

PLANNING COMMISSION AGENDA
October 10, 2013
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

- I. CALL MEETING TO ORDER**
- II. ROLL CALL**
- III. PUBLIC COMMENTS** (5 minute maximum per person)
 1. For items not listed on the agenda
- IV. CONSENT CALENDAR** (items are considered routine and are not discussed unless requested by the commissioners)
 1. Approval of September 12, 2013 Planning Commission Meeting Minutes
- V. LEGISLATIVE PUBLIC HEARING** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)
 1. **APPLICANT:** City of Newberg
REQUEST: Consider a Development Code amendment to allow large Original Art Murals
FILE NO.: DCA-13-002 **RESOLUTION NO.:** 2013-302
- VI. WORKSHOP:** Subdivision submittal requirements
- VII. ITEMS FROM STAFF**
 1. Update on Council items
 2. Other reports, letters, or correspondence
 3. Next Planning Commission Meeting: November 14, 2013
- VIII. ITEMS FROM COMMISSIONERS**
- IX. ADJOURN**

FOR QUESTIONS PLEASE STOP BY, OR CALL 503-537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TTY services please dial 711.

PLANNING COMMISSION MINUTES

September 12, 2013

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

I. CALL MEETING TO ORDER

Vice-Chair Art Smith called the meeting to order at 7:00 PM and welcomed Sulamita Barbiyeru as the new student planning commissioner.

II. ROLL CALL

Members Present: Art Smith, Vice Chair Jason Dale Allyn Edwards
 Matt Fortner Philip Smith
 Sulamita Barbiyeru, Student PC

Members Absent: Cathy Stuhr, Chair (excused) Gary Bliss (excused)

Staff Present: Barton Brierley, Planning & Building Director Terrance Mahr, City Attorney
 Steve Olson, Associate Planner Jessica Nunley, Associate Planner
 David Beam, Economic Development Coordinator/Planner
 DawnKaren Bevill, Minutes Recorder

III. PUBLIC COMMENTS

Vice-Chair Art Smith opened the public testimony.

Mr. Robert Soppe raised some issues regarding the Newberg-Dundee Bypass and accommodation of the phased approach to its construction. The Newberg Transportation System Plan (TSP) relies on the assumption that the full bypass will be constructed. With the current approach where the construction is accomplished in phases, he believes adjustments need to be made there and elsewhere. Mr. Soppe searched through what he found online regarding the details and timing of the Bypass construction after Phase 1 and was surprised to find virtually no mention of them. This leaves him with a major concern that the current focus of the full Bypass project may be on Phase 1 construction with little or no effort on the rest of the project that may result in some significant problems. In particular, he has great concerns about the route from Rex Hill to the 219 interchange. As he understands the situation, some of the property was restricted from development while other property was not. Mr. Soppe believes that the restriction on the one property has expired, leaving only the Development Code to limit its development. If substantial development occurs within the corridor, it will effectively block the completion of the Bypass.

Mr. Soppe asked, “Why now?” That is, what is the urgency? The downturn in the economy discouraged development on much of the buildable property in Newberg and elsewhere. As the economy improves, the incentive to develop will rise significantly. The area south of 99W east of 219 has been one of, if not the major growth area in the last 10 years or so. It would be fairly reasonable to expect that trend to continue. Another question is “Won’t Phase 1 be adequate?” To address this, he encouraged the planning commission to look carefully at the Final Environmental Impact Statement (FEIS) in particular pages 3-25 through 3-30. These contain the results of the ODOT modeling identifying the intersections that are expected to not meet standards in 2016 after Phase 1 is completed and also in 2035 if the rest of the Bypass is not constructed. For example, in

2016, there are numerous intersections that will not meet transportation standards even after ODOT makes additional improvements. Remember, this is not some distant time in the future; these failures are just three years away. The projections for 2035, if the Bypass is not completed beyond Phase 1, are dire, to say the least. Nearly all of the 14 intersections studied will not meet the standards. Worse yet, ODOT clearly states at the end of Page 3-27 that these issues cannot be appropriately mitigated. This clearly emphasizes the critical nature of the completion of the entire Bypass, not just Phase 1.

Mr. Soppe's second issue regards the changes to the TSP that are needed to reflect the timing of the Bypass construction. The present TSP includes the Bypass and very reasonably expects that it will handle a substantial amount of traffic. While Phase 1 should divert a significant volume of traffic west of Springbrook, it is likely to increase volumes south of 99W and east of Springbrook. The additional volume placed on Springbrook, even with the improvements to it, is very likely to divert traffic to the east. Does our present TSP allow for this additional burden or are there improvements that need to be planned? The TSP needs to anticipate when the eastern segments of the Bypass are constructed and needs to plan accordingly. The intersection failures noted in the FEIS provide just one answer. The other is that these projects are often funded by SDCs, which will not be collected if the projects are not in the TSP. We have already missed opportunities to collect these additional SDCs from development and will continue to miss the opportunities the longer we wait to update the TSP. He believes that SDCs, if properly applied, provide a very equitable way of ensuring that development pays its appropriate share of the burden that it places on our infrastructure. This only works if the appropriate projects are included in the TSP.

Mr. Soppe is aware that there is a revision to the TSP that is in progress. He noted on the DKS Associates web site that there should have been two ODOT community events so far this year but he is unable to find information about them. He has read the documents there but has not found anything that appears to directly address the issues that he has raised to the commission nor is there much about the progress that is being made on this update. He urged this commission to take these issues very seriously and to press for appropriate and timely updates to the TSP to accommodate them.

Vice-Chair Art Smith closed the public testimony.

IV. CONSENT CALENDAR

Approval of July 11, 2013, and August 8, 2013, Planning Commission Meeting Minutes.

Commissioner Matthew Fortner noted he was present at the August 8, 2013, planning commission meeting.

<p>MOTION: Jason Dale/Philip Smith to approve the Consent Calendar including the planning commission minutes for July 11, 2013, and August 8, 2013 as amended. Motion carried (5 Yes/0 No)</p>

V. QUASI-JUDICIAL PUBLIC HEARINGS

- | | | |
|-------------------|---|---------------------------|
| APPLICANT: | Del Boca Vista, LLC | |
| REQUEST: | Approval of a 44 lot subdivision preliminary plat, to be called Terra Estates | |
| LOCATION: | 3805 Terrace Drive | |
| TAX LOT: | 3207-00500 | |
| FILE NO.: | SUB2-12-003 | ORDER NO.: 2013-13 |
| CRITERIA: | 15.235.060(A) | |

Vice-Chair Art Smith opened the Quasi-Judicial Hearing at the point of staff recommendation and called for abstentions, bias, ex-parte contact, or objections to jurisdiction. Commissioner Edwards stated he drove past the property but had no conversations with neighbors.

Ms. Jessica Nunley, associate planner, addressed questions that were brought forward at the last meeting (see official meeting packet for full report). The subdivision meets the land use criteria and staff recommended approval as amended with four additional conditions.

Mr. Terry Mahr noted that there were concerns about the public notice sign posted on Petunia, and whether it was in place 10 days before the July hearing date. The remedy for this was to postpone the hearing. The hearing was postponed until August, and the applicant posted the sign on Petunia more than 10 days before the hearing. The notice sign therefore met the legal requirements at the time of the August hearing.

Commissioner Philip Smith explained that citizens asked why the city made the change in the density of the R-1 zone several years ago. He supported the change. A few years ago the Ad Hoc Committee on Newberg's Future was asked to plan for the future of the city. A survey showed that people did not want Newberg to be a bedroom community, making it possible for citizens of a wide range in incomes to work and live in Newberg. The mayor developed an affordable housing committee and the committee found that many people have misconceptions of what affordable housing is. Newberg needs a variety of housing for those with less than median income. There are also many good jobs in manufacturing in Newberg but a lack of industrial land. After exploration, the committee found that industrial land is needed in large amounts in order for citizens to work in Newberg. The committee then created a new large-lot industrial zone called M-4. In order to expand the urban growth boundary to add industrial land the city needs to show it is using land efficiently. The city ultimately decided to increase the density allowed in R-1 in order to use land more efficiently and to help make housing more affordable. He said that the city had a logical density policy in its comprehensive plan, but that the prior development code standards made it impossible to achieve that density policy. So the city had to change its development code standards.

Vice Chair Art Smith believes many of the traffic concerns and questions by the neighbors are worthy to be addressed by the Traffic Safety Commission. He addressed some public comments. The planning commission is made up of citizen volunteers involved in the commission because they care about the community. He is concerned about comments indicating phone calls and emails were made to the public works and/or planning department and nothing was done to resolve those requests. The public works director passed it on to the planning department and the questions were not resolved in the packet. Many of the concerns are appropriate and he believes it would have been prudent to phase the lot sizes to better match the neighbors. He planned to vote no for those reasons.

MOTION: Philip Smith/Jason Dale to adopt Planning Commission Order No. 2013-13, with the added four conditions. Motion carried (4 Yes/ 1 No [A. Smith]/ 2 Absent [Stuhr, Bliss])

VI. LEGISLATIVE PUBLIC HEARINGS

TIME – 8:05 PM

- APPLICANT:** Oregon Dept. of Transportation
REQUEST: Consider amending the Newberg Transportation System Plan to reflect the Phase 1 alignment of the Newberg Dundee Bypass Project.
FILE NO.: CPTA4-13-001 **RESOLUTION NO.:** 2013-301

Vice-Chair Art Smith called for abstentions, bias, ex-parte contact, or objections to jurisdiction. None were brought forward.

Ms. Jessica Nunley, Associate Planner, presented a short staff report and asked the commissioners to consider a name for the cul-de-sac (see official meeting packet for full report).

Vice-Chair Art Smith opened the public testimony.

Kelly Amador, ODOT and William Ciz, ODOT project manager with the Newberg-Dundee Bypass, presented the proposed Wilsonville Road realignment and an update on the status of the Newberg-Dundee Bypass Phase I accompanied by a PowerPoint presentation.

Commissioner Dale asked about a median at Second Street and voiced his concerns regarding the difficulty it will cause for citizens. Mr. Ciz replied the signal at Springbrook and Hwy 219 would stay in place with an additional turn lane. He will follow up with city staff to better understand the concern about the median.

Vice-Chair Art Smith closed public testimony at 8:23 PM

Mr. Barton Brierley, Planning & Building Director, stated staff is looking at the Second Street/Hwy 219 area very carefully and have asked a consultant to address that specific area. It is an incredibly unsafe intersection. A planning commission workshop will be held on November 14, 2013, to look at the TSP and address that area, as well. Staff recommends adopting Resolution No. 2013-301.

MOTION: P. Smith/J. Dale to adopt Planning Commission Resolution No. 2013-301 and name the cul-de-sac McKern Court to honor the historical area. Motion carried (5 Yes/ 0 No/ 2 Absent [Stuhr, Bliss])

2. **APPLICANT:** City of Newberg
REQUEST: Consider a proposal to establish a Historic Preservation Commission.
FILE NO.: DCA-13-001 **RESOLUTION NO.:** 2013-300

Vice-Chair Art Smith called for abstentions, bias, ex-parte contact, or objections to jurisdiction. None were brought forward.

Mr. David Beam, Economic Development Coordinator/Planner, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report) and recommended adoption of Resolution 2013-300.

Commissioner Fortner asked how this will be funded. Mr. Beam explained it will only cost some staff time, and will enable the city to get some grant funds from the state. The historic preservation commission will decide what to do with the grant funds. Commissioner Fortner raised concerns that the commission could exercise too much authority. He didn't want too many restrictions to be placed when people remodel older homes. Mr. Beam explained that new properties only can be added as landmarks with the property owners' consent.

