



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 17, 2008



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 003-07

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 30, 2008

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
Steve Oulman, DLCD Regional Representative
Barton Brierley, City Of Newberg

<paa> ya/

FORM 2

DLCD

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: **ORD-2008-2696**

Date of Adoption: **6/2/2008**

Date Mailed: ~~6/3/2008~~ **6/9/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 3/5/2007

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".

Amendment to the Newberg Development Code that requires specific architectural, site design, and buffering standards for large-scale retail development, and require conditional use review for these developments.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **C-2 Commercial District**

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 # 003-07 (15932)

DLCD file No. _____

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

Local Contact: **Barton Brierley**

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

City: **Newberg**

barton.brierley@ci.newberg.or.us

Zip: **97132-**

Phone: **(503) 537-1272** Extension:

Fax Number: **503-537-1272**

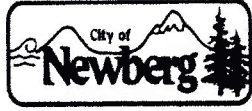
E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



ORDINANCE NO. 2008-2696

**AN ORDINANCE ESTABLISHING SITE AND ARCHITECTURAL
DESIGN STANDARDS FOR LARGE SCALE RETAIL DEVELOPMENT
WITHIN THE C-2 DISTRICT**

RECITALS:

1. Large-scale retail development can have a significant impact on the aesthetics of the surrounding neighborhood, existing vehicle and pedestrian connectivity, the environment, and other elements of the community.
2. The Newberg Development Code currently does not have specific site and architectural requirements for large scale retail development in the C-2 district.
3. After a series of workshops the Newberg City Council adopted Resolution 2007-2701, initiating amendments to the Development Code to address issues associated with large scale retail development.
4. Between April and November, 2007 the Planning Commission held several hearings regarding proposed text amendments. The Planning Commission adopted Resolution 2007-235 recommending text amendments for large scale retail development in the C-2 district.
5. On May 11, 2008, notice of the proposed amendments was published in the *Newberg Graphic*.
6. On June 2, 2008, the Newberg City Council held a hearing on the proposed changes.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Code of Newberg is amended as shown in Exhibit A that require specific architectural, site design, and buffering standards for large-scale retail development. Exhibit "A" is hereby adopted and by this reference incorporated into the ordinance.
2. The findings in Exhibit "B" are hereby adopted.

3. If any phrase, clause, or other part or parts of this Ordinance and Code provisions adopted by this Ordinance are found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses and other part or parts shall remain in full force and effect.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: July 2, 2008

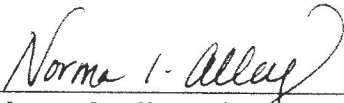
ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of June, 2008, by the following votes:

AYE: 7

NAY: 0

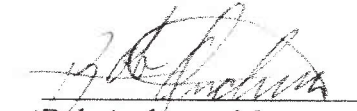
ABSENT: 0

ABSTAIN: 0



Norma I. Alley, City Recorder

ATTEST by the Mayor this 5th day of June, 2008.



Bob Andrews, Mayor

Exhibits

Exhibit A: Development Code Text Amendments

Exhibit B: Findings

LEGISLATIVE HISTORY

By and through the Planning Commission at 11 / 8 / 2007 meeting. Or, None.
(committee name) (date) (check if applicable)

Exhibit "A" to Ordinance 2696
Proposed Development Code Text Amendments

Note: Existing text is shown in regular font.
Added text is shown in double-underline
Deleted text is shown in ~~strikethrough~~.

Section 1: Newberg Development Code § 151.196 shall be amended as follows:

§ 151.196 ADDITIONAL REQUIREMENTS FOR DEVELOPMENT IN THE C-2 ZONING DISTRICT.

The purpose of this section is to ensure that development in the C-2 Zoning District is designed to promote pedestrian and bicycle uses and improve aesthetics and compatibility. An applicant for a new development or redevelopment within the C-2 Zoning District, which is subject to the Site Design Review process, must demonstrate that the following site and building design elements have been incorporated into the design of the project. Exceptions to these additional development requirements may be granted if the requirements would result in construction that is out of character with surrounding development. Applicants for redevelopment of a designated landmark will not be subject to these additional requirements, except for requirements regarding parking and service drives.

