lots to accommodate surface drainage from the north and west, the width to be determined by drainage calculations by a civil engineer.

MOTION: Thomas Barnes/Gary Bliss to approve the Newberg Communities LLC, Order 2013-01 approving the requested subdivision preliminary plat with the attached conditions as amended. Motion carried (7 Yes/ 0 No).

Chair Stuhr recessed for a five-minute break at 8:23 PM.

2. **APPLICANT:** Del Boca Visa, LLC
 REQUEST: Homes at Creekside PUD Preliminary Plan Approval (5 lots for single family homes)
 LOCATION: 1507 N. Main Street
 TAX LOT: 3218AC-1700 & 1704
 FILE NO.: PUD-13-001 **ORDER NO.:** 2013-02
 CRITERIA: NDC 15.240.030(C), 15.240.020

Chair Stuhr opened the quasi-judicial hearing, asked if those in attendance heard the previous reading of ORS 197.763 and called for any abstentions, bias, ex-parte contact or objections to jurisdiction. Commissioner Philip Smith walks by this property as it is located close to his home. He has had no contact with the owner in any capacity. Commissioner Art Smith also walks by the property and has had no contact with the owner. Commissioner Bliss visited the site with no contact and Chair Stuhr drives by occasionally and has had no contact with the owner.

Mr. Steve Olson, Associate Planner, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report).

Commissioner Bliss asked why the planning commission has seen no drainage plans for the development. Mr. Brierley stated they are looking at the general level of development and not that amount of detail. Commissioner Bliss disagreed. The city has the obligation in seeing how treatment will be taken care of. He is not asking for the specific design criteria, but the physical location and parameters.

Chair Stuhr asked why the city engineer provided no comments. Mr. Olson stated engineering suggested the drainage verbiage included with the applicant’s plan. Engineering provided no written comments. Chair Stuhr stated engineering has heard from the planning commission over the last year, asking that comments need to be received from that department. If they have no comments at all, that still will need to be stated. Mr. Brierley said the city is using the Clean Water design standards. Chair Stuhr asked for clarification regarding the statement on page 55 of the meeting packet regarding homes on lots two and three coming close to meeting requirements. Mr. Olson replied reorienting the roofs will make them meet the requirements. Commissioner

Philip Smith stated the sentence should say lots two and three came close to meeting the requirement. It needs to be made clear.

Chair Stuhr opened public testimony.

Marc Willcuts, the applicant, concurs with staff recommendations. One suggestion in regard to access, he can eliminate the access easement as he is concerned with the garage setbacks. He understands house designs will need to be changed in order to meet the criteria.

Chair Stuhr closed the public testimony at 9:16 PM.

Commissioner Bliss is not against the development but wants staff to do a comprehensive review. He abstained from voting.

MOTION: Thomas Barnes/Art Smith to approve planning commission Order 2013-02, approving the requested planned unit development with the conditions, as amended. Motion carried (6 Yes/ 0 No/ 1 Abstain [Bliss]).

VII. ITEMS FROM STAFF:

TIME – 9:26 PM

1. Update on Council items.

Mr. Barton Brierley reported the Design Star presentation will take place at the next city council meeting at 6:00 PM. The city and county commissioners have not yet approved the south industrial UGB amendment.

2. Other reports, letters, or correspondence.

Commissioner Thomas Barnes is moving to McMinnville, Oregon and will no longer be able to serve on the Newberg Planning Commission. Mr. Brierley stated appreciation for Commissioner Barnes' service and presented him with a gift.

3. The next Planning Commission Meeting is scheduled for Thursday, March 14, 2013.

VIII. ITEMS FROM COMMISSIONERS

Antonio Saavedra stated he had spoken with Mr. Olson to propose stop signs at several intersections in Newberg. He almost had an accident due to the lack of a stop sign and has also spoken to a family whose child was killed at one of the intersections. Chair Stuhr suggested Mr. Saavedra attend a traffic safety commission meeting as well a joint meeting between the planning commission and traffic safety commission when it takes place.

A training session will be held on February 26, 2013, 7:00 – 9:00 PM, regarding the new chairperson's handbook, open to any member who would like to attend. Mr. Brierley will send out an email with details.

Commissioner Bliss will not be in attendance at the planning commission meeting on March 14, 2013.

Chair Stuhr stated the engineering department needs to have a better and common understanding of the planning commission issues. Perhaps a joint meeting will be helpful.

The consensus of the planning commission is there needs to be more information included in the packet from the engineering department. Although they trust staff, the planning commissioners are entrusted by the public to make wise decisions. Times and needs change and more information needs to be provided. They agreed a workshop should to be held between the planning commission and engineering to help clarify exactly what information is needed.

IX. ADJOURN

Chair Stuhr adjourned the meeting at 9:45 PM

Approved by the Planning Commission on this 14th day of March, 2013.

AYES:

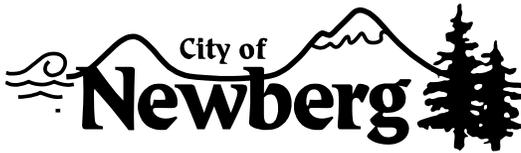
NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

Planning Commission Chair



Planning and Building Department

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

503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

PLANNING COMMISSION STAFF REPORT ZONING USE TABLES DEVELOPMENT CODE AMENDMENT

HEARING DATE: March 14, 2013

FILE NO: DCA-12-002

APPLICANT: Initiated by Newberg Planning Commission

REQUEST: Amend the Newberg Development Code to create table showing the permitted and conditional uses in each zone

ATTACHMENTS:

Resolution 2013-003 with

Exhibit "A": Proposed Development Code Text Amendment

Exhibit "B": Findings

1. Summary of Substantive Changes
2. Planning Commission letter to City Council 3/18/2012
3. Online survey results
4. Planning Commission survey results

A. **SUMMARY:** The proposed amendments would do the following:

1. Reorganize the lists of permitted and conditional uses in each zone into one table.
2. Organize many specific uses into general categories. For example, the current 60 retail type uses currently listed would be organized into three categories: general retail sales, bulk outdoor retail sales, and convenience retail sales.
3. Add definitions and clarify terms.
4. Make a few modifications to the permitted and conditional uses in each zone to clarify what uses are allowed, improve consistency and better meet the intent of each zone.

A summary of substantive changes is shown in Attachment "1".

- #### B. **BACKGROUND:** Newberg's Development Code has slowly evolved over the past 50 years. The code is in need of maintenance and update in several areas. One area in need of update is the zoning use tables. The zoning sections in the Newberg Development Code currently are formatted so that there is a section for each zone, and an alphabetical list of the uses allowed in that zone. The Code lists over 300 uses as either permitted or conditional uses in over 17

different zones. The format derives from the city's earliest zoning ordinances written in the 1950's. The current code is not user friendly. It also in some areas is outdated or contains unintended discrepancies, gaps, and overlaps.

The Planning Commission has held several work sessions over the past year to reformat the zoning lists into one unified table. In addition, the commission reviewed certain changes to better meet the intent of each zone, to provide consistency and definitions, and to comply with certain state and federal laws.

C. PROCESS: A development code amendment is a Type IV application and follows the procedures in Newberg Development Code 15.100.060. The Planning Commission will hold a legislative hearing on the application. The Commission will make a recommendation to the Newberg City Council. Following the Planning Commission's recommendation, the Newberg City Council will hold a legislative hearing to consider the matter. Important dates related to this application are as follows:

1. 3/8/2012: The Newberg Planning Commission initiated work on the zoning use table update. See Attachment "2".
2. 2/21/2013: Planning staff mailed notice to a list of potentially interested parties, posted notice in four public places, and placed notice on Newberg's website.
3. 2/27/2013: The *Newberg Graphic* published notice of the Planning Commission hearing.
4. 3/14/2013: The Planning Commission will hold a legislative to consider the application.

D. PUBLIC COMMENTS: As of the writing of this report, the city has not received any written public comments.

As part of the development of this draft, the City prepared an online survey asking to solicit feedback on several uses. The survey yielded 11 full responses. These are shown in Attachment "3". While small, the survey results nevertheless represent citizen input that is valuable in considering the topics. The Planning Commission was given the same survey. Their results are shown in Attachment "4". This information was used in preparing the draft as explained below.

E. ANALYSIS:

SURVEYED USES:

1. **Vacation Rental Homes:** The code is currently vague on whether vacation rental homes are allowed. The survey and Planning Commission responses tended to favor allowing but regulating vacation rental homes. Section 17 of the draft provides minimal regulations for these rental homes to address parking, trash pickup, and maximum occupancy. It also provides a process for addressing complaints.

2. **Art, music, and dance schools (Commercial educational services) in residential zones:** The code is currently vague as to whether these schools are permitted in residential zones. The survey results tended to favor allowing such schools in residential zones either as a conditional or permitted use. The draft makes them conditional uses in residential zones.
3. **Cemeteries:** Cemeteries are currently a conditional use in any zone. The code is vague on backyard burials. State law requires planning commission approval of any cemetery or backyard burial. The Commission had discussion regarding whether cemeteries should continue to be conditional uses in residential zones. The survey results were mixed. The main concern seemed to be the potential impact of backyard burials, especially on future tenants or owners of a property. The draft continues to allow cemeteries as conditional uses, but specifies that all burials must be within cemeteries. This essentially bans backyard burials within the city.
4. **Day care in C-3:** The code currently does not specifically allow day care in C-3. Survey results favored making them either an allowed or conditional use in C-3. The draft makes them a permitted use.
5. **Parks in C-3:** The code currently allows “open space” but not “parks” in C-3. Survey results favored making parks either a permitted or conditional use in C-3. The draft makes them a permitted use.
6. **Recreational uses in Industrial Zones:** The code currently allows various recreational uses in M-2 and prohibits others. The draft would make recreational uses permitted if they easily could be converted to industrial uses (a tennis court would be allowed, but not a swimming pool). Outdoor recreational uses would be conditional uses. The survey results favored this approach, though results were mixed.
7. **Personal services in R-P:** Personal service uses (beauty salons, tanning salons, body art studios) are not currently allowed in R-P. The survey results favored making them a permitted or conditional use. The draft makes them a permitted use.
8. **Nursing homes (Group Care Facility) in R-P:** Nursing homes are currently a conditional use in R-P. Survey results were mixed as whether they should be permitted or remain a conditional use. The draft leaves them as a conditional use.
9. **Private clubs, lodges, and meeting halls in Institutional (I):** The code does not currently allow these in I zones. The survey favored making them a permitted use. The draft makes them a permitted use.
10. **Prisons:** The code currently has prisons as a conditional use in any zoning district. The survey had mixed results of either making them conditional uses in industrial zones, or not allowing them at all. The draft makes them conditional uses in industrial zones.
11. **Motor vehicle racing:** The code currently lists these as a conditional use in any zone. The draft makes them a conditional use only in industrial zones. This was the most favored approach in the survey, but there were a number of other answers.

12. **Amusement parks (commercial outdoor recreation):** The code currently lists these as a conditional use in any zone. Survey results favored limiting them to C-2 and M-2 zones. The draft would make them permitted in C-2 and conditional in M-2.

OTHER CONSIDERATIONS

13. **Food and Beverage Production:** The code currently restricts most food production facilities to industrial zones. They are a conditional use in M-1. In M-2 they are permitted, except “fish, meat, sauerkraut, vinegar, yeast, and alcoholic beverages” which require a conditional use permit. This has raised questions for currently popular uses such as brew pubs and wineries.

Last March, the Planning Commission held a work session to consider wineries, breweries, and distilleries. Many of the ideas discussed at that work session were incorporated into this current draft. Since many of the zoning issues also apply to other food production facilities, such as bakeries, chocolate shops, or jerky shops, the draft combines and treats them similarly. The draft would create three basic categories:

- a. **Accessory food and beverage production:** This would be for uses that are primarily retail or dining establishments, but they also make food or beverages for sale off site. The retail or dining area constitutes most of the use. For example, brew pub may make beer on site and sell it at their bar, but also may bottle some for outside sale. These would be allowed anywhere commercial or eating and drinking establishments are allowed.
 - b. **Retail food and beverage production.** This would be for those businesses where most of the area is devoted to food production, but they still have substantial on-site food sales or services. For example, a bakery might be mostly devoted to food production, but also have a retail baked goods store. The draft would allow these in C-2 and C-3, but would have certain limits. See Section 18 of the draft.
 - c. **Industrial food production (light manufacturing).** This would be for uses that are primarily manufacturing food and selling offsite. They would be allowed in all industrial zones, without needing a conditional use permit. They would be permitted a small retail sales or tasting area (less than 10% of the floor area). For example, an industrial winery would be allowed in industrial zones and have a small tasting room.
14. **Grace Period:** While the changes are mostly a reorganization rather than a change in policy, there are some substantive changes in what are and are not allowed in certain areas. The draft includes a grace period to allow anyone until January 1, 2018 to start a new use that may no longer be allowed.

