



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

May 22, 2007

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Newberg Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 7, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

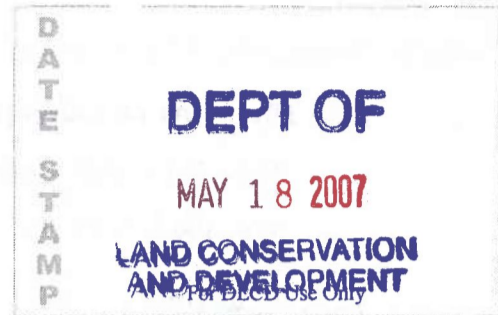
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Barton Brierley, City Of Newberg

<paa> ya/

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Newberg Local file number: DCA-07-001
Date of Adoption: 5/7/2007 Date Mailed: 5/16/2007
Date original Notice of Proposed Amendment was mailed to DLCD: 1/18/2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Adopt new rules that prohibit gates on private drives and streets serving as primary access to more than one dwelling.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".
Portion dealing with garages was deleted.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

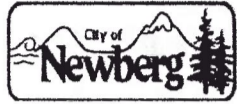
Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 2

Was and Exception Adopted? YES NO

DLCD File No.: 001-07 (15811)



ORDINANCE NO. 2007-2670

**AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT
CODE TO PROHIBIT GATES ON PRIVATE DRIVES OR PRIVATE
STREETS SERVING AS PRIMARY ACCESS TO MORE THAN ONE
DWELLING, EXCEPT AS APPROVED BY VARIANCE**

RECITALS:

1. On February 8, 2007, the Planning Commission held a public hearing and approved Resolution No. 2007-232 recommending approval of proposed language that would prohibit gates on private drives or streets serving as primary access to more than one dwelling, except as approved by variance.
2. The basis of the hearing, and of previous discussions on the matter, was a general opposition by Planning Commissioners to gated streets for various reasons, including to guard against any sense of "exclusivity" and to ensure that police and fire would have jurisdiction to enforce parking and other issues.

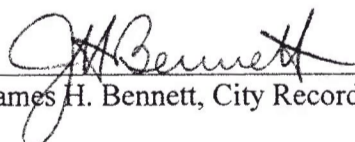
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg Development Code is hereby amended as shown in Exhibit "A."

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: June 7th, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of May, 2007, by the following votes:

AYE: 5 NAY: 1 ABSENT: 1 ABSTAIN: 0


James H. Bennett, City Recorder

ATTEST by the Mayor this 10th day of May, 2007.

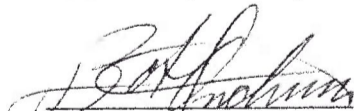

Bob Andrews, Mayor

Exhibit "A": Development Code Text Amendments

The following shall be added to NDC § 151.611 "Parking and Service Drive Design":

- (C) Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.