



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

09/19/2011

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 002-11

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, October 03, 2011

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 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  
Steve Oulman, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

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

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**SEP 13 2011**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Newberg**

Local file number: **DCA-11-001**

Date of Adoption: **9/6/2011**

Date Mailed: **9/12/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 6/9/2011

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".

Amendments to Newberg's manufactured housing regulations to:

- Create a new manufactured dwelling district. The proposal does not place this district on any land at this time.
- Adopt state definitions for manufactured housing, and adopt state rules for man. dwelling and RV parks.
- Reorganize & update sections, such as clearly separating regulations for recreational vehicles and manufactured dwellings.
- Modify manufactured housing site design regulations to be clear and objective.

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

Minor clarifications and corrections were made.

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

DLCD File No. 002-11 (18802) [16754]

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**

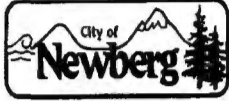
## ADOPTION SUBMITTAL REQUIREMENTS

**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. 2011-2747

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### AN ORDINANCE AMENDING NEWBERG'S DEVELOPMENT CODE AND COMPREHENSIVE PLAN POLICIES REGARDING MANUFACTURED HOUSING

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#### RECITALS:

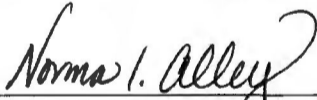
1. Manufactured housing is a source of affordable housing for many families in Newberg.
2. The Affordable Housing Action Plan recommends creating manufactured dwelling district where manufactured housing is allowed.
3. The Newberg Development Code regulations regarding manufactured housing need updating to meet state laws and industry practices.
4. 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:

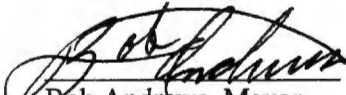
1. The Code of Newberg and Newberg Comprehensive Plan Policies are amended and shown in Exhibit "A," which is attached. Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted and by this reference incorporated.

➤ EFFECTIVE DATE of this ordinance is 30 days after the adoption date, which is: October 6, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6<sup>th</sup> day of September, 2011, by the following votes: **AYE: 6** **NAY: 1 [MCKINNEY]** **ABSENT: 0** **ABSTAIN: 0**

  
Norma I. Alley, City Recorder

ATTEST by the Mayor this 8<sup>th</sup> day of September, 2011.

  
Bob Andrews, Mayor

#### LEGISLATIVE HISTORY

By and through Newberg Planning Commission at their 07/14 /2011 meeting.

By and through Newberg Affordable Housing Action Committee at their 10/27/2010 meeting.

**Exhibit "A" to Ordinance 2011-2747  
Manufactured Housing Amendments**

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

**SECTION 1. NEWBERG COMPREHENSIVE PLAN POLICY I.3.e. SHALL BE AMENDED AS FOLLOWS:**

Manufactured homes shall be permitted in the following locations: 1) manufactured dwelling and mobile home parks, 2) ~~mobile~~manufactured home subdivisions, and 3) individual lots within all residential districts when units meet manufactured home standards. Manufactured dwellings shall be allowed in manufactured dwelling parks, mobile home parks and manufactured mobile home subdivisions when units meet the provisions of the ~~Zoning Ordinance~~Development Code. (As amended by Ord. 2380, 6-6-94)

**SECTION 2. NEWBERG COMPREHENSIVE PLAN POLICY III.2 SHALL BE AMENDED AS FOLLOWS:**

Residential land is divided into three categories. Density rather than housing type is generally the most important development criteria used to classify residential areas. Manufactured dwelling parks, mobile home parks and mobile manufactured home subdivisions are permitted outright in the medium density residential zone. Manufactured homes on individual single family lots are permitted.

**SECTION 3. THE DEFINITIONS IN NMC 15.05.030 SHALL BE MODIFIED AS FOLLOWS:**

"Accessway" means a drive or roadway which provides vehicular access within a ~~mobile home Park~~development other than a street.

Automobile Sales. See "motor vehicle, ~~mobile home~~manufactured dwelling, and recreational vehicles sales area."

"Manufactured dwelling" means a residential trailer, mobile home or manufactured home.  
"Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

"Manufactured dwelling park" means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a manufactured home subdivision.

"Manufactured dwelling park space" means an area, tract of land, or portion of a manufactured dwelling park that is designed or used for occupancy by one manufactured dwelling or recreational vehicle.

“Manufactured home subdivision” means a subdivision where the use of lots is limited to one manufactured home per lot or uses accessory to the home or the subdivision.

“Manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

~~“Manufactured home park” means any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to offer space free in connection with securing the trade or patronage of such person.~~

“Mobile home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

~~A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes. A manufactured relocatable living unit.~~

“Mobile home Manufactured structure accessory building or structure” means: any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and specifically includes but is not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks, steps, and ramps.