- F. 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 2013-03, which recommends that the City Council adopt the requested amendments.



PLANNING COMMISSION RESOLUTION 2013-03

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG DEVELOPMENT CODE ZONING USE TABLES

RECITALS

1. The Newberg Development Code lists of permitted and conditional uses in each zone are lengthy, outdated, and contain some discrepancies, gaps, and overlaps. In addition, some changes need to be made to conform to state and federal laws.
2. On March 8, 2012, the Newberg Planning Commission initiated changes to update the zoning use lists.
3. The attached changes provide a better organization for the zoning use lists, better meet the intent of each zone, correct errors and discrepancies, comply with certain state and federal laws.
4. After proper notice, the Newberg Planning Commission held a hearing on March 14, 2013 to consider the amendment. The Commission considered testimony and deliberated.

The Newberg Planning Commission resolves as follows:

1. The Commission recommends that the City Council adopt the amendments to the Newberg Development Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is by this reference incorporated.

Adopted by the Newberg Planning Commission this 14th day of March, 2013.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Development Code Text Amendments
- Exhibit "B": Findings

Newberg Zoning Use Table Development Code Amendments

Draft February 21, 2013

Note: Added text is shown in double underline
Removed text is shown in ~~strikeout~~.

Comments not part of the code are shown italicized in a box

SECTION 1: Repeal. The following sections of the Newberg Development Code shall be removed.

15.225.070 Conditional uses permitted in any zoning district.

15.304 R-1 Low Density Residential District

15.306 R-2 Medium Density Residential District

15.308 R-3 High Density Residential District

15.309 R-4 Manufactured Dwelling District

15.310 RP Residential-Professional District

15.312 C-1 Neighborhood Commercial District

15.314 C-2 Community Commercial District

15.316 C-3 Central Business District

15.318 C-4 Riverfront Commercial District

15.320 M-1 Limited Industrial District

15.322 M-2 Light Industrial District

15.324 M-3 Heavy Industrial District

15.325 M-4 Large Lot Industrial District

15.328 I Institutional District

15.330 CF Community Facilities District

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

~~Apartment House. See "dwelling, multiple."~~

"Assisted living facility" means a building, complex, or distinct part thereof, licensed as such by the State of Oregon, consisting of fully, self-contained, individual living units where six or more seniors and adult individuals with disabilities may reside in homelike surroundings. The assisted living facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents.

~~"Bed and breakfast establishment" means a structure designed and occupied as a residence in which sleeping rooms are provided on a daily or a weekly basis for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility.~~

"Bed and breakfast establishment" means a single family dwelling designed and occupied as a residence by an on-site manager in which sleeping units are provided for periods of less than 30 days for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility.

~~Caretaker dwelling. See "Dwelling, caretaker."~~

~~"Cemetery" means land used or intended to be used for purposes including columbaria, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.~~

"Cemetery" means a place:

1. Dedicated to and used, or intended to be used, for a permanent memorial or the permanent interment of human remains; and
2. That may contain a mausoleum, crypt or vault interment, a columbarium, an ossuary, a cenotaph, a scattering garden, any other structure or place used or intended to be used for the interment or disposition of human remains or any combination of these structures or places.

"Cluster development" means a residential complex where small attached or detached dwelling units are located in close proximity around common facilities such as parking a recreational areas.

~~"Clinic" means single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise customarily prescribed by occupants in connection with their practices.~~

~~“Conference center” means a building or group of buildings operated primarily for the accommodation of people engaged in a group study project which may be known as “symposium,” “seminary,” “conference,” “workshop,” or “short course” and which may have such incidental uses as those customarily found in hotels to serve those engaged in such a project. Rentals of living accommodations within the building may be made available independent of any group study project.~~

“Data center” means a facility used to house computer systems and associated components, such as telecommunications and storage systems.

~~“Day nursery” means an institution, establishment or place in which children are given board, care or training apart from their parents or guardians for compensation or reward, consistent with Oregon Department of Human Resources standards for day care facilities.~~

“Dwelling, caretaker” means a dwelling provided on an industrial site for an employee or owner to provide around the clock surveillance or service for the industry.

“Dwelling unit, single-family attached” means a single-family dwelling having one or more walls attached to and in common with one or more single-family dwellings, with each dwelling unit on a separate lot or parcel.

“Dwelling, mixed use” means a dwelling on a lot that has separate non-residential uses on the same lot, such as an apartment provided on a second floor of a commercial building. “Mixed-use dwelling” excludes a caretaker dwelling.

“Dwelling, multiple family/multifamily” means a building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family. “Dwelling, multifamily” includes assisted living facilities.

“Dwelling, single-family detached” means a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

“Family child care home” means a registered or certified family child care home under the laws of the State of Oregon. A registered family child care home generally provides care for a maximum of 10 children in the family living quarters of the provider’s home. A certified family care home is located in a building constructed as a single family dwelling and has a certificate to care for a maximum of 16 children at any one time.

~~“Garage, repair” means a building used for the care and repair of motor vehicles, including major and minor work such as body and fender work or engine and transmission overhaul, and incidental storage or parking of vehicles.~~

“Golf course” means a large outdoor tract of land laid out for playing golf. “Golf course” may include a golf driving range or golf pro shop as accessory uses. “Golf course” excludes a miniature golf course.

~~“Group care facility” means an institution that maintains facilities for rendering of board and domiciliary care for compensation to physically, mentally or socially disabled persons or delinquent or dependent persons. Assisted living facilities are considered group care facilities. Group care facilities provide care for six to 15 individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents.~~

~~“Group care home” means any dwelling unit maintained, licensed and operated for the care alone or in conjunction with treatment or training or a combination of treatment or training for physically, mentally or socially disabled persons or delinquent or dependent persons, by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons. Group care homes shall provide care for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of home residents and need not be related to each other or to home residents. Consistent with the Fair Housing Act, group care homes which provide housing for disabled persons, including the aged, occupying a structure as one housekeeping unit shall be considered a single family use with densities governed by adopted city building codes.~~

~~“Heavy manufacturing” means 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 percent 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 five per day per 1,000 square feet of floor area).~~

~~“Home gardening” means the cultivation of flowers, fruits, vegetables, or ornamental plants for personal use of the owner or tenants of a lot. “Home gardening” includes community gardens where the space is provided without charge for the space to individuals to raise produce for their personal use, or for non-profit groups to raise produce to donate to individuals or charitable organizations.~~

~~“Home livestock and poultry raising” means the keeping and raising of livestock or poultry for the personal use of the owner or tenants of the lot.~~

~~“Horticulture” means the cultivation of a garden, orchard, or nursery, or the cultivation of flowers, fruits, vegetables, or ornamental plants for commercial purposes.~~

~~“Hospitals” means institutions devoted primarily to the rendering of healing, curing and/or nursing care, which maintain and operate facilities for the diagnosis, treatment and care of two or more nonrelated individuals suffering from illness, injury or deformity or where obstetrical or other healing, curing and/or nursing care is rendered over a period exceeding 24 hours.~~

~~“Hotel,” “motel,” “motor hotel,” or “tourist court” means a building or group of buildings used for transient residential purposes containing six or more guest rooms~~

without housekeeping facilities (not including kitchenettes) which are designed to be used, or which are used, rented or hired out for sleeping purposes.

“Hotel,” “motel” mean a structure with sleeping units or dwelling units rented or occupied for periods of less than 30 days, excluding vacation rental homes and bed and breakfast establishments.

“Industrial service” means 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 five per day per 1,000 square feet of 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.

“Kennel” means a lot or premises on which three or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation. An “adult dog” is one that has reached the age of four months. means an establishment for the breeding or boarding of dogs or cats. “Kennel” does not include the raising of household pets of the resident of the premises.

“Light manufacturing” means 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 percent 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 five per day per 1,000 square feet of floor area).

“Livestock and poultry farming” means the keeping and raising of livestock or poultry for commercial purposes.

“Marina” means a boat basin offering dockage and other service for small watercraft, including marine gas facilities, boat launching, and moorage.

“Parking facility” means parking spaces that are not designated for use by those patronizing a specific use on-site or a nearby site. This includes publicly owned parking lots designated for use by the general public, commercial parking lots open to the general public where a fee is charged to park, and park and ride lots.

“Pound, dog or cat” means premises where animals are impounded temporarily while their owners are being located or while awaiting adoption or final disposition.

“Prison” means a facility that detains and lodge persons. It excludes jails associated with a police station that provide short-term detention, which is considered an accessory to an emergency service use.

“Residential care home” means a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential care home.

“Residential care facility” means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential care facility.

“Secondhand store” means a retail shop where all or nearly all goods sold are previously used household items. “Secondhand store” excludes used vehicle sales.

“Self-service storage” means 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.

“Service station or gas station” means a place or station selling motor fuel and oil for motor vehicles; selling, servicing and installing tires, batteries, accessories and related products; furnishing minor repair and service when conducted entirely within an enclosed building; and at which incidental services are conducted. “Service station or gas station” often includes the sale of other retail products such as food and snacks and the provision of a car wash. “Minor repair service,” as used in this definition, shall be understood to exclude activities such as painting, body work, steam cleaning, tire recapping, major engine or transmission overhaul, or repair involving removal of a cylinder head or crankcase, and mechanical car washing which necessitates equipment to wash more than one car at a time.

“Temporary merchant” means a person or persons occupying a temporary, fixed location, not within a permanent building, and selling or delivering from stock on hand, doing business in much the same manner as a permanent business.

“Townhouse” means a dwelling unit with a ground floor and one or more upper floors attached to two or more similar dwelling units.

“Utility distribution plants and yards” means facilities that collect, distribute, or treat water, storm drainage, electrical power, natural gas, or similar material to serve areas beyond the immediate vicinity. It includes facilities that store and distribute equipment and material to repair streets and utilities. “Utility distribution plants and yards” include

water treatment plant, street maintenance yards, and energy production facilities using material imported to the site. It excludes basic utilities and wastewater treatment plants.

“Vacation rental home” means a single family dwelling unit that is used, rented or occupied for periods of less than 30 days, or is available, advertised, or listed by an agent as available for use, rent for occupancy for periods of less than 30 days.

“Vacation rental home” excludes bed and breakfast establishments.

“Vehicle, heavy duty” means a Class 7 or Class 8 vehicle under the US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards, which has a gross vehicle weight rating of greater than 26,000 pounds.

“Vehicle, light duty” means a Class 1, 2, or 3 vehicle under the US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards, which has a gross vehicle weight rating of 14,000 pounds or less.

“Vehicle, medium duty” means a Class 4, 5, or 6 vehicle under the US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards, which has a gross vehicle weight rating of greater than 14,000 pounds but less than or equal to 26,000 pounds.

~~“Vehicle repair” means 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” means 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.~~

“Wastewater treatment plant” means a facility for treatment and disposal of human waste collected from a large area. It excludes wastewater pump stations and septic systems.

~~“Waste-related” means 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, wastewater~~

~~treatment plants, portable sanitary collection equipment storage and pumping, and hazardous waste collection sites.~~

~~“Wholesale sales” means 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.~~

SECTION 3: The following shall be added as Newberg Development Code Section 15.225.110

15.225.110 Pre-existing uses now listed as a conditional use

Where a use is legally established and continuing, but that use currently would require a conditional use permit, the use shall be considered as having a conditional use permit under the terms of the prior permit approval. Any nonconforming site development shall be subject to the provisions of Chapter 15.205.

SECTION 4: The following shall be added as Newberg Development Code Section 15.302.032

15.302.032: Purposes of Each Zoning District

A. R-1 Low Density Residential District. The R-1 low density residential district is intended for low density, urban single-family residential and planned unit development uses. A stable and healthful environment, together with the full range of urban services, makes this the most important land use of the community. The R-1 district is intended to be consistent with the low density residential (LDR) designation of the comprehensive plan.

B. R-2 Medium Density Residential District

1. The purpose of this land use designation is to provide a wide range of housing types and styles, while maintaining an average overall density of 9 units per gross residential acre.

2. Typical housing types will include single-family dwellings on small lots, attached and detached single-family, duplex or multifamily housing, cluster developments and townhouses. The R-2 district is intended to be consistent with the medium density residential (MDR) designation of the comprehensive plan.

C. R-3 High Density Residential District

1. The purpose of this land use designation is to provide multifamily dwellings of different types and styles while maintaining an average overall density of 16.5 units per gross residential acre.

2. Typical housing types will include apartments, townhouses, condominiums, and cluster developments. Density may vary depending on lot size, off-street parking area, transportation, landscaping and other site considerations. The R-3 district is intended to be consistent with the high density residential (HDR) designation of the comprehensive plan.

