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# Riverlands

18-Lot Planned Unit Development

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1303 NE River St. Newberg, OR 97132 (R3229/02500)

November 1, 2019

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## EXHIBITS

- A Land Use Application
- B Tax Map
- C Proof of Ownership
- D Evidence of Authority to Sign
- E Preliminary Engineering
- F Preliminary Stormwater Report
- G Geotechnical Report
- H Conceptual Architectural Plans (3-bedroom)
- I Conceptual Architectural Plans (3-bedroom "Solar")
- J Conceptual Architectural Plans (2-bedroom "Solar")
- K Solar Exposure Exhibits
- L Draft Public Notice
- M Property Owner Information (500' Radius)
- N Covenant of Rights and Remedies (Measure 49 Waiver)

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## SUBJECT PROPERTY & PROJECT SUMMARY

Property Ownership	
Property Owner	Riverlands Subdivision LLC PO Box 3189 Newberg, OR 97132
Applicant	Del Boca Vista LLC PO Box 3189 Newberg, OR 97132
Tax Assessment Details	
Tax Map & Tax Lot	R3229/02500
Address	1303 NE River St. Newberg, OR 97132
Subject Property Size	1.56-ac
Political Boundaries	
City	Newberg
County	Yamhill
Planning Designations	
Zoning Designation	R-2/RD (Medium Density Residential District/Riverfront District)
Comprehensive Plan Designation	MDR/RD (Medium Density Residential District/Riverfront District)
Environmental Findings	
Stream Corridor	No
Flood Plain (FEMA 100 yr.)	No
Topography	East to West at less than 1%
Service Providers	
Fire Protection	Tualatin Valley Fire & Rescue
School District	Newberg School District
Sewer	City of Newberg
Water	City of Newberg
Stormwater	City of Newberg
Sanitary Hauler	Waste Management
Park & Recreation District	Chehalem Park and Recreation District
Proposal	
Proposal	18-Lot Planned Unit Development
Future Development	Single-Family Detached Dwellings
Design Team Members	
Design Coordinator's Professional Representative	Mackenzie Davis, Del Boca Vista LLC
Project Engineer	Brady Berry, David Evans & Associates, Inc.
Project Surveyor	Stephen Williams, David Evans & Associates, Inc.
Project Architect	Jim Mei, Suntel Design Inc.
Project Landscape Architect	Janet Otten, Otten Landscape Architects, Inc.

## PROJECT DESCRIPTION

### INTRODUCTION

The owner of the subject property, Riverlands Subdivision LLC, proposes an 18-Lot Planned Unit Development Subdivision of the 1.56-acre subject property. The subject property is located at 1303 NE River St. Newberg, OR 97132 (R3229/02500), to the south and east of the Newberg-Dundee Bypass, west of S. River St. and north of E. 14<sup>th</sup> St.

This written narrative, together with Preliminary Engineering and Architectural development plans, and other documentation included in the enclosed application materials, establishes that the Application is in compliance with all applicable approval criteria, and provides the basis for the Planning Commission recommendation of approval of this Application.

### EXISTING CONDITIONS

The subject property generally slopes from east to west at less than 1%. There are no significant natural resources identified on the subject property. There is an existing single-family detached dwelling and associated structures on the subject property, which will be removed prior to future development. Existing vegetation on the subject property is a mixture of trees and groundcover associated with the existing single-family detached dwelling.