1. ~~Any awning, portable, demountable or permanent cabana, ramada, carport, porch, skirting or steps established for use of the occupant of the mobile home and which is designed or intended to be attached to and which depend, in whole or in part, upon the mobile home for structural support.~~

~~2. Prefabricated and site built mobile home accessory buildings and structures not dependent in whole or in part upon the mobile home for structural support.~~

“Mobile home park” means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Mobile home park” does not include a manufactured home subdivision.

~~Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to offer space free in connection with securing the trade or patronage of such person.~~

~~“Mobile home space” means a plot of ground within a mobile home park designed for the accommodation of one mobile home.~~

“Mobile home park space” means an area, tract of land, or portion of a manufactured dwelling park that is designed or used for occupancy by one manufactured structure.

~~“Modular home” means a dwelling meeting Uniform Building Code the Oregon Residential Specialty~~

Code standards and constructed and inspected prior to installation on a preformed foundation. Modular homes are not constructed with attached wheels and are not intended for moving on the highway without a special trailer. "Modular home" is treated the same as a site built dwelling for purposes of the Development Code.

"Motor vehicle, ~~mobile home~~manufactured dwelling and recreational vehicles sales area" means a lot used for display, sale or rental of any new or used motor vehicles, ~~mobile homes~~manufactured dwellings or recreational vehicles, where no repair work is done except minor, incidental repairs of motor vehicles, ~~mobile homes~~manufactured dwellings or recreational vehicles to be displayed, sold or rented for use off of the premises.

"Recreational structure" means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the State of Oregon.

"Recreational vehicle" means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the State of Oregon. ~~means a vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms. The unit shall be identified as a recreational vehicle by the manufacturer and meet applicable federal standards for construction.~~

"Recreational vehicle park" or "RV park"

1. Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

a. The renting of space and related facilities for a charge or fee; or

b. The provision of space for free in connection with securing the patronage of a person.

2. Does not mean:

a. An area designated only for picnicking or overnight camping; or

b. A manufactured dwelling park or mobile home park.

~~means a parcel or parcels of land upon which two or more recreational vehicle spaces are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational purposes.~~

"Recreational vehicle space" means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

"Residential trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Type II Procedure. These actions shall be decided by the director. Type II actions shall include, but not be limited to, future street plans, site design review, partitions, subdivisions, variances, and manufactured dwelling and mobile home parks.

**SECTION 4. NEWBERG MUNICIPAL CODE SECTION 15.100.030, TYPE II PROCEDURE – EXCEPT SUBDIVISIONS, SHALL BE AMENDED AS FOLLOWS**

- B. Type II actions include, but are not limited to:
1. Site design review.
  2. Variances.
  3. Manufactured ~~home dwelling~~ parks and mobile home parks.
  4. Partitions consisting of three or less new lots.

**SECTION 5. NEWBERG MUNICIPAL CODE SECTION 15.220.050(B)(6), CRITERIA FOR DESIGN REVIEW (TYPE II PROCESS), SHALL BE AMENDED AS FOLLOWS**

6. Manufactured ~~HomeDwelling~~, Mobile Home and RV Parks. Manufactured ~~homedwelling and; mobile home, and recreational vehiele~~ parks shall also comply with the standards listed in 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170~~15.445.050 et seq.~~ in addition to the other criteria listed in this section.

**SECTION 6. NEWBERG MUNICIPAL CODE SECTION 15.250.080 COMPREHENSIVE PLAN AND ZONING DESIGNATION (UPON ANNEXATION), SHALL BE AMENDED AS FOLLOWS:**

**15.250.080 Comprehensive plan and zoning designations.**

A. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.

B. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of § 15.302.030 shall not be required.

Comprehensive Plan Classification	Appropriate Zoning Classification
OS	Any zoning classification
LDR	R-1
MDR	R-2, <u>R-4</u>
HDR	R-3, <u>R-4</u>
COM	C-1, C-2, or C-3 as determined by the Director
MIX	C-2, M-1, or M-2 as determined by the Director
IND	M-1, M-2, M-3, M-4 or AI



PQ Any zoning classification

~~P/PP~~ Any zoning classification CF

C. If a zoning classification is requested by the applicant for other than that described in division (B) of this section, the criteria of NMC 15.302.030 shall apply. This application shall be submitted concurrently with the annexation application.

D. In the event that the annexation request is denied, the zone change request shall also be denied.

**SECTION 7. NEWBERG MUNICIPAL CODE CHAPTER 15.304.030(H), PERMITTED BUILDINGS AND USES (IN THE R-1 DISTRICT) SHALL BE AMENDED AS FOLLOWS:**

H. Manufactured homes on individual lots provided the homes meet the development standards set forth in NMC 15.445.~~050020~~ through 15.445.~~070040~~.