D. R-4 Manufactured Dwelling District

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

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

E. RP Residential-Professional District. The RP residential-professional district provides for a desirable mixing of residential land uses with professional office uses in possible close proximity to adjacent low density residential areas. The professional office building and parking coverage, traffic generation, open space and other external factors are intended to be compatible with the residential uses permitted. This district may be appropriate in transition areas between major land uses as indicated in the adopted plan. The RP district is intended to be consistent with commercial or residential designations on the Newberg comprehensive plan. RP districts shall be located as to conform to goals and policies identified within the Newberg comprehensive plan and in areas which have a minimal impact on the livability or appropriate development of abutting property.

F. C-1 Neighborhood Commercial District. The C-1 neighborhood commercial district is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations, and is typically appropriate to small shopping clusters or integrated shopping centers located within residential neighborhoods. The C-1 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.

G. C-2 Community Commercial District. The C-2 community commercial district is intended to create, preserve and enhance areas with a wide range of retail sales and service establishments serving both long- and short-term needs in compact locations typically appropriate to commercial clusters near intersections of major thoroughfares.

This district also includes some development which does not strictly fit the description of "commercial" but also does not merit a separate zoning district. The C-2 district is intended to be consistent with the commercial (COM) and mixed use (MIX) designations of the comprehensive plan.

H. C-3 Central Business District. The C-3 central business district is intended to preserve and enhance areas within which the greatest possible concentration of retail sales and business will occur. The district will be applied to the "core" area based upon the guidelines established in the comprehensive plan. The buildings and uses permitted reflect the desire to have parking provided on a district-wide basis rather than having each individual building or use provide parking. The C-3 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.

I. C-4 Riverfront Commercial District

1. The purpose of the C-4 riverfront commercial district is to allow a mix of uses that:

a. Provides a variety of retail and commercial types that benefit from proximity to the river.

b. Encourages access to and enjoyment of the Willamette River.

c. Ensures compatibility of development with the surrounding area and minimizes impacts on the environment.

2. Properties zoned in this district must comply with the development standards of the riverfront subdistrict, as described in NMC 15.352.010 through 15.352.050.

3. The C-4 district is intended to be consistent with the commercial/riverfront district (COM/RD) designation of the comprehensive plan.

J. M-1 Limited Industrial District. The M-1 limited industrial district is intended to create, preserve and enhance areas containing manufacturing and related establishments with limited external impact, and with an open and attractive setting. The M-1 limited industrial district is typically appropriate to locations near major thoroughfares and nonmanufacturing areas. The M-1 district is intended to be consistent with the industrial (IND) and mixed use (MIX) designations of the comprehensive plan.

K. M-2 Light Industrial District. The M-2 light industrial district is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The M-2 district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.

L. M-3 Heavy Industrial District. The M-3 heavy industrial district is intended to create, preserve and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments and are typically appropriate to areas which are most distant from residential areas, and which have

extensive rail or shipping facilities. The M-3 district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.

M. M-4 Large Lot Industrial District. The M-4 industrial employment district is divided into two subdistricts: the industrial employment subdistrict and the industrial commercial subdistrict. 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 subdistrict 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 subdistrict is intended to create, preserve and enhance areas for retail establishments serving the specific needs of the M-4 industrial employment area. The subdistrict 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.

Potential adverse impacts of industrial activity on adjacent uses are minimized by design and development standards as required by NMC 15.220.090. 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.

N. I Institutional District. The I institutional district is intended to support and promote institutional uses. The district provides for the establishment and growth of large institutional campuses as well as accessory and compatible uses. The institutional

district is intended to be consistent with the public/quasi-public (PQ) designation of the comprehensive plan.

O. CF Community Facilities District. The purpose of the CF community facilities district is to provide for appropriate development of community facilities, primarily by public agencies or nonprofit organizations. It encourages the preservation of natural resources and open space resources inventoried in the comprehensive plan. The CF district is intended to be consistent with the parks (P) and public/quasi-public (PQ) designations in the comprehensive plan. It may also be consistent with any other designation of the comprehensive plan as determined by the city council.

P. AI Airport Industrial District. The purpose of the AI airport industrial district is to encourage and support the continued operation and vitality of Sportsman Airpark by allowing airport-related industrial uses, and as such to promote economic development for the City of Newberg and Yamhill County. The AI airport industrial district is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require or benefit from a location within or immediately adjacent to primary flight operations and passengers or cargo service facilities. It is further intended to provide appropriate locations for airport-related light industrial uses that are compatible with and benefit from air transportation. The AI district is intended to be consistent with the industrial (IND) and public/quasi-public (PQ) designations in the comprehensive plan.

Q. AR Airport Residential District. The purpose of the AR airport residential district is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. Maximum overall density shall be 8.8 units per gross acre. The AI district is intended to be consistent with the airport residential (AR) designation in the comprehensive plan.

**SECTION 5: The following shall be added as Newberg Development Code
Chapter 15.303**

Chapter 15.303

USE CATEGORIES

Sections:

15.303.010 Purpose

15.303.200 Institutional and Public Use Categories

15.303.212 Day care category

15.303.215 Group care facility category

- 15.303.216 Hospital category
- 15.303.221 Religious Institutions and Places of Worship Category
- 15.303.222 Private club, lodge, meeting hall category
- 15.303.223 Community services category
- 15.303.231 Schools, primary and secondary category
- 15.303.232 Colleges category
- 15.303.233 Commercial educational services category
- 15.303.241 Open space category
- 15.303.242 Park category
- 15.303.251 Emergency services category
- 15.303.300 Commercial Use Categories
- 15.303.311 Medical office category
- 15.303.312 Local business office category
- 15.303.321 General retail sales category
- 15.303.322 Bulk outdoor retail sales category
- 15.303.323 Convenience retail sales
- 15.303.331 Eating and drinking establishments category
- 15.303.341 Personal services category
- 15.303.342 Commercial services category
- 15.303.343 Commercial vehicle services category
- 15.303.351 Commercial recreation – indoor category
- 15.303.352 Commercial recreation – outdoor category
- 15.303.353 Commercial recreation – motor vehicle related category
- 15.303.400 Industrial Use Categories
- 15.303.413 Traded sector industry office category
- 15.303.420 Industrial services category
- 15.303.424 Wholesale and industry sales category

15.303.430 Warehouse, storage and distribution category

15.303.432 Self-service storage category

15.303.432 Light manufacturing category

15.303.443 Heavy manufacturing category

15.303.443 Waste-related category

15.303.010 Purpose

A. Defined and Categorized Uses. Chapter 15.305 lists the allowable uses in each zoning district. The uses listed are of two types:

1. Defined Uses. Defined uses are those uses that fit a specific definition contained the definition section under NMC 15.05.030. For example a "family child care home" is a specific defined use that is different than other day care type uses.

2. Use Categories. Use categories are used to describe land uses and activities that may be known by several common names, but are organized on the basis of common functional, product, or physical characteristics. For example beauty salons, tanning salons, and body art studios are classified into a general category "Personal Services." Uses are assigned to the category whose description most closely describes the nature of the primary use. The "characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.

B. Interpretation. When a use's category is not clearly identifiable, the director, through a Type I procedure, determines the applicable use category or similar use. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

1. The description of the activity(ies) in relationship to the characteristics of each use category;

2. The relative amount of site or floor space and equipment devoted to the activity;

3. Relative amounts of sales from each activity;

4. The customer type for each activity;

5. The relative number of employees in each activity;

6. Hours of operation;

7. Building and site arrangement;

8. Vehicles used with the activity;

- 9. The relative number of vehicle trips generated by the activity;
- 10. How the use advertises itself; and
- 11. Whether the activity would function independently of the other activities on the site.

C. Developments with multiple primary uses. When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a grocery store, a gift shop, and a pharmacy would be classified in the general retail sales category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

D. Accessory uses. The "accessory uses" subsection lists common accessory uses allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.

E. Use of examples. The "examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "wholesale liquidation" but that sells mostly to consumers, would be included in the general retail sales category rather than the wholesale and industry sales category. This is because the actual activity on the site matches the description of the general retail sales category.

F. Exclusions. The "exclusions" subsection of each use categories indicates uses that are classified not included in that particular use category.

15.303.200 Institutional and Public Use Categories

15.303.212 Day care category

A. Characteristics. This category includes the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hours of the day, with or without compensation. It also may include care or supervision during part of the 24 hours of the day where lodging is not provided.

B. Accessory uses. Play areas.

C. Examples. Preschools, adult day care centers.

D. Exclusions

1. Family child care homes.

2. Child care which does not require state registration or certification, such as babysitting.

3. Accessory day care that is provided primarily for the children of workers at the site is considered an accessory use.

4. Schools, primary or secondary.

5. Residential care homes and residential care facilities.

15.303.215 Group care facility category

A. Characteristics. Group care facility means a licensed facility that provides residential care alone or in conjunction with treatment or training or a combination thereof for sixteen or more individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

B. Accessory uses. Personal service uses, recreational facilities, dining facilities, or retail sales for use of tenants, employees, or tenant visitors.

C. Examples. Nursing homes, continuing care retirement facilities, addiction treatment centers, sanitariums.

D. Exclusions. Residential care homes, residential care facilities, and prisons are separate use categories. Assisted living facilities are classified as multiple family dwellings.

15.303.216 Hospital category

A. Characteristics. A medical institution which provides medical and surgical care to patients on an inpatient or emergency basis, which may be in addition to outpatient care.

B. Accessory uses. Personal service uses, dining facilities, or retail sales for use of patients, employees, or patient visitors.

C. Examples. Urgent care centers, medical practitioners who schedule office hours regularly to provide emergency care during nighttime hours.

D. Exclusions. Medical offices are a separate use category. Animal care.

15.303.221 Religious Institutions and Places of Worship Category

A. Characteristics. Religious institutions and places of worship primarily provide meeting areas for religious activities.

B. Accessory uses. Accessory uses include Sunday school facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the

average length of stay is less than 60 days. Religious schools, when accessory to a religious institution.

C. Examples. Examples include churches, temples, synagogues, and mosques.

D. Exclusions. Religious schools are included in schools.

15.303.222 Private club, lodge, meeting hall category

A. Characteristics. Private clubs, lodges, and meeting halls provide meeting areas that are restricted to those with membership in the host organization, or to individuals or organizations renting the space for special events. The activities may either be religious or non-religious. The activities may be non-profit or for profit, though for-profit activities are limited to those with membership or prospective membership in the organization renting the space.

B. Accessory Uses. Kitchens and dining areas for the use of the host organization or the individuals or organizations renting the facility.

C. Examples: Fraternal lodges, grange halls, wedding halls.

D. Exclusions. Religious institutions and places of worship is a separate category, however a private club, lodge, or meeting hall may be used for religious activities. Community services and commercial educational services are separate categories, though meeting halls may be rented for these types of uses. Meeting halls that are accessory to another use, such as a meeting room for tenants of an apartment complex, are accessory to that primary use.

15.303.223 Community services category

A. Characteristics. Community services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

B. Accessory uses. Accessory uses may include offices, meeting areas, food preparation areas, parking, health and therapy areas, daycare uses, and athletic facilities.

C. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, ambulance stations, social service facilities, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.

D. Exclusions.

1. Private lodges, clubs, and meeting rooms are a separate use category. Private or commercial athletic, health clubs, or museums are classified as commercial recreation.

2. Parks are a separate category.

3. Uses that provide lodging to individuals. These may be classified as dormitories, residential care homes, residential care facilities, or other uses depending on the nature of the lodging provided.

4. Public safety facilities are classified as emergency services.

15.303.231 Schools, primary and secondary category

A. Characteristics. This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education primarily to minors.

B. Accessory uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare, and administrative offices.

C. Examples. Examples include public and private daytime schools, boarding schools and military academies.

D. Exclusions.

1. Preschools are classified as daycare uses.

2.. Commercial music, dancing, tutoring, art or similar schools are classified as commercial educational services.

15.303.232 Colleges category

A. Characteristics. This category includes public and private schools that provide post-secondary education primarily for adults, usually working toward a degree or certificate.

B. Accessory uses. Accessory uses include cafeterias, student dormitories, recreational and sport facilities, auditoriums, student book stores, and administrative offices.

C. Examples. Examples include public and private universities and community colleges.

D. Exclusions. Commercial music, dancing, tutoring, art or similar schools are classified as commercial educational services.

15.303.233 Commercial educational services category

A. Characteristics. Commercial educational services uses are conducted in an office or studio setting and generally focusing on serving students with supplemental education, enrichment, and/or tutoring, where a fee is usually charged for services.