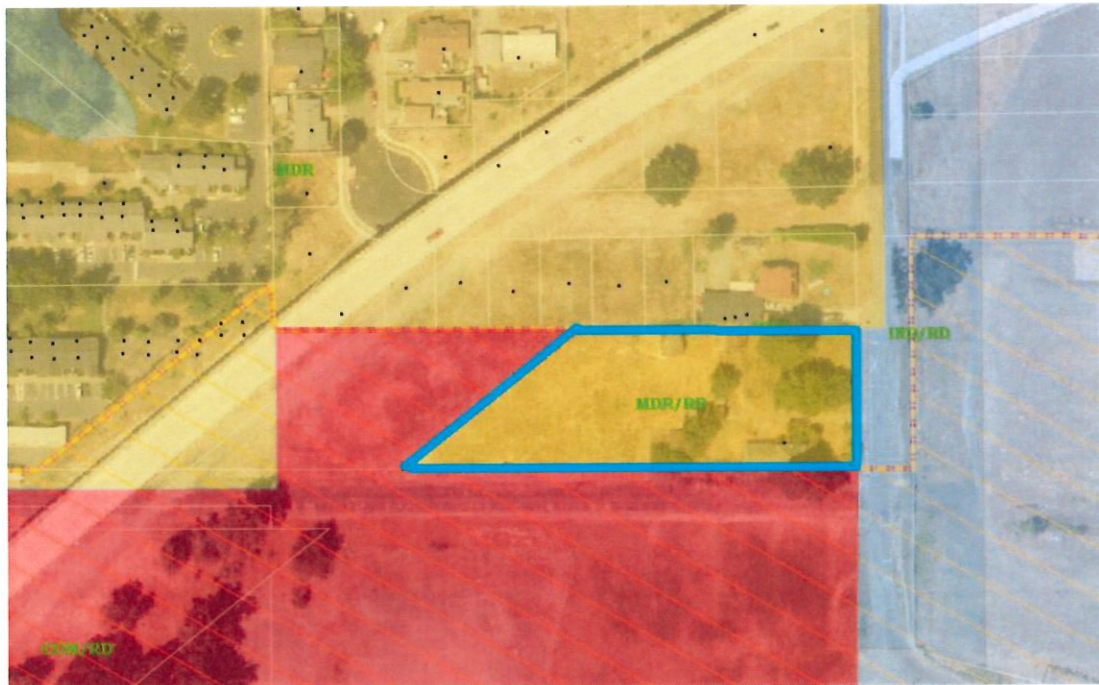


*Figure 1: Subject Property Aerial*

The subject property has a Zoning Designation of R-2/RD (Medium Density Residential/Riverfront District), and a Comprehensive Plan Designation of MDR/RD (Medium Density Residential/Riverfront District).



*Figure 2: City of Newberg Zoning Map*



*Figure 3: City of Newberg Comprehensive Plan Map*

## ADJACENT PARCELS

As depicted by *Figure 2: City of Newberg Zoning Map* and *Figure 3: City of Newberg Comprehensive Plan Map*, to the north of the subject property are Tax Lots 05318, 05319, and 05390 of Tax Map R3220CC, which are located within the City limits and are zoned R-2 and designated MDR. Tax Lot 05390 of Tax Map R3220CC sites an existing single-family detached dwelling. Tax Lots 05318 and 05319 of Tax Map R220CC are owned by the Oregon Department of Transportation and are vacant. To the east of the subject property is the S. River St. public right-of-way. To the west of the subject property is a vacant parcel owned by ODOT, which is identified as Tax Map R3229/ROADS. To the south of the subject property is an inactive railroad spur which is owned and operated by Westrock, and sited on Tax Lot 02600 of Tax Map R3229, a vacant AF-10 zoned parcel under the jurisdiction of Yamhill County.

North	Vacant parcels owned by the Oregon Department of Transportation & existing residential development in the City's R-2 Zoning District
East	S. River St. public right-of-way.
South	Railroad Spur owned and maintained by Westrock on vacant parcel.
West & Northwest	Newberg-Dundee Bypass, and ODOT-owned vacant parcels.

## PROPOSED USE

The subject property is located in the R-2/RD Zoning District, and has a Comprehensive Plan Designation of MDR/RD. Parcels to the north of the subject property are also located in the R-2 Zoning District, and where developed, site Medium Density Residential development. This Application proposes an 18-Lot Planned Unit Development on the subject property. While no construction is proposed by this Application, approval of the proposed Planned Unit Development will allow for the future construction of single-family detached dwellings on the subject property.

## DENSITY:

As per *Section 15.302.032.B.1.* of the City of Newberg's *Community Development Code*, the purpose of the R-2 Medium Density Residential District is "to provide a wide range of dwellings types and styles at an average overall density of nine units per gross buildable acre in the district". As per *Section 15.302.032.B.2.* of the City of Newberg's *Community Development Code*, "Typical housing types will include single-family dwellings on small lots..."

The subject property is 1.56-acres in size. This Application proposes 18-Lots for a total density of 11.5-units per gross acre.

As per *Section 15.240.20.F.1.a* of the City's *Community Development Code*, Planned Unit Developments within the R-2 district are permitted a maximum allowable density of 310 density

## Riverlands

Planned Unit Development  
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points per gross acres, as calculated in *Section 15.240.20.F.1.b*. The subject property is zoned R-2, and is 1.56-acres in size. The subject property is thereby permitted 483.6 density points.

As depicted by the Architectural Plan Sets provided as Exhibit H through Exhibit J, this Application proposes fifteen 3-bedroom dwellings (15 x 28-points = 420-points), and three 2-bedroom dwellings (3 x 21-points = 63-points). As regulated by *Section 15.240.20.F.1.b*, the subject property is permitted 483.6 density points, and this Application proposes a total density of 483-points. The proposed development satisfies all applicable density requirements.

### **TRANSPORTATION AND ACCESS**

The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. The City's *Transportation System Plan* includes aspirational plan No. 522 to reconstruct S. River St. between 1<sup>st</sup> St. and Rogers Landing Rd. to Major Collector street standards, including bicycle lanes and sidewalks on each side of S. River St.