Vice-Chair Art Smith opened and closed public testimony at 8:46 PM as no one chose to testify.

MOTION: J. Dale/P. Smith to adopt Planning Commission Resolution No. 2013-300. Motion carried (4 Yes/ 0 No/2 Absent [Stuhr, Bliss]/ 1 Abstain [Fortner])

VI. ITEMS FROM STAFF

TIME - 8:53 PM

1. Update on Council items

Mr. Brierley reported the zoning use table hearing was continued to the Sept. 16, 2013, city council meeting, second reading. They will also be looking at appointing an ad-hoc committee on temporary signs.

2. Other reports, letters, or correspondence

Mr. Brierley announced planning commissioner training will take place at the Oxford Suites in Salem, Oregon on 9/26. The city will cover the cost of tuition for those commissioners interested. Chair Cathy Stuhr will be attending.

3. The next planning commission meeting is scheduled for Thursday, October 10, 2013.

VIII. ITEMS FROM COMMISSIONERS

Vice Chair Art Smith suggested if feasible, to do something different in the future regarding residents and infill projects to make it easier for citizens who have lived in the neighborhoods for long periods of time and who moved in when codes were different.

IX. ADJOURN

Vice Chair Smith adjourned the meeting at 9:04 PM.

Approved by the Planning Commission on this 10th day of October, 2013.

AYES:

NO:

ABSENT:

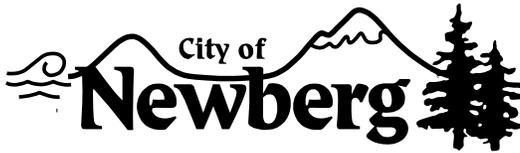
ABSTAIN:

Planning Recording Secretary

Planning Commission Chair

OUTLINE FOR LEGISLATIVE PUBLIC HEARING
Newberg Planning Commission

- 1. CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS AND OBJECTIONS TO JURISDICTION**
- 3. STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 4. PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S) (IF ANY)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. APPLICANT (IF ANY) REBUTTAL
- 5. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 6. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 7. PLANNING COMMISSION DELIBERATION**
- 8. ACTION BY THE PLANNING COMMISSION**
 - A. RESOLUTION – Usually requires passage of resolution.
 - B. VOTE – Vote is done by roll call.
 - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.



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 ORIGINAL ART MURALS DEVELOPMENT CODE AMENDMENT

HEARING DATE: October 10, 2013

FILE NO: DCA-13-002

APPLICANT: Initiated by Newberg City Council on August 5, 2013

REQUEST: Amend the Newberg Development Code to permit original art murals that are larger than the limits for other signs as long as they meet a set of content-neutral objective standards.

ATTACHMENTS:

Resolution 2013-302 with

Exhibit "A": Proposed Development Code Text Amendment

Exhibit "B": Findings

1. Examples of Murals
2. Public Comments/Correspondence Received
3. City of Portland Ordinance 182962

-
- A. SUMMARY:** The proposed Development Code amendments do the following:
Adds a definition for "original art murals", and allows these murals to be larger than the size limits for other types of signs as long as the murals meet a set of content-neutral objective standards.
- B. BACKGROUND:** On August 5, 2013 the City Council received a request from Climax Machine Tools and George Fox University that the city consider allowing large murals. Murals are a type of sign; they are allowed under the city's current sign code but are subject to the same size limits as other signs. The City Council asked the Planning division to consider ways to allow murals in the city that are larger than the limits in the sign code.
- 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. 8/5/13: The Newberg City Council initiated the Development Code amendment.
2. 9/20/13: Planning staff emailed notice to a list of potentially interested parties, and placed notice on Newberg's website.
3. 9/25/13: The *Newberg Graphic* published notice of the Planning Commission hearing, and Planning staff posted notice in four public places.
4. 10/10/13: The Planning Commission will hold a legislative hearing to consider the application.

D. PUBLIC COMMENTS: As of the writing of this report, the city has received three written comments on the application. These comments are included in Attachment 2. If the city receives additional written comments by the comment deadline, planning staff will forward them to the commissioners

The comments included questions about:

- The 30 foot height limit (could it be raised to 45 or 50 feet?).
- The five-year period for no modifications (seems like a long timeline).
- How the neighborhood involvement process would work in practice.

E. ANALYSIS:

1. A mural is a type of sign. The Oregon constitution requires that sign codes be content neutral, which makes it very difficult to legally distinguish between a mural and a billboard. For example, a mural of an old-fashioned car is very similar to a billboard advertising the latest model of the car. The main difference between the mural and the billboard is the content, since one is public art and one is a commercial advertisement. Communities are therefore faced with an "all or nothing" choice; if they allow large murals then they must also allow equally large commercial signs.
2. Many cities have size limits on signs, which essentially prohibit new murals. The City of Portland prohibited murals for years due to lawsuits from billboard companies (see Attachment 3 for a summary of the legal history). Portland has found a creative middle ground, however. Their ordinance allows large "original art murals" but only if they are hand painted, undergo a community review, and are left in place for five years. This allows large original art murals, but effectively limits typical commercial billboard advertisements. It doesn't prohibit commercial advertising on the mural, but it at least requires an attempt to be original, creative and artistic in the mural design. Newberg's Planning staff has drafted a development code amendment for original art murals based largely on Portland's mural code.
3. One key provision of the code is that the original art mural has to be hand-painted. While this doesn't prohibit commercial murals, it requires more effort than installing a digitally-printed vinyl billboard.

4. Another key provision is that the mural can't be frequently changed. Commercial advertisements are typically changed every few months, although they can lease space for longer periods of time. The draft code requires the mural to be kept unchanged for five years. The building owner could remove the mural at any time, but would not be able to put up a new mural until the five-year period of the permit ran out. This is an important way to encourage artistic murals beyond typical commercial advertising. The period does not necessarily need to be five years; it may be that a shorter time frame of two or three years would be equally effective. Portland's five-year requirement seemed effective, so we copied it.
5. There is no overall size limit on murals in the proposed code, but the original draft of the mural code contained a 30 foot height limit to keep murals pedestrian-focused. Two of the public comments requested that this limit be raised, and noted that there are examples of good tall murals. Newberg does not have many tall buildings, in any case, so the height limit was unlikely to have a significant impact. Staff decided to remove the height limit from the final draft of the code.
6. Neighborhood meeting requirement/community arts review: There are requirements in the proposed code to notify neighbors, hold a meeting and take public comments on the proposed mural. There is also a requirement to send the proposed mural design to a community arts group for comments. These are process requirements, and cannot require an applicant to change the content of their proposed mural. It is important to remember that the city cannot regulate the content of a mural, so if an applicant proposes a mural that many find offensive but otherwise meets the code requirements then the city will have no choice but to approve the mural permit. The hope is that the neighborhood meeting requirement and community arts review may provide some constructive feedback to the applicant and encourage good mural designs.
7. Many of Newberg's historic commercial and institutional buildings are in the C-3 downtown zone and the Civic Corridor overlay. The historic facades of these buildings contribute strongly to the character of downtown, so in this area murals are permitted only on non street-facing walls and street-facing walls that are more than 20 feet from a street lot line. Alleys are not considered streets for the purposes of this code section. This would allow the existing murals on the side of Domino's Pizza and in the alley off College (on the Blue Trout Gallery, next to Coffee Cat).
8. Portland also has another mural program which provides grants to mural artists through a regional arts organization in exchange for an easement over the mural area. We did not pursue this approach because we did not believe the City of Newberg wished to sponsor the cost of murals.

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 2013-302, which recommends that the City Council adopt the requested amendments.



PLANNING COMMISSION RESOLUTION 2013-302

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE
NEWBERG DEVELOPMENT CODE REGARDING ORIGINAL ART MURALS.**

RECITALS

1. The Newberg City Council initiated a potential amendment to Newberg's Development Code on August 5, 2013.
2. After proper notice, the Newberg Planning Commission held a hearing on October 10, 2013 to consider the amendment. The Commission considered testimony and deliberated.

The Newberg Planning Commission resolves as follows:

1. The Commission finds that the original art mural program would be in the best interests of the city and 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 10th day of October, 2013.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

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

**Exhibit “A” to Planning Commission Resolution 2013-302
Development Code Amendments –File DCA-13-002
Original Art Murals**

Section 1. The Newberg Development Code shall be amended by adding a new code section as follows:

15.435.130 Original Art Murals

A. Purpose. The purpose of this section and the policy of the City of Newberg is to permit and encourage original art murals on a content-neutral basis on certain terms and conditions. Original art murals comprise a unique medium of expression which serves the public interest. Original art murals have purposes distinct from other types of signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.

B. Allowed and Prohibited Original Art Murals

1. Allowed Original Art Murals.

Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

a. The mural shall remain in place, without alterations, for a period of five years, except in limited circumstances to be specified in this code. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of five years without alteration. The applicant can remove the mural at any time, but may be prevented by the terms of this code from replacing the mural until the five-year period after the date of the mural permit approval is completed.

b. The mural shall not extend more than 6 inches from the plane of the wall upon which it is tiled or painted or to which it is affixed. Murals with projecting features may also require a building permit and structural review; murals which consist only of paint on a wall will not require a building permit.

- c. Location of mural on the building:
 - 1. In the C-3 Central Business District zone and Civic Corridor overlay zone murals are permitted only on non street-facing walls and street-facing walls that are more than 20 feet from a street lot line. Alleys are not considered streets for the purposes of this code section.
 - 2. If the site abuts the Newberg-Dundee bypass then murals are permitted only on walls that do not face the bypass.
 - 3. In all other areas murals are permitted on any wall of a building.

- d. Qualifying wall surfaces for murals:
 - 1. Murals are permitted only on the flat planes of walls.
 - 2. Murals are permitted only on walls that have not had a specific material, color or texture reviewed and approved through Design Review, unless a new design review has allowed the mural to change the originally approved color, texture or material.
 - 3. Mural areas will not be painted on or obscure architectural features such as windows, doors, pilasters, cornices or other building recessed or projecting features.
 - 4. The building on which the mural will be painted must have either a certificate of occupancy or be legally occupied, and the floor area of the building must exceed the square footage of the mural.

- e. Number of mural permits per building wall: Only one mural permit may be obtained per wall.

- f. Original Art Murals are allowed in commercial, industrial and institutional zones. In residential zones original art murals are allowed only on assembly and school uses.

- g. Landscaping: Site landscaping is maintained and is up to code. If the site is nonconforming and cannot be brought up to code then efforts have been made to bring the site as close to code as practical.

2. Prohibited Murals.

The following are prohibited:

- a. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.

- b. Murals which would result in a property becoming out of compliance

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

Z:\WP5FILES\FILES.DCA\DCA-13-002 Murals\DCA-13-002 Murals PC staff report.doc

with the provisions of the development code, or land use conditions of approval for the development on which the mural is to be located.

C. Relationship of Permitted Original Art Mural to other Regulations.

The exemption from other sign code restrictions applies only to Original Art Murals for which a permit has been obtained under this section and any adopted administrative processes. Issuance of an Original Art Mural Permit does not exempt the permittee from complying with any other applicable requirements of the Newberg Municipal Code, including but not limited to Titles 14 and 15.

D. Exceptions to this Section

Variations or adjustments to the regulations of this section are prohibited.

E. Alterations to or Removal of a Permitted Mural

1. Permitted murals may only be altered within the first five years of the date of completion under the following circumstances:

a. The building on which the mural is located has an ownership change; or

b. The building or property is substantially remodeled, altered, or damaged in a way that precludes continuance of the mural.

