



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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NOTICE OF ADOPTED AMENDMENT

04/06/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Newberg Plan Amendment
DLCD File Number 006-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, April 19, 2011

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Barton Brierley, City of Newberg
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

MAR 30 2011

LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Newberg**

Local file number: **DCA 10-002**

Date of Adoption: **March 21, 2011**

Date Mailed: **March 29, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/23/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The amendment (1) creates a limited residential street standards, allowing 20, 24, and 28 foot wide street widths in certain circumstances; (2) allows alleys as access for a limited number of lots; (3) allows three lots to share a common driveway; and (4) adopts new block length and perimeter standards.

Does the Adoption differ from proposal? Please select one

Yes; it includes minor technical revisions.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Barton Brierley**

Phone: (503) 538-0591 Extension:

Address: **P.O. Box 970**

Fax Number: 503-537-1272

City: **Newberg**

Zip: **97132**

E-mail Address: **barton.brierley@newbergoregon.gov**

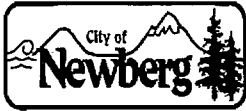
ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



ORDINANCE No. 2011-2736

AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT CODE AND COMPREHENSIVE PLAN RELATING TO STREET AND ACCESS STANDARDS

RECITALS:

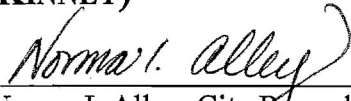
1. The Newberg Transportation System Plan recommended “A study and public process to consider local street width standards, with the objective of considering whether the current standards should be retained or should be replaced with a narrower width standard. This study should include consideration of the recommendations of the *Neighborhood Street Design Guidelines: An Oregon Guide for Reducing Street Widths*.
2. The Newberg Transportation System Plan also recommended “A study and public process to consider private street/common driveway standards. The objective should be to consider whether the current standards should be retained or should allow greater use of common driveways, such as to allow a common driveway to serve up to four lots.”
3. The Newberg Affordable Housing Action Plan recommended, “Narrower street widths may result in less land, money, and resources being used for streets, and potentially allow construction of more affordable housing. In determining appropriate street widths, the City should follow the process outlined in *Neighborhood Street Design Guidelines: An Oregon Guide for Reducing Street Widths*. City officials, including the Public Works Director, Fire Chief, Police Chief, Planning and Building Director, Building Official, should be consulted in recommending the standards. In addition, the City should convene a community stakeholders group, including a representative of the Affordable Housing Ad Hoc Committee, large vehicle users such as Newberg Garbage Service, engineers, and other groups suggested in the guide, to review and make recommendations. Recommendations for changes should undergo broad public review.”
4. The Newberg Affordable Housing Action Committee considered the proposed changes in consultation with those groups identified above. The Committee recommended adoption of the proposed changes.
5. On January 13, 2011, the Newberg Planning Commission held a hearing to consider the proposed amendments, and recommended their adoption.
6. The street and access standards contained herein provide for reasonable levels of access and safe travel on public streets, while reducing overall costs in terms of land costs, construction costs, and long term maintenance costs of the transportation system.
7. The Code of Newberg is amended and shown in Exhibit "A." Exhibit "A" is hereby attached and by this reference incorporated.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Code of Newberg is amended and shown in Exhibit "A," which is hereby attached and by this reference adopted.
2. The Newberg Comprehensive Plan is amended and shown in Section 5 of Exhibit "A".
3. The findings shown in Exhibit "B" are hereby attached and by this reference adopted

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: April 20, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21st day of March, 2011, by the following votes: **AYE: 4 NAY: 2 (ANDREWS) ABSENT: 1 (SHELTON) ABSTAIN: 0 (MCKINNEY)**


Norma I. Alley, City Recorder

ATTEST by the Mayor this 22nd day of March, 2011.


Bart Rierson, Council President

LEGISLATIVE HISTORY

By and through Newberg Planning Commission at 1/13/2011 meeting. Or, None.
(committee name) (date) (check if applicable)

Exhibit “A” to Ordinance 2011-2736 Development Code and Comprehensive Plan Amendments

Note: Added text is shown in double underline
Deleted text is shown in ~~strikeout~~

SECTION 1: Newberg Development Code Section 15.505.060 shall be amended as follows:

15.5050.060 STREET WIDTH AND DESIGN STANDARDS.

A. Design standards. All streets shall conform with the standards contained in Table 15.505.060. Where a range of values is listed, the Director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the Director, the overall width shall be determined using the standards under divisions (B) through ~~(E)~~(I).