Following approval of this proposed Planned Unit Development, the future development of the subject property will warrant right-of-way dedication, and public improvements to the S. River St. public right-of-way along the frontage of the subject property. As such, approval of the propose Planned Unit Development furthers the goals of the City's *Transportation System Plan*.

Regarding traffic generated by the future development of the subject property, based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 8<sup>th</sup> Edition*, the proposed development will generate 18 new PM peak hour trips (18 lots generating 1 trip per unit during the PM peak hour). Accordingly, the proposed development does not meet the City's threshold requirement of generating at least 40 new vehicular trips during the PM peak hour to trigger the need for a Traffic Study.

### **PUBLIC UTILITIES, SERVICES AND AMENITIES**

Public utilities, including water, sanitary sewer, and stormwater water are available in the S. River St. public right-of-way and will be extended at the time of the future development of the subject property following issuance of a Public Improvement Permit. All public and private utilities warranted by the future development of the subject property will be financed by the developer at the time of future development.

### **SANITARY**

As depicted by the Preliminary Engineering Plans provided as Exhibit E, there is an existing 12-inch PVC force main located within the S. River St. public right-of-way to the northeast of the subject property which is adequate to serve the future development of the subject property. The City's *2018 Wastewater Master Plan* does not identify any improvements within the vicinity of the subject property. As depicted by the Preliminary Engineering Plans provided as Exhibit E, following approval of the proposed Planned Unit Development, sanitary lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, a future Public Improvement Permit review and approval process will ensure

adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

#### **WATER**

As depicted by the Preliminary Engineering Plans provided as Exhibit E, there is an existing 6-inch ductile iron water main located within the S. River St. public right-of-way to the east of the subject property which is adequate to serve the future development of the subject property. The City's *2017 Water System Master Plan* does not identify any improvements within the vicinity of the subject property.

As depicted by the Preliminary Engineering Plans provided as Exhibit E, following approval of the proposed Planned Unit Development, water lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, a future Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

#### **STORM**

As depicted by the Preliminary Engineering Plans provided as Exhibit E, there is an existing 15-inch storm line located within the S. River St. public right-of-way to the east of the subject property which is adequate to serve the future development of the subject property. The City's *2015 Stormwater System Master Plan* does not identify any improvements within the vicinity of the subject property.

Erosion Control plans prepared by an Engineer Licensed in the state of Oregon are provided as Sheet C002 of Exhibit E. A Preliminary Stormwater Report is provided as Exhibit F. A Composite Utility Plan is provided as Sheet C300 of Exhibit E.

An Extended Dry Basin Stormwater Facility adequately sized to provide water quality and quantity is proposed in Tract A, an approximately 6,050 SF Stormwater Tract in the southwestern corner of the subject property. A new 8" storm main constructed within the proposed public right-of-way will connect to the existing 15-inch storm main in the S. River St. public right-of-way, and the proposed Extended Dry Basin in Tract A.

Runoff from future impervious areas on the subject property will be directed to the Stormwater Facility via weepholes and catch basins. Furthermore, a stormwater planter is proposed along the subject property's northerly most frontage on S. River St. to account for runoff associated with S. River St.

Furthermore, a future Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

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## **FRANCHISE UTILITIES**

Following approval of this Land Use Action, a future Public Improvement Permit review and approval process will ensure adequate franchise utilities, including electricity, gas, and communication services, are provided to serve future development on the subject property.

## **FIRE**

The subject property is served by Tualatin Valley Fire & Rescue. Tualatin Valley Fire Station No. 20 is located at 414 E. 2<sup>nd</sup> St. Newberg, OR 97132 approximately 1.1-miles from the subject property. During the review of this requested Land Use Action, the City will request comments from the Newberg Fire Department, prior to issuance of a Staff Report.

## **POLICE**

The Newberg Police Department at 401 E. 3rd St, Newberg, OR 97132 is located approximately 1-mile from the subject property. During the review of this requested Land Use Action, the City will request comments from the Newberg Police Department, prior to issuance of a Staff Report.

## **SCHOOL**

The subject property is currently located within the attendance boundaries of Edwards Elementary School, Mountainview Middle School, and the Newberg High School. Edwards Elementary School at 715 E. 8<sup>th</sup> St. Newberg, OR 97132 is located 0.4-miles from the subject property. Mountainview Middle School at 2015 N. Emery Dr. Newberg, OR 97132 is located 2.4-miles from the subject property. Newberg High School at 400 Douglas Ave. Newberg, OR 97132 is located 2.1-miles from the subject property.