**SECTION 8. NEWBERG MUNICIPAL CODE SECTION 15.306.020 K-L, PERMITTED BUILDINGS AND USES IN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT, SHALL BE AMENDED AS FOLLOWS**

K. Manufactured dwelling parks, mobile home parks, and manufactured home subdivisions subject to terms and conditions set forth in NMC 15.445.075 through 15.445.160.

~~L.~~ L. Manufactured homes, subject to the following:

1. Manufactured homes on individual lots, provided the homes meet the development standards set forth in NMC 15.445.~~020-050~~ through 15.445.~~070040~~.

2. Manufactured homes within mobile home parks and manufactured mobile-home subdivisions subject to the terms and conditions set forth in NMC 15.445.075050 through 15.445.170.

~~L.~~ L. Mobile home parks and mobile home subdivisions subject to terms and conditions set forth in NMC 15.445.050 through 15.445.1

**SECTION 9. NEWBERG MUNICIPAL CODE CHAPTER 15.308.020(L), PERMITTED BUILDINGS AND USES (IN THE R-3 DISTRICT) SHALL BE AMENDED AS FOLLOWS:**

L. Manufactured homes on individual lots created prior to November 17, 1992. ~~New manufactured dwellings~~ Manufactured homes on individual lots created on or after November 17, 1992 will only be permitted through the planned unit development process. The homes must meet the development standards set forth in NMC 15.445.~~050020~~ through 15.445.~~070040~~.

**SECTION 10. THE FOLLOWING SHALL BE ADDED AS NEWBERG MUNICIPAL CODE  
CHAPTER 15.309:**

**Chapter 15.309**

**R-4 MANUFACTURED DWELLING DISTRICT**

**15.309.010 Description and purpose.**

A. The purpose of this land use designation is to provide locations reserved for manufactured homes, manufactured dwelling parks, mobile home parks, manufactured home subdivisions, and related uses.

B. This district allows manufactured homes, mobile home parks, or manufactured home subdivisions at a density of up to 12 dwellings per acre. The R-4 District is intended to be consistent with the medium density residential or high density residential designation of the comprehensive plan.

**15.308.020 Permitted buildings and uses.**

In the R-4 Manufactured Dwelling District the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:

A. Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and NMC 15.309.030.

B. Group care homes within manufactured dwellings or existing dwellings.

C. Home occupations using existing dwellings or manufactured dwellings.

D. Manufactured homes on individual lots (one per lot). The homes are not subject to the development standards set forth in NMC 15.445.020 through 15.445.040.

E. Manufactured home subdivisions, including manufactured homes (one per lot) within the subdivision.

F. Manufactured dwelling parks.

G. Mobile home parks.

H. Open space.

I. Private and public parks, playgrounds.

J. Parking areas.

K. Public or private parking garages.

L. Transportation facilities and improvements.

M. 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.

**15.309.030 BUILDINGS AND USES PERMITTED CONDITIONALLY.**

In addition to the buildings and uses permitted conditionally, listed in NMC 15.309.020, 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. Churches.

B. Community centers.

C. Day nurseries.

D. Duplexes.

E. Group care facilities.

F. Multiple-family dwellings.

G. Planned unit developments.

H. Private clubs, lodges and meeting halls.

I. Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure or utility pole more than 18 feet. Top hat antenna installations are prohibited.

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.

**SECTION 11. NEWBERG MUNICIPAL CODE CHAPTER 15.310.020(M), PERMITTED BUILDINGS AND USES (IN THE RP DISTRICT) SHALL BE AMENDED AS FOLLOWS:**

M. Manufactured homes on individual lots, provided the homes meet the development standards as set forth in NMC 15.445.050020 through 15.445.070040.

**SECTION 12. NEWBERG MUNICIPAL CODE CHAPTER 15.352.050(A), RESIDENTIAL DESIGN STANDARDS (IN THE RIVERFRONT DISTRICT) SHALL BE AMENDED AS FOLLOWS:**

A. Single-Family Dwellings.

1. For single-family dwellings, including manufactured dwellings-homes on individual lots, at least two of the following design features must be provided on the street-facing facade:

- a. Covered front porch at least six feet in width and length.
- b. Eaves (minimum 12-inch overhang).
- c. Bay or bow windows.
- d. Dormers.
- e. Window shutters.
- f. Cupolas.
- g. Horizontal lap siding.

2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

**SECTION 13. NMC 151.445.020 – 151.445.170 shall be amended as follows:**

~~Article III. Mobile Homes – Mobile Home Subdivisions – RV Parks~~ Article II. Manufactured Dwellings

**15.445.050010 Description and purpose.**

The regulations contained in this article are intended to provide a suitable living environment for residents of mobile home parks, manufactured dwelling parks, and manufactured mobile home subdivisions and set forth development standards that will be compatible with adjacent land uses.