Table 151.685.CSTREET DESIGN STANDARDS

Type of Street	Right of Way Width	Curb to Curb Pavement Width	Motor Vehicle Travel Lanes	Center Turn Lane	Striped Bike Lane (both sides)	On-Street Parking
Arterial Streets						
Expressway	**	**	**	**	**	**
Major Arterial	85-100 feet	74 feet	4 lanes	Yes	Yes	No*
Minor Arterial	60-80 feet	46 feet	2 lanes	Yes*	Yes	No*
Collectors						
Major	60-80 feet	34 feet	2 lanes	No*	Yes	No*
Minor	56-65 feet	34 feet	2 lanes	No*	No*	Yes*
Local Streets						
Local Residential	54-60 feet	32 feet	2 lanes	No	No*	Yes
<u>Limited Residential Parking both sides</u>	<u>44 - 50 feet</u>	<u>28 feet</u>	<u>2 lanes</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Limited Residential. Parking one side</u>	<u>40-46 feet</u>	<u>24 feet</u>	<u>2 lanes</u>	<u>No</u>	<u>No</u>	<u>One side</u>

<u>Limited Residential, No Parking</u>	<u>36 – 42 feet</u>	<u>20 feet</u>	<u>2 lanes</u>	<u>No</u>	<u>No</u>	<u>No</u>
Local Commercial/Industrial	56-65 feet	34 feet	2 lanes	No*	No*	No*
* May be modified with approval of the Director. Modification will change overall curb-to-curb and ROW width.						
** All standards shall be per ODOT Expressway standards.						

B. Motor Vehicle Travel Lanes. Collector and arterial streets shall have a minimum width of 12 feet. Where circumstances warrant, the Director may allow a reduction of this width to 11 feet.

C. Bike Lanes. Striped bike lanes shall be a minimum of five feet wide. Where circumstances warrant, the Director may allow a reduction of this width to four feet. Bike lanes shall be provided where shown in the Newberg Transportation System Plan.

D. Parking Lanes. Where on-street parking is allowed on collector and arterial streets, the parking lane shall be a minimum of eight feet wide. Where circumstances warrant, the Director may allow a reduction of this width to seven feet.

E. Center Turn Lanes. Where a center turn lane is provided, it shall be a minimum of 12 feet wide.

F. Limited Residential Streets. Limited residential streets shall be allowed only at the discretion of the review body, and only in consideration of the following factors:

- (1) The requirements of the fire marshal shall be followed.
- (2) The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.
- (3) Use for through streets or looped streets is preferred over cul-de-sac streets.
- (4) Use for short blocks (under 400 feet) is preferred over longer blocks.
- (5) The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.
- (6) On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.
- (7) Streets with no on-street parking or parking on one side will be allowed only where providing parking both sides is not feasible, and where there is a strong likelihood the no parking area will be self-enforcing, such as where the street abuts the back sides of houses that access a different street. For parking one-side streets, the plans shall designate which side of the street is designated no-parking.

GF. Sidewalks. Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.

HG. Planter Strips. Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided where possible:

- (1) Additional reinforcement is done to the sidewalk section at corners.
- (2) Sidewalk width is six feet.

(H) Slope easements. Slope easement shall be provided adjacent to the street where required to maintain the stability of the street.

SECTION 2: The definitions in Newberg Development Code Section 151.003 shall be amended as follows:

ALLEY. A public way not over 30 feet wide providing a secondary means of access for vehicular or service access to properties otherwise abutting on a street, except as otherwise allowed.

PRIVATE DRIVE. A private way which affords principal means of access to ~~two~~ three or fewer lots (see also service drive).

PRIVATE STREET. A private way which affords principal means of access to ~~three~~ four or more lots (see also service drive).

SECTION 3: Newberg Development Code Section 15.404.200 D. and F., Vehicular Access Standards, shall be amended as follows:

D. Alley access. Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:

1. The review body finds that creating a public street frontage is not feasible.
2. The alley access is for no more than six dwellings and no more than six lots
3. The alley has through access to streets on both ends.
4. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.

F. Shared driveways.

1. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes ~~in accordance with the following standards:~~

~~(1)~~ Where there is an abutting developable property, a shared driveway shall be provided. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

2. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
3. No more than two-three lots may access one shared driveway.
4. Shared driveways shall be posted as no-parking fire lanes where required by the fire marshal.
5. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.

SECTION 4: Newberg Development Code Section 15.505.160, Platting standards for Blocks, shall be amended as follows:

~~Block length and perimeter. Block length shall not exceed 500 feet. The average perimeter of blocks formed by streets shall not exceed 1,500 feet. Exceptions to the block length and perimeter standards shall only be granted where street location and design are restricted by controlled access streets, railroads, steep slopes, wetlands, water bodies, or similar circumstances.~~

A. Purpose. Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, these following minimum standards for block lengths are established.