## **TRANSIT**

The Yamhill County Transit Area (YCTA) Newberg Route 5 has a stop at 1210 S. College St, Newberg, OR 97132 adjacent to the Woodview Apartments, approximately 0.5-miles walking distance to the northwest of the subject property.

## **PARKS**

The Scott Leavitt Park at 1000 S. Columbia St. Newberg, OR 97132 is located 0.3-miles walking distance to the northeast of the subject property. The Scott Leavitt Park includes amenities such as a basketball court, playground, and picnic tables.

The Ewing Young Park at 1201 S Blaine St, Newberg, OR 97132 is located 0.8-miles walking distance to the northwest of the subject property. The Ewing Young Park includes amenities such as a skate park, BMX track, walking and jogging trails, covered shelters, restrooms, playground equipment, picnic tables, a disc golf course.

It should be noted that the City of Newberg does not conduct future planning for CPRD or the School District. However, the city coordinates with those agencies on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of urban growth

boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

## **LAND USE APPLICATION REQUEST – PLANNED UNIT DEVELOPMENT**

This Application requests an 18-Lot Planned Unit Development Subdivision of the 1.56-acre subject property identified as Tax Lot 02500 of Tax Map R3229.

As per *Section 15.100.050.B.3.*, the proposed Planned Unit Development shall be processed through Type III review procedure.

Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.210 Mailed Notice, Section 15.100.230 and Additional Notice Procedures for Type III Quasi-Judicial Hearing*. A draft public notice is provided as Exhibit L, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit M.

## **COMPLIANCE WITH THE CITY OF NEWBERG MUNICIPAL CODE**

After reviewing the City of Newberg *Municipal Code and Comprehensive Plan*, this Application found provisions of the following Sections to be applicable to the proposed development.

### **CITY OF NEWBERG MUNICIPAL CODE**

#### **Title 15 Development Code**

##### **Chapter 15.100 Land Use Processes and Procedures**

- 15.100.050 Type III procedure – Quasi-judicial hearing
- 15.100.090 Development permit application.
- 15.100.200 Compliance required.
- 15.100.210 Mailed notice.
- 15.100.230 Additional notice procedures for Type III quasi-judicial hearing.
- 15.100.260 Procedure for posted notice for Type II and III procedures.
- 15.100.270 Procedure for published notice on Type III and Type IV procedures.

##### **Chapter 15.220 Site Design Review**

- 15.220.060 Additional requirements for multifamily residential projects.

##### **Chapter 15.240 Planned Unit Developments**

- 15.240.020 General provisions
- 15.240.030 Preliminary plan consideration – Step one.
- 15.240.040 Final plan consideration – Step two.
- 15.240.050 Enforcement.

##### **Chapter 15.302 Districts and Their Amendment**

- 15.302.032 Purposes of each zoning district.

##### **Chapter 15.305 Zoning Use Table**

- 15.305.020 Zoning use table – Use districts.

##### **Chapter 15.352 Riverfront (RF) Subdistrict**

- 15.352.020 Where these regulations apply.
- 15.352.030 The riverfront plan general provisions.
- 5.352.050 Residential design standards.

##### **Chapter 15.405 Lot Requirements**

- 15.405.010 Lot area – Lot areas per dwelling unit.
- 15.405.020 Lot area exceptions.

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- 15.405.030 Lot dimensions and frontage.
- 15.405.040 Lot coverage and parking coverage requirements.
- Chapter 15.410 Yard Setback Requirements**
  - 15.410.010 General yard regulations
  - 15.410.020 Front yard setback.
  - 15.410.030 Interior yard setback
  - 15.410.060 Vision clearance setback
  - 15.410.070 Yard exceptions and permitted intrusions into required yard setbacks
- Chapter 15.415 Building and Site Design Standards**
  - 15.415.010 Required Minimum Standards Building height limitation.
  - 15.415.020 Building height limitation.
- Chapter 15.420 Landscaping and Outdoor Areas**
  - 15.420.010 Required minimum standards.
  - 15.420.020 Landscaping and amenities in public rights-of-way.
- Chapter 15.430 Underground Utility Installation**
  - 15.430.010 Underground utility installation.
- Chapter 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways**
  - 15.440.010 Required off-street parking.
  - 15.440.030 Parking spaces required
- Chapter 15.505 Public Utility Standards**
  - 15.505.020 Applicability.
  - 15.505.030 Street standards.
  - 15.505.040 Public utility standards.
  - 15.505.050 Stormwater system standards.