**15.445.060020 Applicability.**

It is the policy of the city to conform its regulations to federal and state laws and regulations, and this article are a supplement to federal and state statutes, rules and regulations governing the manufacture and installation of ~~mobile homes~~ manufactured dwellings and ~~mobile home~~ manufactured dwelling accessory structures, and the design and development of mobile home parks, manufactured dwelling parks, and manufactured mobile-home subdivisions. Nothing herein contained shall be construed to supersede or replace federal or state statutes, rules or regulations with respect to, but not limited to, park and ~~mobile-manufactured dwelling~~ home setbacks, coverage, minimum play area, patio requirements,

street and walkway design and lighting, accessory buildings and structures, skirting, tie down, plumbing, electrical, fire safety, sanitation, certification and inspection requirements.

**15.445.07030 Permitted locations.**

Unless otherwise provided herein, upon compliance with applicable regulations and processes, ~~mobile homes for dwelling purposes~~manufactured dwellings only shall be permitted:

- A. ~~In licensed and approved mobile home parks or manufactured dwelling parks.~~
- B. ~~As manufactured homes in approved manufactured mobile home subdivisions.~~
- C. ~~As manufactured homes on individual lots, where such homes meet the requirements of~~

~~15.445.020 through 15.445.040.~~

D. ~~In newly annexed areas or within manufactured dwelling districts on individual lots not meeting the standards of 15.445.05020 through 15.445.07040 not located in a mobile home park, manufactured dwelling park, or manufactured mobile home subdivisions, provided:~~

- ~~(1) The owner records the occupancy of the lot by the mobile home with the Director; and~~
- ~~(2) There is no change in residents subsequent to annexation; and~~
- ~~(3) The owner's use of the lot for mobile home occupancy is not discontinued for a period of more than six months.~~

~~(D) In newly annexed areas in mobile home parks, provided:~~

~~(1) Within 90 days of annexation the owner or Director of the park submits to the Director an application for a license, a plot plan, and such additional related information as may be required by the Director; and~~

~~(2) Within 120 days of annexation a written agreement is executed between the Director and park owner or Director specifying the modifications that will be accomplished to provide that compliance to a degree satisfactory to the Director with current statutes, rules and regulations.~~

~~(E) In newly annexed areas on individual lots in mobile home subdivisions, provided the owner records each lot occupancy with the Director.~~

~~(F) Outside mobile home parks or mobile home subdivisions, provided, however, a mobile home may not be used for sleeping or living purposes for a period of time in excess of 14 days.~~

~~E. On a private lot for a period of not more than six months, during construction of a new home situated on the same lot. Before the expiration of this time the applicant may petition the director for a six month extension of this deadline if home construction is underway but not yet completed. The applicant shall post a bond or deposit of \$1,000.00 with the director. Upon the removal of the manufactured dwelling from the premises, the director will return the bond or deposit. If, at the end of six months, the manufactured dwelling has not been removed, the bond or deposit will be forfeited, and the city will use this for the removal of the manufactured dwelling from the property. Before the manufactured dwelling is used, the applicant shall connect it to the city water and sewer systems with proper permits and inspections.~~

~~G. As general offices in commercial or industrial districts for a period of not more than 18 consecutive months, provided:~~

~~1. The director finds that such use will be reasonably compatible with and have minimal impact on uses on abutting property and in the surrounding neighborhood and grants approval based thereon; and~~

~~2. Within six months from the date approval is granted on application for a building permit for a permanent structure or the permit is filed with the director. Failure to submit the application within the specified time will terminate the approval.~~

~~G. For temporary construction office use on the premises of new constructions until the construction is completed.~~

~~H. As permanent living quarters for a night watchman or caretaker in commercial or industrial districts upon a finding by the director that such use will be reasonably compatible with and~~

have minimal impact on uses on abutting property and in the surrounding neighborhood, is required for property security and issues a permit therefor.

**Article II. Manufactured Homes on Individual Lots**

**15.445.05020 Manufactured homes on individual lots - Purpose.**

Manufactured homes are allowed on individual lots in all residential areas. These development standards will allow manufactured homes to be intermixed with traditional "stick built" housing while assuring that they are compatible with and contribute to the scale and harmony of their neighborhood.

**15.445.03060 Manufactured homes on individual lots - Uses.**

These regulations allow manufactured homes on individual lots as a permitted use in all residential zones.

**15.445.04070 Manufactured homes on individual lots -- Development standards.**

Manufactured homes and manufactured home duplexes on individual lots in all residential districts shall meet the following minimum standards:

A. Each manufactured home which provides only one residential dwelling unit shall enclose a space of not less than 1,000 square feet. Manufactured homes which provide two residential dwelling units (duplex) shall enclose a combined space of not less than 1,800 square feet. Each individual dwelling unit must be multi-sectional.