(1). Alterations are allowed per above but must be approved by obtaining a new permit.

(2). Alterations for reasons other than the circumstances described above are not permitted and are considered a violation of the mural permit approval. The mural would be required to be removed and this would preclude approval of a new mural permit at the site for a five-year period after the date of the original mural permit completion.

2. Permitted murals may be removed at any time. Removal of the permitted mural for reasons other than the circumstances described above in 15.435.130.E.1, however, precludes approval of a new mural permit at the site for a five-year period after the date of the original mural permit completion.

3. Permitted murals may be altered after the first five years of the date of completion through approval of a new mural permit.

4. Permitted murals may be removed for any reason after the first five years of the date of completion. Replacing the mural would require a new mural permit.

F. Establishment of a Neighborhood Involvement Process and Community Arts Review for Permits.

1. Purpose. The purpose of the neighborhood involvement process and community arts review is to encourage community discussion and participation in the creation of original works of art that will be highly visible in the community. It is intended to enhance the final art product by providing information on the physical, social, and historical context within which the mural will be placed, and to provide creative suggestions on how the mural can contribute to the overall beauty and attractiveness of the community.

2. Neighborhood Involvement Process. The applicant for an Original Art Mural permit is required to provide notice of and to hold a neighborhood meeting on the mural proposal at which interested members of the public may review and comment upon the proposed mural. A notice sign must be posted at the site of the proposed mural at least 14 days before the neighborhood meeting. A notice of the meeting must be mailed to all property owners within 500 feet of the site at least 14 days before the neighborhood meeting, in the same manner as a Type II process. After the meeting, the applicant shall submit a letter to the city summarizing the public comments and stating how they have addressed the recommendations from the public.

3. Community Arts Organization Review. The Director shall establish a community arts review process requiring an applicant for an Original Arts Mural permit to submit the application to a designated community arts organization for review. The community arts organization shall be designated by the Director, and shall be: 1) a non-profit; 2) not associated with the mural artist, property owner or tenant; and 3) must have at least three members. The community arts organization shall review the application, consider the artistic merit of the proposed mural, and provide a formal written recommendation to the applicant and the Director regarding the proposed mural within 14 days of receiving the application. The applicant shall submit a letter to the city stating how they have addressed the recommendations from the community arts organization.

4. No Original Art Mural permit shall be issued until the applicant certifies that he or she has completed the required Neighborhood Involvement Process and Community Arts Organization review. The applicant should carefully consider the recommendations from the public and the community arts organization, but they are not obligated to change the design based on these recommendations. This is a process requirement only and in no event will an Original Art Mural permit be granted or denied based upon the content of the mural.

G. Administrative process. The Director is authorized to create an application form and other administrative procedures necessary to administer this code section. A permit fee will be set by Council resolution.

H. Violations and Enforcement

1. Violations. It is unlawful to violate any provision of this section, any administrative rules adopted by the Director pursuant to this section, or any representations made or conditions or criteria agreed to in an Original Art Mural permit application. This applies to any applicant for an Original Art Mural permit, to the proprietor of a use or development on which a permitted Original Art Mural is located, or to the owner of the land on which the permitted Original Art Mural is located. For the ease of reference in this section, all of these persons are referred to by the term "operator."

2. Notice of Violations. The Director must give written notice of any violation to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

3. Penalty. Violation of any provision of this code is a city Class 2 civil infraction and shall be processed in accordance with the uniform civil infraction procedure ordinance, Chapter 2.30 NMC. Each day of a continuing violation constitutes a separate violation.

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

Mural-related definitions include:

"Alteration" means any change to the Permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. "Alteration" does not include naturally occurring changes to the Permitted Original Art Mural caused by exposure to the elements or the passage of time. Minor changes to the Permitted Original Art Mural which result from the maintenance or repair of the Permitted Original Art Mural shall not constitute "alteration" of the Permitted Original Art Mural. This can include slight and unintended deviations from the original image, colors or materials that occur when the Permitted Original Art Mural is repaired due to the passage of time, an accident, or as a result of vandalism such as graffiti.

"Changing Image Mural" means a mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

"Compensation" means the exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or

"Working Together For A Better Community-Serious About Service"
Z:\WP5FILES\FILES.DCA\DCA-13-002 Murals\DCA-13-002 Murals PC staff report.doc

services, promise of future payment, or forbearance of debt. "Compensation" does not include:

1. goodwill; or
2. an exchange of value that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and the building owner or leaseholder fully controls the content of the mural.

"Original Art Mural" means a hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building. Original Art Mural does not include:

1. mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl;
2. murals containing electrical or mechanical components; or
3. changing image murals.

"Permitted Original Art Mural" means an Original Art Mural for which a permit has been issued by the City of Newberg.

Exhibit “B” to Planning Commission Resolution 2013-302
Findings –File DCA-13-002
Original Art Murals

I. Statewide Planning Goals - relevant goals

Goal 1, Citizen Involvement, requires the provision of opportunities for citizens to be involved in all phases of the planning process.

Finding: The City Council initiated the potential development code amendment at a public meeting on August 5, 2013. Interested parties were sent draft versions of the code amendment and were invited to comment on the code and testify at the public meetings. The Planning Commission, after proper notice, held a public hearing on October 10, 2013 to consider public testimony and the proposed code amendment. The City Council will consider the recommendation of the Planning Commission at a future public hearing date, and decide whether or not to adopt the development code amendment. Finally, the code amendment includes a neighborhood involvement process for all proposed murals.

Goal 2, Land Use Planning, requires the development of a process and policy framework that acts as a basis for all land use decisions.

Finding: The Original Art Murals proposal is supportive of this goal because it was developed following city procedures for legislative action.

II. Newberg Comprehensive Plan - relevant policies

Policy G.3. Historic Resources Policies

a. The continued preservation of Newberg's designated historic sites and structures shall be encouraged.

Policy J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

1. g. Community appearance should continue to be a major concern and subject of a major effort in the area. Street tree planting, landscaping, sign regulations and building improvements contribute to community appearance and should continue to be a major design concern and improvement effort.

Finding: The original art mural program will provide an opportunity for public art that can add to the visual character of the city and strengthen community identity. It will protect the many historic building facades in the downtown area by limiting murals to non street-facing walls or walls that are set back at least 20 feet from the street in the C-3 zone and Civic Corridor zoning overlay. Historic residential houses are also protected, as murals will not be permitted on residential houses.

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

ATTACHMENT 1: EXAMPLES OF MURALS

Historic scenes and events



Political messages



Humorous, possibly historical



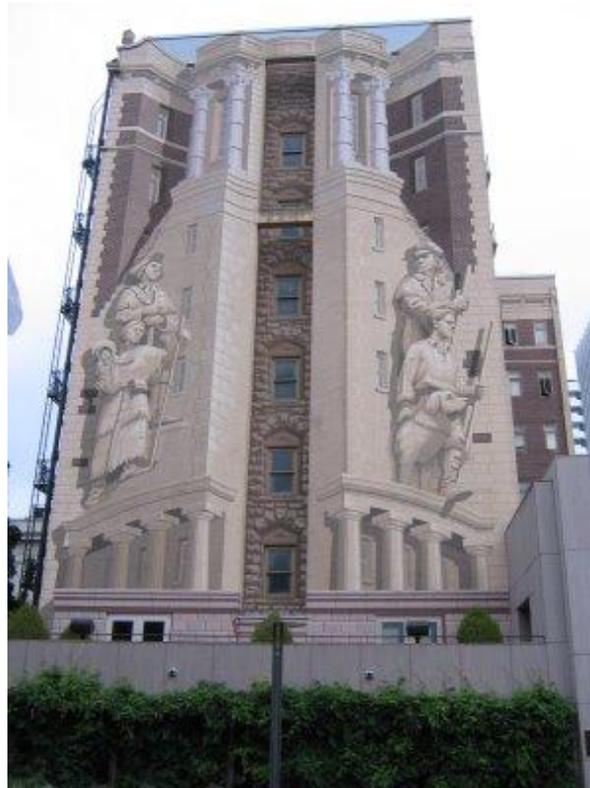
Decorative



Decorative



Decorative



Old advertising



Restored old advertising, or perhaps just decorative



New commercial advertising (with a sense of humor, at least)



Decorative mural on a street-facing facade



ATTACHMENT 2: PUBLIC COMMENTS

From: Geoff Gilmore [ggilmore@CPMT.com]
Sent: Friday, September 20, 2013 5:00 PM
To: Steve Olson
Cc: fgregory@georgefox.edu
Subject: FW: Draft mural code - updated version

Importance: High

Steve,

Here are Joni's observations/thoughts. We may have some more thoughts for you to consider next week before 9/27.

Thanks for working with us for a better Newberg community!

Geoff

From: Joni George
Sent: Friday, September 20, 2013 3:18 PM
To: Geoff Gilmore; Joe Whitton
Subject: RE: Draft mural code - updated version

Hi,

The purpose of our mural is to provide a picture of the Climax vision of being the Steward's of Our World's Industries.

What will people learn from the mural? What we do, our roll in industry.

What is innovative about the mural? It provides a quick look into our company at a quick glance, we hope it will attract people to go to our website to learn more and even apply for a job.

Is it bold? Yes and our boldness is creating a change to the city codes through a co-creative process.

Does it show we care? Yes, especially if we share the story of the partnership with GFU. And, we have to follow the attached rules to incorporate the opinions of our community.

Is it extraordinary? I think it can be even more extraordinary if we get our neighbors to tell the story. I believe the best way to do that is to invite them in and talk to them vs. writing the letter. The required letter may be the sticking point. If a group of people get the letter they have time to talk as a group about all the reasons for not doing this, rather than us holding a nice community meeting with them. In the meeting we can tell our story of being part of the community and how we want others to know about our community. It will create two-way conversations/dialogue vs. an impersonal letter.

To put timelines of 5 years on something in today's world seems long. And if the timeline causes to manage by exception it seems like more work than necessary.

We might want to add something in the prohibitions the art cannot contain profanities, derogatory pictures, etc. (this will most likely be the toughest thing to manage based on how different people see things).

What happens if nobody attends the neighborhood review of the proposal?

I wonder who/how the city staff are going to manage these timelines? My guess is there may not be many people doing this (asking for a mural permit) and therefore they are not worried about it.

What would stop the progress of the mural? Can one neighbor protest and stop the progress?

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

Z:\WPSFILES\FILES.DCA\DCA-13-002 Murals\Attachment 2 - Public comments.doc

We are required to send the letters to people within 500 feet. Can we do something more personal than the letter as I've noted above? Are we also required to log who we send them to and show proof of the mailing or are they just going to take our word for it?

Thanks!
Joni

From: Geoff Gilmore [ggilmore@CPMT.com]
Sent: Monday, September 23, 2013 2:05 PM
To: Steve Olson
Cc: jgeorge@cpmt.com; president@georgefox.edu; Fred Gregory
Subject: Re: Draft mural code - updated version

Steve,

In addition to our earlier comments we have to more:

1. Why the 5 year period?
2. Why the maximum height of 30ft.? Our newer part of our building is around 40ft. Could we adjust to 45ft. or 50ft.?

Thanks,

Geoff

From: Fred Gregory [fgregory@georgefox.edu]
Sent: Tuesday, October 01, 2013 3:58 PM
To: Steve Olson; Geoff Gilmore; Joni George; President Robin Baker
Cc: rfelton@georgefox.edu
Subject: RE: Draft mural code - updated version
Attachments: Robin Baker SignCodeLetter9 13.docx

Steve,

Here is a letter for your consideration from Robin Baker regarding George Fox University's response to the new mural code. We look forward to discussing this new code with you, and/or at the 10/10 hearing.