## CITY OF NEWBERG MUNICIPAL CODE

### Title 15 Development Code

#### Chapter 15.100 Land Use Processes and Procedures

##### 15.100.050 Type III procedure – Quasi-judicial hearing

*A. All Type III decisions shall be heard and decided by the planning commission. The planning commission's decision shall be final unless the decision is appealed or the decision is a recommendation to the city council.*

*B. Type III actions include, but are not limited to:*

- 3. Planned unit developments: This action is a final decision unless appealed.*

**RESPONSE:** As per *Section 15.100.050.B.3*, the proposed Planned Unit Development shall be processed through Type III review procedure. This Application acknowledges the applicable provisions of *Section 15.100.050.C* through *Section 15.100.050.H* regarding Type III review procedure. This criterion is satisfied.

##### 15.100.090 Development permit application.

*Applications for development permits shall be submitted upon forms established by the director. An application shall consist of all materials required by this code, including the following information:*

- A. A completed development permit application form.*
- B. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all owners of the affected property.*
- C. Other information required by this code.*
- D. The applicable fees. [Ord. 2451, 12-2-96. Code 2001 § 151.040.]*

**RESPONSE:** In satisfaction of *Section 15.100.090* a completed Land Use Application form is provided as Exhibit A, proof of ownership is provided as Exhibit C, and all other applicable information required by the City of Newberg *Municipal Code* and *Comprehensive Plan* is included with this Application. All applicable fees have been remitted with this Application. This criterion is satisfied.

**15.100.200 Compliance required.**

*Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this article. [Ord. 2451, 12-2-96. Code 2001 § 151.070.]*

**RESPONSE:** As per *Section 12.100.200*, the provisions of this Article are applicable to the proposed development.

**15.100.210 Mailed notice.**

*Mailed notice shall be provided as follows:*

*B. Type II and Type III Actions. The applicant shall provide public notice to:*

- 1. The owner of the site for which the application is made; and*
- 2. Owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.*

**RESPONSE:** Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.210 Mailed Notice*. A draft public notice is provided as EXHIBIT L, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit M. This Application acknowledges the applicable provisions of *Section 15.100.210.C.* through *Section 15.100.210.J.* regarding noticing requirements. This criterion is satisfied.

**15.100.230 Additional notice procedures for Type III quasi-judicial hearing.**

*In addition to the requirements of NMC 15.100.210, mailed notice for Type III development actions shall also contain the following:*

- A. State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final new hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue;*
- B. State the date, time and location of the hearing;*
- C. State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;*
- D. State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost;*
- E. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. [Ord. 2451, 12-2-96. Code 2001 § 151.073.]*

**RESPONSE:** Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.230 Additional Notice Procedures for Type III Quasi-Judicial Hearing*. A draft public notice is provided as Exhibit L, and neighboring

property owners' contact information (within 500-feet of subject property) is provided as Exhibit M. This criterion is satisfied.

#### **15.100.260 Procedure for posted notice for Type II and III procedures.**

*[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** This Application acknowledges all applicable provisions of *Section 15.100.260 Procedure for Posted Notice for Type II and III Procedures*. All applicable provisions regarding public notice will be satisfied prior to approval of this Application.

#### **15.100.270 Procedure for published notice on Type III and Type IV procedures.**

*[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** This Application acknowledges all applicable provisions of *Section 15.100.270 Procedure for Published Notice for Type III and IV Procedures*. All applicable provisions will be satisfied prior to approval of this Application.

### **Chapter 15.220 Site Design Review**

#### **15.220.060 Additional requirements for multifamily residential projects.**

*The purpose of this section is to ensure that residential projects containing three or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the site design review process, an applicant for a new multifamily residential project must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for attached single-family projects of any size and smaller multifamily projects with six or fewer units and at least 20 points are required for multifamily projects with seven or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).*

##### *A. Site Design Elements.*

- 1. Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of open space areas which can be consolidated into children's play areas, gardens, and/or dog-walking areas (three points).*
- 2. Preserve existing natural features, including topography, water features, and/or native vegetation (three points).*
- 3. Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more "pedestrian-friendly" environment (three points).*
- 4. Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other "pedestrian-friendly" amenities (three points).*
- 5. Create "outdoor" rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).*
- 6. Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species (two points).*
- 7. Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).*
- 8. Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).*
- 9. Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).*
- 10. Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).*

11. Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).
12. Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).

**B. Building Design Elements.**

1. Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).
2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).
3. Break up large buildings into bays by varying planes at least every 50 feet (three points).
4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).
5. Building Materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).
6. Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).
7. Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).
8. Provide a front porch at every main entry as this is both compatible with the city's historic building pattern and helps to create an attractive, "pedestrian-friendly" streetscape (two points).
9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points). [Ord. 2763 § 1 (Exh. A § 8), 9-16-13; Ord. 2505, 2-1-99. Code 2001 § 151.195.]