B. Each manufactured home shall be placed on an excavated and back filled foundation and enclosed on the perimeter such that the chassis shall be located not more than 12 inches above grade and any axles or other transportation mechanisms shall be removed.

C. Each manufactured home shall have a roof slope no less than three feet in height for every 12 feet in width.

D. Each manufactured home shall have exterior siding and roofing which in color, material, and appearance is the same as at least three other dwellings within 500 feet of the property or similar to the exterior siding and roofing material commonly used on "stick built" residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.

E. All manufactured homes shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building codes defined in O.R.S. 455.010.

F. All dwelling units shall have a carport or garage constructed of like materials. A garage shall be provided where such is consistent with the predominant construction of immediately surrounding dwellings at least 50 percent to the dwellings on abutting lots, including lots directly across the street, have garages.

G. Manufactured homes shall not be located immediately adjacent to, have a common property line with, or be separated only by a street from historic resources listed on the Final Inventory of Historic Resources in the comprehensive plan.

**15.445.140-075 Mobile home and manufactured home dwelling parks -- General provisions.**

- A. Minimum area. Five acres.
- B. Maximum area of lots or spaces. 150 or distinct neighborhoods with a maximum of 100 spaces each.
- C. Maximum density. Shall not exceed the permitted density of the district.

D. Perimeter treatment. Except as required for vision clearance, the outer perimeter of each park shall be improved with:

1. A masonry wall not less than four feet not more than six feet in height shall be built around the perimeter of the park. Acceptable materials include brick, split-face concrete block, and concrete block with a stucco finish. Other types of exposed masonry may be used subject to review and approval of the director;

2. In addition to subsection (D)(1), adjacent to public streets, a landscape planter that is at least ten feet in depth (this shall be in addition to the width of any required sidewalk). This landscaped area shall be dedicated as part of the public street.

E. Perimeter setbacks. As measured from the property line, a minimum setback of 15 feet shall be provided for all homes and accessory structures along a public street. A minimum of five feet shall be provided for all other property lines. Projections as allowed under NMC 15.410.070 shall apply to these setbacks.

**15.445.080 Mobile home and manufactured dwelling parks -- Application and processing--Type I.**

An application for a mobile home park or manufactured dwelling park or the enlargement of an existing mobile home or manufactured dwelling park shall be processed under the Type I procedure under the site design review process under Chapter 15.220 NMC, subject to the following provisions:

A. The services of an architect, a landscape architect and an engineer, all licensed to practice in Oregon, shall be employed in the preparation and execution of all plans. Upon proof by the applicant that the scope of the proposal does not require the services of an architect, the director may waive that requirement.

B. In the event of denial, applications may be resubmitted within one year of the denial, provided the director finds the denial was based on internal (on-site) factors and now plans have been submitted which are sufficiently modified to warrant consideration by the city.

C. An enlargement of a mobile home park or manufactured dwelling park site or an increase in the number of mobile home or manufactured dwelling spaces shall be subject to the provisions of this code regulating new mobile home or manufactured dwelling parks.

**15.445.090 Limiting mobile home parks and manufactured dwelling parks to mobile home park or manufactured dwelling park uses.**

Manufactured dwelling parks may contain one manufactured dwelling or one recreational vehicle on each manufactured dwelling park space, and accessory uses to the manufactured dwelling park. Mobile home parks may contain one manufactured structure on each mobile home park space, and accessory uses to the mobile home park. Except as set forth in this code, no building or land within the boundary of a mobile home or manufactured dwelling park shall be used for any other purpose. Mobile home and manufactured dwelling parks shall conform to plans as approved by the city and the state.

**15.445.100 Mobile Home and manufactured dwelling parks -- Maintenance**

Mobile home parks and manufactured dwelling parks shall be maintained to continue to be in compliance with the applicable provisions of this code and state codes.

**15.445.100 LICENSE OF MOBILE HOME PARK.**

~~(A) Transfer of license. If a transfer of license for a mobile home park under the provisions of this code is desired, an application for transfer shall be filed with the Director. The application shall contain the name and address of the present licensee, the applicant and the location of the park. Before the transfer of license is approved, the application shall be signed by the Director, certifying that the mobile home park conforms to all city regulations governing mobile home parks. Upon receipt of the~~

application, the Director shall issue a new license to be valid until January 1 next following.

