

NOTICE OF DECISION
CPRD EWING YOUNG PARK FOOTBRIDGE – 1201 S BLAINE STREET
DR222-0014 / MISC222-0006/ MISC222-0007

March 31, 2023

NV5 Inc.
Attn: Jon Champlin
9450 SW Commerce Circle, Suite 300
Wilsonville, OR 97070

The Newberg Community Development Director **approved** the proposed design review DR222-0014 with accompanying stream corridor review MISC222-0006 and flood hazard permit MISC222-0007 for the Chehalem Parks and Recreation District Ewing Young Park Footbridge at 1201 S Blaine Street, tax lot R3219 00700 subject to the conditions listed in the attached report. The decision will become effective on April 13, 2023, unless an appeal is filed.

You may appeal this decision to the Newberg Planning Commission within 14 calendar days of this decision in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$582 (plus a 5% technology fee) to the Planning Division within 14 days of the date of this decision.

The deadline for filing an appeal is 4:30 pm on April 12, 2023.

At the conclusion of the appeal period, please remove all notices from the site.

Design review approval is only valid for one year from the effective date above. If building or construction permits are not issued within this time period, then design review approval becomes null and void and no construction may take place. If design review approval on your project is approaching its expiration date, contact the Planning Division regarding extension opportunities.

Please contact the Planning Division at planning@newbergoregon.gov or call 503-537-1240 if you have questions.

Sincerely,

A handwritten signature in blue ink that reads "Ashley Smith".

Ashley Smith, Assistant Planner

cc: All persons who submitted public comment.

DECISION AND FINDINGS
CPRD EWING YOUNG PARK FOOTBRIDGE –1201 S BLAINE STREET
DR222-0014 / MISC222-0006 / MISC222-0007

FILE NO: DR222-0014 / MISC222-0006 / MISC222-0007

REQUEST: Installation of footbridge at CPRD Ewing Young Park

LOCATION: 1201 S Blaine Street

TAX LOT: R3219 00700

APPLICANT: NV5 Inc. – Jon Champlin

OWNER: Chehalem Park and Recreation District

ZONE: Community Facility / Riverfront District (CF/RD)

PLAN DISTRICT: Parks / Riverfront District (P/RD)

OVERLAYS: Airport Conical Surface, Marijuana Exclusion Zone, Stream Corridor Overlay (SC) Subdistrict, Areas of Special Flood Hazard Overlay (FHO)

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Section V: Conditions

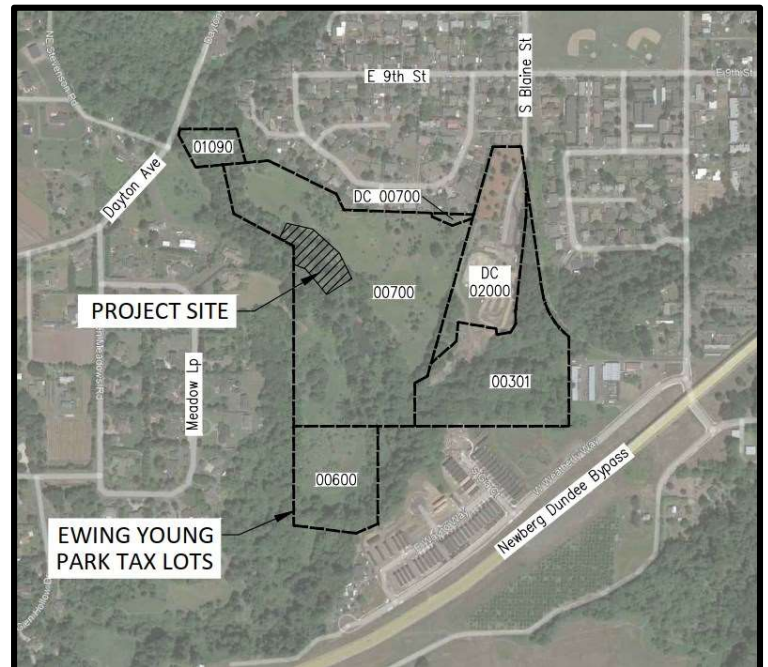
Attachments:

1. Application and Supplemental Information
2. Agency Comments
3. Public Comments

Section I: Application Information

A. DESCRIPTION OF APPLICATION:

Chehalem Park and Recreation District is submitting an application for a proposed footbridge, approximately 95 feet in length, within the Ewing Young Park. This application is specifically requesting approval to place the footbridge within the designated stream corridor and floodplain of Chehalem Creek. This application packet contains a request for a Type II Design Review for the footbridge, along with a Type II Stream Corridor Overlay (SC) Subdistrict review, and a Type II Areas of Special Flood Hazard Overlay (FHO) review. Chehalem Creek is a visual, natural boundary, that follows the City of Newberg City Limits and Yamhill County Line. The footbridge will have its east abutment located within the City of Newberg jurisdiction and the west abutment within Yamhill County jurisdiction. This staff report provides findings and decisions based on all scope of work located along the east side of Chehalem Creek located within the City of Newberg. Ewing Young Park is comprised of five separate tax lots. All work associated with this application is confined to tax lot R3219 00700, therefore, all findings and site information are reflective of this tax lot.