**RESPONSE:** As per Section 15.220.060, multifamily developments must provide at least 20 points as specified by Section 15.220.060.A. and Section 15.220.060.B. As per Section 15.240.020.Q, the proposed Planned Unit Development must provide a minimum of 40% of the points required for multifamily projects identified in Section 15.220.060. As such, the proposed development must provide a minimum of 8 points (20 points x 40%).

In satisfaction of Subsection 15.220.060.A.3., future single-family detached dwellings on the subject property will have relatively shallow front yards. Concept plans provided with this Application presently depict 20-ft to garages, and 13-ft to front patios). Future dwellings will be oriented toward the street, thus creating a more "pedestrian-friendly" environment (3 points).

In satisfaction of Subsection 15.220.060.A.8., street trees will be planted in conjunction with the construction of future dwellings on the subject property. Furthermore, arborvitae is proposed to be planted on S. River St. along the eastern property of the subject property. As such, future landscaping will "soften visual impacts from the street and provide shade" (1 point).



In satisfaction of *Subsection 15.220.060.B.1.*, individual covered porch entryways associated with future dwellings, will be approximately 25-SF in area, and are oriented toward the public right-of-way (3 points).

In satisfaction of *Subsection 15.220.060.B.9.*, proposed roofs associated with future dwellings on the subject property has a pitch of 3:12 or greater (2 points).

As previously, described the proposed development provides 9 site and building design element points. The provisions of *Section 15.220.060* and *Section 15.240.020.Q* are satisfied.

## Chapter 15.240 Planned Unit Developments

### 15.240.020 General provisions

*A. Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.*

**RESPONSE:** The proposed Planned Unit Development is in a single ownership, Riverlands Subdivision LLC. Proof of Ownership is provided as Exhibit C. Authority of Signature is provided as Exhibit D. This criterion is satisfied.

*B. Processing Steps – Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:*

- 1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.*
- 2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.*

**RESPONSE:** This Application acknowledges all applicable provisions of *Section 15.240.020.B Processing Steps*. The proposed Planned Unit Development will be reviewed via Type III procedure, and will under the two-step review process stipulated by *Section 15.240.020.B.1.* and *Section 15.240.020.B.2.* This criterion is satisfied.

*C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.*

**RESPONSE:** This Application does not propose a Phased development. As such, the provisions of *Section 15.240.020.C. Phasing* are not applicable to this Application.

*D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant*

*fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.*

**RESPONSE:** This Application acknowledges that the proposed Planned Unit Development must comply with the specified or Conditioned development schedule as dictated by *Section 15.240.020.D.*

*E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.*

**RESPONSE:** This Application acknowledges that the proposed preliminary Planned Unit Development or future Final Planned Unit Development approvals are allowed to expire as dictated by *Section 15.240.020.D.*, then a new Planned Unit Development Application must be submitted.

*F. Density. Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:*

*1. Maximum Density.*

*a. Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:*

District	Density Points
R-1	175 density points per <b>gross acre</b> , as calculated in subsection (F)(1)(b) of this section
R-2	310 density points per <b>gross acre</b> , as calculated in subsection (F)(1)(b) of this section
R-3	640 density points per <b>gross acre</b> , as calculated in subsection (F)(1)(b) of this section
RP	310 density points per <b>gross acre</b> , as calculated in subsection (F)(1)(b) of this section
C-1	As per required findings
C-2	As per required findings
C-3	As per required findings

**RESPONSE:** As per *Section 15.240.020.F.1.a* of the City's *Community Development Code*, Planned Unit Developments within the R-2 district are permitted a maximum allowable density of 310 density points per gross acres, as calculated in *Section 15.240.020.F.1.b*. The subject property is zoned R-2, and is 1.56-acres in size. The subject property is thereby permitted 483.6 density points.

b. Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant's discretion by 25 percent for deed-restricted affordable dwelling units as follows:

**Density Point Table**

<b>Dwelling Type</b>	<b>Density Points: Standard Dwelling</b>	<b>Density Points: Income-Restricted Affordable Dwelling Unit</b>
Studio and efficiency	12	9
One-bedroom	14	11
Two-bedroom	21	16
Three-bedroom	28	21
Four or more bedrooms	35	26

*The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.*

**RESPONSE:** As directed by Section 15.240.020.F.1.a., the subject property is permitted 483.6 density points. As depicted by the Architectural Plan Sets provided as Exhibit H through Exhibit J, this Application proposes fifteen 3-bedroom dwellings (15 x 28-points = 420-points), and three 2-bedroom dwellings (3 x 21-points = 63-points). As such, the subject property is permitted 483.6 density points, and this Application proposes a total density of 483-points. This criterion is satisfied.

*2. Approved Density. The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval only if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.*

**RESPONSE:** This Application acknowledges that the number of permitted dwelling units shall be determined by the Hearing Authority in accordance with the standards of this Section. This criterion is satisfied.