~~(B) Display of license. Any required mobile home park license shall be displayed in a conspicuous place on the mobile home park premises.~~

~~(C) Revocation of license.~~

~~———— (1) The City Council may revoke any license to maintain and operate a trailer park if either of the following conditions occur:~~

~~———— (a) The certificate of sanitation for the park is revoked.~~

~~———— (b) The park does not conform to the provisions of this code and other ordinances of the city or requirements of the state relative thereto.~~

~~———— (2) Prior to revocation of a license, the licensee shall be given notice of a hearing before the City Council, at which time the revocation will be considered. The notice shall be before the hearing. For the purpose of the notice, the name and address that appears on the application for license or transfer of license shall be used.~~

~~———— (3) If the license is revoked, the City Council may later authorize issuance of the license after the owner of the park has obtained a certificate of sanitation and conforms to the provisions of this code.~~

#### **~~15.445.110 APPLICATION FOR LICENSE TO OPERATE.~~**

~~———— A. No person shall maintain or operate a mobile home park within the city without compliance to this code and applicable state requirements.—~~

~~———— B. All mobile home parks within the Newberg city limits must have a Director or representative who can be contacted. The mobile home park director or representative's name, address and telephone number for where they can be reached between the hours of 8:00 a.m. to 5:00 p.m., must remain current, on file within the Director. It shall be the responsibility of the Director or representative to notify the Director of any change in address.~~

~~———— C. No building on land within the boundaries of a mobile home park area shall be used for any purpose except for the uses permitted by this code.~~

~~———— D. The application for a license to operate a new mobile home park or to expand an existing park shall be accompanied by ten copies of the plot plan for the proposed park. The plan shall be drawn on a sheet of 18 x 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet, and shall show the following information:~~

~~———— 1. Proposed name of the mobile home park or trailer park.~~

~~———— 2. Name and address of applicant.~~

~~———— 3. Name and address of the owner.~~

~~———— 4. Name and address of the contractor.~~

~~———— 5. Name and address of the engineer.~~

~~———— 6. Scale and Northpoint of the plan.~~

~~———— 7. Vicinity map showing relationship of the mobile home park to adjacent properties.~~

~~———— 8. Boundaries and dimensions of the mobile home park.~~

~~———— 9. Location and dimensions of the mobile home space.~~

~~———— 10. Location of existing and proposed buildings.~~

~~———— 11. Location and width of access roads.~~

~~———— 12. Location and access to utilities, including fire hydrants.~~

~~———— 13. Location and width of walkways.~~

~~———— 14. Location of recreation areas and buildings.~~

~~———— 15. Location and type of fencing or screening.~~

~~———— 16. Location of telephone service for the park.~~

~~———— 17. Enlarged plot plan of a typical mobile home space showing location of the stand, patio, storage space, parking, sidewalk and utility connections.~~

- ~~18. Plans and specifications must be stamped and signed by a registered engineer.~~  
~~19. Plans and specifications must be approved and signed by the city prior to issuing any permit for construction in the mobile home park.~~  
~~E. When the Director have approved the completed mobile home park, as indicated by their final inspection, and upon issuance of a certificate of sanitation by the delegated authority, the city shall issue a license to the applicant.~~

**15.445.150 Mobile home Manufactured home subdivisions – General provisions TYPE III.**

A. Intent. It is the intent of this section to provide manufactured home mobile home owners with an alternative to renting space in a manufactured dwelling park or mobile home park; ~~provided the opportunity for smaller groupings of mobile homes in areas where available land does not permit park developments of an adequate size to be financially feasible~~; establish standards for permanent installation of mobile-manufactured homes in subdivisions which are intended primarily for resident owners; and establish certain design features enabling mobile-manufactured homes to blend with conventional housing.

B. ~~Minimum number of lots. Eighteen.~~ Lot size. The average size of lots in the subdivision shall not exceed 5,000 square feet.

C. Minimum size. Five acres per subdivision.

D. Dwelling types permitted. ~~Mobile homes which are used as permanent residences and comply with the National Mobile Home Construction and Safety Standards. Manufactured homes that comply with federal manufactured housing construction and safety standards regulations in effect at the time of construction are permitted. Mobile homes, recreational vehicles and residential trailers are not permitted.~~

E. Perimeter treatment.

1. Boundary screening shall not be required; however, each ~~mobile~~ manufactured home shall be:

- a. Equipped with skirting which in design, color, and texture appears to be an integral part of the adjacent matches the exterior wall of the mobile-manufactured home; and
- b. Covered by a roof pitched at a minimum slope of two inches in 12 inches, which is finished in non-reflective paint or permanently covered with non-reflective material.

2. When screening is installed, the director may require each owner-occupant in the subdivision to execute a homeowner's association agreement or record protective covenants which have been approved by the city, and provides for its permanent maintenance.

F. Occupied area surface treatment. Unless in conflict with state laws and regulations, all areas covered by manufactured home ~~mobile homes~~ and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.