As you are aware, the University has a very high standard for the aesthetic appearance of our campus, while projecting a strong image to our community and visitors who are coming on campus. We want to be able to continue the successful track record that we have been on for the last few years that has produced record numbers of students for our University and who bring many benefits, including economic, to our city.

Best regards,

Fred Gregory

Office of the President
George Fox University
503-554-2103

October 1, 2013

To: Newberg Planning Commission,

I want to express my appreciation to the city planning staff for their work with adapting the sign code to allow murals in Newberg. I support the proposed changes, with the exception of the 30-foot maximum height. Since this change was initiated because of a 40-foot wall at Climax, I see no reason to limit our mural sizes to 30 feet. The Hotel Josephine in Grants Pass, Oregon has an excellent example of a tasteful mural that is much higher than 30 feet.

As we have discussed the sign code at George Fox, we foresee some additional challenges the sign code will pose for our future development of our campus. With the construction of a football/track stadium on campus, we would like to use banners and large vinyl images on our stadium and on our campus to enhance the collegiate sports experience. You can see similar examples at most college athletic facilities. I hope you will consider this request in light of the economic impact that college football and other George Fox athletic events have on the city, both as a draw to prospective students and spectators.

To allow us to achieve a high-quality spectator experience, we propose the city add a university exception into the code. This would allow George Fox (and possibly PCC) to use banners and vinyl images on our campus to promote our schools.

Thank you for your consideration,

Robin Baker, President

ORDINANCE No. 182962

Establish a new Original Art Mural regulatory and permitting program (Ordinance; create new Title 4, amend Titles 3, 32 and 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The City has long recognized that murals accessible to the public can provide significant benefits to the community, including enhancing the aesthetic environment, providing an avenue to involve community members in the creation of art, increasing the opportunities for artistic expression by persons of different ages and diverse ethnic, social and cultural backgrounds, discouraging the placement of graffiti on buildings and structures and reducing crime.
2. In order to encourage these benefits, the City in 1986 exempted “painted wall decorations” (murals) from its sign regulations.
3. In 1991, in order to provide a bright-line distinction between what was an exempt mural and what was a regulated sign, the City amended its sign regulations and defined a sign (in part) as something containing “text, numbers, registered trademarks and registered logos” and a painted wall decoration (in part) as something not containing “text, numbers, registered trademarks and registered logos.” The purpose of this language was to avoid the need for the City to make potentially subjective, case-by-case determinations of whether something was a decoration or a sign and to provide a clear objective and test as to what was an exempt decoration or mural.
4. In 1998, a lawsuit was brought in Multnomah County Circuit Court, which alleged that the distinction between a mural (painted wall decoration) and a sign based upon the presence of absence of text, numbers, registered logos or registered trademarks was an unconstitutional, content-based regulation of speech. On November 17, 1998, the court issued a ruling invalidating the definitions of sign and painted wall decoration to the extent they were based on this distinction, on the ground that the distinction was impermissibly content-based.
5. In order to bring its sign code into conformance with the court’s ruling, the City had to either remove the exemption for murals, or forgo all regulation of wall signs. Faced with this choice, on November 18, 1998, the City amended its Sign Code to remove the exemption for painted wall decorations (murals). Between 1998 and 2005, all exterior murals in the City were regulated as signs.
6. Under the City’s sign regulations, the largest allowable sign (absent an adjustment) is 200 square feet. These regulations apply to murals.
7. Murals are frequently well over 200 square feet in size. The larger size of many murals is an integral part of the medium. Artists, community groups and building owners, as well as many citizens at large, expressed dissatisfaction with the 200 square foot limitation, which has brought the creation of new mural art in Portland to a virtual standstill.

8. The City recognized the devastating consequences of the lack of any avenue for the creation of new mural art within the City. The City also continued to believe that murals have extensive benefits for the communities in which they are located. The City therefore decided in 2003 to explore avenues to fund and sponsor murals within the City to be located on public property and added to the City's existing public art collection, which is administered by The Regional Arts and Culture Council (RACC).
9. During the period from the fall 2003 to the fall 2004, Mayor Vera Katz convened a group of stakeholders that included mural artists, community activists, representatives from RACC, members of the City Club and city staff. This group also met with neighborhood groups, business representatives, land use organizations and several local sign companies. Input from these meetings helped staff to create the Public Art Mural program.
10. The Public Art Mural program provided a vehicle for the City to sponsor public art murals and add murals to its public art collection, as a component of the City's existing public art program. A review process was created, whereby artists could submit proposals to RACC for a public art mural to be owned by the City on behalf of the public and placed on property dedicated to the City through an easement for display of the public art.
11. The Public Art Mural program was adopted into City Code and became effective in January, 2005.
12. Since its adoption, 25 murals have been approved by RACC and have been added to the City's public art collection.
13. Murals created through the Public Art Mural program have further demonstrated the benefits of murals to the citizens of Portland. These murals have added to the aesthetic quality of the City, have enjoyed wide citizen support, have allowed some opportunity for mural artists to again work in the City and have provided opportunities for community building and collaboration in the creation of works of art. However, the Public Art Mural program is limited in scope to publicly supported murals located on public property and selected by RACC for the City's public art collection based on artistic merit. The Public Art Mural program does not address the desire of private individuals to create privately funded murals on private property. The program's scope is limited to publicly owned and publicly funded murals. The Public Art Mural program is intended to help fund and select mural art to be added to the City's public art collection and is not designed to permit murals generally. Public Art Murals are necessarily held to a higher artistic standard than may be achieved with private, community based murals.
14. The lawsuit between the City and AK Media (now Clear Channel) which resulted in the elimination of the murals exemption in 1998 remains ongoing. In 2007, a second trial was held in that case. The court permitted Joe Cotter, a Portland mural artist, to intervene in that trial to represent the interest of mural artists in the legal issues surrounding murals in the City. Mr. Cotter presented evidence demonstrating the devastating impact the elimination of the murals exemption from the sign code has had on mural art in the City.

15. In addition to the evidence presented by Mr. Cotter at trial, the City also developed extensive evidence in the course of developing the Public Art Mural program and in preparing for the 2007 trial regarding the benefits of murals and the impact of the legally required elimination of the murals exemption. The City conducted extensive research and hired expert consultants with knowledge of and experience with various mural programs across the country, including those in San Francisco and Philadelphia (among others). An examination of these programs nationally provided further evidence to the City of the many and varied benefits the presence of community murals provide to the cities in which they are located. Such benefits include not only aesthetic values, but community building, crime and graffiti reduction, arts education and a basis for increased tourism.
16. Based upon the evidence presented at the 2007 trial, and gathered by the City in preparing for the trial and in adopting the Public Art Mural program, as well as its prior experience with the benefits of murals in the City and its continuing interest in allowing and fostering such mural art within the City, the City requested that the court reconsider some restrictive language in its original decision, to afford the City the opportunity to explore regulating murals differently than signs based on criteria other than content.
17. Accepting the invitation of Mr. Cotter and the City, the court noted in its May 8, 2007 written decision that the court was aware of no prohibition against preferring one activity or expression over another outside the context of content-based regulation of speech, and that nothing prevents the City from attempting “to free wall murals from sign regulations in ways that do not depend on the content of the message displayed.” The court also noted that Mr. Cotter’s evidence “demonstrated a number of ways in which the channel of communication that is characterized by mural art is vastly distinct from the channel of communication that is characterized by standardized billboard posters and bulletins. There are substantial differences in the manner of production and distribution, the expected duration and permanency, and, at least potentially, in the relationship between the owner of the surface and the person and entity who apply media to that surface.” While the court noted that “[t]here may be challenges in avoiding content-based regulations with respect to wall murals whose proponents wish to employ them for commercial purposes” the Court also found that “nothing in this court’s Opinions say that the City cannot attempt to free wall murals from sign regulations in ways that do not depend on the content of the message displayed.”
18. The court also noted that “the intervener has made a strong case that murals have been effectively banned already” with the at least implicit suggestion that the City’s application of sign regulations to mural art may be an overly restrictive regulation of speech of a particular type – namely mural art. The court also observed, however, that the Public Art Mural Program was not at issue in the lawsuit, so evidence of its ameliorating effect in providing an avenue for the creation of some murals was not before the court.
19. In early 2008, in accordance with its long-standing desire to allow and encourage murals and in accordance with the court’s suggestion that the regulation of murals as signs acted as an effective ban on murals (at least other than Public Art Murals) City Council directed creation of a Murals Working Group to address the recent court opinion and explore a new mechanism to allow murals.

20. The Murals Working Group consisted of members of the murals community as well as representatives from the city's Bureaus of Development Services and Planning, the City Attorney's office, the Mayor's and Commissioner's offices and RACC. The focus of the Murals Working Group was to develop a method to allow murals within the City under a permitting process distinct from that applicable to signs. It was recognized that to be legally permissible, such a permitting process could not be based on content.
21. During 2008, city staff, in conjunction with the Murals Working Group, drafted a proposal for the City to allow murals through a permitting procedure. The permitting process was designed to employ criteria for murals that did not depend upon the content of the message displayed. Mindful of the challenges noted by the court in "avoiding content-based regulations with respect to wall murals whose proponents wish to employ them for commercial purposes" the proposal did not distinguish between murals based upon whether their purpose or content was commercial or non-commercial (or based upon their content in any other respect).
22. On December 18, 2008, the Bureau of Planning, in conjunction with the Mayor's office held a Town Hall meeting to present the initial ideas for the mural permit program. After the presentation, staff engaged in a discussion session with the people in attendance.
23. During early 2009, staff with the Bureau of Planning & Sustainability briefed the Design Commission, Historic Landmarks Commission and the Planning Commission on the draft program at various stages of development.
24. The Original Art Mural Project, as the process came to be known has developed into a simple permitting program where a mural meeting the definition of an "Original Art Mural" can obtain a mural permit if it meets a set of standards and procedures.
25. An Original Art Mural is specifically defined as, "A hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building".
26. To qualify as an Original Art Mural, and in recognition of the different functions and purposes served by signs and murals, as noted by the court based upon evidence presented to it, the installation will need to meet a certain set of standards that include the mural remaining in place for a period of at least five years, and that no compensation be given or received for the ongoing display of the mural.
27. Review of an application for an Original Art Mural will be a non-discretionary review to determine compliance with the standards. Permitted Original Art Murals will not be subject to the city's land use regulations.
28. On March 26, 2009, notice of the proposed action was received by the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-018-020.
29. On May 12, 2009, the Planning Commission held a hearing on the staff proposal of the Original Art Mural Project, including amendments to the city's land use codes (Titles 32 and 33) to exempt permitted Original Art Murals. Staff presented the proposal, and public testimony was received.

30. On June 24, 2009, the City Council held a public hearing on the proposed Original Art Mural Project, including Planning Commission's recommendation on the amendments to the land use codes. Staff presented the proposal and public testimony was received.
31. On July 1, 2009, City Council voted to adopt the amendments for the Original Art Mural Project and made recommendations to the Bureau of Development Services to complete their Administrative Rule.