*3. Easement Calculations. Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.*

**RESPONSE:** This Application has calculated Planned Unit Development density permitted on the subject property as directed by *Section 15.240.020.F.1.a.*

*4. Dedications. Density calculations may include areas dedicated to the public for recreation or open space.*

**RESPONSE:** This Application has calculated Planned Unit Development density permitted on the subject property as directed by *Section 15.240.020.F.1.a.*

*5. Cumulative Density. When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.*

**RESPONSE:** This Application does not propose a Phased development. As such, the provisions of *Section 15.240.020.F.5.* are not applicable to this Application.

*G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:*

*1. R-1, R-2, R-3 and RP Zones.*

*a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.*

*b. Accessory buildings and uses.*

*c. Duplexes.*

*d. Dwellings, single, manufactured, and multifamily.*

*e. Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.*

**RESPONSE:** As per *Section 15.240.020.G.1.d.*, single-family family detached dwellings are a permitted use in Planned Unit Developments within the R-2 Zoning District. This criterion is satisfied.

*H. Professional Coordinator and Design Team. Professional coordinators and design teams shall comply with the following:*

*1. Services. A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall ensure that the required plans are prepared. Plans and services provided for the city and between the applicant and the coordinator shall include:*

*a. Preliminary design;*

*b. Design development;*

*c. Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and*

*d. Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.*

**RESPONSE:** Evans & Associates is providing civil engineering, survey, and landscape architecture designs for the proposed development. The Professional Coordinator, Brady Berry is a professional engineer (#14919PE) in the state of Oregon. Design Team Professionals are listed on Page 5 of this Narrative. This Application acknowledges the provisions of *Section 15.240.020.H.1.a.*, *Section 15.240.020.H.1.b.*, and *Section 15.240.020.H.1.d.* The Preliminary Engineering Plans provided as Exhibit E have been prepared by a Professional Engineer licensed

in the State of Oregon. The provisions of *Section 15.240.020.H.1.c* are not applicable as this Application proposes the future construction of single-family detached dwellings. This criterion is satisfied.

*2. Address and Attendance. The coordinator or the coordinator's professional representative shall maintain an Oregon address, unless this requirement is waived by the director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.*

**RESPONSE:** In satisfaction of *Section 15.240.020.H.2.*, the Professional Engineer, and Coordinator's Professional Representative maintain Oregon addresses. This Application acknowledges that the Coordinator or a member of the design team are required to attend future Public Meetings. This criterion is satisfied.

*3. Design Team Designation. Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice the team member's profession in the State of Oregon.*

**RESPONSE:** In satisfaction of *Section 15.240.020.H.3.*, the Applicant has retained a team of Design Team Members, including a Professional Engineer, Professional Surveyor, Professional Architect, and Professional Landscape Architect licensed within the State of Oregon. Contact information for each design team member is listed on Page 5 of this narrative. This criterion is satisfied.

*4. Design Team Participation and Waiver. Unless waived by the director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all three steps.*

**RESPONSE:** This Application acknowledges the provisions of *Section 15.240.020.H.4.* Unless waived by the Director, each Design Team Member will participate in each preparation of the proposed Planned Unit Development during all three development steps.

*5. Design Team Change. Written notice of any change in design team personnel must be submitted to the director within three working days of the change.*

**RESPONSE:** This Application acknowledges the provisions of *Section 15.240.020.H.5.* Unless waived by the Director, each Design Team Member will participate in each preparation of the proposed Planned Unit Development during all three development steps.

*6. Plan Certification. Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.*

**RESPONSE:** In satisfaction of *Section 15.240.020.H.6.*, each plan set provided with this Application is stamped and signed by the corresponding Design Team Member. A copy of the

Final Planned Unit Development plan set will be signed by all Design Team Members and provided to the City. This criterion is satisfied.

*I. Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this code and those regulations. Departures from the hearing authority upon a finding by the engineering director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this code.*

**RESPONSE:** As further addressed in *Section 15.405 Lot Requirements* of this Narrative, this Application has demonstrated compliance with all applicable fence and wall provisions, height, yards, lot width, frontage, depth, lot coverage, off-street parking, and setback requirements pertaining to development within the R-2 Zoning District.

As permitted by *Section 15.240.020.I.*, this Application requests a modification to the lot area required within the proposed Planned Unit Development. The proposed lot area reduction will permit a development which is more compatible with the target density of the Medium Density Residential (MDR) Comprehensive Plan Designation. As directed by *Section 15.240.020.I.*, the proposed Planned United Development complies with the purposes of this Code, and the proposed reduction in lot area will not create hazardous conditions for vehicular or pedestrian traffic.