(A) *Building entrances.* Each building on a lot shall have a primary pedestrian entrance oriented to the primary street. "Oriented to a street" means that the building entrance faces the street or is connected to the street by a direct and convenient pathway not exceeding 60 feet in length. "Primary street" means ~~the highest classification street abutting the lot. On lots which abut two or more streets of equal classification, the primary street shall be~~ the street which has the highest estimated volume of pedestrian traffic. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50% or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way. Such rear buildings shall have a primary entrance oriented to an internal sidewalk or pedestrian pathway system which is internally connected and provides a connection to the primary street.

(B) *Parking and service drives.* No off-street parking or service drives shall be placed within the required front yard setback. No off-street parking shall be placed between the front property line of the primary street, as defined in division (A) above, and the building. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50% or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way.

(C) *Exceptions.* The review body may approve exceptions to the above provided there are no reasonable alternatives that would allow access to or parking on the lot.

(D) *Building mass.* Where building elevations are oriented to the street in conformance with (A) above, architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.

(E) *Corner lots.* Buildings on corner lots shall have their primary entrance oriented to the street corner, or within 40 feet of the street corner (i.e., as measured from the lot corner). In this case, the street corner shall provide an extra-wide sidewalk or plaza area with landscaping, seating or other pedestrian amenities. The building corner shall provide architectural detailing or beveling to add visual interest to the corner.

(F) *Pedestrian-scale building entrances.* Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

(G) *Windows.*

(1) On commercial building facades facing a public street, windows shall comprise a minimum of 40% of the ground floor facade. For large-scale buildings and developments meeting the standards under subsection (H) below, windows shall comprise a minimum of 20% of the ground floor facade.

(2) For large-scale buildings and developments meeting the standards under subsection (H) below, 50% of all required window area shall allow view into an active space. An active space is defined as any area within a building that is used for shopping, dining, office space, and so forth. Merchandise display windows with displays that change at least semi-annually shall be considered an active space. Examples of areas that are considered non-active spaces are storage and mechanical equipment areas, and windows that are obscured by shelving or material affixed to the window.

(H) *Design of large-scale buildings and developments.* ~~Commercial buildings and uses comprising more than 40,000 square feet of total ground floor building space shall additionally conform to the standards below:~~ All buildings on a development site shall conform to the design standards included under § 151.196 (H) where the total square footage of one commercial building exceeds 30,000 square feet of total ground floor area or all commercial buildings exceed 50,000 square feet of total ground floor area. Deviations from these standards may be approved, where appropriate, through the conditional use permit process.

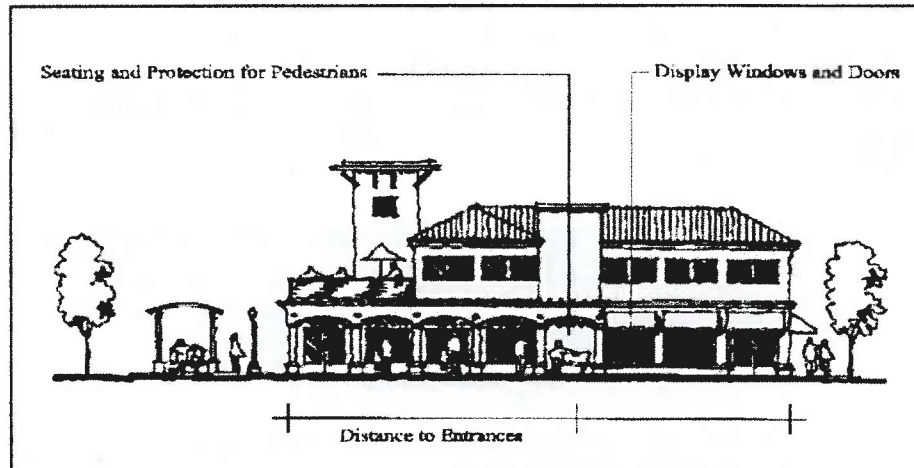
(1) *Facade articulation.* Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, ~~or up lighting~~); and similar features. At least five of the following elements shall be included along each 100 feet of building frontage facing a street.

(a) A building offset or projection of at least 6 feet depth and width.

(b) An awning or roof sheltering a pedestrian walkway or seating area.

(c) A building facade shall be comprised of at least two building materials, with the

- lesser comprising not less than 10% of the total façade.
- (d) Contrasting brick, stone, or natural wood trim.
 - (e) Pitched roofs or gable-end roofs.
 - (f) Curved arches or roof line features.
 - (g) A tower, spire, or cupola.
 - (h) A cornice.
 - (i) Second story windows that comprise a minimum of 10 percent of the second floor façade.