Statewide Planning Goals Findings

32. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply to the Original Art Murals Project.
33. Goal 1, Citizen Involvement, requires the provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of the Original Art Murals Project has provided numerous opportunities for public involvement:
 - In January, 2008, the City Council established a Murals Working Group to explore opportunities to regulate murals distinct from signs, based upon a previous court opinion. This group was coordinated by staff members from Commissioner Adam's office. The Working Group included city staff and members of the mural community.
 - On December 16, 2008, city staff held a Town Hall meeting to discuss the background and initial proposal for the Original Art Mural Project. Invitations were provided through the mail and electronic communication to muralists, members of the public who had expressed interest in murals, and neighborhood associations, district coalitions and business associations in the City of Portland.
 - On January 8, 2009, city staff provided a briefing to the Design Commission to discuss the Original Art Mural project. Notice of this briefing was provided at the Town Hall, and on the Bureau of Planning & Sustainability's web site. The Commission allowed time for comments from interested citizens.
 - On March 24, 2009, city staff provided a briefing to the Planning Commission to discuss the Original Art Mural project. Notice of this briefing was provided on the Bureau of Planning & Sustainability's web site. The briefing included a discussion of the concepts of the project.
 - On April 6, 2009, city staff provided a briefing to the Landmarks Commission to discuss the Original Art Mural project, specific to historic resources. Notice of this briefing was provided on the Bureau of Planning & Sustainability's web site.
 - On April 10, 2009, the Bureau of Planning & Sustainability sent notice to all neighborhood associations and coalitions and business associations, in the City of Portland, mural artists, as well as other interested persons, to inform them of a Planning Commission public hearing on the staff proposal of the Original Art Murals Project. Notice was also posted on the Bureaus web site.

- On April 16, 2009, the Bureau of Planning & Sustainability published the staff proposal for the *Original Art Murals Project: Regulatory & Permit Process Improvement*. The report was made available to the public and mailed to all those requesting a copy. An electronic copy was posted to the Bureau of Planning & Sustainability's web site and links provided from the Mayor's and RACC's web site.
 - On May 7, 2009, staff returned to the Design Commission to brief them on the staff proposal for the Original Art Murals Project. Notice of this briefing was provided on the Bureau of Planning & Sustainability's web site.
 - On May 12, 2009, the Planning Commission held a public hearing on the staff proposal of the Original Art Murals Project. The hearing provided opportunities for oral and written testimony.
 - On June 24, 2009, the City Council held a public hearing on this proposal, during which members of the public provided oral and written testimony.
34. Goal 2, Land Use Planning, requires the development of a process and policy framework that acts as a basis for all land use decisions and ensures that decisions and actions are based on an understanding of the facts relevant to the decision. The Original Art Murals Project is supportive of this goal because development of the recommendations followed established city procedures for legislative actions.
35. Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, requires the conservation of open space and the protection of natural resources, scenic and historic areas. The Original Art Murals Project is supportive of the objective to protect historic landmarks and districts because it does not allow Original Art Murals to be applied to landmarks and contributing structures in historic areas, while providing a limited option for them to be placed on non-contributing structures.
36. Goal 9, Economic Development, requires the provision of adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity. The Original Art Murals Project is supportive of this goal by providing a new opportunity to install murals within the City of Portland with limited permitting expense.

Metro Urban Growth Management Functional Plan

37. The following elements of the Metro Urban Growth Management Functional Plan are relevant and applicable to the Original Art Murals Project.
38. Title 6, Central City, Regional Centers, Town Centers and Station Communities is intended to enhance centers by encouraging development that will improve the critical roles they play. The Original Art Murals Project supports this title by providing a new opportunity to install murals within the City of Portland. Murals often locate in areas of civic importance.
39. Title 12, Protection of Residential Neighborhoods is intended to protect the region's existing residential neighborhoods from air and water pollutions, noise and crime, and to provide adequate levels of public services. The Original Art Murals Project supports the purpose and intent of this title by providing an option for Original Art Murals to be placed on community facilities within residential neighborhoods which can help deter graffiti. The program also provides an avenue for the public to review proposed murals in their neighborhood.

Portland Comprehensive Plan Goals Findings

40. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, the LCDC completed its review of the City's final local periodic review order and periodic review work program and reaffirmed the plan's compliance with statewide planning goals.
41. The following goals, policies and objectives off the Portland Comprehensive Plan are relevant and applicable to the Original Art Murals Project.
42. Goal 1, Metropolitan Coordination, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. In general, the Original Art Murals Project is consistent with this goal because it does not change policy or intent of existing regulations relating to metropolitan coordination and regional goals.
43. Policy 1.4, Intergovernmental Coordination, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The Original Art Murals Project supports this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Metro, Multnomah County Planning, and the Oregon Department of Land Conservation and Development. In addition, staff has worked with representatives of the Regional Arts and Culture Council (RACC) in drafting up this program.
44. Goal 2, Urban Development, calls for the maintenance of Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The Original Art Murals project supports this by providing an avenue for the installation of murals with community impact thus strengthening Portland's role as the regional cultural center.
45. Goal 3, Neighborhoods, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and ensure the City's residential quality and economic vitality. The Original Art Murals Project supports this goal by providing an avenue for approving Original Art Murals which could strengthen neighborhood identity. The program creates an opportunity to improve social conditions of neighborhoods by creating community murals that help reduce property crimes such as graffiti (3.2), and promote neighborhood involvement by requiring notice and a public meeting (3.5).
46. Goal 5, Economic Development calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The Original Art Murals Project supports this goal by providing a legal alternative for mural artists (5.2), provides opportunities for engaging community input and creating community identity (5.3 & 5.6) and an opportunity to revitalize the blank walls of buildings (5.1).

47. Goal 9 Citizen Involvement calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The Original Art Murals Project is consistent with this goal because the amendment process provided opportunities for public input and followed adopted procedures for notification and involvement of citizens in the planning process. These procedures are explained in detail for State Planning Goal 1. The resultant neighborhood involvement requirement as part of the mural permit process, while not a land use decision, will provide a mechanism for public overview of the program.
48. Goal 10, Plan Review and Administration, includes several policies and objectives. Policy 10.10, Amendments to the Zoning and Subdivision Regulations, directs that amendments to the zoning and subdivision regulations should be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The Original Art Murals Project supports this goal by creating a clear set of land use exemptions for murals that fall under the program.
49. Goal 12, Urban Design, calls for the enhancement of Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The Original Art Murals Project supports this goal by providing an alternative avenue for murals to be placed in more areas of the city, while providing measures to limit negative effects in areas of design or historical significance (12.2 and 12.3) The program limits overall height of the murals to enhance pedestrian enjoyment (12.4) and provides opportunities for the free expression of the arts (12.5).

NOW, THEREFORE, the Council directs:

- a. Exhibit A, Original Art Murals Project, Regulatory & Permit Process Improvement: Recommended Draft, dated June 1, 2009 is hereby adopted;
- b. Title 3, Administration is hereby amended as shown in Exhibit A, Original Art Murals Project, Regulatory & Permit Process Improvement: Recommended Draft, dated June 1, 2009;
- c. Title 32, Signs and Related Regulations, is hereby amended as shown in Exhibit A, Original Art Murals Project, Regulatory & Permit Process Improvement: Recommended Draft, dated June 1, 2009;
- d. Title 33, Planning and Zoning, is hereby amended as shown in Exhibit A, Original Art Murals Project, Regulatory & Permit Process Improvement: Recommended Draft, dated June 1, 2009;
- e. A new Title, Title 4, Original Art Murals, is hereby adopted and added to City Code as shown in Exhibit A, Original Art Murals Project, Regulatory & Permit Process Improvement: Recommended Draft, dated June 1, 2009;
- f. The commentary and discussion in Exhibit A, Original Art Murals Project, Regulatory & Permit Process Improvement: Recommended Draft, dated June 1, 2009 are hereby adopted as legislative intent and further findings;

182962

- g. The Bureau of Development Services shall adopt Administrative Rules to implement the Original Art Murals Project, as shown in Exhibit A, Original Art Murals Project, Regulatory & Permit Process Improvement: Recommended Draft, dated June 1, 2009;
- h. The Bureaus of Planning & Sustainability and Development Services shall work with the Regional Arts and Culture Council (RACC) and the City Landmarks Commission to reach consensus on the RACC selection process for public art on Historic and Conservation Landmarks and on contributing structures within Historic and Conservation Districts as required through Ordinance 178946;
- i. If any section, subsection, sentence, clause or phrase of this Ordinance, or the code amendments it adopts, including but not limited to the exemption of Original Art Murals from the City's sign and zoning regulations, is for any reason held to be invalid or unconstitutional, that shall not affect the validity of the remaining portions of the Portland City Code, including but not limited to the City's sign and zoning regulations. Council declares that it would have passed the Portland City Code, and each section, subsection, sentence, clause, and phrase thereof, including but not limited to the City's sign or zoning regulations, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases of this Ordinance, including but not limited to the exemption of Original Art Murals art from the City's sign and zoning regulations, may be found to be invalid or unconstitutional.

Passed by the Council:

JUL 01 2009

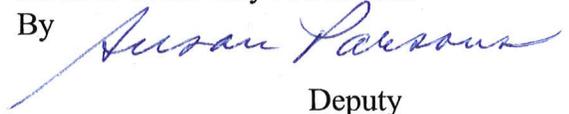
Mayor Sam Adams

Prepared by: Phil Nameny

Date Prepared: June 10, 2009

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

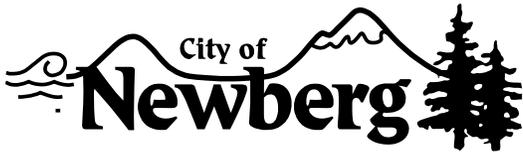
Agenda No.
ORDINANCE NO.

Title
182962

Establish a new Original Art Mural regulatory and permitting program (Ordinance; create new Title 4, amend Titles 3, 32 and 33)

INTRODUCED BY	CLERK USE: DATE FILED <u>JUN 19 2009</u>
MAYOR SAM ADAMS	LaVonne Griffin-Valade Auditor of the City of Portland
NOTED BY COMMISSIONER	By: <u>Susan Parsons</u> Deputy
Mayor—Finance and Administration	
Position 1—Utilities	
Position 2—Works	
Position 3—Affairs	
Position 4—Safety	ACTION TAKEN: JUN 24 2009 PASSED TO SECOND READING JUL 01 2009 9:30 A.M.
BUREAU APPROVAL	
Bureau: PLANNING AND SUSTAINABILITY	
Prepared by: Phil Nameny, City Planner Date Prepared: June 10, 2009	
Financial Impact Statement <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required	
Portland Policy Document If "Yes," requires City Policy paragraph stated in document. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Council Meeting Date June 24, 2009 (2:00 pm Time Certain)	
Bureau Head: Susan Anderson, Director 	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
				YEAS	NAYS
Consent	Regular X	1. Fritz	1. Fritz	✓	
NOTED BY		2. Fish	2. Fish	✓	
City Attorney	<u>KS Beaumont</u>	3. Saltzman	3. Saltzman	✓	
		4. Leonard	4. Leonard	✓	
		Adams	Adams	✓	



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 DISCUSSION OF SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS

MEETING DATE: October 10, 2013

FILE NO: DCA-13-003

TOPIC: Submittal requirements for subdivisions

ATTACHMENTS:

1. Current Subdivision Submittal Requirements
2. Subdivision Review Process Summary
3. Excerpt from *An Introductory Guide to Land Use Planning for Small Cities and Counties in Oregon* on subdivisions
4. Information on "Clear and Objective" standards relating to needed housing.
5. Referral Routing List

SUMMARY: The Planning Commission has requested a discussion regarding the submittal requirements for subdivisions. The objectives of this discussion are:

- A. To familiarize the planning commission with the complete process for subdivision review.
- B. To look at the current submittal requirements for a subdivision tentative plats and discuss whether there could be improvements to the submittal requirements.
- C. To familiarize the planning commission with the process for agency review of subdivisions.