B. Accessory uses. Accessory uses may include incidental retail (e.g., sale of instructional materials) or other amenities primarily for the use of employees and customers.

C. Examples. Examples include tutoring centers, computer classes, after school math and reading centers, arts and crafts classes, music and dancing school.

D. Exclusions. Schools, primary and secondary and colleges are separate use categories. Pre-schools are classified as daycare uses.

15.303.241 Open space category

A. Characteristics. Open spaces provide outdoor space for natural feature preservation, or for walking, sitting, watching, or observing. Most of the area is left in native vegetation. Open spaces may be publicly or privately owned, and public access may be restricted or prohibited.

B. Accessory uses. Trails, viewing platforms, interpretive displays, benches, a single picnic table, including those with covers, not in close proximity to other such tables.

C. Examples. Nature preserves, stream corridors.

D. Exclusions. Parks are a separate use category. Active recreational facilities such as playgrounds or ballfields, pavilions or picnic areas including multiple tables or facilities in close proximity are classified as parks.

15.303.242 Park category

A. Characteristics. Park uses provide areas for outdoor recreation, whether passive or active. Parks may be private or publicly operated, but no admission fee is charged.

B. Accessory uses. Accessory uses may include pavilions, club houses, maintenance facilities, concessions, caretaker's quarters, and parking.

C. Examples. Playgrounds, community sports fields, public squares, picnic pavilions.

D. Exclusions. Commercial recreational uses are a separate category. Open spaces without access or with only trails or observation areas are classified as open space. Recreational facilities accessory to a school, church, or public community center use, regardless of whether admission is charged are part of the primary use. Golf courses are a separate use.

15.303.251 Emergency services category

A. Characteristics. Emergency services uses are facilities with personnel or equipment staged for quick response in case of emergency. The facility is operated by a public agency or private franchise agency.

B. Accessory uses. Jails for short term detention associated with a police station. Emergency vehicle and equipment storage or repair.

C. Examples. Police stations, fire stations, ambulance stations, and emergency highway safety equipment storage yards.

D. Exclusions. Emergency shelters are classified under community services. Utility maintenance yards are classified under utility distribution plant or yard.

15.303.300 Commercial Use Categories

15.303.311 Medical office category

A. Characteristics. Medical offices provide medical or surgical care to patients within the office. Care is provided by or under the direction of a government licensed medical practitioner. Services are provided on an outpatient basis only. Regular office hours are during the day with only occasional night time emergency care.

B. Accessory uses. Sale or rental of goods associated with the medical care.

C. Examples. Offices for licensed doctors, dentists, osteopaths, massage therapists, naturopathic physicians, outpatient laboratories where the patient testing is largely conducted on-site.

D. Exclusions

1. Hospitals and urgent care centers are classified under hospitals.

2. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified as residential care homes, residential care facilities, or group care facilities, depending on the nature of the facility.

3. Medical laboratories other than outpatient laboratories are classified as commercial service or industrial service uses depending on the nature of the laboratory.

4. Personal care by someone other than a licensed medical practitioner is included in personal services.

e. Veterinary, animal, and pet care is included either as commercial service or industrial service depending on the nature of the use.

15.303.312 Local business office category

A. Characteristics. Local business offices are office uses that serve the local area. General public visits to the office may be frequent. There is little or no outdoor storage of equipment and materials. Vehicles regularly on site are limited to passenger and light duty vehicles. No manufacturing occurs on site. Materials on site are mostly hand carried.

B. Accessory uses. Accessory retail sales of items associated with the business is allowed.

C. Examples. Offices for attorneys, real estate agents, accountants, insurance agents, travel agents. Government offices.

D. Exclusions. Medical offices, personal services, and traded sector industrial offices are separate uses. Banks are commercial service uses. Office uses may be accessory to other uses, such as manufacturing, school, or church uses.

15.303.321 General retail sales category

A. Characteristics. General retail sales uses sell or rent goods to the general public. Items are sold indoors, or, if outdoors, are limited to small items that don't require machinery to load to customers. Most items for sale are stored on or picked up from the site. Operators may be commercial or non-profit entities.

B. Accessory uses. Indoor manufacturing of small items primarily to be sold on site, such as retail bakeries or art studios, provided the floor area devoted to such production is less than the floor area devoted to retail sales. Repair of items sold, such as bicycles or vacuums. Wholesale sales of items that are primarily sold retail. Outdoor display for sale of two or fewer vehicles, or of bulky items requiring machinery to load occupying less than 1,000 square feet display area.

C. Examples. Pharmacies, department stores, secondhand stores, pawn shops, art sales.

D. Exclusions. Bulk outdoor retail, wholesale and industry sales, and retail convenience sales.

15.303.322 Bulk outdoor retail sales category

A. Characteristics. Bulk outdoor sales uses sell or rent large items to the general public from stock displayed or stored in whole or in part outdoors. Large items include vehicles and materials that require forklifts, tow trucks, or other loading equipment to load to customers. Sales may include sale of other items indoors or outdoors.

B. Accessory uses. Indoor manufacturing of small items primarily to be sold on site. Repair of items sold, such as automobile repair. Wholesale sales of items that are primarily sold retail.

C. Examples. Automobile sales, RV sales, boat sales, bark chip sales, automobile rental, self-moving truck rental, retail lumber yard.

D. Exclusions. Retail indoor sales, wholesale and industry sales. Outdoor vehicle sales with two or fewer vehicles displayed is general retail sales.

15.303.323 Convenience retail sales

A. Characteristics. Convenience retail sales uses sell items to the general public that often are for immediate consumption. Store size is limited to a specific floor area established by the zoning district. Items are sold predominantly indoors.

B. Accessory uses. Eating and drinking (non-alcohol related).

C. Examples. Mini-marts.

D. Exclusions. General retail sales.

15.303.325 Small scale food and beverage production category

A. Characteristics. Uses in this category prepare and package food and beverages for retail sale or consumption on site, and for shipment for sales at other locations. These are medium sized operations, using 10,000 square feet or less of floor for production. The area on site devoted to retail sales and dining is at least 25 percent of the floor area.

B. Accessory uses. Drive-up service windows. Note that drive-up service windows require a conditional use permit in some zones. Entertainment.

C. Examples. Small scale wineries, breweries, and distilleries with tasting rooms on-site. Retail bakeries. Chocolate shops.

D. Exclusions. Wholesale bakeries, wineries, breweries, and distilleries with no or smaller retail or dining components are classified as light industrial uses. Restaurants or retail shops that also produce food or beverages, where dining or customer areas comprise the majority of the floor area, or all food is sold "take out," such as some brew pubs and bakeries, are classified as eating and drinking establishment or general retail sales.

15.303.331 Eating and drinking establishments category

A. Characteristics. Eating and drinking establishments provide customers ready to consume food or drink for purchase. These establishments often provide tables and seating for the customers, and may provide take out or delivery service. Eating and drinking establishments are of two types:

1. Alcohol related are those establishments that serve alcohol and where minors are prohibited by law in any portion of the customer area.

2. Non-alcohol related are those establishments that do not serve alcohol, or that do serve alcohol but minors are not prohibited by law in any portion of the customer area.

B. Accessory uses. Drive-up service windows. Note that drive-up service windows require a conditional use permit in some zones. Entertainment. Bakeries, wineries, breweries, distilleries and similar food production areas provided the area devoted to production and storage is less than the floor area devoted to dining and retail sales, and the food is offered for sale on site.

C. Examples. Alcohol related uses include bars, night clubs, taverns, and tasting rooms. Non-alcohol related uses include restaurants, take-out food service, and soda fountains.

D. Exclusions. Non-profit membership-only clubs are classified in private clubs, lodges, and meeting halls.

15.303.341 Personal services category

A. Characteristics. Personal service uses are engaged primarily in physical aesthetic services or non-medical treatment to individuals at the site.

B. Accessory uses. Retail sale of products associated with the service is permitted, such as sale of hair care products at a beauty salon.

C. Examples. Beauty salons, barber shops, tanning salons, body art salons.

D. Exclusions. Personal services exclude medical offices.

15.303.342 Commercial services category

A. Characteristics. Commercial service establishments provide services to the general public for compensation. Customers typically come to the site to receive the service. Items that are brought in and serviced are predominantly small, hand carried items. Outdoor storage of materials on site is limited to small (under 400 square feet), fenced and screened areas. The establishments use passenger or light duty vehicles at the site; larger vehicles rarely visit the site. Operators may include government or non-profit organizations.

B. Accessory uses. Retail sale of items related to the service.

C. Examples. Banks, post offices, photocopy stores, dry cleaning and laundry services, mortuaries, small animal clinics and hospitals, sewing machine, vacuum, small appliance or jewelry repair shops, tailor shops, photography studios.

D. Exclusions. Outpatient medical laboratories are classified as medical office uses.

15.303.343 Commercial vehicle services category

A. Characteristics. Commercial vehicle service uses repair and service passenger vehicles, light duty vehicles and recreational vehicles for the general public. This includes fueling and washing services.

B. Accessory uses. Convenience retail uses.

C. Examples. Automobile service stations, auto repair, auto transmission, radiator, or electrical repair, car washes, towing businesses.

D. Exclusions. Servicing primarily to medium and heavy duty vehicles, farm equipment, and industrial vehicles is classified as industrial vehicle service.

15.303.351 Commercial recreation – indoor category

A. Characteristics. Indoor commercial recreation uses provide entertainment, recreation, and fitness activities for spectator or participants, within buildings. Fees usually are charged for admission or participation.

B. Accessory uses. Eating and drinking establishments and retail sales for spectators or participants. Outdoor commercial recreation uses occupying less than 10 percent of the site.

C. Examples. Theaters, skating rinks, billiard halls, bowling alleys, dance halls, indoor miniature golf courses, arcades, athletic clubs, gyms.

D. Exclusions. Recreational facilities accessory to a school or church use, regardless of whether admission is charged. Motor vehicle related commercial recreation uses are a separate category. Temporary events of less than two weeks duration are regulated as exhibitors under Chapter 5.10.

15.303.352 Commercial recreation – outdoor category

A. Characteristics. Outdoor commercial recreation uses provide entertainment, recreation, and fitness activities for spectators or participants outdoors. Fees usually are charged for admission or participation.

B. Accessory uses. Eating and drinking establishments and retail sales for spectators or participants.

C. Examples. Drive-in theaters, sports stadiums, race tracks, outdoor driving ranges, amusement parks, outdoor miniature golf courses.

D. Exclusions. Recreational facilities accessory to a school or church use, regardless of whether admission is charged. Golf courses are a separate use. Vehicle related commercial recreation use is a separate category. Temporary events of less than two weeks duration are regulated as exhibitors under Chapter 5.10.

15.303.353 Commercial recreation – motor vehicle related category

A. Characteristics. Motor vehicle related commercial recreation uses provide entertainment or recreation with motorized vehicles for spectators and/or participants.

B. Accessory uses. Eating and drinking establishments and retail sales for spectators or participants.

C. Examples. Car or motorcycle racing tracks, drag strips, go cart tracks, remote control vehicles

D. Exclusions. Non-commercial remote control vehicle tracks open for public use or accessory to park use.

15.303.400 Industrial Use Categories

15.303.413 Traded sector industry office category

1. Characteristics. Traded-sector industry offices are corporate offices for traded-sector industries that design, research, or create a product where the manufacturing is done at a different facility, or the product is intangible or intellectual. It may include offices for management of corporations or sales of products where the primary market is beyond the local region. General public visits to the office are very infrequent.

2. Accessory uses. On-site testing or modeling, where such manufacturing comprises less than 20 percent of the floor area.

3. Examples. Offices for architects, surveyors, engineers, financial institutions, insurance companies, manufacturing designers, software companies and internet based businesses where the clientele served by the office are largely beyond the local region, call centers, technical support centers, movie studios, television or radio station studios.

4. Exclusions.

a. Local business offices, medical offices, personal services, commercial services are separate uses.

b. Office uses accessory to on-site manufacturing are classified under the primary use.

15.303.420 Industrial services category

1. Characteristics. Industrial service uses provide services to other businesses or industries, and may include sales to the general public. Services often are provided off site at the customer location. Sales to the general public are allowed, but general public visits to the site are infrequent. Items to be serviced may be brought in and out by truck, trailer or forklift. Materials may be stored in warehouses, or outside in enclosed areas. Trailers and medium or heavy duty vehicles may be used and stored on site.

2. Accessory uses. Sale of items related to the service is permitted.

3. Examples. Plumbing, heating and cooling services, construction contractors, building or landscape maintenance services, large animal veterinary clinics/hospitals, laboratories, farm implement repair, medium and heavy duty vehicle repair.

4. Exclusions. Commercial vehicle service and commercial service are separate uses. Truck stops.

15.303.424 Wholesale and industry sales category

1. Characteristics. Wholesale sales uses sell goods or merchandise to retailers, to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services. Items are only occasionally sold directly to the general public.