B. SITE INFORMATION:

1. Location: 1201 S Blaine Street, Chehalem Park and Recreation District - Ewing Young Park (Tax lot R3219 00700)
2. Size: 1,007,381 square feet (~ 23.13 Acres)
3. Topography: Slopes to southwest into stream corridor area.
4. Current Land Uses: Public Park

5. Natural Features: Chehalem Creek vegetative corridor, open grass meadows, with established trees and shrubs.
6. Adjacent Land Uses:
 - a. North: Residential, incorporated
 - b. East: Residential, unincorporated
 - c. South: Residential, unincorporated and incorporated; Ewing Young Park
 - d. West: Ewing Young Park
7. Adjacent Zoning:
 - a. North: Medium Density Residential / Riverfront District (R-2 / RD)
 - b. East: Very Low Density Residential (VLDR) – Yamhill County
 - c. South: Very Low Density Residential (VLDR) – Yamhill County and Medium Density Residential / Riverfront District (R-2 / RD)
 - d. West: Community Facility / Riverfront District (CF / RD)
8. Access and Transportation: Access to the proposed development is provided from S Blaine Street.
9. Utilities:
 - a. Not applicable to this project.

C. PROCESS: The Design Review, Stream Corridor, and Flood Hazard Overlay request are Type II applications and follow the procedures in Newberg Development Code 15.100.030. Following a 14-day public comment period, the Community Development Director makes a decision on the applications based on the criteria listed in the attached findings. The Director’s decision is final unless appealed. Important dates related to this application are as follows:

- | | | |
|----|------------|--|
| 1. | 1/30/2023 | The Community Development Director deemed the application complete. |
| 2. | 03/08/2023 | The applicant mailed notice to the property owners within 500 feet. |
| 3. | 03/09/2023 | The applicant posted notice on the site. |
| 4. | 03/22/2023 | The 14-day public comment period ended. |
| 5. | 03/31/2023 | The Community Development Director issued a decision on the application. |

D. AGENCY COMMENTS: The application was routed to several public agencies for review and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following agency comments:

- a. Building Official: Reviewed, comments:
 - i. “Footings require a setback of 1/3 the height of the slope, descending.”
- b. City Manager: Reviewed, no conflict.
- c. Police Department: Reviewed, no conflict.
- d. Public Works, Director: Reviewed, comments:
 - i. “See PW Engineering Comments noted at Pre-Application Meeting, date 1/5/22, which is part of the application.”
- e. Public Works, Maintenance Superintendent: Reviewed, no conflict.
- f. Public Works, Water Superintendent: Reviewed, no conflict.
- g. Public Works, Senior Engineer: Reviewed, no conflict.
- h. Tualatin Valley Fire and Rescue: Reviewed, no conflict.
- i. Yamhill County Roads Department: Reviewed, no conflict.
- j. Ziplly Fiber: Reviewed, no conflict.

E. PUBLIC COMMENTS: Please see Attachment 3 for all original public comments received. Below lists the names of people who submitted written comment, the dates the comment was received, and if the applicable criteria of NMC 15.220, 15.342, or 15.343 were addressed.

Name	Date Received	Applicable Criteria Addressed (Yes or No)
Tom Woodward	03-15-2023	No
Paul Weber, President of Hidden Meadows Home Owners Association	03-16-2023	Directed to Yamhill County Criteria
Tomina M. Carter	03-17-2023	Directed to Yamhill County Criteria
Stephen C. Palmer	03-17-2023	Directed to Yamhill County Criteria
John Buerkle	03-22-2023	No
Debra Buerkle	03-22-2023	No
Mark J. Butterfield	03-22-2023	No
Kishore Pathial	03-22-2023	No
Subha Varma Pathial	03-22-2023	No

F. ANALYSIS: The subject property is the Ewing Young Park under the ownership and maintenance of Chehalem Park and Recreation District and located in the Community Facility / Riverfront District (CF/RD). The Newberg Municipal Code (NMC) identifies such uses as being part of the “Park” use category. The NMC’s use table identifies the “Park” use category as a permitted use in the CF/RD district.

As proposed, the footbridge is located within the stream corridor and floodplain of Chehalem Creek. The applicant has provided a complete application addressing the criteria stated in the Newberg Municipal Code for development in these areas, as well as site design review criteria.

The applicant has performed the required 14-day public noticing associated with Type II Administrative Decisions. The City has also completed the required 15-day agency and department referral period. Staff have compiled all public and agency comments to be included within this report.

**Section II: Findings –File MISC222-0006
CPRD EWING YOUNG PARK FOOTBRIDGE
STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT REVIEW**

NEWBERG MUNICIPAL CODE (NMC)

15.342.070 Activities requiring a Type II process.

The installation, construction or relocation of the following improvements shall be processed as a Type II decision. The proposal shall be accompanied by a plan as identified in NMC 15.342.080 and conform to the mitigation standards contained in NMC 15.342.090.

- A. Public or private street crossings, sidewalks, pathways, and other transportation improvements that generally cross the stream corridor in a perpendicular manner.***
- B. Bridges and other transportation improvements that bridge the wetland area.***

Finding: The proposed application is for a footbridge that will be located within the stream corridor and floodplain overlays and will cross the stream corridor perpendicularly. A wetland delineation application has been submitted by the applicant to the Department of State Lands to determine the location of potential wetlands within the project site area. The applicant has proposed two isolated wetlands exist with the project site area. Therefore, this application proposing a footbridge to be installed perpendicular to a stream corridor and bridging a wetland area, meets the criteria of subsection A and B of this section and will be processed as a Type II review.

15.342.080 Plan submittal requirements for Type II activities.

In addition to the design review plan submittal requirements, all applicants for Type II activities within the SC overlay subdistrict shall submit the following information:

A. A site plan indicating all of the following existing conditions:

1. Location of the boundaries of the SC overlay subdistrict.

Finding: The SC overlay subdistrict is indicated on Sheet L3.10 Site Plan.