[Note: the example shown here is meant to illustrate these building design elements, and should not be interpreted as a required architectural style.]

(2) Pedestrian entrance. Every building elevation facing a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance no more than 100 from another entrance or end-wall; except that buildings elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way.

(3) Building facades not fronting a street. For all ground floor facades that do not face a public street, windows shall comprise a minimum of 20 % of the ground floor façade or a landscape strip shall be provided adjacent to the building. The landscape strip shall be a minimum of 5 feet in width and include a combination of trees, shrubs, and groundcover or grass. Plant material shall be selected from at least two of the different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs). The type of tree selected shall have a crown of less than 15 feet at maturity. Exceptions to this standard include building facades that abut outdoor storage areas, loading docks, and mechanical equipment areas.

(4) Building orientation. All buildings shall be oriented to a primary street as defined in division (A) or oriented to a plaza or open space within the development site that connects to the primary street. "Oriented to a plaza or open space" means that the building entrance faces the plaza, open space, shared parking area or is connected to the plaza by a direct and convenient pathway not exceeding 60 feet in length.

(5) On-site landscaping and screening.

(a) A continuous landscape strip, with a five foot minimum width, shall be located perpendicular to groups of 2 or more parking stalls. Within the landscape strip, at a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. The type of tree shall be chosen from the City of Newberg Preferred Street Tree List and have a minimum crown spread of 25 feet. This standard shall apply unless otherwise approved by the Director based on the following alternative standards:

1. No more than seven parking stalls shall be grouped together without a landscape island. The landscape island shall have a width and depth no less than 5 feet and contain no less than one deciduous shade tree.

or

2. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, with a maximum of 75 feet, within areas proposed for grouped parking. For every 7 planting landscape islands, 1 shall be no less than 500 square feet in size.

(b) At a minimum 50 percent of the parking area shall drain to a storm water mitigation area. The mitigation area shall be designed using best management storm water practices including, but not limited to, bio-swales, rain gardens, or similar design intended to reduce storm water flow and improve storm water quality.

(c) A 20-foot wide landscaped buffer shall be provided between the development and any adjoining residential district. The buffer shall include a continuous 6-foot high sight-obscuring fence or wall, a continuous hedge and/or berm designed to achieve a height of 6-feet upon maturity, a row of trees not more than 35 feet on-center, and shrubs or living groundcover.

(d) Outdoor storage areas, loading docks, and mechanical equipment areas shall be fenced with 75% opaque site obscuring fencing or screened with landscaping between the area and public streets.

(e) One square foot of interior open space or plaza space shall be required for every 5 square feet of gross floor area. The following features shall be included in the open space or plaza area:

1. One linear foot of seating space shall be required for every 30 square feet of open space or plaza space.

2. One tree shall be provided for every 800 square feet of plaza space or open space.
3. Pedestrian scale lighting according to subsection §151.196(H)(7).

(6) Vehicle and pedestrian connectivity.

(a) Public streets may be required to be dedicated where needed to improve internal circulation, to connect to neighboring properties or streets, to break up large blocks, or to reduce travel around a site.

(b) At a minimum, 95% of the parking spaces shall be located within 75 feet of a private walkway or public sidewalk.

(7) Pedestrian-scale lighting. Pedestrian scale lighting shall be located along all internal walkways and provide a minimum illumination of 1 foot candle. Building entrances shall have a minimum illumination of 5 foot candles. Lighting shall be fully shielded so that no light is emitted at an angle above the horizontal plane as illustrated by the lighting plan. The type of features that should be considered, but are not limited to: street lamps, light fixtures attached to buildings, and light bollards. All pedestrian scale light fixtures shall not exceed a maximum height of 15 feet as measured from grade to the fixture lamp. The lens material for all pedestrian scale lighting shall be constructed of acrylic or similar shatter resistant material as determined by the Director. Glass lenses shall not be used for any pedestrian scale lighting.

(8) Parking. The number of parking stalls shall not exceed 125 percent of the minimum number of stalls required. Parking stalls constructed of grass blocks, grasscrete, pervious asphalt or concrete, or similar pervious material shall not be counted in this limit.

(9) Existing development. Any existing legal conforming site, through future development, exceeds the square footage threshold contained in § 151.196 (H) shall follow the standards contained in § 151.140 NON-CONFORMING USES AND BUILDINGS.