~~G. Mobile home and accessory building support and tie down. Mobile and accessory building foundations shall be of sufficient strength to support the required live loads and actual dead loads imposed by the mobile home and any attached or supported structure based on accepted engineering design standards. Foundations, tie downs, or other supports shall be provided to withstand the specified horizontal up lift and overturning wind forces on the mobile home and any attached or supported structure based on accepted engineering design standards.~~

GH. Code conformance. Manufactured Mobile homes in manufactured mobile home subdivisions must conform in all respects to local, state and federal requirements in effect at the time of their installation.

~~H. Ownership. Lots shall be owner occupied, except that an owner occupant may own one additional lot in the same subdivision for rental purposes. This provision shall be made a part of and a condition or covenant of resident ownership in the subdivision.~~

~~Removal. If a manufactured mobile home is removed from its foundation and not replaced by another~~



home within 30 days, the owner of the lot shall immediately thereafter remove the foundation, additions, and accessory structures, and disconnect and secure all utilities.

**15.445.160 ~~Mobile home~~ Manufactured home subdivisions -- Application and processing.**

Land divisions for ~~mobile home~~ manufactured home subdivisions shall be subject to the provisions of this code to the same degree and in the same manner as conventional residential subdivisions.

**Article III. Recreational Vehicles**

**~~15.445.120-165~~ Limiting travel trailers and mobile homes Allowable use of recreational vehicles.**

~~No vacation trailer, motor home or pickup camper off of its vehicle shall be parked at the curb of any city street for more than 48 hours. No person shall maintain an occupied travel trailer or mobile home~~ recreational vehicle at any location other than a mobile home park, manufactured dwelling park or recreational vehicle park licensed under the provisions of the state and this code, except as follows:

A. Temporary use.

1. ~~Bona fide vacation trailers and pickup campers~~ recreational vehicles may be used by visitors of the residents, and shall be allowed on lots in residence areas for a period of time not to exceed 14 days.

2. ~~Vacation trailers (equipped with bath) or mobile homes~~ Recreational vehicles may be used for a residence on a private lot for a period of not more than six months, during construction of a new home situated on the same lot. A bond or ~~check deposit~~ of \$500.00 shall be posted with the ~~City Recorder~~ director; and upon the removal of the ~~trailer or mobile home~~ recreational vehicle from the premises, the ~~deposit~~ check or bond will be returned. If, at the end of six months, the ~~trailer or mobile home~~ recreational vehicle has not been removed, the bond or ~~deposit~~ check will be forfeited, and the city will use this for the removal of the ~~trailer or mobile home~~ recreational vehicle from the property. Before the ~~trailer or mobile home~~ recreational vehicle is used, it will be connected to the city water and sewer systems and passed on by the city plumbing inspector. A temporary permit must be obtained from the director and displayed on the ~~trailer or mobile home~~ recreational vehicle.

3. ~~Travel trailers or mobile homes~~ Recreational vehicles placed where specifically authorized by any other ordinance of the city.

B. Residential use.

~~(1) Prior to the occupancy of any mobile home upon real property in the City of Newberg, Yamhill County, in accordance with the provisions of this code, the property owner shall secure an installation permit from the Building Inspector of the city.~~

~~(2) The Building Inspector of the City of Newberg, prior to occupancy of a mobile home or house trailer, shall inspect such mobile home to determine if such occupancy for permanent living quarters complies with all the laws, provisions, ordinances and regulations of the State of Oregon and the City of Newberg relating to the use and occupancy of the mobile homes.~~

~~(3) Upon issuance of an installation permit for the installation of the mobile home, a permit indicating approval of the mobile home and its installation shall be placed by the Building Inspector in the unit so as to be visible from the street or road, unless otherwise screened from view.~~

~~(4) Said mobile home shall have continuous noncombustible skirting around its perimeter.~~

~~(5) All plumbing facilities outside of trailers for occupied mobile homes shall be designed, constructed and maintained in accordance with rules and regulations as set forth in the Plumbing Code for the City of Newberg and the State of Oregon. No plumbing or sewage disposal system repair, alteration, renovation or installation covered by the Plumbing Code shall be begun until a plumbing permit shall have first been obtained by the person, firm or corporation which is to perform the work.~~

~~(6) Nothing within these regulations shall be construed to allow a travel trailer as a permanent~~

dwelling.