This criterion is met.

2. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed, and existing utility locations.

Finding: Outlines of existing site features including the existing bark mulch trail, concrete pads, and a disc golf basket are shown on Sheet L1.10 Existing Conditions Plan. No existing utilities were noted.

This criterion is met.

3. Location of any wetlands or water bodies on the site and the location of the stream centerline and top of bank.

Finding: The two isolated prospective wetlands, the stream corridor boundary, the ordinary high water marks, the bottom and top of bank locations were all shown on Sheet L3.10 Site Plan.

This criterion is met.

4. *Within the area to be disturbed, the approximate location of all trees that are more than six inches in diameter at breast height must be shown, with size and species. Trees outside the disturbed area may be individually shown or shown as crown cover with an indication of species type or types.*

Finding: Sheet L2.10 Demolition and Erosion Control Plan shows the area which will be disturbed. The sheet includes a tree table listing trees with a minimum six-inch trunk diameter. The tree table corresponds to trees shown within the area to be disturbed. The species of the trees within the area to be disturbed were not included. Trees outside the disturbed area were individually shown. Tree species type was also not indicated. Tree species type for all trees within the disturbed area and outside the disturbed area shall be indicated on plans submitted for building permit review.

If the aforementioned condition is adhered to, this criterion will be met.

5. *Topography shown by contour lines at five-foot vertical intervals or less.*

Finding: Included Sheet L3.10 Site Plan, shows minor contour lines at one-foot vertical intervals, and major contour lines at five-foot intervals.

This criterion is met.

6. *Photographs of the site may be used to supplement the above information but are not required.*

Finding: The applicant's narrative referred to Sheets L2.10 Demolition and Erosion Control Plan, Sheet L3.10 Site Plan, and Sheet L5.10 Planting Plan to address this criterion. Photographs were not submitted to supplement these sections criteria.

This criterion is met.

B. Proposed development plan including all of the following:

1. *Outline of disturbed area including all areas of proposed utility work.*

Finding: An outline of the disturbed area is shown on Sheet L2.10 Demolition and Erosion Control Plan. No proposed utility work is included with this project.

This criterion is met.

2. *Location and description of all proposed erosion control devices.*

Finding: Sheet L2.10 Demolition and Erosion Control Plan provides the location and descriptions of the clearing and grubbing limits, silt fence, and tree protection fencing. Erosion control notes are also included directing placement and duration of the erosion control mats.

This criterion is met.

3. A landscape plan prepared by a landscape architect, or other qualified design professional, shall be prepared which indicates the size, species, and location of all new vegetation to be planted. [Ord. 2451, 12-2-96. Code 2001 § 151.472.]

Finding: Included in the submitted plans is Sheet L5.10 Planting Plan which was prepared by NV5 Inc, a technical engineering and consulting company. The planting plan does indicate the size, species, and location of all new vegetation to be planted. Please see findings in NMC 15.342.090 (B)(2) for staff direction on tree species selection.

This criterion is met.

15.342.090 Mitigation requirements for Type II activities.

The following mitigation requirements apply to Type II activities. The plans required pursuant to NMC 15.342.080 shall be submitted indicating the following mitigation requirements will be met.

A. Disturbed areas, other than authorized improvements, shall be regraded and contoured to appear natural. All fill material shall be native soil. Native soil may include soil associations commonly found within the vicinity, as identified from USDA Soil Conservation Service, Soil Survey of Yamhill Area, Oregon.

Finding: As stated in the applicant's narrative, all disturbed areas will be regraded to appear natural and fill material will be sourced from the disturbed areas of the site. Submitted Sheet L4.10 Grading Plan indicates grading will match the existing trail that is located within the City Limits.

This criterion is met.

B. Replanting shall be required using a combination of trees, shrubs and grass. Species shall be selected from the Newberg native plant list. Planting shall be as follows:

1. At least eight species of plants shall be used.

Finding: Sheet L5.10 lists eight species of plants that will be used, plus two different seeding mixes. However, Woolly Sedge (*Scripus cyperinus*) and Lady Fern (*Athyrium filix-femina*) are not listed on the Newberg native plant list. An updated planting plan listing eight species selected from the Newberg Stream Corridor Plant List shall be submitted and approved prior to building permit issuance.

If the aforementioned condition is adhered to, this criterion will be met.

2. At least two species must be trees and two species must be shrubs.

Finding: Sheet L5.10 lists two species of trees; Oregon Ash and Vine Maple, and three species of shrubs; Red-osier Dogwood, Douglas Spirea, and Snowberry. All species are listed on the Newberg Stream Corridor Plant List. It is indicated that the Oregon Ash will be planted on the Yamhill County side of this project. Staff would encourage the developer to plant an alternative species due to the presence of the invasive Emerald Ash borer. The Oregon Department of Forestry is requesting Ash trees not be planted to help limit the spread of the invasive borer.

3. No more than 50 percent of any seed mix used can be grass.

Finding: As indicated on Sheet L5.10 Planting Plan, the applicant will be using Sunmark Seeds “Native Riparian Mix” and “Riverside Woods Mix”. The specific species and percentage of species within the seed mixes were not included on the planting plan. Staff researched the Sunmark Seeds website that showed the “Riverside Woods Mix” contains 10% grass, which is within the 50% maximum limit of this code section. The “Native Riparian Mix” was shown to be a 100% grass mix, and therefore does not meet the criterion stated in this code section. An updated planting plan showing any seed mix used will contain no more than 50 percent grass seed shall be submitted and approved prior to the building permit issuance.

If the aforementioned condition is adhered to, this criterion will be met.