To begin this discussion, we have provided the attached information.

Chapter 15.235
SUBDIVISIONS

Sections:

- Article I. Land Division Procedures
- 15.235.010 Division of land.
 - 15.235.020 Tentative plan application and copies.
 - 15.235.030 Partition applications.
 - 15.235.040 Partition requirements – Type II.
 - 15.235.050 Subdivision applications.
 - 15.235.060 Subdivision requirements – Type II and Type III.
 - 15.235.070 Future street plan required.
 - 15.235.080 Type III future street plan.
 - 15.235.090 Recording and filing a future street plan.
 - 15.235.100 Revision of a future street plan.
 - 15.235.110 Criteria for approval of a future street plan.
 - 15.235.120 Tentative plan expiration date.
 - 15.235.130 Extension of partitions and subdivisions.
 - 15.235.140 Modifications of an approved tentative plan.
 - 15.235.150 Final partition map and subdivision plat – Drafting requirements.
 - 15.235.160 Submission and review of final plat or final partition map.
 - 15.235.170 Information required.
 - 15.235.180 Approval signatures for final partition map and subdivision plat.
- Article II. Standards for Land Divisions
- 15.235.190 Dedication.
 - 15.235.200 Lot and parcel side lines.
 - 15.235.210 Suitability for intended use.
 - 15.235.220 Future subdivision or partition of lots or parcels.
 - 15.235.230 Platting standards.

Article I. Land Division Procedures

15.235.010 Division of land.

No land may be divided without first obtaining a development permit.

A. No land may be divided prior to approval of a partition or subdivision in accordance with this code.

B. A land division is processed by approving a tentative plan prior to approval of the final land division plat or map. Land divisions shall be processed under the Type II procedure unless a hearing is requested pursuant to NMC 15.100.040(G). These procedures shall apply to the tentative plan approval. If there is compliance with the approved tentative plan requirements and conditions, the director shall approve final plats and maps for land divisions as a Type I development permit. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.240.1.]

15.235.020 Tentative plan application and copies.

An application for tentative plan approval of a land division shall be made by the person proposing the land division on a form provided by the director and meeting the submittal requirements identified in this code and in the application provided by the director. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.240.2.]

15.235.030 Partition applications.

The tentative plan shall be drawn with pencil or India ink on a good quality linen tracing cloth or suitable drafting material having the same or better characteristics of strength, stability and transparency and shall show all pertinent information to scale. The scale shall be standard, being one inch equals 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 100 feet or multiples of 100 feet. The tentative plan shall contain the following information:

- A. Date, north point, scale, dimensions of all lines and a vicinity map locating the partitioning in relation to the surrounding area.
- B. Name and address of the land owner, all title holders, subdivider, mortgagee, if any, and the surveyor employed to make necessary surveys and prepare the description of each tract involved.
- C. A statement regarding contemplated wastewater disposal systems and water supply systems.
- D. For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets, location and size of wastewater and water lines (including laterals, drainage ways, and the location of power poles and any easements).
- E. Outline and location of existing buildings, trees and features to remain in place.
- F. Outline and location of existing buildings, trees, and features to be removed.
- G. Contour lines related to federal or city data.
- H. Legal description for each newly created parcel.
- I. Preliminary site grading and utility plan.
- J. Such additional information as is required by the director. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.241.1.]

15.235.040 Partition requirements – Type II.

The director shall approve a partition of three parcels or less under a Type II procedure if the resulting parcels comply with the following approval criteria:

- A. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the reasonable development of such remainder or adjoining land or access thereto.
- B. The partition complies with this code and implementing ordinances and resolutions.
- C. Either:
 - 1. Improvements to be completed as part of the partition will be completed prior to final plat approval; or
 - 2. The partitioner will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall include

security in a form acceptable to the city in sufficient amount to insure the completion of all required improvements; or

3. A local improvement district shall have been formed to complete the required improvements; or

4. The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction. [Ord. 2619, 5-16-05; Ord. 2529, 7-3-00; Ord. 2451, 12-2-96. Code 2001 § 151.241.2.]

15.235.050 Subdivision applications.

A. Drafting. The tentative plan shall show all pertinent information, normally at a scale of one inch equals 100 feet. For subdivision, the scale may be increased or decreased to fit standard size sheets of 18 inches by 24 inches. However, in all multiples of 100 feet to the inch. Tentative plans for subdivisions shall be prepared by an Oregon registered engineer or Oregon licensed land surveyor.

B. Information Required. The application itself or the tentative plan must contain the following information with respect to the subject area:

1. Name and block numbering of proposed subdivisions. Except for the words "town," "city," "place," "court," "addition," or similar words, the name shall be clearly different than, and clearly pronounced differently than, the name of any other subdivision in the county, unless the subject subdivision is contiguous to or platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.

2. The date, north point, and scale of the drawing, and sufficient description to define the location and boundaries of the proposed subdivision and the names of all recorded subdivisions contiguous to such area.

3. The names and addresses of the owner and engineer or surveyor.

4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the transportation system plan.

5. The locations, names and widths and grades of all existing and proposed streets and roads.

6. Contours on the site and within 100 feet of the site.

a. One-foot contour intervals for ground slopes up to five percent.

b. Two-foot contour intervals for ground slopes between five and 10 percent.

c. Five-foot contour intervals for ground slopes exceeding 10 percent.

7. Preliminary site grading plan, prepared by an Oregon registered engineer or land surveyor.

8. The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be required as provided for in NMC 15.505.080.

9. The approximate radii of all curves.

10. The general design of the proposed subdivision including the approximate dimension of all proposed lots and parcels.

11. The approximate location of areas subject to inundation of stormwater, and the location, width, and direction or flow of all watercourses.

12. The existing and proposed uses of the property, including the location of all existing structures that the applicant intends will remain in the subject area.

13. The domestic water system proposed to be installed, including the source, quality, and quantity of water, if from other than a public water supply.

14. All proposals for wastewater disposal, flood control and easements or deeds for drainage land, including profiles of proposed drainage ways.

15. All public areas proposed to be dedicated by the applicant and the proposed uses of the public areas.

16. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.

17. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision is a part; provided, that where the proposal comprises all of such area a written statement of such fact shall accompany the tentative plan.

18. Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to remain in place on the site and within 100 feet of the site.

19. Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to be removed on the site.

20. Such additional information as is required by the director.

C. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.242.1.]

15.235.060 Subdivision requirements – Type II and Type III.

A. The director (Type II) or planning commission (Type III) shall approve a subdivision of four parcels or more under a Type II or Type III procedure if the resulting parcels comply with the following approval criteria:

1. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or adjoining land or access thereto.

2. The subdivision complies with this code including but not limited to NMC 15.340.010 through 15.440.080 and NMC 15.235.030 et seq.

3. Either:

- a. Improvements required to be completed prior to final plat approval; or
- b. The subdivider will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall

include security in a form acceptable to the city in sufficient amount to insure completion of all required improvements; or

c. A local improvement district shall have been formed to complete the required improvements; or

d. The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction.

B. A subdivision shall be processed under the Type II or Type III procedure. Notice shall be mailed to the applicant and those identified by this code to receive notice. [Ord. 2619, 5-16-05; Ord. 2529, 7-3-00; Ord. 2451, 12-2-96. Code 2001 § 151.242.2.]

15.235.070 Future street plan required.

A. A future street plan shall not be required for any portion of an area for which a proposed street layout has been established by either the Newberg comprehensive plan, its implementing ordinances, or a future street plan previously approved by a hearing body.

B. A future street plan is a conceptual plan in that its adoption does not establish a precise alignment. The plan shall demonstrate how access can be provided to adjoining parcels. The director may require that a traffic study be submitted where access to the land division includes streets that are classified as a collector or greater functional classification status.

C. Except as provided in subsection (A) of this section, a future street plan shall be filed and reviewed as part of an application for a partition or subdivision. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.243.1.]

15.235.080 Type III future street plan.

The city council or planning commission may initiate a future street plan for any area which impacts traffic conditions inside the urban growth boundary, providing the street plan is given consideration through a Type III procedure. [Ord. 2451, 12-2-96. Code 2001 § 151.244.]

15.235.090 Recording and filing a future street plan.

Upon final approval, a future street plan shall be recorded with the county recorder's office as follows:

A. Evidence of recordation shall be provided to the director by the applicant; or if there is no applicant, the director shall record the future street plan.

B. Filed by the director in the future street plan index. [Ord. 2451, 12-2-96. Code 2001 § 151.245.]

15.235.100 Revision of a future street plan.

An approved future street plan may be revised by the director under a Type II procedure in conjunction with a land division application or by the planning commission under a Type III procedure. An approved future street plan may be revised by the city council in conjunction with a revision of the Newberg comprehensive plan or implementing ordinances or resolutions. [Ord. 2451, 12-2-96. Code 2001 § 151.246.]

15.235.110 Criteria for approval of a future street plan.

A. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto; and

B. The future street plan complies with this code and its implementing ordinances and resolutions, and standards and policies of the Newberg comprehensive plan and the Newberg transportation system plan.

C. Except as provided by the provisions of this code, approval as stipulated herein does not relieve the applicant from other applicable provisions of the Oregon Revised Statutes or contained elsewhere in this code.

D. The future street plan shall adequately serve traffic with an origin in, and destination to, the area of the plan.

E. The future street plan shall provide for the logical extension of streets, to serve circulation and access needs within a district or neighborhood. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.247.]

15.235.120 Tentative plan expiration date.

Within two years following the effective date of the approval of a tentative land division plan, the subdivider or partitioner shall complete all required conditions, submit the final plat to the director for review and approval, and record the final plat with the county recorder. [Ord. 2529, 7-3-00; Ord. 2451, 12-2-96. Code 2001 § 151.248.]

15.235.130 Extension of partitions and subdivisions.

A. Partition Extension. The director may, upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, grant a one-time extension for an additional six months upon a written finding that the facts upon which the approval was based have not significantly changed. If the director makes a finding that the circumstances have changed to a minor extent, through the Type II process the director may add conditions to the partition to bring the partition into compliance with all current standards and ordinances and extend the expiration date for up to six months. If conditions have substantially changed the director shall direct the applicant to refile the application for a new partition.

B. Subdivision Extension. Upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, the director may grant a one-time extension for an additional six months upon a written finding that the facts upon which the approval was based have not significantly changed. If the director makes a finding that the circumstances have changed to a minor extent, through the Type II process, or Type III process, an extension may be granted. The Type II process shall be used if original approval was a Type II. The Type III process shall be used if the original approval was a Type III. The director or planning commission may add conditions to the subdivision to bring the subdivision into compliance with all current standards and ordinances and extend the expiration date for up to six months. If conditions have substantially changed the director shall direct the applicant to refile the application for a new subdivision.

C. Phased Subdivisions. Each filing of a final plat (phase) shall extend the expiration of the tentative plan by 12 months from the date of its expiration or the date of the

previously filed final plat, whichever is later. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (B) of this section. The extension of a phase under subsection (B) of this section shall also extend any subsequent phases. The total number of extensions shall not extend the tentative plan more than five years from its approval. [Ord. 2451, 12-2-96. Code 2001 § 151.249.]

15.235.140 Modifications of an approved tentative plan.

Following tentative plan approval, an applicant may make modifications to the plan consistent with the following procedures. The director will determine whether the proposed modification is a minor or major modification.