~~(7) Mobile Homes may be placed where specifically authorized by any other ordinance of the city.~~

**~~15.445.130 Prohibited occupancy of recreational vehicles.~~**

~~A. No owner or person in charge of premises within the city shall occupy or allow the occupancy of a recreational vehicle upon the premises as permanent living quarters or beyond the time limits described in subsection A of this section, unless the recreational vehicle is placed on a manufactured dwelling park space, mobile home park space, or recreational vehicle park space.~~

~~BC. Parking and storage. No recreational vehicle shall be parked at the curb of any city street for more than 48 hours. Nothing contained herein shall prevent the parking of an unoccupied recreational vehicle not in daily use on the owner's property, except, the vehicle may not be parked in the required front yard setback for more than 48 hours.~~

**15.445.170 Recreational vehicle parks – General provisions—Type III procedure.**

RV parks shall require a conditional use permit in accordance with Chapter 14.225 NMC, and shall be processed using a Type III procedure.

A. Site development plan. A site plan shall be submitted which conforms with the site development plan standards listed in NMC 15.220.030.

B. Development standards.

1. Park density. Maximum density shall not exceed 25 spaces per acre.

2. Space size. Each recreational vehicle space shall be at least 1,000 square feet in

size.

3. Setbacks. No recreational vehicle space or park structure shall be located within 25 feet of a property line. When abutting a residential district, the setback shall be 50 feet.

4. Roadways. Roadways shall be finished with a durable dust free surface. Asphalt or concrete may be required adjacent to residential areas or commercial areas. The roadway widths shall be as follows:

a. A one-way roadway shall be a minimum of 12 feet in width, posted "no parking - fire lane."

b. A two-lane road shall be a minimum of 20 feet wide, posted "no parking - fire lane."

5. Parking. One parking space shall be provided at each recreational vehicle space. The parking space shall be finished with a durable dust free surface. Asphalt or concrete may be required adjacent to residential areas or commercial areas.

6. Common facilities. The park shall provide toilets, lavatories, and showers in accordance to the Oregon Revised Statutes.

7. Perimeter treatment. In addition to other landscaping improvements required by this code, the park shall screen all areas, other than entrances and landscaped street frontages, with the following:

a. A sight-obscuring fence or wall six feet in height; or

b. A maintained landscape hedge that will mature within three years and reach at least six feet in height; or

c. A combination of subsections (B)(7)(a) and (b) of this section.

C. Miscellaneous provisions.

1. Length of stay. ~~The length of use shall be limited to no more than three months during any 12 month period.~~ To remain in the park for more than 30 days, a recreational vehicle shall be equipped with plumbing facilities and shall be connected with the water and sewer systems of the park.

2. Accessory uses. Accessory commercial operations shall cater only to the residents of the park. Such operations shall present no visible evidence from any street of their commercial

character which would attract customers from outside the park.

**Exhibit “B” to Ordinance 2011-2747  
Findings**

Newberg Comprehensive Plan Housing Policies I.3. c, d, and e.:

*c. Manufactured dwellings shall be recognized as a source of affordable housing.*

*d. Modular housing (prefabricated structures) meeting all building codes and placed on permanent foundations shall be treated as single-family units. They will be subject to the same location and density requirements as other single-family dwellings. Manufactured housing on individual lots shall be subject to special development standards to assure design consistency and compatibility.*

*e. Manufactured homes shall be permitted in the following locations: 1) mobile home parks, 2) mobile home subdivisions, and 3) individual lots within all residential districts when units meet manufactured home standards. Manufactured dwellings shall be allowed in mobile home parks and mobile home subdivisions when units meet the provisions of the Zoning Ordinance.*

**Finding:** The amendments promote the placement of manufactured homes in areas found to be appropriate through the zone changes process. The amendments allow modular housing where traditional single family homes are allowed.

**ORS 197.307:**

*197.307 Effect of need for certain housing in urban growth areas; approval standards for certain residential development; placement standards for approval of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.*

*(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.*

*(3)(a) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing, including housing for farmworkers, shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.*

*(b) A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.*

*(c) The provisions of paragraph (b) of this subsection do not apply to an application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.*

*(d) In addition to an approval process based on clear and objective standards as provided in paragraph (b) of this subsection, a local government may adopt an alternative approval process for residential applications and permits based on approval criteria that are not clear and objective provided the applicant retains the option of proceeding under the clear and objective standards or the alternative process and the approval criteria for the alternative process comply with all applicable land use planning goals and rules.*

*(e) The provisions of this subsection shall not apply to applications or permits for residential development in historic areas designated for protection under a land use planning goal protecting historic*

areas.

*(4) Subsection (3) of this section shall not be construed as an infringement on a local government's prerogative to:*

*(a) Set approval standards under which a particular housing type is permitted outright;*

*(b) Impose special conditions upon approval of a specific development proposal; or*

*(c) Establish approval procedures.*

*(5) A jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:*

*(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.*

*(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.*

*(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.*

*(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.*

*(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.*

*(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.*

*(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.*

*(6) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

**Finding:** The proposed amendments comply with the above statutes by establishing clear and objective standards for locating manufactured dwelling parks, mobile home parks, and manufactured homes on individual lots.

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