2. Accessory uses. Retail sales of items to business people visiting the site.

3. Examples. Wholesale lumber yards, construction materials stores primarily serving contractors, construction equipment rental yards, wholesale nursery sales, agricultural machinery sales, agricultural supply stores.

4. Exclusions. Livestock sales.

15.303.430 Warehouse, storage and distribution category

1. Characteristics. Warehouse, storage and distribution uses involve the 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. It includes data centers that store and distribute electronic data. There is little on-site sales activity with the customer present.

2. Accessory uses. Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

3. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; the stockpiling of sand, gravel, or other aggregate materials; contractors equipment storage; and data centers.

4. Exclusions.

a. Uses that involve the transfer or storage of solid or liquid wastes are classified as waste-related uses.

b. Self-service storage is a separate use category.

15.303.432 Self-service storage category

1. Characteristics. Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.
2. Accessory uses. Accessory uses may include security and leasing offices. Living quarters for one resident manager per site are allowed. Other living quarters are subject to the regulations for residential uses. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use. The rental of trucks or equipment is also not considered accessory to a self-service storage use.
3. Examples. Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
4. Exclusions. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the warehouse , storage and distribution category.

15.303.432 Light manufacturing category

1. Characteristics. Light manufacturing uses 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 percent 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 five per day per 1,000 square feet of floor area).
2. Accessory uses. Retail sales of good produced on site, provided the floor are devoted to retail sales is small (less than 10 percent of the floor area, up to 2,000 square feet), and on-site sales represent less than 10 percent of total product sales.
3. Examples. Instrument and machinery manufacturers, food processors, furniture manufacturers, wineries, wholesale bakeries.
4. Exclusions. Heavy manufacturing is a separate category.

15.303.443 Heavy manufacturing category

1. Characteristics. 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 percent 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 five per day per 1,000 square feet of floor area).

2. Accessory uses. Retail sales of good produced on site, provided the floor are devoted to retail sales is small (less than 10 percent of the floor area, up to 2,000 square feet), and on-site sales represent less than 10 percent of total product sales.

3. Examples. Ashpalt and concrete plants, paper mills, steel mills, abbatoirs.

4. Exclusions. Uses that involve storage of materials without any processing.

15.303.443 Waste-related category

1. Characteristics. Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, 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.

2. Accessory Uses. Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

3. Examples. Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites, automobile wrecking yards.

4. Exclusions.

a. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a waste-related use.

b. Sewer pipes that serve a development are considered a Basic Utility.

c. Wastewater treatment plants are a separate use.

SECTION 6: The following shall be added as Newberg Development Code Chapter 15.305:

Chapter 15.305

ZONING USE TABLE

15.305.010 Classification of Uses:

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303. The table identifies each use as one of the following:

P: Permitted Use: The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.

C: Conditional Use: A conditional use permit is required for the use. See Chapter 15.225.

S: Special Use: The use is subject to specific standards as identified within this Code. The applicable section is included in the last column of the table.

(#): A note indicates specific limits on the use. These notes are listed at the bottom of the table.

X: Prohibited Use: The use is specifically prohibited.

If none of the codes above are indicated, then the use is not permitted within the zone.

15.305.020 Zoning Use Table

[See the next pages for table to be inserted here]

Draft February 21, 2013

Newberg Development Code - Zoning Use Table Revision

Cat.	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
	AGRICULTURAL USES																			
	Horticulture	P	P	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	
	Livestock and Poultry Farming	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	Home Gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Home Livestock and Poultry Raising	S	S															S		Title 6
	RESIDENTIAL USES																			
	Single Family Detached	P(2)	P	P(3)		P		C(4)	C(5)								P	P(6)		Subject to density limits of 15.405.010(B)
	Single Family Attached	S(2)	S	S(3)		S		C(4)	C(5)								P	P(6)		Subject to density limits of 15.415.050; Subject to density limits of 15.405.010(B)
	Manufactured Home on Individual Lot	S(2)	S	S(3)	P(7)	S												P(6)		15.445.050 - 15.445.070; Subject to density limits of 15.405.010(B)
	Manufactured Dwelling Park		S	S	S															15.445.075 - 15.445.160
	Mobile Home Park		S	S	S															15.445.075 - 15.445.160
	Manufactured Home Subdivision		S	S	S															15.445.075 - 15.445.160
	Duplex	P(2)	P	P	C	P		C(4)	/C(5)								P			Subject to density limits of 15.405.010(B)
	Multiple Family Dwelling	C	P	P	C	P		C(4)	/C(5)								P			Subject to density limits of 15.405.010(B)
	Accessory Dwelling Unit	C	S	S	S	S											S			15.445 Article V.
	Mixed-use Dwelling						P(9)	P(10)	/C(5)	P(11)	C	C								
	Caretaker Residence										P	P	P	P	C					Limited to one per lot, and allowed whenever the use requires the on-site residence of such person.
	Dormitory					P											P			
	Home Occupation (No more than one outside paid employee)	S	S	S(13)	S	S	S(13)	S	S	S	15.415.060									
	Home Occupation (More than one outside paid employee)	C	C	C(13)	C	C	C(13)	C	C	C	15.415.060									
200	INSTITUTIONAL AND PUBLIC USES																			
210	INSTITUTIONAL CARE AND HOUSING																			
	Family Child Care Home	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)							P	P(13)		ORS 657A
212	Day Care	P	P	P	C	P	P	P	P	P				C	P		P	P(14)		ORS 657A
	Residential Care Home (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)							P	P(13)		ORS 197.665
	Residential Care Facility (6-15 people)	C	P	P	C	P	C	C	C	C							P			ORS 197.665
215	Group Care Facility (16+ people)	C	C	C	C	C	C	C	C	C							P			
216	Hospital	C	C	C	C	C	C	P	P	P							P			
	Prison										C	C	C	C	C					
220	ASSEMBLY																			
221	Religious Institution, Place of Worship	P	P	P	P	P	P	P	P	P										
222	Private Club, Lodge, Meeting Hall																			
223	Community Services	C	C	C	C	C	P	P	P	P										
230	SCHOOLS																			
231	School, Primary or Secondary	P	P	P	P	P														
232	College	P	P	P	P	P	P	P	P	P										

Draft February 21, 2013

Newberg Development Code - Zoning Use Table Revision

Cat.	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
233	Commercial Educational Services	C	C	C		C	P	P	P							C				
240	PARKS AND OPEN SPACES																			
241	Open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
242	Park	P	P	P	P	P	P	P	P	P				P(16)		P(17)				
	Golf Course	P	P	P												P(17)				
250	PUBLIC SERVICES																			
251	Emergency Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Pound, Dog or Cat, Kennel						C	C	C	C	C	C	C	C	C	C	C	C	C	
	Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	ORS 97.46
260	TRANSPORTATION																			
	Transportation Facilities and Improvements	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Transit Center						P	P	P	P	P	P	P	P	P	P	P	P	P	
	Parking Facility			P		C	C	P	P(18)	C	P	P	P	P	P	P	P	P	P	
	Airport, Landing Field						C	C	C	C	C	C	C	C	C	C	C	C	C	P
	Helipad, Helipad	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
	Marina									C										
	Pilings, Piers, Docks, and Similar In-water Structures									C										
270	UTILITIES																			
	Basic Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Utility distribution plant or yard										P	P	P	P	P					
	Waste water treatment plant										C	P	C							
280	TELECOMMUNICATION FACILITIES																			
	Telecommunication facility incorporated into existing structure/utility pole and no taller than 18 ft above existing structure/utility pole	C	C	C	C	C	S	S	S	S	S	S	S	S	S	S	S	S	S	15.445, Article IV
	Telecommunication facility, including radio towers and transmitters, which are 100 feet or less in height, except those incorporated into an existing structure no taller than 18 feet above that structure.						C	C	C	C	C	S(19)	S(19)	P	C	C	C	C	C	15.445, Article IV
	Telecommunication facility, including radio towers and transmitters, which are over 100 feet						C	C	C	C	C	C	C	C	C	C	C	C	C	15.445, Article IV
300	COMMERCIAL USES																			
310	COMMERCIAL OFFICES																			
311	Medical Office			C		P	P(20)	P	P(21)								P			
312	Local Business Office					P(22)	P(20)	P	P(21)											
320	COMMERCIAL SALES AND RENTALS																			
321	Retail Sales - General						P(20)	P	P(15)	P	P(23)									
322	Retail Sales - Bulk Outdoor						P	C	C		P									
323	Retail Convenience Sales						P(20)	P	P(21)	P	P(24)									
	Temporary Merchant						S	S(21)												5.15.050 et seq.

Draft February 21, 2013

Newberg Development Code - Zoning Use Table Revision

Cat.	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
325	Retail Food and Beverage Production							S	S											15.445, Article VIII
330	EATING AND DRINKING ESTABLISHMENTS																			
331	Eating and Drinking - Alcohol Related							P	P(21)	P										Requires liquor license
332	Eating and Drinking - Non-Alcohol Related						P(20)	P	P(21)	P	P	P							C(26)	
340	COMMERCIAL SERVICES																			
341	Personal Services					P	P(20)	P	P(21)	P										
342	Commercial Services					P(20)	P	P(21)	P(21)											
343	Commercial Vehicle Service						P	C	C		P(27)	P			P(28)					
350	COMMERCIAL RECREATION																			
351	Commercial Recreation - Indoors						P	P(15)	P(15)		P(29)	P(29)								
352	Commercial Recreation - Outdoors						P				C									
353	Commercial Recreation - Motor Vehicle Related											C								C(33)
360	COMMERCIAL LODGING																			
	Vacation Rental Home	C	C	S	S	S	S(13)	S(13)	S(13)	S(13)										15.445, Article VII
	Bed and Breakfast (2 or fewer rooms)	C	S	S	S	S	S	S	S	S										15.445.010
	Bed and Breakfast (3 or more rooms)	C	C	C	C	C	C	S	S	S										15.445.010
	Hotel/Motel							C	C	C										C(26)
	Recreational Vehicle Park							C	C	C	C	C	C	C	C					15.445.170
400	INDUSTRIAL USES																			
413	Traded-Sector Industry Office					P(30)	P(30)	P	P	P	P	P	P	P	P					P(33)
420	Industrial Services						C				P	P	P	P	P					P(33)
424	Wholesale and Industry Sales						C(31)				P(31)	P	P	P	P					P(33)
430	Warehouse, Storage, and Distribution										P(32)	P	P	P	P					P(33)
432	Self-Service Storage						P				P	P	P	P	P					
442	Light Manufacturing										P	P	P	P	P					P(33)
443	Heavy Manufacturing											P(34)	P	C	C					
444	Waste Related												C	C	C					
500	MISCELLANEOUS USES																			
	Accessory building and use incidental to other permitted uses in the zone	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
502	Uses similar to permitted uses in the zone.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
503	Uses similar to conditional uses in the zone	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Key

- P: Permitted Use
- C: Conditional Use - Use requires a conditional use permit
- S: Special Use - Use requires a special use permit
- X: Prohibited Use
- (#): See notes below for limitations

Cat.	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
------	-----	-----	-----	-----	-----	----	-----	-----	-----	-----	-----	-----	-----	-------	-------	----	---	----	----	---------------------------------

Notes

- (1) Limited to sites with pre-existing agricultural uses, including at time of annexation.
- (2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of 15.405.010(B).
- (3) Permitted on individual lots created prior to November 17, 1992. Homes on individual lots created on or after November 17, 1992 will only be permitted through the planned unit development process.
- (4) The permitted density shall be stated on the conditional use permit.
- (5) The dwelling units must front onto Hancock or Second Street. No more than 30 percent of a single street frontage of a block may be occupied by residential uses. Contiguous residential street frontage must be less than 60 lineal feet. Density and parking standards for allowable dwelling units must be met.
- (6) One residence per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar.
- (7) The homes are not subject to the development standards set forth in NWC 15.445.050 through 15.445.070.
- (8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street). There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (9) Permitted on the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone. On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.
- (10) Permitted above any permitted use in the C-2 zone. There shall be no density limitation. Parking shall be provided in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (11) Must be located above ground floor commercial uses.
- (12) One residence of area not more than 40 percent of the area of the hangar floor, up to a maximum of 1,500 square feet, for an airport caretaker or security officer on each separate parcel.
- (13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.
- (14) Allowed exclusively for employers or employees of businesses located within this district.
- (15) Facility over 40,000 square feet gross floor area requires a conditional use permit.
- (16) Allowed in areas designated in industrial area plans.
- (17) Public only.
- (18) Parking garages are a conditional use, and must have first floor street frontage of 40 feet or less for ingress or egress. First floor development must be commercial.
- (19) A conditional use permit is required if the facility is less than 2,000 feet from the nearest telecommunication facility.
- (20) Businesses in the C-1 zone that have hours of operation between 10 p.m and 7 a.m. require a conditional use permit.
- (21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a conditional use permit. Otherwise, drive-up service windows, (22) Retail sales of goods on site not allowed.
- (23) Limited to second hand stores.
- (24) Store size is limited to 2,000 square feet gross floor area.
- (25) Store size is limited to 5,000 square feet gross floor area.
- (26) Use must demonstrate that it is compatible with airport operations.
- (27) Limited to service stations.
- (28) Limited to card lock fueling only. Retail services are limited to self-vending services.
- (29) Permitted provided the structure is designed for easy conversion to industrial use, including not having fixed seating.
- (30) Limited to 10,000 square feet maximum floor area.
- (31) Allowed indoors only.
- (32) Allowed indoors only. Outdoor use requires a conditional use permit.
- (33) Must be aviation related. See Chapter 15.332.
- (34) Limited to expansion or change of existing heavy manufacturing uses.