A. Minor modifications are those in keeping with the general layout and pattern of the approved plan and include minor relocations of property lines, streets, walkways and alleys, changes in the site utilities, and changes which do not increase the number of lots by more than five percent. The director may approve a minor modification under a Type I procedure upon finding that the modification is substantially consistent with the approved tentative plan, is consistent with the provisions of this code and the conditions of approval, and does not have substantially greater impacts on surrounding properties than the original tentative plan.

B. Other modifications including changes which increase the number of lots by more than five percent, changes in the patterns of streets, alleys, or walkways, changes in the site utilities and substantial changes to the conditions of approval are major modifications. A change in the whole application or substantive parts of an application shall be considered a new application. Major modifications may be approved using the same procedure as the original application. The criteria for approval shall be those for tentative plan approval.

C. An application for a modification shall be considered a new application for purposes of the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. The applicant shall acknowledge in writing that this is a new application for purposes of the 120-day rule.

D. The city council shall establish a fee for modification of approved tentative plans by resolution. [Ord. 2590, 11-6-03. Code 2001 § 151.249.2.]

15.235.150 Final partition map and subdivision plat – Drafting requirements.

A. Partition Plats. The application for final partition plat approval shall include one original and two copies drawn in black India ink in clear and legible form. Original plats shall be in substantial conformity to the Yamhill County surveyor's specifications and requirements, but in any event, scale requirements shall be the same as specified for tentative plans. Sheet dimensions and size shall be specified by the county recording officer for partition plats offered for record.

B. Subdivision Plats.

1. The application for a final subdivision plat approval shall include one original and two copies, 18 inches by 24 inches in size, and drawn with black India ink. Original plats shall be in substantial conformity to the approved tentative plan and shall conform to the Yamhill County surveyor's specifications and requirements pertaining to material

that has characteristics of adequate strength and permanency, as well as suitability for binding and copying.

2. Plats shall be in clear and legible form and may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for all plats placed upon three or more sheets. Scale requirements shall be the same as specified for tentative plans. Lettering and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, and no part of the plat shall come nearer than one inch to any edge of any sheet. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.1.]

15.235.160 Submission and review of final plat or final partition map.

A. The final plat or final partition map shall be submitted to the director for final approval. Through a Type I procedure, the director shall determine whether the material conforms with the tentative plan approval requirements and with the applicable requirements of this code. If the director determines that the material does not conform, the applicant shall make corrections.

B. The director shall determine that:

1. Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.

2. Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the city.

3. The proposal complies with this code.

4. The plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.

5. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, wastewater disposal and water supply systems.

6. Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the partition have been accounted for and referenced on the plat.

7. There will exist an adequate quantity and quality of water and an adequate wastewater disposal system to support the proposed use of the land described in the plat.

8. Either:

a. Improvements as required by this code or as a condition of tentative plan approval have been filed with the director; or

b. A performance agreement (bond) or suitable substitute as agreed upon by the city and applicant has been filed with the director in sufficient amount to insure the completion of all required improvements; or

c. A petition for improvements has been properly executed by the applicant who is effecting the partition or subdivision and will be assessed for said improvements.

9. Taxes, as well as public liens, assessments and fees, with respect to the subdivision area have been paid, or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.

10. The subdivider has entered into agreement with the city relating to completion of improvements, payment of wastewater and water hookup fees, inspection fees, public lands payments, monumentation or any other elements deemed relevant to the purpose of this or any other city ordinance, state statute or federal law.

C. If the conditions set at the time of tentative land division approval are not fulfilled and the final plat or final map is not recorded by the tentative plan expiration date, the tentative land division approval is null and void. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.2.]

15.235.170 Information required.

The proposed subdivision or partition plat must contain the following information with respect to the subject area:

- A. The lengths of all chords, radii points of curvature, and tangent bearings shown.
- B. The lot lines of all lots within the subdivision, or all parcel lines within the partition, with dimensions in feet and hundredths of feet and with all bearings shown. Area in square feet for each lot or parcel.
- C. Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.
- D. Where a plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.
- E. The description and location of all permanent reference monuments, including a tie to the city coordinate system.
- F. An affidavit of a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor, and who surveyed the subdivision or partition, conforming to the requirements of the Oregon Revised Statutes.
- G. The date, north point, and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision or partition.
- H. The locations, names and widths of all streets, existing or created.
- I. The location, dimensions and purpose of all recorded and proposed public and private easements and all reserve strips shall be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.
- J. Before a partition or subdivision can be approved, there shall appear thereon a restriction providing that no building, structure, or other obstruction shall be placed or located on or in a public utility easement.
- K. A designation of all areas covered by water, and the approximate location and direction of flow of all watercourses.
- L. A designation of all areas dedicated by the applicant, including proposed uses, and an effective written dedication of the areas.
- M. Designation of all donations to the public of all common improvements, including but not limited to streets, roads, parks, wastewater disposal and water systems, the donation of which was made a condition of approval of the tentative plan for the subdivision or partition.
- N. A copy of all protective deed restrictions being proposed.

O. A title report issued by a title insurance company licensed by the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.3.]

15.235.180 Approval signatures for final partition map and subdivision plat.

A. Approval of a final partition map, together with the effective date, shall be noted in writing on the final map by the director.

B. Approval of a final subdivision plat shall be acknowledged by including on the plat the authorized signature of:

1. The director, whose signature shall certify that the final plat conforms to the conditions of tentative plan approval.

2. The county assessor certifying that all taxes on the property have been paid or bonded for in accordance with state law.

3. The county or city surveyor, certifying the subdivision plat complies with applicable survey laws.

4. The city recorder, whose signature shall certify that all liens on the property have been paid.

C. Deliver the approved subdivision plat to the office of the county clerk for recording.

D. Return an exact copy of the recorded plat to the director. The copy shall be made with permanent black India-type ink or silver halide permanent photocopy on three millimeter polyester film. [Ord. 2451, 12-2-96. Code 2001 § 151.251.]

Cross-reference: See ORS 92.095 for prepayment of taxes before recording of subdivision plats can occur.

Article II. Standards for Land Divisions

15.235.190 Dedication.

A. Generally. The director may require right-of-way for adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the applicant of such design and in such locations as are necessary to facilitate provision for the transportation and access needs of the community and the subject area in accordance with the purpose of this code.

B. Special Safety Requirements. Where necessary to ensure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subject area, the director may require that local streets be so designated as to discourage their use by nonlocal traffic.

C. Ownership Verification of Dedications. In the event approval of a land division is conditioned upon the dedication of a portion of the area to the public, the applicant shall submit to the director a title report issued by a title insurance company licensed in the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public.

D. Approval Required on Dedications. No instrument dedicating land to the public shall be accepted for recording unless such instrument bears the approval of the director.

E. Inclusion of a transportation route in the transportation plan is intended to indicate the public's need to acquire a public right-of-way in the area through legally and constitutionally allowed means. Notwithstanding other provisions of this code or the comprehensive plan, inclusion of such a route does not restrict the use of the property by the owner who owns the property when the route is first included in any city plan, unless the review body finds the restriction is exempt from those provisions of ORS Chapter 197, as amended by Ballot Measure 49, passed November 6, 2007, or that just compensation will be paid in accordance with that section. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.1.]

15.235.200 Lot and parcel side lines.

As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lots or parcels face, except that on curved streets they shall be radial to the curve. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.2.]

Penalty: See NMC 15.05.120.

15.235.210 Suitability for intended use.

All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision or partition, or of such lot or parcel, as determined by the director, in accordance with this code. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.3.]

Penalty: See NMC 15.05.120.

15.235.220 Future subdivision or partition of lots or parcels.

Where the subdivision or partition will result in a lot or parcel one-half acre or larger in size, which in the judgment of the director is likely to be further divided in the future, the director may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this code, and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record if the director deems it necessary for the purpose of future land division. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.4.]

15.235.230 Platting standards.

A. Drainage. Where land in the subdivision or partition is or will be periodically subject to accumulations of surface water, or is traversed by any watercourse, channel, stream, or creek, the director may require the applicant to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements approved by the director for protection of such needs by conveying ownership of such drainage purposes to the city or to an incorporated drainage district, or domestic water supply district, within which such land may be located.

B. Railroads.

1. Crossings. Special requirements may be imposed by the director, including but not limited to provisions for separation of street and railroad grades, connection with any railroad crossing, which will immediately affect the safety of the residents of the

subdivision or partition, for the protection of such residents and the safety of the general public in accordance with the purpose of this code.

2. Subdivision or Partition Adjacent to Right-of-Way. Where the subdivision or partition is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions indicate such property will be used for industrial purposes in the normal growth of the community, all streets shall be located at a sufficient distance from said right-of-way to allow for reasonable sites for industrial use adjacent to said right-of-way.

C. Partial Development. Where the subdivision or partition include only a part of the area owned by the applicant, the director may require a sketch of a tentative layout of streets in the remainder of said ownership.

D. Unsuitable Areas. Areas subject to slippage, flooding, or other natural hazards shall not be divided in a manner that would be dangerous to the health and safety of those who would live in said areas, or the general public. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.5.]

Penalty: See NMC 15.05.120.

Subdivision Review Process Summary

Pre-application Process	Application Submittal Process	Tentative Plat Review Process	Engineering Construction Plan Review Process	Construction Inspection Process	Final Plat Review Process
<ul style="list-style-type: none"> • Informal contact with potential applicant about development and submittal requirements • Pre-application conference. This conference is to give guidance to applicant about development requirements and the application process 	<ul style="list-style-type: none"> • Applicant submits application form, fee, site plans, and other information. • Staff goes through information to determine completeness. <i>Note: This is a completeness review, not a compliance review. We will accept an application for review even if certain parts may not meet standards.</i> • The city legally has 30 days to do a completeness review. For customer service purposes, we target doing the completeness review within a week. 	<ul style="list-style-type: none"> • Applicant mails public notice and posts the site. • Planning staff routes the application to various city departments and other agencies. These have 14 days to review and return comments. • Planning staff collects the agency comments and public comments. • Planning staff writes report (final decision if Type II process, staff recommendation if Type III process) • Decision on tentative plat 	<ul style="list-style-type: none"> • Applicant submits engineered construction plans for streets, utilities, and other public improvements • Engineering staff reviews the construction plans for compliance with public works design standards. • Planning staff reviews the construction plans to verify compliance with tentative plat conditions. 	<ul style="list-style-type: none"> • The contractor and engineering staff have a pre-construction conference. • Engineering staff inspects construction as it progresses. • Engineering staff does a final inspection of all construction items. 	<ul style="list-style-type: none"> • Applicant submits final subdivision plat and other required items. • Planning staff reviews final plat for conformance to the tentative plat, the conditions of approval, and final plat requirements. • Engineering staff verifies construction related items are complete, security agreements are in place, maintenance bond is submitted, and other related items. • City signs final plat. • County surveyor reviews and signs final plat. • Plat is recorded with County Clerk.

An Introductory Guide to Land Use Planning for Small Cities and Counties in Oregon



**Produced by the
Oregon Department of Land Conservation and Development**

January 2007

Chapter 9

Partitions and Subdivisions

Partitions and subdivisions are governed by the subdivision ordinance or subdivision chapter of the code. The subdivision ordinance primarily does three things:

- Provides a set of standards for improvements to public infrastructure, such as streets (including sidewalks), water, sewer, and drainage system;
- Provides procedures for processing applications; and
- Provides criteria for reviewing applications.