4. A minimum of one tree and three shrubs shall be used for every 500 square feet of planting area.

Finding: As indicated on Sheet L5.10 Planting Plan, the total replanting area occurring within the City of Newberg’s jurisdiction, on the east side of the project site, is 270 square feet. The planting plan shows the applicant will meet the minimum number of required trees and shrubs. A detailed planting plan showing the location of individual plants shall be submitted with the building permit and approved prior to issuance. All plants must be installed prior to final planning inspection.

If the aforementioned condition is adhered to, this criterion will be met.

5. Areas to be replanted must be completed at the time of final inspection or completion of the work, except as otherwise allowed by this code.

Finding: At the time of building permit final planning inspection, all areas requiring replanting must be completed per latest approved planting plan. If existing vegetation can be saved and replanted it is encouraged.

If the aforementioned condition is adhered to, this criterion will be met.

6. Existing vegetation that can be saved and replanted is encouraged, although not required.

Finding: At the time of the building permit final planning inspection, all areas requiring replanting must be completed per latest approved planting plan. If existing vegetation can be saved and replanted it is encouraged.

If the aforementioned condition is adhered to, this criterion will be met.

C. Removed trees over six inches in diameter, as measured at breast height, shall be replaced as follows:

Finding: As indicated on Sheet L2.10 Demolition and Erosion Control Plan, two trees over six inches in diameter will be removed on the west side of Chehalem Creek that is under Yamhill County jurisdiction. Sheet L2.10 does not indicate any trees of that size will be removed on the east side of the project, City of Newberg jurisdiction. Therefore, the criteria in subsection C are not applicable.

D. All disturbed areas, other than authorized improvements, shall be replanted to achieve 90 percent cover in one year. The director may require a bond or other form of security instrument to insure completion of the restoration plan. The director shall authorize the release of the bond or other security instrument when, after one year, the restoration site has achieved the purposes and standards of this section.

Finding: The applicant's narrative states that all disturbed areas will be replanted to achieve the required 90% cover within one year. All disturbed areas, other than authorized improvements, shall be replanted to achieve 90 percent cover in one year. If this is not obtainable a bond or other security instrument may be utilized.

If the aforementioned condition is adhered to, this criterion will be met.

E. All disturbed areas shall be protected with erosion control devices prior to construction activity. The erosion control devices shall remain in place until 90 percent cover is achieved.

Finding: Sheet L2.10 Demolition and Erosion Control Plan states erosion control matting will be placed on all areas to be planted and that the matting shall stay in place for one calendar year from the date of substantial completion. All disturbed areas shall be protected with erosion control devices prior to construction activity. The erosion control devices shall remain in place until 90 percent cover is achieved.

If the aforementioned condition is adhered to, this criterion will be met.

F. Except as provided below, all restoration work must occur within the SC overlay subdistrict and be on the same property. The director may authorize work to be performed on properties within the general vicinity or adjacent to the overlay subdistrict; provided, that the applicant demonstrates that this will provide greater overall benefit to the stream corridor areas. [Ord. 2451, 12-2-96. Code 2001 § 151.473.]

Finding: As shown on Sheet L5.10 Planting Plan, all restoration work will occur within the SC overlay subdistrict. The project area on the east side of Chehalem Creek is within Newberg City Limits and will be occurring within tax lot R3219 00700.

This criterion is met.

15.342.110 Prohibited uses and activities.

The following activities or uses are prohibited within this subdistrict:

A. Except as provided in NMC 15.342.040(R), the planting or propagation of any plant identified as a nuisance plant as determined by a qualified botanist or indicated as a nuisance plant on the Newberg plant list.

Finding: None of the plant species listed on Sheet L5.10 Planting Plan are indicated as a nuisance plant on the Newberg Stream Corridor Plant List.

This criterion is met.

B. The removal of native trees that are greater than six inches in diameter at breast height, except as is otherwise permitted within this chapter.

Finding: As indicated on Sheet L2.10 Demolition and Erosion Control Plan, no trees greater than six inches in diameter will be removed from the east side of Chehalem Creek, within Newberg City Limits. The plan indicates two trees of this size or greater will be removed from the west side of Chehalem Creek which is under Yamhill County jurisdiction.

This criterion is met.

C. Any use dealing with hazardous substances or materials, including but not limited to gas service stations.

Finding: The applicant is not proposing a use dealing with hazardous substances or materials

This criterion is met.

D. Public pathways, except those in conjunction with public lands, public parks or public easements that have been acquired by other than eminent domain.

Finding: A public footbridge is being proposed on land owned by Chehalem Parks and Recreation District on land zoned as Community Facility / Riverfront District, within the Parks / Riverfront District Comprehensive Plan area.

This criterion is met.

E. Recreational marijuana producer and recreational marijuana processor.

Finding: The applicant is not proposing any use associated with recreational marijuana.

This criterion is met.

F. Recreational marijuana wholesalers, laboratories, research certificates and retailers.

Finding: The applicant is not proposing any use associated with recreational marijuana.

This criterion is met.

G. Recreational marijuana dispensaries. [Ord. 2809 § 1 (Exh. A § 3), 9-19-16; Ord. 2801 § 1 (Exh. A § 4), 6-6-16; Ord. 2798 § 1 (Exh. A § 4), 4-4-16; Ord. 2451, 12-2-96. Code 2001 § 151.475.]

Finding: The applicant is not proposing any use associated with recreational marijuana.

This criterion is met.

CONCLUSION

Based on the above findings, the proposed footbridge meets the criteria required within the Newberg Development Code subject to completion of the attached conditions. The proposed project is recommended for approval.