SECTION 7: Newberg Development Code Section 15.220.050 shall be amended as follows:

15.220.050 Criteria for design review (Type II process).

A. Type I. The following criteria are required to be met in order to approve a Type I design review request:

1. Parking. Parking areas shall meet the requirements of NMC 15.440.010.
2. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.
3. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.
4. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.
5. 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 NMC ~~15.304.010 through 15.328.040~~ 15.305.010 through 15.336.020.

B. Type II. The following criteria are required to be met in order to approve a Type II design review request:

1. 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.
2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. 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.
3. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.
4. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.
5. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

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

7. 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 NMC ~~15.304.010 through 15.328.040~~ 15.305.010 through 15.336.020. 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.

8. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

9. 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.

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.

SECTION 8: Newberg Development Code Section 15.220.060 shall be amended as follows:

15.220.060 Additional requirements for ~~multi-unit~~ multifamily residential projects.

The purpose of this section is to ensure that residential projects containing three or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the site design review process, an applicant for a new ~~multi-unit~~ multifamily residential 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. At least 14 points are required for attached single-family projects of any size and smaller multifamily projects with six or fewer units and at least 20 points are required for multifamily projects with seven or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).

A. Site Design Elements.

1. Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of open space areas which can be consolidated into children's play areas, gardens, and/or dog-walking areas (three points).

2. Preserve existing natural features, including topography, water features, and/or native vegetation (three points).

3. Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more "pedestrian-friendly" environment (three points).

4. Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other "pedestrian-friendly" amenities (three points).

5. Create "outdoor" rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).

6. Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species (two points).

7. Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).

8. Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).

9. Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).

10. Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).

11. Use entry accents such as distinctive building or paving materials to mark major entries to ~~multi-unit~~ multifamily buildings or to individual units (one point).

12. Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).

B. Building Design Elements.

1. Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).

2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).

3. Break up large buildings into bays by varying planes at least every 50 feet (three points).

4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).

5. Building Materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles,

as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).

6. Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, 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 windows, roof eave brackets, dormer windows, and decorative trim boards (two points).

7. Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).

8. Provide a front porch at every main entry as this is both compatible with the city's historic building pattern and helps to create an attractive, "pedestrian-friendly" streetscape (two points).

9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points).

SECTION 9: Newberg Development Code Section 15.240.020(G) shall be amended as follows:

This amendment in this section is simply to insure consistent terminology.

G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:

1. R-1, R-2, R-3 and RP Zones.

a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.

b. Accessory buildings and uses.

c. Duplexes.

d. Dwellings, single, manufactured, and ~~multiple-family~~ multifamily.

e. Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.

2. C-1, C-2 and C-3 Zones.

a. When proposed as a combination residential-commercial planned unit development, uses and buildings as listed in subsection (G)(1) of this section and those listed as permitted outright or conditionally in the use district wherein the development will be located.

b. When proposed as a residential or commercial planned unit development, uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

3. M-1, M-2 and M-3 Zones. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

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.

SECTION 10: Newberg Development Code Section 15.240.020(Q) shall be amended as follows:

This amendment in this section is simply to insure consistent terminology.

Q. Design Standards. The proposed development shall meet the design requirements for ~~multi-unit~~ multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories.

SECTION 11: Newberg Development Code Section 15.242.020 shall be amended as follows:

This amendment in this section is simply to insure consistent terminology.

15.242.020 Flexible development standards.

Developers choosing this option may elect to use any/all of the following flexible development standards. Use of this option will require the developer to make provisions for affordable housing as described in NMC 15.242.030.

A. Lot Standards.

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

2. Lot Depth-to-Width Ratio. Lot depth-to-width ratio may exceed standards otherwise permitted.

3. Other Lot Dimensions. Other required lot dimensions, such as lot width, may be reduced without limit.

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

5. ~~Multi-Unit~~Multifamily Density Bonus. ~~Multi-unit~~ Multifamily residential developments may increase the allowed number of units by up to five percent beyond the maximum density otherwise allowed in the zone.

6. Minimum Lot Size. Minimum lot sizes may be reduced as follows:

- a. R-2: reduce from 3,000 square feet to 2,500 square feet.
- b. R-3: reduce from 3,000 square feet to 1,500 square feet.
- c. R-P: reduce from 3,000 square feet to 2,500 square feet.

B. Site Design Standards.

1. Side Yard Setback. Side yard setback may be reduced to three feet.

2. Front Yard Setback. Front yard setbacks may be reduced to 10 feet.

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

C. Street and Sidewalk Standards.

1. Sidewalk Location. Sidewalks may be constructed on one side only of local streets.

2. Sidewalk Type. Curb-side sidewalks, six feet in width, may be constructed on local streets, eliminating required planter strips.

3. Street Width. Subject to fire marshal and city engineer approval, street width may be reduced to 28 feet with parking on both sides where, in their determination, adequate emergency access, large vehicle access, and parking can be maintained.

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

SECTION 12: Newberg Development Code Section 15.242.020 shall be amended as follows:

This amendment in this section is simply to insure consistent terminology.

15.405.010 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 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. 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 subdistrict.

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.

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.

6. Within the commercial zoning district(s) of the riverfront overlay subdistrict, 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~~ multifamily 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~~ multifamily 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 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.

SECTION 13: Newberg Development Code Section 15.410.050 shall be amended as follows:

This amendment in this section is simply to insure consistent terminology.

15.410.050 Special setback requirements to planned rights-of-way.

A. Yard Requirements for Property Abutting Partial or Future Street Rights-of-Way.

1. Except as provided in subsection (A)(2) of this section, no building shall be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the yards provided and maintained in connection with such building have a width and/or depth needed to complete the street width plus the width and/or depths of the yards required on the lot by this code.

2. Where a comprehensive plan street design or a future street plan exists, the placement of buildings and the establishment of yards where required by this code shall relate to the future street boundaries as determined by said plans.

B. Planned Street Right-of-Way Widths. Planned street right-of-way widths are established as indicated in subsection (C) of this section for the various categories of streets shown in the transportation system plan.

C. A lot or parcel of land in any district adjoining a street for which the planned right-of-way width and alignment has been determined shall have a building setback line equal to the yard required in the district, plus a distance of:

1. Fifty feet from and parallel with the centerline of expressways.
2. Thirty-five feet from and parallel with the centerline of major and minor arterials.
3. Thirty feet from and parallel with the centerline of ~~multiple-family~~multifamily, commercial and industrial streets and single-family collector streets.
4. Thirty feet from and parallel with the centerline of single-family local streets.
5. Twenty-five feet from and parallel with the centerline of single-family hillside, cul-de-sacs and local streets which will never be extended more than 2,400 feet in length and which will have a relatively even division of traffic to two or more exits.

Exceptions to the above five classifications are shown in the transportation system plan.

D. The centerline of planned streets shall be either the officially surveyed centerline or a centerline as on a precise plan. In the event of conflict between the two, the latter-described line shall prevail. In all other cases, a line midway between properties abutting the right-of-way shall be the centerline for the purposes of this code.

SECTION 14: Newberg Development Code Section 15.420.020 shall be amended as follows:

This amendment in this section is simply to insure consistent terminology.

15.420.020 Landscaping and amenities in public rights-of-way.

The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of ~~multiple dwelling,~~multifamily, commercial, industrial, or institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A decision to include any amenity shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.

A. Pedestrian Space Landscaping. Pedestrian spaces shall include all sidewalks and medians used for pedestrian refuge. Spaces near sidewalks shall provide plant material for cooling and dust control, and street furniture for comfort and safety, such as benches, waste receptacles and pedestrian-scale lighting. These spaces should be designed for short-term as well as long-term use. Elements of pedestrian spaces shall not obstruct sightlines and shall adhere to any other required city safety measures. Medians used for pedestrian refuge shall be designed for short-term use only with plant material for cooling and dust control, and pedestrian-scale lighting. The design of these spaces shall facilitate safe pedestrian crossing with lighting and accent paving to delineate a safe crossing zone visually clear to motorists and pedestrians alike.

1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).
2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.
 - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).
 - b. Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures.
3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.
 - a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.
 - b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.
 - c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).
 - d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.
4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.
 - a. Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.

b. Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.

5. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.

B. Planting Strip Landscaping. All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).

1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Landscaping). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.

2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4).

a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.

b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.

3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one-half feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.

a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.

b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).

c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.

C. Maintenance. All landscapes shall be maintained for the duration of the planting to encourage health of plant material as well as public health and safety. All street trees and shrubs shall be pruned to maintain health and structure of the plant material for public safety purposes.

D. Exception. In the AI airport industrial district and AR airport residential district, no landscape or amenities except for grass are required for any area within 50 feet of aircraft operation areas including aircraft parking areas, taxiways, clear areas, safety areas, object-free areas, and the runway.

SECTION 15: Newberg Development Code Section 15.440.010 shall be amended as follows:

This amendment in this section is simply to insure consistent terminology and references.

15.440.010 Required off-street parking.

A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.

B. Off-street parking is not required in the C-3 district, except for:

1. Dwelling units as ~~noted in NMC 15.316.020~~ meeting the requirements noted in NMC 15.305.020.

2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.

C. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.

SECTION 16: Newberg Development Code Section 15.440.030 shall be amended as follows:

This amendment in this section is simply to insure consistent terminology.

15.440.030 Parking spaces required.

Use	Minimum Parking Spaces Required
Residential Types	

Use	Minimum Parking Spaces Required
Residential Types	
Dwelling, multiple <u>multifamily</u> and multiple single-family dwellings on a single lot	

**SECTION 17: The following shall be added as Newberg Development Code
Chapter 15.445, Article VII:**

Article VII. Vacation Rental Homes

15.445.300 Application and purpose

These standards apply to a and single family dwelling unit that is used, rented or occupied for periods of less than 30 days, or is available, advertised, or listed by an agent as available for use, rent for occupancy for periods of less than 30 days. The purpose is to maintain the peace, quiet, traffic patterns, and property maintenance typical for the residential neighborhood.

15.445.310 Where allowed

Vacation rental homes are permitted in areas shown on Chapter 15.305. The vacation rental home must be a structure approved for occupancy as a single family dwelling unit.

15.445.320 Registration required

Prior to use or advertising for use of a dwelling as a vacation rental home, the owner or operator shall register the vacation rental home with the city on forms provided by the director. The registration shall include such information required by the director, including the name and contact information for the owner, operator and a local contact.

15.445.330 Standards

- A. The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.
- B. The applicant shall provide for regular refuse collection.
- C. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people.
- D. The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy.

15.445.340 Registration posting

The applicant shall post the vacation rental home registration within the dwelling adjacent to the front door. At a minimum, the posting will contain the following information:

- A. The name of the operator and a telephone number where the operator may be reached.
- B. The telephone number for the police department.

- C. The maximum number of occupants permitted to stay in the dwelling.
- D. The standards for the rental occupancy.
- E. The solid waste collection day.

15.445.350 Complaints and revocation of registration

If the city receives two or more written complaints within a one year period regarding a vacation rental home occupancy, and the issues have not been resolved through the code enforcement officer, the city manager may schedule a hearing to consider revoking the vacation rental home registration. The hearing may be conducted by the city manager, or other such hearings officer as the city manager may appoint for this purpose. The city manager shall notify the owner and operator of the hearing, those submitting written complaints, and may invite others to submit testimony at the hearing. After hearing the facts, the city manager may do any of the following:

- A. Revoke the registration for noncompliance with the standards in this section. If this permit is revoked, the premises may not be used as a vacation rental home for a period of two years, or a period of lesser time as determined by the hearings officer.
- B. Impose additional conditions necessary to fulfill the purpose of this section.
- C. Establish a probationary period to monitor compliance.
- D. Dismiss the complaint.
- E. Refer the matter to the code enforcement officer for citation in municipal court or other appropriate jurisdiction.

