



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/26/2011

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 004-11

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: Monday, September 12, 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
Angela Lazarean, DLCD Urban Planning Specialist

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FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

AUG 23 2011

LAND CONSERVATION AND DEVELOPMENT

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 11-005**

Date of Adoption: **8/15/2011**

Date Mailed: **8/22/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5/24/2011

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 increases the permitted lot coverage in R-1 zone from 30% to 40% for single story structures. The amendment gives credit in parking coverage for permeable pavement, and exempts small accessory buildings and non-residential uses from lot coverage standards.

Does the Adoption differ from proposal? Yes, Please explain below:

It limits the change to single story structures, and exempts small accessory buildings and non-residential uses.

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:

Local Contact: **Barton Brierley**

Phone: **(503) 537-1212** 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. 2011-2746

AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT CODE'S LOT COVERAGE STANDARDS

RECITALS:

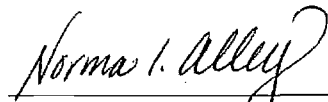
1. Lot coverage standards help control storm drainage, provide for outdoor living areas on lots, and limit the bulk of development to that appropriate for the zone.
2. Newberg recently amended the Development Code to modify the minimum lot size allowed in the R-1 zone. The changes made no change in the maximum building coverage standards.
3. Allowing additional lot coverage for single story residences in the R-1 zone, without increasing the total combined parking and lot coverage standards, would allow additional indoor living areas on lots, and still not increase storm water impacts or increase the bulk of development allowed.
4. The Planning Commission recommends that small accessory buildings and non-residential uses should be exempt from needing to meet the lot coverage standards.
5. The Newberg Planning Commission initiated a Development Code amendment, held a hearing on July 14, 2011, and recommended the City Council adopt the proposed amendments.
6. The City Council held a hearing on August 15, 2011 to consider the proposed amendments.
7. The Code of Newberg is amended and shown in Exhibit "A", which is hereby attached and by this reference incorporated.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

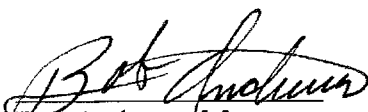
1. The Code of Newberg is amended and shown in Exhibit "A", which is attached, hereby adopted, and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 14, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 15th day of August, 2011, by the following votes: **AYE: 5** **NAY: 1 [MCKINNEY]** **ABSENT: 1 [BACON]** **ABSTAIN: 0**


Norma I. Alley, City Recorder

ATTEST by the Mayor this 18th day of August, 2011.


Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through Newberg Planning Commission at 7 / 14 / 2011 meeting. Or, None.

Exhibit "A" to Ordinance 2011-2746
Newberg Development Code Lot Coverage 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 Section 15.405.040 shall be amended as follows:

15.405.040 Lot coverage and parking coverage requirements.

A. Purpose. The lot coverage and parking coverage requirements below are intended to:

1. Limit the amount of impervious surface and storm drain runoff on residential lots.
2. Provide open space and recreational space on the same lot for occupants of that lot.
3. Limit the bulk of residential development to that appropriate in the applicable zone.

~~A. For all buildings and uses the following shall mean the maximum permitted lot coverage, maximum coverage of public or private parking areas or carports, and/or combined maximum lot and parking combined coverage required in the various districts expressed in percentage of the area of the lot or development site in which district such coverage is permitted or required (see Appendix A, Figure 4).~~

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

1. Maximum Lot Coverage.

- a. R-1 : 30 percent, or 40 percent if all structures on the lot are one-story.
- b. R-2 and RP: 50 percent.
- c. AR and R-3: 50 percent.

2. Maximum Parking Coverage. ~~Maximum coverage for parking lots, aisles and access, and parking structures, where 50 percent or more of the perimeter of such structure is open on its sides: R-1 , R-2, R-3, and RP: 30 percent.~~

3. Combined Maximum Lot and Parking Area Coverage.

- a. R-1 , R-2 and RP: 60 percent.
- b. R-3: 70 percent.

B.C . All other districts and uses not listed in subsection (A) of this section shall not be limited as to lot coverage and parking area coverage except as otherwise required by this code.

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

“Accessory Structure, Exempt” means a structure for which a permit is not required by the applicable building code, and which may or may not be subject to standards of this code. Until amended, this includes, but is not limited to, the following structures accessory to single family and two-family dwellings:

1. Nonhabitable one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet and a height of 10 feet measured from the finished floor level to the average height of the roof surface.
2. Prefabricated swimming pools where the pool walls are entirely above grade, excluding barriers subject to building permit requirements.
3. Swings and other playground equipment.
4. Patio and porch covers not over 200 square feet and supported by an exterior building wall.
5. Porches and decks, where the floor or deck is not more than 30 inches above adjacent grade at any point and where in the case of a covered porch, the covered portion of the porch does not come closer than 3 feet to property lines.
6. Frame-covered nonhabitable accessory buildings not more than 500 square feet in area, one story in height and not closer than 3 feet to a property line, where the structure is composed of a rigid framework that supports a fabric membrane.