Section III: Findings –File MISC222-0007
CPRD EWING YOUNG PARK FOOTBRIDGE
AREAS OF SPECIAL FLOOD HAZARD OVERLAY (FHO) REVIEW

NEWBERG MUNICIPAL CODE (NMC)

15.343.030 Floodplain development permit procedures

A. Floodplain Development Permit Required. Any person shall obtain a floodplain development permit before constructing or developing within any area of special flood hazard established in NMC 15.343.020(B). The permit shall be for all affected structures including manufactured homes, as set forth in NMC 15.05.030, and for all floodplain development including fill and other activities, also as set forth in NMC 15.05.030.

Finding: The applicant, as part of this submission packet, has made application for construction of a non-residential, public use, footbridge within a designated area of special flood hazard, identified as Zone AE on the City of Newberg GIS map, the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) and identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” dated March 2, 2010, with accompanying flood insurance maps.

This criterion is met.

B. Application for Floodplain Development Permit. Application for a floodplain development permit shall be made on forms furnished by the planning and building department and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed affected structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all affected structures;

Finding: Sheet L3.11 Bridge Enlargement Plan shows the lowest elevation of the footbridge at 87.13. Elevations shown utilized vertical datum NGVD29.

This criterion is met.

2. Elevation in relation to mean sea level of floodproofing in any affected structure;

Finding: Sheet L3.11 Bridge Enlargement Plan shows the lowest elevation of the footbridge at 87.13. Elevations shown utilized vertical datum NGVD29.

This criterion is met.

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential affected structure meet the floodproofing criteria in NMC 15.343.040(B); and

Finding: The following is an excerpt from the applicant submitted Bridge Hydraulic Design Report:

“It must be emphasized that the footbridge considered herein will be installed above Chehalem Creek’s 10-year Water Surface Elevation (WSEL) but below the creek’s 100-year BFE. Therefore, the bridge ultimately selected must consider the structural forces the flowing creek imposes upon the bridge structure. The structural design of the bridge and the geotechnical design of the abutments and footings are beyond the scope and context of this Bridge Hydraulic Design Report.”

At time of building permit submission certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential affected structure meet the floodproofing criteria in NMC 15.343.040(B) shall be submitted and approved prior to issuance of a building permit.

If the aforementioned condition is adhered to, this criterion will be met.

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed floodplain development.

Finding: The submitted Engineering “No Rise” Certification submitted with the application states, the footbridge will not impact the 100-year flood elevations, floodway elevations, and floodway widths at unpublished cross-sections in the vicinity of the proposed development.

This criterion is met.

C. Floodplain Development Permit Application Review. The director shall review all floodplain development permit applications. Floodplain development permits shall be reviewed as part of the review of applicable design review, building permit application, grading permit application, other application, or as a Type I review if no other application is concurrent. The review shall determine:

1. That the permit requirements and conditions of this chapter have been satisfied.

Finding: The requirements and conditions of this chapter are addressed in the following findings.

2. That all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

Finding: On February 9, 2023, a wetland delineation report was submitted for review to the Department of State Lands by the applicant. At the time of writing this report, the Department of State Lands website listed the status of the wetland delineation report as “Review Pending”. Prior to any work commencing, an approved wetland delineation report for the site must be submitted to the City of Newberg. The onus is on the applicant to ensure approval from all other applicable federal, state, or local governmental agencies is obtained.

If the aforementioned condition is adhered to, this criterion will be met.

3. That if the floodplain development is located in the floodway, the encroachment provisions of NMC 15.343.060(A) are met.

Finding: The 95-foot-long footbridge has been determined to fully span the floodway Zone AE, as identified on the City of Newberg GIS map, the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) and by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” dated March 2, 2010. Please see section 15.343.060(A) for applicable findings.

D. Floodplain Development Variance Procedure.

Finding: The application is not requesting a floodplain development variance procedure. This criterion is not applicable.

15.343.040 Provisions for flood hazard reduction.

A. General Standards. In all areas of special flood hazard, the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the affected structure.

Finding: The applicant did not supply detailed construction drawings of the footbridge. During the building permit application process, submitted plans shall show that all new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the affected structure.

If the aforementioned condition is adhered to, this criterion will be met.

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Finding: The applicant did not supply detailed construction drawings of the footbridge, however, did state the bridge will be designed and built by a prefabricated bridge manufacturer. Material and methods will be incorporated that are resistant to and minimize flood damage. During the building permit application process, submitted plans shall show that:

All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

If the aforementioned conditions are adhered to, these criteria will be met.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

c. On-site waste disposal systems, if allowed, shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

Finding: This application does not propose water supply, sanitary sewage, or waste disposal systems to be associated with this scope of work. Therefore, this criterion is not applicable.

4. Tentative Subdivision and Partition Plat Proposals.

Finding: This application is not associated with a tentative subdivision or partition plat proposal. Therefore, the criteria of subsection 4 do not apply.

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (NMC 15.343.020(F)(1)(d)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where

available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Finding: Elevation data was provided through the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) and by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” dated March 2, 2010. Therefore, reasonableness will not be determined by a local judgment as described in subsection 5.

This criterion is met.

6. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed affected structures. AH zones are areas that have a one percent annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from one to three feet.

Finding: This project site is located in the AE zone as identified in the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) and by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” dated March 2, 2010. Therefore, this criterion is not applicable.

B. Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided (Zones A1 – 30, AH, and AE) as set forth in NMC 15.343.020(B), Basis for Establishing the Areas of Special Flood Hazard or NMC 15.343.020(F)(1)(d), use of other base flood data (in A and V zones), the following provisions are required:

2. Nonresidential Construction.

a. New construction and substantial improvement of any commercial, industrial or other nonresidential affected structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

i. Be floodproofed so that below the base flood level the affected structure is watertight with walls substantially impermeable to the passage of water;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications

shall be provided to the official as set forth in NMC 15.343.020(F)(1);

iv. Nonresidential affected structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1)(b) of this section;

v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

Finding: The applicant’s narrative clarifies that the bridge has not been structurally designed at this time, and is waiting for land use approval before that stage will begin. The narrative stated the bridge will be submerged during large flood events, and that the bridge materials will be designed to withstand such events. Furthermore, the bridge will structurally be able to resist hydrostatic and hydrodynamic loads and effects of buoyancy. The following is an excerpt from the applicant submitted Bridge Hydraulic Design Report:

“It must be emphasized that the footbridge considered herein will be installed above Chehalem Creek’s 10-year Water Surface Elevation (WSEL) but below the creek’s 100-year BFE. Therefore, the bridge ultimately selected must consider the structural forces the flowing creek imposes upon the bridge structure. The structural design of the bridge and the geotechnical design of the abutments and footings are beyond the scope and context of this Bridge Hydraulic Design Report.”

At time of building permit submission certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential affected structure meet the floodproofing criteria in NMC 15.343.040(B) shall be submitted and approved prior to issuance of a building permit.

If the aforementioned condition is adhered to, this criterion will be met.

15.343.050 Before regulatory floodway.

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other floodplain development (including fill) shall be permitted within Zones A1 – 30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed floodplain development, when combined with all other existing and anticipated floodplain development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. [Ord. 2719 § 2 (Exh. B), 3-1-10. Code 2001 § 151.485.]

Finding: Within the site area a Zone AE floodway has been designated, however the bridge will span the floodway, and the bridge abutments will be located outside of the floodway in the floodplain area. As provided in the submitted document “Bridge Hydraulics Design Report

Proposed Ewing Young Park Footbridge over Chehalem Creek Yamhill County, Oregon”, Attachment H, No Rise Certificate is signed and stamped by Michael K. Homza, Registered Professional Engineer, stating:

“It is to further certify that the attached technical data supports the fact that proposed Ewing Young Park Footbridge will not impact the 100-year flood elevations, floodway elevations and floodway widths on Chehalem Creek at published sections in the Flood Insurance Study for Yamhill County, Oregon (Community No. 410259) date March 2, 2010 and will not impact the 100-year flood elevations, floodway elevations, and floodway widths at unpublished cross sections in the vicinity of the proposed development.”

This criterion is met.

15.343.060 Floodways.

Located within areas of special flood hazard established in NMC 15.343.020(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments are prohibited unless evidence is provided by a registered professional civil engineer demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Finding: As provided in the submitted document “Bridge Hydraulics Design Report Proposed Ewing Young Park Footbridge over Chehalem Creek Yamhill County, Oregon”, Attachment H, No Rise Certificate is signed and stamped by Michael K. Homza, Registered Professional Engineer, stating:

“It is to further certify that the attached technical data supports the fact that proposed Ewing Young Park Footbridge will not impact the 100-year flood elevations, floodway elevations and floodway widths on Chehalem Creek at published sections in the Flood Insurance Study for Yamhill County, Oregon (Community No. 410259) date March 2, 2010 and will not impact the 100-year flood elevations, floodway elevations, and floodway widths at unpublished cross sections in the vicinity of the proposed development.”

This criterion is met.

B. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of NMC 15.343.040, Provisions for flood hazard reduction.

Finding: Subsection A of this section has been met; therefore, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of NMC 15.343.040, Provisions for flood hazard reduction.

CONCLUSION

Based on the above findings, the proposed footbridge meets the criteria required within the Newberg Development Code subject to completion of the attached conditions. The proposed project is recommended for approval.

**Section IV: Findings –File DR222-0014
CPRD EWING YOUNG PARK FOOTBRIDGE
SITE DESIGN REVIEW**

NEWBERG MUNICIPAL CODE (NMC)

Chapter 15.220 Site Design Review

15.220.020 *Site design review applicability.*

A. Applicability of Requirements. Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.

1. Type I.

- a. Single-family dwellings;*
- b. Duplex dwellings;*
- c. Triplex dwellings;*
- d. Quadplex dwellings;*
- e. Townhouse dwellings;*
- f. Cottage cluster projects;*
- g. Institutional, commercial or industrial additions which do not exceed 1,000 square feet in gross floor area;*
- h. Multifamily additions which do not exceed 1,000 square feet in gross floor area and do not add any new units, or new construction incidental to the main use on an existing developed site which does not exceed 1,000 square feet in gross floor area and does not add any new units;*
- i. Institutional, commercial or industrial interior remodels which do not exceed 25 percent of the assessed valuation of the existing structure;*
- j. Multifamily remodels which do not exceed 25 percent of the assessed valuation of the existing structure and do not add any new units;*
- k. Signs which are not installed in conjunction with a new development or remodel;*
- l. Modifications, paving, landscaping, restriping, or regrading of an existing multifamily, institutional, commercial or industrial parking lot;*
- m. Fences and trash enclosures;*

n. Accessory dwelling units.

2. Type II.

a. Any new development or remodel which is not specifically identified within subsection (A)(1) of this section.

b. Telecommunications facilities.

3. Exemptions to Type I and Type II Process. The following development activities are exempt from Type I or Type II standards:

a. Replacement of an existing item such as a roof, floor, door, window, or siding.

b. Plumbing and/or mechanical alterations which are completely internal to an existing structure.