The hearings officer's decision may be appealed to the planning commission by the applicant, owner, or person filing the written complaint within 14 calendar days of the date of the decision in the manner provided in NMC 15.100.170.

SECTION 18: The following shall be added as Newberg Development Code Chapter 15.445, Article VIII:

Article VIII. Small Scale Food and Beverage Production in Commercial Zones

15.445.400 Application and purpose

These standards apply to small scale food and beverage production in commercial zones. These uses are primarily manufacturing, processing and storage facilities but have accessory tasting rooms, dining areas, or retail space. Some types of retail bakeries, wineries, breweries and distilleries fit in this category. The purpose is to allow small scale food and beverage production in commercial zones if the uses can meet certain design standards that will maintain the commercial character of the zone. Larger scale food and beverage production is allowed in certain of Newberg's industrial zones.

15.445.410 Where allowed

Small scale food and beverage production is allowed in the C-2 and C-3 commercial zones if the use meets the development standards listed below. If the use cannot meet the development standards below then it is a conditional use in the C-2 and C-3 commercial zones and would require review by the Planning Commission.

15.445.420 Standards

A. Retail use: At least 25% of the gross floor area must be for retail, dining, or similar customer use, with a minimum of 1,000 square feet.

B. Not next to residential: The site cannot abut a site with residential zoning.

C. Loading area: The site must have a loading area for trucks. This could be a loading dock, an on-site paved loading area, or an adjacent alley.

D. Size limit: The maximum size of the production area is limited to 10,000 square feet.

E. Outdoor storage: Outdoor storage of materials on site is limited to a small (under 400 square feet) fenced and screened area.

15.445.430 Approval

To obtain approval for a small scale food and beverage production use in the C-2 or C-3 commercial zones the applicant must demonstrate compliance with all of the development standards. The application shall be processed as a Type I or II design review procedure, depending on the extent of building remodeling, as regulated by NMC 15.220.020. If the proposed use cannot meet any of the design standards in 15.445.420 then it would require a Type III conditional use permit and design review as regulated by NMC 15.225.

SECTION 19: The following shall be added as NMC 15.505.060(J):

J. The planning commission may approve modifications to public street standards for the purpose of ingress or egress to a minimum of three and a maximum of six lots through a conditional use permit.

Comment: This provision moved from NMC 15.225.070(N)

SECTION 20: The following shall be added as NMC 8.15.052:

Comment: This section added to address legislation requiring Planning Commission approval of cemeteries or backyard burials.

8.15.052 Disposition of human remains

No person shall inter human remains except within a cemetery approved for that purpose.

SECTION 21: Grace period for previously permitted or conditional uses. Where an applicant demonstrates that a particular use was a permitted or conditional use on a specific property immediately prior to adoption of this ordinance, but that the use is no longer either a permitted or conditional use on that property due to this ordinance, the applicant may establish the use as either a permitted or conditional use, as provided in the prior code, provided the use is legally commenced prior to January 1, 2018.

**Exhibit “B” to Planning Commission Resolution 2013-003
Findings –File DCA-12-002
Zoning Use Table**

I. Applicable State Statutes

A. ORS 97.460 Requirements for establishment of cemetery or burial park.

(1) A person may not lay out, open up or use any property for cemetery or burial park purposes unless the person:

(a) Is the owner of the property;

(b) Has the written consent of the planning commission of the county or city having jurisdiction under ORS 92.042 or, if there is no such commission in such county or city, the governing body of such county or city;

(c) Agrees to maintain records of the disposition of human remains on the property as required by the planning commission or governing body of the county or city having jurisdiction under ORS 92.042; and

(d) Agrees to disclose the disposition of human remains upon sale of the property. Failure to disclose the disposition of human remains does not invalidate the sale of the property.

(2) A planning commission of a county or city or, if there is no planning commission in a county or city, the governing body of the county or city, shall provide to the State Mortuary and Cemetery Board a list of the requirements for laying out, opening up or using property in the county or city for cemetery or burial park purposes.

Finding: The amendment requires a conditional use permit for any cemetery. Conditional use permits require planning commission approval, thus meeting the requirement above.

B. ORS 197.665-197.667

197.665 Locations of residential homes

(1) Residential homes shall be a permitted use in:

(a) Any residential zone, including a residential zone which allows a single-family dwelling; and

(b) Any commercial zone which allows a single-family dwelling.

(2) A city or county may not impose any zoning requirement on the establishment and maintenance of a residential home in a zone described in subsection (1) of this section that is more restrictive than a zoning requirement imposed on a single-family dwelling in the same zone.

(3) A city or county may:

(a) Allow a residential home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;

(b) Impose zoning requirements on the establishment of a residential home in areas described in paragraph (a) of this subsection, provided that these requirements are no more restrictive than those imposed on other nonfarm single-family dwellings in the same zone; and

(c) Allow a division of land for a residential home in an exclusive farm use zone only as described in ORS 215.263 (9).

197.667 - Location of residential facility; application and supporting documentation

(1) A residential facility shall be a permitted use in any zone where multifamily residential uses are a permitted use.

(2) A residential facility shall be a conditional use in any zone where multifamily residential uses are a conditional use.

(3) A city or county may allow a residential facility in a residential zone other than those zones described in subsections (1) and (2) of this section, including a zone where a single-family dwelling is allowed.

(4) A city or county may require an applicant proposing to site a residential facility within its jurisdiction to supply the city or county with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.410 to 192.505. However, cities and counties shall not require independent proof of the same conditions that have been required by the Department of Human Services under ORS 418.205 to 418.327 for licensing of a residential facility.

Finding: The amendment allows residential care home in residential and commercial zones that allow a single family dwelling on the same terms. The amendment also allows residential care facilities as a permitted or conditional use where multi-family residential uses are a permitted or conditional use.

C. 657A.440 Application of zoning ordinances to registered or certified family child care homes.

(1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as

a registered or certified family child care home.

(2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

Finding: The amendment allows family child care homes in residential and commercial zones under the same terms as residential dwellings.

II. Applicable Federal Law

Religious Land Use and Institutionalized Persons Act (RLUIPA)

RLUIPA prohibits zoning and landmarking laws that:

(1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions;

(2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;

(3) totally exclude religious assemblies from a jurisdiction; or

(4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

Finding: The changes remove references from the development code that could be construed as not complying with RLUIPA. For example, religious institutions and places of worship are allowed in zones where similar non-religious assemblies are allowed and upon the same terms.

III. Statewide Planning Goals

Goal 2, Part I

****All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances***.*

Finding: The changes revise the zoning use tables to take into account changes in circumstances. Public review opportunities have been given through a public workshop, a survey, and public hearings.

IV. Newberg Comprehensive Plan

III. PLAN CLASSIFICATIONS

For the purpose of evaluating and eventually implementing the proposed Comprehensive Plan, descriptions of land use classifications are essential. Explanations of the map designations are as follows: {list of plan classifications}

Finding: The amendment makes certain changes that better match the list of permitted and conditional uses in each zone with the purpose of that plan classification and zoning district. For example, the amendment would no longer allow drag strips in residential zones. Retail food production would be allowed in commercial zones as long as it is in keeping with the commercial nature of that zone.

V. Conclusion: The proposed development code amendments meet the applicable requirements of state law, state rules, the Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.

Newberg Zoning Use Table Development Code Amendments

Summary of Proposed Changes February 21, 2013

An important part of any zoning ordinance is the list of uses that are allowed in a particular zone. Newberg has had a zoning ordinance since the 1950s. While that ordinance has evolved many times, the list of uses per zone retains many relics from the past (“reducing salons,” “blood banks”), while not addressing many more modern uses (“wineries,” “data centers”).

The Newberg Planning Commission is considering modernizing the zoning lists to do the following:

- Organize the uses into a single table that would tell exactly which zones particular uses are allowed in.
- Replace the long lists of individual allowed uses with more general categories. For example, the code currently lists 60 types of retail sales uses. These would be combined into just three categories: General Retail Sales, Bulk Outdoor Sales, and Convenience Retail Sales.
- Modernize outdated categories and definitions.
- Make several changes necessary because of new state or federal laws.

The intent is to modernize the code and make it clearer and easier to use. While it mostly would not change what is or isn’t allowed in particular zones, changing the format and verbiage will modify slightly what might be allowed or not. In addition, the Planning Commission is considering a few changes to meet changes in state or federal law, improve consistency and better meet the intent of each zoning district.

Below is a brief explanation of the different processes, zones, and specific changes being considered:

Procedure Types

Newberg has a zoning ordinance (The Newberg Development Code) that lists what uses are allowed or not allowed in each of those zones.

The zoning code lists uses as either not permitted, permitted use or a conditional use.

- If a use is **permitted**, then the person wanting to start that use still needs to apply for and receive appropriate permits, such as design review approval and building permits.
- If a use is a **conditional use**, then the person wanting to start that use must apply for a conditional use permit. The Newberg Planning Commission holds a public hearing, then decides whether or not to allow the use. If the Planning Commission approves, they can add special conditions to insure compatibility with the neighborhood, such as limiting hours of operation or requiring a landscape buffer.
- A **special use** is a permitted use, but one that has to meet specific standards.

Newberg Zones

Newberg has a zoning map that designates each area of the city as a particular zone. The zones are:

- Residential Zones

R-1 Low Density Residential District.

R-2 Medium Density Residential District

R-3 High Density Residential District

R-4 Manufactured Dwelling District

- Commercial Zones

C-1 Neighborhood Commercial District.

C-2 Community Commercial District.

C-3 Central Business District.

C-4 Riverfront Commercial District

- Industrial Zones

M-1 Limited Industrial District.

M-2 Light Industrial District.

M-3 Heavy Industrial District.

M-4 Large Lot Industrial District. The M-4 industrial employment district is divided into two subdistricts: the industrial employment subdistrict and the industrial commercial subdistrict.

- Special Purpose Zones

RP Residential-Professional District.

I Institutional District.

CF Community Facilities District.

AI Airport Industrial District.

AR Airport Residential District.

SD Springbrook District

Potential changes affecting specific types of uses.

Agricultural uses in M-2 and M-3 zones would be limited pre-existing uses. Permits for home livestock raising would be limited to R-1, R-2, and AR zones.

Biochemical and X-ray laboratories would only be allowed in R-P as “outpatient laboratories,” unless part of a medical office campus.

Churches in industrial zones would be allowed only in the M-2 zone and limited to those that easily could be converted to industrial uses.

Commercial Educational Services such as dance and music schools would be a conditional use in R-1, R-2, R-P, C-1, and AR.

Commercial Services. A broader range of commercial service uses would be a permitted use in C-1.

Conditional uses in any zoning district. The development code currently includes a list of conditional uses allowed in any zoning district. The proposal would limit these as follows:

Airports and landing fields would be conditional uses only in M-2, M-3, and permitted in AI.

Amusement parks, carnivals (over 2 weeks) would be permitted in C-2 and conditional in M-2.

Cemeteries would continue to be a conditional use in any zoning district. Burials would need to be within approved cemeteries.

Facilities for the care and/or lodging of alcoholics or mental hospitals would be classified as “residential care homes,” “residential care facilities,” “group care facilities,” “hospitals” or “dormitories” depending on the number of residents and licensing and nature of the use, and allowed in the zones that allow those uses.

Garbage dumps, sanitary landfills and solid waste collection facilities would be limited to M-3 and M-4 zones.

Pounds and kennels would be limited to conditional uses in C-2, C-3, M-1, and M-4, and permitted in M-2, M-3.

Prisons would be limited to conditional uses in M-zones.

Race tracks, including drag strips and go-cart tracks would no longer be permitted in residential zones, but only a conditional use in M-2.

Wastewater treatment plants would no longer be conditional uses in residential zones, commercial zones, M-1, CF, I, AR, and AI.

Day care. The proposal would permit day care facilities in the C-3 zone. The proposal also would allow family child care homes in conformance with ORS 657A.

Home occupations. The proposal would allow home occupations to be conducted within existing residences in non-residential zones.

Parking areas would be a conditional use in the R-P and C-1 zone.

Parks would become permitted uses in commercial zones.

Personal services such as beauty salons and tanning salons would be a permitted use in R-P zones.

Planned unit developments would no longer a conditional use permit in residential zones. They still would require Planning Commission review and approval.

Recreational uses. A broader range of recreational uses would be allowed in M-2 zone, but the uses would be limited to those that could easily be converted to industrial uses, such as not having fixed seating.

Repair garages serving trucks and large vehicles would become a conditional use in the C-2 zone rather than a permitted use.

Residential care facilities would be permitted uses in R-2 and R-3 to comply with ORS 197.665.

Retail sales. A broader range would be allowed in C-1 and C-4.