Section 2: Newberg Development Code § 151.357, shall be amended as follows:

§ 151.357 BUILDINGS AND USES PERMITTED CONDITIONALLY.

In addition to the buildings and uses permitted conditionally listed in § 151.211, the Planning Commission may grant a conditional use permit for any of the following buildings and uses in accordance with a Type III procedure:

- (A) Dwelling units. The permitted density shall be stated on the conditional use permit.
- (B) Fumigation chambers.
- (C) Group care facilities. The permitted density shall be stated on the conditional use permit.
- (D) Group care homes not meeting the requirements listed under permitted uses in § 151.356.
- (E) Nursing homes.
- (F) Recreational vehicle parks.
- (G) Telecommunication facility, including radio towers and transmitters which are either freestanding or which are incorporated into an existing structure or an existing utility pole, and will extend above the existing structure more than 18 feet.
- (H) Theaters, drive-in.
- (I) All developments sites within the C-2 district that include buildings that individually exceed 30,000 gfa or 50,000 cumulative gfa that do not meet the code requirements of §151.196 (H).
- (J) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

Exhibit "B" to Ordinance 2696 Findings

The following findings relate to the proposed text amendments in Exhibit "A". The findings are grouped by general category and are followed by the proposed Development Code section number.

1. Building entrance (§151.196 (A))

Finding: The proposed text amendments modify §151.196 (A) which requires building entrances to be oriented to the primary street. The existing definition requires a building oriented to a street with a higher functional classification (greater vehicle capacity and speed). The proposed amendment would change this so that a proposed building would be oriented to the street with the higher pedestrian traffic volume (less vehicle capacity and speed). This change will help ensure development sites are more accessible and functional for pedestrians. The proposed change does not directly impact vehicle access, although it may help to hide parking areas from street view.

2. Building façade (§151.196(H)(1))

Finding: Large scale developments are required to incorporate at a minimum 5 of the following design elements along the building façade.

- (a) A building offset or projection of at least 6 feet depth and width.
- (b) An awning or roof sheltering a pedestrian walkway or seating area.
- (c) A building façade shall be comprised of at least two building materials, with the lesser comprising not less than 10% of the total façade.
- (d) Contrasting brick, stone, or natural wood trim.
- (e) Pitched roofs or gable-end roofs.
- (f) Curved arches or roof line features.
- (g) A tower, spire, or cupola.
- (h) A cornice.
- (i) Second story windows that comprise a minimum of 10 percent of the second floor façade.

These architectural features are found to increase visual interest and compatibility with surrounding development, provide a change in the building direction and divide large spaces into varying heights and sizes, increase the natural lighting indoors, and provide a feel and scale similar to "downtown". Some of these features may increase initial development costs.

3. Windows (§151.196(G), §151.196(H)(3))

Finding: The proposed text amendments requires 20% of the ground floor façade to comprise of windows. This amount is found to provide enough window coverage to be visually appealing without being cost prohibitive. The benefits of having windows on a street side building façade include: increased natural light in the interior of the building and, they allow customers inside to view the street as well as pedestrians outside to view into the building.

The proposed text amendment also requires that, of the required window area, 25% of the area shall allow view into an active space. Windows that allow views into an active space provide increased natural light, improved façade articulation and visual interest, and increased security for the parking and pedestrian areas. It is reasonable, due to the interior configuration of commercial buildings, storage, employee lounge areas, heating and ventilation systems, etc., to require 25% of the total ground floor façade windows to view into an active space.

4. Building orientation (§151.196(H)(4))

Finding: The proposed text amendments require that buildings are oriented to the primary street or an open space or plaza. Orienting a building to a pedestrian space is one of the more important design elements in creating a pedestrian scale, walkable development site. Locating entrance points near high volume pedestrian areas helps to increase informal security, is more convenient for pedestrians, and creates a more lively outdoor space.