Some ordinances may still include both Major and Minor Partitions, but currently there is no distinction in state law. Similarly, some jurisdictions may still require that partitions and subdivisions go before a public hearing. However, changes to the statutes now allow administrative approval of partitions and subdivisions by staff. This is being done with increasing regularity in the larger jurisdictions of the state.

The elected officials, especially in small cities and counties, should be aware of any development being considered. A public hearing process on a partition or subdivision, although not required, might be beneficial for local decision makers in understanding the proposed development in their community.

When processing a land division proposal, there are a number of other departments, agencies, and organizations that may need to be involved.

Who to involve	Why to involve them
Public works director, city/county engineer	Adequacy of existing public infrastructure and necessary improvements
Private utilities	Adequacy of existing infrastructure and necessary improvements
Oregon Department of Transportation	If a state highway adjoins the site
County road department	If a city subdivision adjoins a county road
County sanitarian or Oregon Department of Environmental Quality	Wastewater disposal in rural areas
Fire department	Hydrant locations
Postal service	Mail box locations
County surveyor	Name of the subdivision, preparation of the final plat
Oregon Department of State Lands	If site includes wetlands (or potential wetlands)

Applications also need to be reviewed by the planner. Some of the criteria for a land division are included in the zoning ordinance. For example, minimum lot size, street frontage, and lot width-to-depth ratio requirements vary from zone to zone and are usually included in the

“property development standards” of each zone.

Partition and subdivision applications generally require two steps — preliminary and final approval. The preliminary approval is the stage where the proposal is reviewed and approved, altered, or denied. Approval of the preliminary plat frequently includes conditions of approval that must be

satisfied before final plat approval. A common condition is that the applicant must construct the necessary public improvements prior to final plat approval. Final approval is simply a check to see that the preliminary approval process has been followed and all of the conditions have been met. It is commonly handled by staff as an administrative matter.

January 26, 2009

To: Affordable Housing Work Group

From: Al Johnson

Re: Clear and Objective Standards, Procedures, and Conditions:
Examples from LUBA and the Court of Appeals
From draft CLE Land Use Handbook Housing Chapter

The examples below are taken from the draft chapter on housing by Bill Kloos, which was distributed to the committee last fall. Any update to the Goal 10 interpretive rules should include examples of what are and are not clear and objective standards and procedures. At the very least, the resulting list would codify the case law as to all but a very few of the following:

In *Rogue Valley* LUBA quoted verbatim from the St. Helens Policy to provide examples of language that flunks the standard. 35 Or LUBA at 158 n 27:

Examples of discretionary criteria that are not to be applied to “needed housing” are as follows:

- “-be in harmony with the surrounding neighborhood;
- “-preserve and stabilize the value of adjacent properties;
- “-encourage the most appropriate use of the land;
- “-have a minimal adverse impact on the livability, value and appropriate development of abutting properties and the surrounding area compared with the impact of development that is permitted outright;
- “-preserve assets of particular interest to the community;
- “-not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the community;
- “-will not unduly impair traffic flow or safety in the neighborhood.”

St. Helens Housing Policy 4 (Examples of Standards and Conditions).

Provisions generally granting a city discretion to impose conditions if it is deemed necessary to mitigate any potential negative impact caused by the development” violate ORS 197.307(6).

HBA, 41 Or LUBA at 388; *Rogue Valley*, 35 Or LUBA at 159.

A requirement that replacement trees be of a “similar resource value” as the trees to be removed; *Rogue Valley*, 35 Or LUBA at 160

Code language giving the city discretion to require a revegetation plan in lieu of replacement trees; *id.* at 163

Requirement that hillside grading must retain existing grades “to the greatest extent possible [and] avoid an artificial appearance by creating smooth flowing contours of varying gradients” *id* at 161

Provision stating that terraces “should be designed with small incremental steps,” and that “[p]ads for tennis courts, swimming pools and large lawns are discouraged;” *id.* at 161.

Requirement that development “minimize” possible conflicts between pedestrians and vehicles, “where necessary” for traffic circulation.” *HBA*, 41 Or LUBA at 399-400

Provision allowing city to require, as a condition of approval, dedication of public ways “to facilitate community needs.” *Id.* at 403-404

Language allowing city to require right-of-way or other improvements to develop transit facilities “where a need” for such facilities “has been identified;” *id.* at 409.

Requirement that street alignment “minimize excavation and embankment”

Requirement that street alignment “avoid impacts on natural resources”

Requirement that street alignment “not prevent the adjoining property from developing consistent with applicable standards;” *id.* at 404, n 27

Requirement that applicant provide drainage facilities “adequate for the drainage of the area;” *id.* at 410;

Requirement that local streets be designed to discourage non-local traffic where, in the city’s discretion it was “necessary to insure safety,” and “promote the welfare of the general public, pedestrians, bicyclists and residents of the subject area;” *id.* at 388, n 16

Requirement that developer pave all streets and alleys offsite that the city manager determines are “impacted by the development”

Landscaping standards requiring installed plant materials to “meet current nursery industry standards,” and to be maintained “in a healthy and attractive manner

Language requiring building cul-de-sacs with an exception applicable when “topographic constraints, existing development or natural features” prevent compliance; *id.* at 415

Language requiring consistency with a “city-adopted natural resource inventory” was deficient when it was unclear whether this referred to only acknowledged Goal 5 inventories or might also include other natural resource inventories; *id.* at 396.

Requirement that the maximum number of trees be preserved, when balanced with “other provisions of this chapter.” *Rogue Valley*, 35 Or LUBA at 162.

Requirement that “fill slope angles” be determined according to the “types of materials of which they are composed,” without reference to clear and objective standards for how those determinations would be made. *Id.* at 164.

Numerical standards are normally clear and objective. However, they can become unclear and subjective based on their context. Setback and height limitations can be unclear because they rely on ambiguous or undefined terms, or the starting point for measurement is unclear. *Rogue Valley*, 35 Or LUBA at 154 n 20.

A requirement for a 100-foot buffer around rare plant or animal populations is unclear and subjective based on how the “area occupied” is determined. *HBA*, 41 Or LUBA at 393.

A 50 buffer protecting “waterways” from the “top of the bank” is unclear when the locational terms are undefined, have multiple meanings, and can lead to divergent or discretionary conclusions with different geographic consequences *Id.*

A requirement that all dwellings in a PUD be within one-quarter mile of a recreation area or open space is not clear if it fails to state whether the distance is to be measured along streets or as the crow flies. *Id.* at 415.

A standard that new dwellings be within a four-minute response time for emergency medical services is deficient for failure to explain how the time is measured, that is, what assumptions to make about traffic, time of day, and other variables. One solution would be response maps. *Id.* at 402-403.

30. Close and save.

Who receives the application?

Application type	Who receives the application?
Adjustment - Lot Line, Property Consolidation	Planning & Building Director, Public Works Surveyor
Adjustment - Code	Planning & Building Director
Annexation, UGB Amendment	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super., Public Works Surveyor, Legal (info only), NW Nat'l Gas, School Dist. 29JT, PGE, Comcast, Verizon, Newberg Garbage, Park and Rec., Rural Fire Dist., Yamhill Co. Planning, Postmaster. If the site is adjacent to a stream corridor, add DSL (Check DSL Map). If the site is adjacent to a County road, add Yamhill Co. Roads. If the site is adjacent to a state highway, add ODOT. If the site is adjacent to a railroad, add SPRR. If it may impact the airport, add ODA and Sportsman Airpark. UGB amendments require notice to DLCD 45 days before the first public hearing.
Comprehensive Plan Amendment:	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only), NW Nat'l Gas, School Dist. 29JT, PGE, Comcast, Verizon, Newberg Garbage, Park and Rec. If site is in the County, add Yamhill Co. Planning. If the site is adjacent to a stream corridor, add DSL (Check DSL Map). If the site is adjacent to a state highway, add ODOT. If the site is adjacent to a railroad, add SPRR. If it may impact the airport, add ODA and Sportsman Airpark. Comprehensive Plan amendments require notice to DLCD 45 days before the first hearing.
Conditional Use Permit	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only). If the site is adjacent to a stream corridor, add DSL (Check DSL Map). If the site is adjacent to a state highway, add ODOT. If the site is adjacent to a railroad, add SPRR. If it may impact the airport, add ODA and Sportsman Airpark.
Design Review (includes Mobile/Manufactured Home Parks)	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only), NW Nat'l Gas, School Dist. 29JT, PGE, Comcast, Verizon, Newberg Garbage, Park and Rec. If the site is adjacent to a stream corridor, add DSL (Check DSL Map). If the site is adjacent to a state highway, add ODOT. If the site is adjacent to a railroad, add SPRR. If it may impact the airport, add ODA and Sportsman Airpark
Historic Landmark Establishment	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only)
Historic Landmark Modification	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only), SHPO
Historic Landmark Subdistrict Establishment	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only), SHPO
Partition	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only), NW Nat'l Gas, School Dist. 29JT, PGE, Comcast, Verizon, Newberg Garbage, Park and Rec., Postmaster. If the site is adjacent to a stream corridor, add DSL (Check DSL Map). If the site is adjacent to a County road, add Yamhill Co. Roads. If the site is adjacent to a state highway, add ODOT. If the site is adjacent to a railroad, add SPRR.
Planned Development Unit	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only), NW Nat'l Gas, School Dist. 29JT, PGE, Comcast, Verizon, Newberg Garbage, Park and Rec., Postmaster. If the site is adjacent to a stream corridor, add DSL (Check DSL Map). If the site is adjacent to a County road, add Yamhill Co. Roads. If the site is adjacent to a state highway, add ODOT. If the site is adjacent to a railroad, add SPRR.
Stream Corridor Modification	Planning & Building Director
	City Manager, Planning & Building Director, Public Works

Subdivision	Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only), NW Nat'l Gas, School Dist. 29JT, PGE, Comcast, Verizon, Newberg Garbage, Park and Rec., Postmaster. If the site is adjacent to a stream corridor, add DSL (Check DSL Map). If the site is adjacent to a County road, add Yamhill Co. Roads. If the site is adjacent to a state highway, add Oregon Dept. of Transportation. If the site is adjacent to a railroad, add SPRR.
Variance	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only)
Vacation	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Public Works Surveyor, Legal (info only), NW Nat'l Gas, PGE, Comcast, Verizon, Newberg Garbage. If the site is adjacent to a County road, add Yamhill Co. Roads. If the site is adjacent to a state highway, add Oregon Dept. of Transportation. If the site is adjacent to a railroad, add SPRR.
Zoning Amendment	City Manager, Planning & Building Director, Public Works Director, Building, Police, Fire, Finance, Public Works Maint. Super, Legal (info only), NW Nat'l Gas, School Dist. 29JT, PGE, Comcast, Verizon, Newberg Garbage, Park and Rec. If site is in the County, add Yamhill Co. Planning. If the site is adjacent to a stream corridor, add DSL (Check DSL Map). If the site is adjacent to a County road, add Yamhill Co. Roads. If the site is adjacent to a state highway, add Oregon Dept. of Transportation. If the site is adjacent to a railroad, add SPRR. If it may impact the airport, add ODA and Sportsman Airpark.

Routing Addresses

ODOT: can be sent electronically to ODOTRSPLANMGR@ODOT.STATE.OR.US or by US Mail to Planning and Development Manager, Oregon Dept. of Transportation, Region 2 Headquarters, 455 Airport Road SE, Building B, Salem, OR 97301-5395. The contact is Dan Fricke 503-986-2663

planning_referrals.txt (71 views) · Last modified: 2013/10/01 11:34 by briertlb

[Property of City of Newberg. Questions?](#)