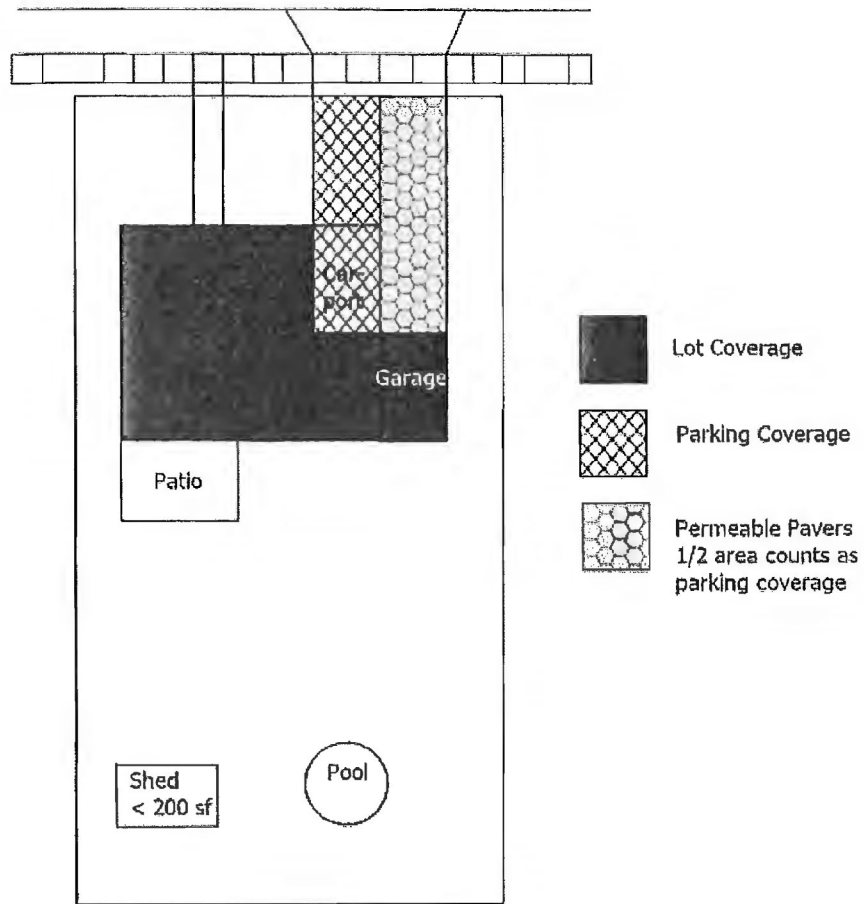
Exempt Accessory Structure. See **“Accessory Structure, Exempt.”**

“Lot coverage” means that portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building, except any area covered by a structure where 50 percent or more of the perimeter of such structure is open from grade, or any exempt accessory structure. (See also Appendix A, Figure 4.)

“Parking coverage” means that portion of a lot covered by parking lots, aisles and access, and parking structures, where 50 percent or more of the perimeter of such structure is open on its sides. It includes one-half the area covered by approved pervious paving materials such as grasscrete, permeable asphalt, or permeable pavers.

Section 3. Appendix A, Figure 4 shall be replaced with the following figure.

Figure 4. Lot Coverage and Parking Coverage



**Exhibit "B" to Ordinance 2011-2746
Findings**

NEWBERG COMPREHENSIVE PLAN POLICIES

RECREATION POLICY G.2. *To provide adequate recreational resources and opportunities for the citizens of the community and visitors.*

Finding: The amendments would continue to allow areas on lots for private recreation by limiting lot coverage to no more than 40 percent, and retaining the combined parking and lot coverage maximum percentage at 60 percent.

URBAN DESIGN GOAL J.1: *To maintain and improve the natural beauty and visual character of the City.*

Finding: The amendment retains the visual character of R-1 areas by limiting the lot coverage of two-story buildings to 30 percent, while allowing 40 percent lot coverage for one story buildings.

RESIDENTIAL LAND USE PLAN CLASSIFICATIONS III.2

Residential land is divided into three categories. Density rather than housing type is generally the most important development criteria used to classify residential areas. Mobile home parks and mobile home subdivisions are permitted outright in the medium density residential zone. Manufactured homes on individual single family lots are permitted. (As amended by Ord. 2380, 6-6-94).

The following is a summary of the three residential land use categories:

a. Low Density Residential (LDR)

The objective of this designation is to provide a wide range of housing types and styles, while allowing for an overall density of up to 4.4 units per acre.

Typical housing types will include single-family attached and detached housing. Clustered housing areas within Planned Unit Developments or condominiums must include adequate open areas to maintain the low overall density of this classification.

Services shall include improved streets, underground utilities (except electrical transmission lines), street lighting, sidewalks, and in some cases, bikeways.

Finding: The amendments would continue to require 40% total open area on a lot in the R-1 zone, allowing open space, outdoor recreational use, and an overall low density.



Planning Division
Box 970 • Newberg, OR 97132

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DEPT OF

AUG 23 2011

LAND CONSERVATION
AND DEVELOPMENT

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