5. On site landscaping and screening (§151.196(H)(5))

Finding: Landscaping within the interior of a parking lot provides aesthetic appeal, reduces storm water runoff and subsequently may improve storm water quality, reduces heat reflection from impervious surfaces, provides shade for customers, and creates a more pedestrian friendly site. More specific findings include:

- Locating one deciduous shade every seven parking stalls is found to provide coverage similar to the Development Code street tree spacing standards. Furthermore, by requiring a tree with a minimum tree crown of 25 feet, a greater percentage of the parking lot will have a street-like tree canopy.
- Large scale development typically has a greater degree of impact on the storm water system than smaller scale sites. Using best management storm water practices such as a bio-swale, rain garden, bio-retention area, etc., will help to reduce the amount of storm water runoff and help to improve storm water quality.
- An open space, water feature, or plaza provides an opportunity for passive recreation, beautify a site, and typically increase pedestrian activity. Having an on-site open space feature may reduce the total area for parking and will require continuous maintenance. Maintenance is typically the responsibility of the property owner.
- The three different landscape island options allow for greater flexibility in site design. For example, relatively narrow lots may find that 1 landscape island per 7 stalls works better than a landscape strip between parking blocks. Requiring a 5 foot wide continuous landscape strip between parking blocks would use about 3 times as much area as locating landscape islands (5' x 5') every 7 parking stalls.
- Required parking area landscaping may reduce the amount of potential parking spaces and increase initial development costs and long-term maintenance costs.

- Pervious pavement is typically used in overflow parking areas and emergency vehicle lanes. The proposed text amendment would permit developments to exceed the 125% parking cap in 151.196(H)(8) if some form of pervious pavement is used.

6. Vehicle and pedestrian connectivity (§151.196(H)(6))

Finding: Internal public streets within a commercial site separate vehicular and pedestrian traffic, improve traffic flow, and improve the on-site and off-site connectivity. These improvements are accomplished by separating a majority of the traffic that is traveling within and through the site, from the parking areas.

In general pedestrian connectivity is regarded as an important site design feature in all types of development, including large scale retail. Including dedicated pedestrian pathways visually identifies and functionally separates pedestrians from drive aisles; and allows safe, convenient access throughout the site and to adjacent development. Together these elements define what is commonly referred to as the “walkability” of a neighborhood or site.

7. Pedestrian scale lighting (§151.196(H)(7))

Finding: The use of pedestrian scale light fixtures along walkways increases safety, on-site security, and may improve the aesthetics of the site, particularly for a large scale retail development site. Especially for safety and security reasons pedestrian pathways should always be well lit during evening hours. Furthermore, requiring a low height, low wattage light can reduce light pollution that is sometimes caused by using tall, high wattage lamps in unneeded areas.

The existing Newberg Development Code already includes minimum exterior lighting requirements. This text amendment would specify minimum illumination levels for pedestrian walkways on commercial sites. The proposal does not require pedestrian scale lighting within parking lot areas, unless a walkway is present.

8. Parking (§151.196(H)(8))

Finding: The existing minimum parking ratio for retail uses is 1 stall per 300 sq. feet of gross floor area. Currently the Development Code includes no maximum standards. The proposed text amendments would require a cap of 125 percent of the minimum parking ratio requirement. For comparison purposes, the following table contains parking data for local large scale retailers.

Existing Parking Data for Local Large Scale Retailers

<i>Use</i>	<i>Existing parking ratio</i>	<i>Number of stalls provided</i>	<i>Minimum number of stalls required by existing Code</i>	<i>Proposed Code maximum</i>	<i>National studies parking ratio (3.8:1000)</i>
Bi-Mart	1:230	140	105	140	120
Fred Meyer	1:250	740	615	820	705
Springbrook Plaza	1:260	440	385	515	440

Newberg's large scale retailers, Bi-Mart, Fred Meyer, and Springbrook Plaza (buildings over 30,000 sq. ft.) have existing parking ratios of 1:230, 1:250, and 1:260 respectively. These local businesses have provided an amount of parking between 115 and 125 percent of the minimum amount required. Visual surveys conducted by staff throughout the year indicate that these businesses often have a surplus of parking, even during the Holiday Season. The proposed 125 percent cap would limit the ratio to 1 stall for every 240 sq. ft. of gross floor area; a ratio that would provide an amount of parking close the amount provided by existing large scale retailers. Because the existing large scale retail businesses in Newberg are found to have an existing parking surplus and have existing parking ratios at and below the 125 percent cap, the proposed cap is found to allow for an ample amount of on-site parking.