B. Maximum Block Length and Perimeter. The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

<u>Zone (s)</u>	<u>Maximum Block Length</u>	<u>Maximum Block Perimeter</u>
<u>R-1</u>	<u>800 feet</u>	<u>2000 feet</u>
<u>R-2, R-3, RP, I,</u>	<u>1200 feet</u>	<u>3000 feet</u>

- C. Exceptions.
1. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.
 2. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks does not exceed these standards.
 3. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, pre-existing development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.

4. Institutional campuses located in an R-1 zone may apply the standards for the Institutional zone.

5. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.

6. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

SECTION 5: Newberg Comprehensive Plan Policy K.9.c.6. shall be amended as follows:

6) Local Streets. Local streets provide direct access to adjoining properties and connect to collector streets. The system design criteria for local streets include:

- 54-65 feet of right-of-way with 10 foot public utility easements.
- For standard residential streets, standard 32 feet curb to curb with parking on both sides.
- A minimum four and one half foot wide planting strip and five foot wide sidewalk on both sides of the street.
- Where approved, limited residential streets may have narrower dimensions.

Exhibit "B" to Ordinance 2011-2736 Findings

Statewide Planning Goal 12: *To provide and encourage a safe, convenient and economic transportation system.*

Finding: The proposed amendments address all three parts of the Goal 12. The amendments encourage a *safe* transportation system by reducing excessive street widths on low volume residential streets, thus discouraging excessive speeds. The amendments keep a *convenient* transportation system by creating appropriate street widths, creating realistic block length standards, and making the cost of street construction more economical by reducing the total width and length of street construction needed.

OAR 660-012-0045 (3):

(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.

* * *

(c) Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors;

(d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian routes, facilities and improvements which:

(A) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;

(B) Provide a reasonably direct route of travel between destinations such as between a transit stop and a store; and

(C) Meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile.

(e) Internal pedestrian circulation within new office parks and commercial developments shall be provided through clustering of buildings, construction of accessways, walkways and similar techniques.

OAR 660-012-0045 (6):

(6) In developing a bicycle and pedestrian circulation plan as required by 660-012-0020(2)(d), local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet local travel needs in developed areas. Appropriate improvements should provide for more direct, convenient and safer bicycle or pedestrian travel within and between residential areas and neighborhood activity centers (i.e., schools, shopping, transit stops). Specific measures include, for example, constructing walkways between cul-de-sacs and adjacent roads, providing walkways between buildings, and providing direct access between adjacent uses.

OAR 660-012-0045 (7):

Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. The intent of this requirement is that local governments consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, provide for more efficient use of urban land, provide for emergency vehicle access

while discouraging inappropriate traffic volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Notwithstanding section (1) or (3) of this rule, local street standards adopted to meet this requirement need not be adopted as land use regulations.

Finding: The proposed amendments do address all of the above rules. The proposal does minimize pavement width and total right-of-way needed by reducing the street width, the right-of-way width, and the total block length standards. This reduces the costs of construction and provides for more efficient use of urban land. It also discourages inappropriate traffic volumes and speeds on local residential streets. Emergency vehicle access has been carefully considered in cooperation with the Newberg Fire Department. The proposal does keep safe and convenient access for pedestrians and bicycles by requiring, where appropriate, walkways between cul-de-sacs and short block lengths. The proposal does increase block lengths, but not to the extent that pedestrian or bicycle trips would be inordinately long. The prior standards were appropriate more as average block lengths than as maximums. The block lengths still would be significantly shorter than the lengths of many existing blocks in Newberg.

Newberg Comprehensive Plan Policy K.5.a

The City shall provide safe, convenient and well-maintained bicycle and pedestrian transportation systems that connect neighborhoods with identified community destinations, such as schools, parks, neighborhood commercial centers, and employment centers.

Newberg Comprehensive Plan Policy K.9.b.1

Enhance existing and add alternative routes for local travel. 1) The City development code shall encourage the development of a continuous interconnected street pattern that connects adjacent developments and minimizes the use of cul-de-sacs.

Newberg Comprehensive Plan Policy K.9.b.1

The City shall coordinate the development of an integrated bike and pedestrian system that provides for connections between and through adjacent development and that provides convenient links to community destinations.

Finding: The proposed amendments maintain an integrated and connected street and bike/pedestrian system. The amendments require shorter block lengths than exist in many current Newberg neighborhoods that were constructed in the latter part of the 20th century. This minimizes the use of cul-de-sacs. This will enhance walking and bicycling as alternatives to vehicle travel.



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