Finding: This review will be processed as a Type II review per NMC 15.220.020(A)(2)(a) because it is a Community Facility addition which is not specifically identified in subsection (A)(1) of this section.

15.220.050 Criteria for design review (Type II process).

B. Type II. The following criteria are required to be met in order to approve a Type II design review request

1. Design compatibility. The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

Finding: As stated in the applicant's narrative, the final design of the bridge is not yet decided. Design elements that are intended to be incorporated are materials that will be brown in color, either wood or weathered-steel, and will be compatible with other footbridges in the area. A final design of the bridge must be submitted with the building permit application and approved prior to issuance.

If the aforementioned condition is adhered to, this criterion will be met.

2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the

public streets with a minimum impact on the functioning of the public street.

Finding: No alterations are being proposed to the current gravel parking lot. The applicant's narrative provides details that state the footbridge will increase access to 11 acres of park land and a proposed six additional disc golf holes. These areas are within Yamhill County jurisdiction, west of Chehalem Creek. The applicant's narrative states that per the Institute of Transportation Engineers (ITE) Trip Generation Handbook, Trip Generation Rates – 10th Edition, this addition of acres will increase the pm peak hour trips by 1.2 trips. Staff find that this minor increase in trips will be able to be supported with the current gravel parking lot that approximately holds space for 84 vehicles as stated in the narrative.

15.440.140 Private walkway design.

A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.

B. Required private walkways shall be a minimum of four feet wide.

Finding: The bridge, as shown in submitted site plans and stated in the applicant's narrative, will be approximately 8 feet wide, surpassing the four feet wide requirement.

This criterion is met.

C. Required private walkways shall be constructed of portland cement concrete or brick.

Finding: This application is for a footbridge and not a traditional walkway. Therefore, this criterion is not applicable.

D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.

Finding: No crosswalk crossings are proposed.

This criterion is not applicable.

E. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.

Finding: The application is for a footbridge; no buildings are being proposed with this application.

This criterion is not applicable.

3. Setbacks and General Requirements. *The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.*

Response: The criterion is addressed in the following findings for NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

Chapter 15.405 Lot Requirements

Finding: Ewing Young Park is located in the Community Facility / Riverfront District (CF/RD) and chapter 15.405 does not specify lot requirements for this zone. The proposed application does not make any modifications to their existing lot area, dimensions, or frontage. Furthermore, lot coverage and parking coverage requirements are not applicable to Community Facility zones.

Therefore, the criteria of Chapter 15.405 are not applicable.

Chapter 15.410 Yard Setback Requirements

15.410.020 Front yard setback.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have a front yard of 25 feet. Outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, are not permitted within the required setback.

Finding: The subject property is located in the Community Facility / Riverfront District. The proposed footbridge will be located over Chehalem Creek which is the Newberg City Limit and Yamhill County line but is not a property line within tax lot R3219 00700 where the bridge is located. This review is for the east side of Chehalem Creek, that is within the City of Newberg's jurisdiction. The portion of the footbridge that is located within the City of Newberg is more than 200 feet from the closest property line within the City of Newberg.

The criterion is met.

15.410.030 Interior yard setback.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have interior yards of not less than 10 feet, except outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, shall have an interior yard setback of 25 feet when abutting a residential district. [Ord. 2889 § 2 (Exh. B § 30), 12-6-21; Ord. 2868 § 1 (Exh. A), 11-16-20;

Ord. 2720 § 1(13), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.552.]

Finding: The subject property is located in the Community Facility / Riverfront District. The proposed footbridge will be located over Chehalem Creek which is the Newberg City Limit and Yamhill County line but is not a property line within tax lot R3219 00700 where the bridge is located. This review is for the east side of Chehalem Creek, that is within the City of Newberg's jurisdiction. The portion of the footbridge that is located within the City of Newberg is more than 200 feet from the closest property line within the City of Newberg.

The criterion is met.

15.410.060 Vision clearance setback.

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.

B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.

C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.

D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict.

Finding: The proposed structure will be located more than 200 feet from the nearest property line or public right of way.

The criterion is met.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

Finding: The proposed project occurs more than 200 feet from any property line of the subject property and the applicant is not proposing any intrusions to the required setbacks.

This criterion is not applicable.

15.415.020 Building height limitation.

Finding: Chapter 15.415.020 does not specify building height limitations in the Community Facility (CF) zone. However, as shown on Sheet L3.11 Bridge Enlargement Plan, the proposed rail height will be approximately 42 inches from the bridge deck, which will be level with adjacent bank. This height would be permitted in any zone under the development code.

4. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

Finding: The subject property has a comprehensive plan designation of Parks (P). As stated in the Newberg Comprehensive plan, park lands are open areas which provide recreation and other types of leisure-oriented opportunities. Furthermore, the zoning designation of a Community Facility (CF) encourages the preservation of natural areas and open space resources. The Ewing Young Park is over 40 acres of natural area that encompasses the Chehalem Creek and associated stream corridor, grass meadows, and other native vegetation. The tax lot where the footbridge is being proposed is primarily covered with natural vegetation, with minimal built additions. No additional landscaping requirements are being proposed by the applicant or are required for the scope of this project. The planting requirements associated with the mitigation work of installing the proposed footbridge within a stream corridor is addressed in Section II Findings for the Stream Corridor Overlay (SC) Subdistrict Review not within the landscaping requirements of NMC 15.420.010. Therefore, this criterion is not applicable.

5. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

Finding: The project contains no sign revision or addition. Therefore, this criterion is not applicable.

6. Manufactured Home, Mobile Home and RV Parks. Manufactured home, mobile home, and recreational vehicle parks shall also comply with the standards listed in NMC 15.445.050 et seq. in addition to the other criteria listed in this section.

Finding: The proposed project is not a manufactured home, mobile home, or RV park. Therefore, this criterion is not applicable.

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.304.010 through 15.328.040. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

Finding: The Ewing Young Park has a zoning designation of Community Facility / Riverfront District (CF/RD) and a Newberg Comprehensive Plan designation of Parks (P). Pursuant to

NMC Chapter 15.303, the existing use category is “Park” which is a permitted use in the CF district per NMC 15.305.020 (Line 342) with a note that the park is to be owned or operated by a public agency, which Chehalem Park and Recreational District is.

The criterion is met.

8. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

Finding: Located within Ewing Young Park and the site area where the footbridge will be placed is the Stream Corridor (SC) Subdistrict Overlay, NMC 15.342. Please see findings in Section II for project compliance with this subdistrict.

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

Finding: The scope of this work is the installation of a footbridge within an existing developed park. This would not be categorized as a new development or the development of a parcel. Therefore, this criterion is not applicable.

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.

Finding: A traffic study was not requested to be submitted. The applicant’s narrative provided that the Institute for Transportation Engineers (ITE) Trip Generation Handbook, Trip Generation Rates – 10th Edition, shows that only an additional 1.2 pm peak trips will be generated. Per NMC 15.220.030(14), a traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. Therefore, a traffic study was not needed, and this criterion is not applicable.

15.220.030 Site design review requirements

B. Type II The following information is required to be submitted with all Type II applications for a site design review.

11. Exterior Lighting. Exterior lighting within the design review plan shall be indicated on the plans. The direction of the lighting, size and type of fixtures, and an indication of the amount of lighting shall be shown on the plans.

15.425 Exterior Lighting

15.425.020 Applicability and exemptions.

A. Applicability. Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:

1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.

2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.

3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.

Finding: The applicant's narrative states that there is no exterior lighting associated with the proposal because the Ewing Young Park is closed at sunset and not open during the nighttime hours. This criterion is not applicable.

CONCLUSION

Based on the above findings, the proposed footbridge meets the criteria required within the Newberg Development Code subject to completion of the attached conditions. The proposed project is recommended for approval.

Section III: Conditions – File DR222-0014 / MISC222-0006 / MISC222-0007
CPRD EWING YOUNG PARK FOOTBRIDGE
CONDITIONS OF APPROVAL

A. THE FOLLOWING MUST BE COMPLETED BEFORE THE CITY WILL ISSUE A BUILDING PERMIT:

1. **Permit Submittal:** Submit a building permit application, two (2) complete working drawing sets of the proposed project. Show all the features of the plan approved through design review, including the following:
 - a. Any required public improvement permit(s) for this project must be submitted, approved, and issued prior to building permits being issued.
2. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
3. **Stream Corridor:**
 - a. Tree species type for all trees within the disturbed area and outside the disturbed area shall be indicated on plans submitted for building permit review.
 - b. An updated planting plan listing eight species selected from the Newberg Stream Corridor Plant List shall be submitted and approved prior to building permit issuance.
 - c. An updated planting plan showing any seed mix used will contain no more than 50 percent grass seed shall be submitted and approved prior to the building permit issuance.
 - d. A detailed planting plan showing the location of individual plants shall be submitted with the building permit and approved prior to issuance. All plants must be installed prior to final planning inspection.
 - e. At the time of building permit final planning inspection, all areas requiring replanting must be completed per latest approved planting plan. If existing vegetation can be saved and replanted it is encouraged.
 - f. All disturbed areas, other than authorized improvements, shall be replanted to achieve 90 percent cover in one year. If this is not obtainable a bond or other security instrument may be utilized.
 - g. All disturbed areas shall be protected with erosion control devices prior to construction activity. The erosion control devices shall remain in place until 90 percent cover is achieved.
4. **Flood Hazard Area:**
 - a. At time of building permit submission certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential affected structure meet the floodproofing criteria in NMC 15.343.040(B) shall be submitted and approved prior to issuance of a building permit.

- b. Prior to any work commencing, an approved wetland delineation report for the site must be submitted to the City of Newberg. The onus is on the applicant to ensure approval from all other applicable federal, state, or local governmental agencies is obtained.
 - c. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the affected structure.
 - d. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - e. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - f. At time of building permit submission certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential affected structure meet the floodproofing criteria in NMC 15.343.040(B) shall be submitted and approved prior to issuance of a building permit.
 - g. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of NMC 15.343.040, Provisions for flood hazard reduction.
5. **Site Design:**
- a. A final design of the bridge must be submitted with the building permit application and approved prior to issuance.

B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY

- 1. **Fire Department Requirements:** This project is subject to compliance with all Fire Department standards relating to access and fire protection.
- 2. **Stream Corridor and Flood Hazard Conditions:** Contact the Planning Division (503-537-1240) to verify that all conditions have been completed.
- 3. **Site Inspection:**
 - a. Contact the Building Division (503-537-1240) for Building, Mechanical, and Plumbing final inspections.
 - b. Contact the Fire Department (503-649-7302) for Fire Safety final inspections.
 - c. Contact the Planning Division (503-537-1240) for stream corridor mitigation planting inspections.

C. DEVELOPMENT NOTES

- a. If applicable, systems development charges (SDCs) will be collected when

building permits are issued. For questions regarding SDCs please contact the Engineering Division.