Small scale breweries, wineries, distilleries, and bakeries would be allowed in commercial areas with certain limits.

Storage uses. A wider variety of storage uses would be allowed in M-1, but would require a conditional use permit if outdoors.

Traded sector industry offices would be permitted in C-2, C-3, M-1, M-2, and M-4, and permitted in R-P and C-1 if 10,000 square feet or less.

Vacation rental homes would specifically be allowed, but would be subject to standards relating to registration, parking, trash collection, and maintenance.



PLANNING COMMISSION

MEMORANDUM

Date: March 8, 2012
To: Mayor Andrews, Newberg City Council
From: Newberg Planning Commission
Re: Proposed Update to Newberg Zoning Use Tables

Newberg's Development Code has slowly evolved over the past 50 years. The code is in need of maintenance and update in several areas. One area that we see need of update is in the zoning use tables. The zoning sections in the Newberg Development Code currently are formatted so that there is a section for each zone, and an alphabetical list of the uses allowed in that zone. The Code lists over 300 uses as either permitted or conditional uses in over 17 different zones. The format derives from the city's earliest zoning ordinances written in the 1950's.

The current code is not user friendly. It also in some areas is outdated or contains unintended discrepancies.

We would like to update these separate use lists into one comprehensive table. We have identified the following objectives:

1. Every use should have a definition.
2. Uses should not overlap.
3. Uses should be organized by category rather than by alphabet.
4. Similar uses should be combined, use names standardized, and the overall number of defined uses reduced
5. Definitions should be modernized.
6. The code should be updated to meet new state and federal laws.

We believe that by so doing we will make the code more user friendly, and more effective in achieving the city's comprehensive plan goals.

We would like to use the Oregon Small Cities Model Development Code as beginning template. This model code defines a limited number of general use categories, and then assigns those a permitted or conditional uses in each zone. We intend to customize this table to fit Newberg.

While the main goal is to reorganize the zoning use tables so they are more user friendly, we inevitably will find that some more substantial changes are needed. We will be reviewing what uses are and are not allowed in each zone, and trying to make sure those uses fit with the purpose of the

zone. Through the process, we may discover some uses that are not allowed in certain zones that should be, and perhaps some that are allowed that should not be. We would like to identify any such uses and bring them to light so the Council can make an informed decision on whether or not to make such changes.

We want to make this process very transparent so that the planning commission, city council, and the public can understand what changes are being made and why. We do intend on having public workshops, notices, newsletters, and hearings so the public is well informed of the process. We also want the City Council to be involved, and would like to schedule a work session with you as we get further into the project so that we can hear your ideas.

We intend to work on this project as time is available on our agendas. The time it takes to complete will depend on when other hearings or planning projects are on our plate. Thus, we do expect that this project will take a year or more to complete.

We appreciate the technical assistance we receive from staff in completing this and other projects. We are pleased to learn that we will have some assistance from a George Fox University student intern to help with the research for this project.

Please let us know if you have any direction, concern, or input on this project.

Sincerely,

Newberg Planning Commission

A handwritten signature in cursive script that reads "Tom Barnes".

Tom Barnes, Chair

Introduction

Newberg's Zones

Newberg's Zoning Ordinance

Uses in Residential Zones

1. Vacation Rental Homes: Should homeowners be allowed to rent out their homes to vacationers on a daily or weekly basis?	% of Respondents	Number of Respondents
Yes, they should be permitted.	27.27%	3
They should be allowed, but regulated. Regulations might address parking, garbage pickup, handling complaints, or other issues.	63.64%	7
They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.	9.09%	1
No, they should not be allowed.	0.00%	0
Number of respondents		11
Number of respondents who skipped this question		6

2. Art, Music, and Dance schools. Should commercial schools such as those that hold art, music, dance, or similar classes be allowed in residential zones?	% of Respondents	Number of Respondents
Yes they should be a permitted use.	36.36%	4
They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.	45.45%	5
No, they should not be allowed.	18.18%	2
Number of respondents		11
Number of respondents who skipped this question		6

3. Cemeteries: Should cemeteries be allowed in residential zones?	% of Respondents	Number of Respondents
Yes they should be a permitted use.	18.18%	2
They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.	36.36%	4
No, they should not be allowed.	36.36%	4
Other (Specify)	9.09%	1
Number of respondents		11
Number of respondents who skipped this question		6

Uses in Commercial Zones

Attachment "3"

4. Day Care: Should day care uses be allowed in the C-3 (downtown commercial) zone?

	% of Respondents	Number of Respondents
Yes they should be a permitted use.	63.64%	7
They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.	18.18%	2
No, they should not be allowed.	18.18%	2
Number of respondents		11
Number of respondents who skipped this question		6

5. Parks: Should parks be allowed in the C-3 (downtown commercial) zone?

	% of Respondents	Number of Respondents
Yes they should be a permitted use.	72.73%	8
They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.	18.18%	2
No, they should not be allowed.	9.09%	1
Number of respondents		11
Number of respondents who skipped this question		6

Uses in Industrial Zones

6. Recreational Uses: What recreational uses should be permitted in the M-2 industrial zone?

	% of Respondents	Number of Respondents
Indoor recreational uses that could easily be switched back to industrial uses, such as indoor tennis courts, gyms and workout rooms, and roller skating rinks.	52.94%	9
Indoor recreational uses that involve permanent improvements, such as movie theaters, swimming pools, and bowling alleys.	17.65%	3
Outdoor recreational uses such as amusement parks and miniature golf courses.	23.53%	4
None of the above.	5.88%	1
Number of respondents		10
Number of respondents who skipped this question		7

Uses in Residential-Professional Zones

7. Personal Services: Should personal service uses, such as beauty salons, nail salons, and tattoo studios, be permitted in Residential-Professional zones?

	% of Respondents	Number of Respondents
Yes they should be a permitted use.	80.00%	8
They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.	10.00%	1
No, they should not be allowed.	10.00%	1
Number of respondents		10
Number of respondents who skipped this question		7

Attachment "3"

8. Nursing Homes/Group Care Facilities: Should nursing homes and similar facilities that care for large groups of individuals be allowed in Residential-Professional areas?	% of Respondents	Number of Respondents
Yes they should be a permitted use.	50.00%	5
They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.	30.00%	3
No, they should not be allowed.	20.00%	2
Number of respondents		10
Number of respondents who skipped this question		7

Uses in the Institutional Zone

9. Private Clubs, Lodges, and Meeting Halls: Should private non-profit clubs, lodges, and meeting halls, such as a fraternal club, be allowed in Institutional zones?	% of Respondents	Number of Respondents
Yes they should be a permitted use.	55.56%	5
They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.	22.22%	2
No, they should not be allowed.	22.22%	2
Number of respondents		9
Number of respondents who skipped this question		8

Conditional Uses in any Zone

10. Prisons: Where should prisons be allowed? (Check all that apply)	% of Respondents	Number of Respondents
As a conditional use in residential zones	0.00%	0
As a conditional use in commercial zones	0.00%	0
As a conditional use in industrial zones	33.33%	3
As a permitted use in industrial zones.	0.00%	0
None of the above.	55.56%	5
Other (Specify)	11.11%	1
Number of respondents		8
Number of respondents who skipped this question		9

11. Motor Vehicle Racing: Where should motor vehicle racing uses, such as race tracks, drag strips, and go cart tracks, be allowed? (Check all that apply)

	% of Respondents	Number of Respondents
As a conditional use in residential zones	0.00%	0
As a conditional use in commercial zones	9.09%	1
As a conditional use in industrial zones	36.36%	4
As a permitted use in industrial zones.	18.18%	2
None of the above.	27.27%	3
Other (Specify)	9.09%	1
Number of respondents		8
Number of respondents who skipped this question		9

12. Amusement Parks: Where should amusement parks be allowed?

	% of Respondents	Number of Respondents
As a conditional use in residential zones	0.00%	0
As a conditional use in commercial zones	33.33%	4
As a conditional use in industrial zones	25.00%	3
As a permitted use in industrial zones.	25.00%	3
None of the above.	16.67%	2
Number of respondents		8
Number of respondents who skipped this question		9

About You

13. About you: Which statements describe you (check all the apply)?

	% of Respondents	Number of Respondents
I live in Newberg	21.43%	3
I work in Newberg	28.57%	4
I shop, go to school, or attend a church or club in Newberg	28.57%	4
I own residential property in Newberg.	14.29%	2
I own commercial or industrial property in Newberg.	0.00%	0
I develop residential property in Newberg.	0.00%	0
I develop commercial or industrial property in Newberg.	0.00%	0
None of the above	0.00%	0
Other (Specify)	7.14%	1
Number of respondents		7
Number of respondents who skipped this question		10

Attachment "3"

14. Do you have other comments or suggestions you would like to share?

More shopping options
More entertainment for kids and families.

Comments: 2

: 1

: 1

Number of Respondents 2

Number of respondents who skipped this question 15

15. Thank you! If you would like to keep updated on this project as it moves along, please share your contact information below:

Contact information: 1

Number of Respondents 1

Number of respondents who skipped this question 16

Zoning Use Table Survey from Planning Commission Workshop 1/10/2013

Uses in Residential Zones

#1 Vacation Rental Homes: Should homeowners be allowed to rent out their homes to vacationers on a daily or weekly basis?

	Yes, they should be permitted	Allowed but regulated	conditional use requires case by case review	No, should not be allowed				
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
Totals	1	3	0	1				

#2 Art, Music, and Dance schools. Should commercial schools such as those that hold art, music, dance, or similar classes be allowed in residential zones?

	Yes, they should be permitted	Conditional use requires case by case review at PC hearing	No, should not be allowed				
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Totals	1	3	1				

#3 Cemeteries: Should cemeteries be allowed in residential zones?

	Yes, they should be permitted	Conditional use requires case by case review at PC hearing	No, should not be allowed	Other			
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Totals	1	3	1				

#4 Day Care: Should day care uses be allowed in the C-3 (downtown commercial) zone?

	Yes, they should be permitted	Conditional use requires case by case review at PC hearing	No, should not be allowed				
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					

	<input checked="" type="checkbox"/>							
	<input checked="" type="checkbox"/>							
		<input checked="" type="checkbox"/>						
Totals		3	2	0				

#5 Parks: Should parks be allowed in the C-3 (downtown commercial) zone?

	Yes, they should be permitted	Conditional use requires case by case review at PC hearing	No, should not be allowed					
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
			<input checked="" type="checkbox"/>					
Totals	2	2	1					

Uses in Industrial Zones

#6 Recreational Uses: What recreational uses should be permitted in the M-2 industrial zone?

	Indoor easily switched back to industrial	Permanent indoor recreational uses	Outdoor recreational uses	None				
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
	<input checked="" type="checkbox"/>							
Totals	4	2	0	0				

Uses in Residential-Professional Zones

#7 Personal Services: Should personal service uses, such as beauty salons, nail salons, and tattoo studios, be permitted in residential-Professional zones?

	Yes, they should be permitted	Conditional use requires case by case review at PC hearing	No, should not be allowed					
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
Totals	3	2	0					

#8 Nursing Homes/ Group Care Facilities: should nursing homes and similar facilities that care for large groups of individuals be allowed in Residential-Professional areas?

	Yes, they should be permitted	Conditional use requires case by case review at PC hearing	No, should not be allowed					
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>						
Totals	2	3	0					

Uses in the Institutional Zone

#9 Private Clubs, Lodges, and Meeting Halls: Should private non-profit clubs, lodges, and meeting halls, such as a fraternal club, be allowed in Institutional zones?

	Yes, they should be permitted	Conditional use requires case by case review at PC hearing	No, should not be allowed					
	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
Totals	4	1	0					

Conditional Uses in any Zone

10. Prisons: Where should prisons be allowed?

	Conditional use residential zone	conditional use commercial zone	conditional use industrial zone	permitted use industrial zone	None	Other		
		<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Totals	0	2	4	1	1	0		

#11 Motor Vehicle Racing: Where should motor vehicle racing uses, such as race tracks, dag strips, and gocart tracks, be allowed?

	Conditional use residential zone	conditional use commercial zone	conditional use industrial zone	permitted use industrial zone	None	Other		
			<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>					
Totals			5					

#12 Amusement Parks: Where should amusement parks be allowed?

	Conditional use residential zone	conditional use commercial zone	conditional use industrial zone	permitted use industrial zone				
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Totals	0	2	5	1				

#13 About You: Which statements describe you?

	live in Newberg	work in Newberg	shop,school,c hurch or club in Newberg	own residential in Newberg	own commercial or industrial property in Newberg	develop residential property in Newberg	develop commercial or industrial property in Newberg	None	Other
	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>					
Totals	5	3	5	5	0	0	0	0	0

#14 Other comments or suggestions