For comparison purposes, staff reviewed quantitative studies regarding the parking demand for a 100,000 square foot building during the peak parking period on a Saturday in December. This time period is when parking needs are expected to be at their highest. For a free standing discount store the average parking demand is 3.81 vehicles per 1,000 square feet of gross floor area. The minimum and maximum parking permitted by the Newberg Development code and proposed amendment is 3.33 and 4.16 per 1,000 square feet of gross floor area respectively. This information illustrates that Newberg's proposed requirements permit a range of parking that is similar to the amount of parking demand shown for a free standing discount store during peak shopping times.

9. Existing Development (§151.196(H)(8))

Finding: The proposed text amendment affirms that if an existing commercial business becomes "large scale retail" through expansion, etc., that the existing non-conforming criteria of the Development Code will apply. The existing non-conforming criteria are found not to create an undue hardship on the owner and are legally defensible.

10. Conditional Use Permit §151.357

Finding: Large retail buildings possess a number of unique characteristics that warrant special review. The buildings are much larger, posing much greater aesthetic presences in the community.

They generate large volumes of traffic, noise, lighting, debris, and so forth in a concentrated area. Each development is unique and can have varied impacts on the community. If the proposed development does not meet all of the review standards of §151.196 (H), it is appropriate to require conditional use permits prior to construction of any such uses. Under conditional use review, additional conditions may be added to address specific issues.

NEWBERG DEVELOPMENT CODE § 151.205 DESCRIPTION AND PURPOSE.

- (A) *It is recognized that certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration involves, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.*
- (B) *All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as out-right uses in any of the various districts herein defined. The authority for the location and operation thereof shall be subject to review and the issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of any such use shall be reasonably compatible with the type of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this code shall be served. Nothing construed herein shall be deemed to require the hearing body to grant a conditional use permit.*

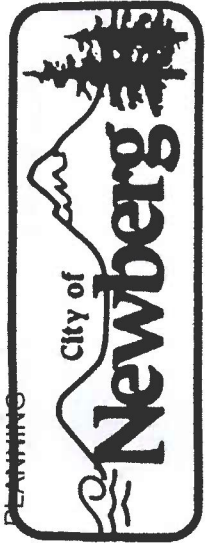
13. Consistency with existing Newberg Comprehensive Plan policies

- **Comprehensive Plan Policy H.3.c.** *Commercial development will be encouraged to be clustered and to develop off-street parking facilities in conjunction with other nearby developments.*
- **Comprehensive Plan Policy J.1.3.** *Developments should respect the natural ground cover of their sites to the extent possible and plans should be made to preserve existing mature, non-hazardous trees in healthy condition.*
- **Comprehensive Plan Policy J.4.e.** *Off-street parking should be provided in adequate amounts.*
- **Comprehensive Plan Policy M.1.a.** *The City will encourage energy-efficient development patterns. Such patterns shall include the mixture of compatible land uses and a compactness of urban development.*

Finding: The amendment addresses the needs for off-street parking for commercial development, but discourages over-paving of commercial sites. By doing so, commercial development will “respect the natural ground cover to the extent possible” rather than unnecessarily paving areas. It also will encourage more compact and clustered development.

- **Comprehensive Plan Policy F.9.** *The City will seek abatement of the aesthetic degradation of the environment resulting from blighted neighborhoods, indiscriminate waste disposal, offensive outdoor storage.*
- **Comprehensive Plan Section J. Urban Design, Goal 1:** *To maintain and improve the natural beauty and visual character of the City.*
- **Comprehensive Plan Policy J.1.c.** *Non-residential uses abutting residential areas should be subject to special development standards in terms of setbacks, landscaping, sign regulations, building heights and designs.*
- **Comprehensive Plan Policy J.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.*
- **Comprehensive Plan Policy J.3.a.** *Where commercial development is permitted, such development should be subject to design requirements for ingress and egress, landscaping and sign control.*
- **Comprehensive Plan Policy J.4.a.** *The City will require buffering and landscaping to minimize impacts between housing and potentially conflicting uses.*
- **Comprehensive Plan Policy K.8.a.** *Adopt transportation and land use design standards that emphasize visual and aesthetic quality.*

Finding: The above policies stress maintaining the aesthetics of the community, and providing buffers between residential and non-residential uses. The proposed amendments achieve these goals by improving aesthetic standards for large scale retail developments, by providing buffering standards between commercial and residential uses, and by requiring screening of storage and loading areas.



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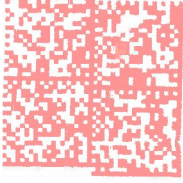
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