*J. Lot Coverage. Maximum permitted lot and parking area coverage as provided in this code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.*

**RESPONSE:** As further addressed in *Section 15.405 Lot Requirements* of this Narrative, the proposed development satisfies lot and parking area coverage standards applicable to development in the R-2 zoning district.

*K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of "sun exposure plane" in NMC 15.05.030). The hearing authority may further modify heights to:*

- 1. Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.*
- 2. Protect lines of sight and scenic vistas.*
- 3. Enable the project to satisfy required findings for approval.*

**RESPONSE:** The subject property is adjacent to the S. River St. public right-of-way to the east, and ODOT owned right-of-way to the west and northwest. To the south of the subject property is an inactive railroad spur which is owned and operated by Westrock. The only existing development adjacent to the subject property is a single-family detached dwelling in the R-2/RD Zoning District to the north of the subject property adjacent to Lot 1 through Lot 5 of the proposed Riverlands development.

As per *Section 15.240.020.K*, the intent of the sun exposure plane is to ensure future structures “will not adversely affect the occupants or potential occupants of adjacent properties”. As the potential for future dwellings to impact adjacent properties is only present on Lot 1 through Lot 5, due to existing development patterns in the vicinity of the subject property, the Applicant proposes that Lot 1 through Lot 5 should be subject to the sun exposure plane, while Lot 6 through Lot 18 should be exempt from said requirements.

As depicted by Exhibit K, the sun exposure plane on Lot 1 through Lot 5 requires that buildings have a maximum height of 39.93-ft.

As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, the future dwellings proposed on Lot 1 through Lot 5 satisfy all applicable requirements of the sun exposure plane. The Applicant has included a 3-bedroom and 2-bedroom “solar design option” with this Application.

*L. Dedication, Improvement and Maintenance of Public Thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:*

*1. Streets and Walkways. Including, but not limited to, those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.*

**RESPONSE:** As depicted by the Preliminary Engineering Plans provided as Exhibit E, and in satisfaction of *Section 15.240.020.L.1.*, this Application proposes that adequate vehicular and pedestrian access be dedicated to the public as public right-of-way.

*2. Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.*

*[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** This Application does not propose a private street. As such, the provisions of *Section 15.240.020.L.2.* are not applicable to the proposed development.

*3. Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.*

**RESPONSE:** As depicted by the Preliminary Engineering Plans provided as Exhibit E, and in satisfaction of *Section 15.240.020.L.3.*, Public Utility Easements are provided as to promote the orderly extension of public utilities, and bicycle and pedestrian access where applicable.

*M. Underground Utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.*

**RESPONSE:** As depicted by the Preliminary Engineering Plans provided as Exhibit E, and in satisfaction of *Section 15.240.020.M.*, all on-site utilities serving the proposed Planned Unit

Development are underground services designed in accordance with the policies, practices, and rules of the serving utilities and the Public Utilities Commission.

*N. Usable Outdoor Living Area. All dwelling units shall be served by outdoor living areas as defined in this code. Unless waived by the hearing authority, the outdoor living area must equal at least 10 percent of the gross floor area of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor living space may be offered for dedication to the city, in fee or easement, to be incorporated in a city-approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.*

**RESPONSE:** As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, the future gross floor area to be sited on Lots within the Planned Unit development is 720 SF. As such, *Section 15.240.020.N.* requires each lot provide a minimum of 72.0 SF (10% of 720 SF) of outdoor living area. In satisfaction of this requirement, the smallest backyard areas in the proposed Planned Unit Development, being that of Lot 11 through 17, is 178 SF (5.67-ft by 31.5-ft). This criterion is satisfied.

*O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.*

**RESPONSE:** This Application acknowledges the provisions of *Section 15.240.020.O.*; unless otherwise provided in Preliminary Plan approval, natural features of the subject property will remain substantially unaltered pending Final Plan approval.

*P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.*

**RESPONSE:** This Application acknowledges that if landscaping cannot be completed prior to the issuance of occupancy permits, or as required by a Condition of Approval, the Applicant may be required to post a performance bond of a sufficient amount and time to assure timely completion.

*Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2763 § 1 (Exh. A §§ 9, 10), 9-16-13; Ord. 2730 § 1 (Exh. A § 9), 10-18-10; Ord. 2720 § 1(4), 11-2-09; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.226.]*

**RESPONSE:** As addressed under *Section 25.220.060* of this narrative, the proposed future development complies satisfies the design requirements for multifamily residential projects identified in *Section 25.220.060*.

#### **15.240.030 Preliminary plan consideration – Step one.**

*A. Preapplication Conference. Prior to filing an application for preliminary plan consideration, the applicant or coordinator may request through the director a preapplication conference to discuss the feasibility of the proposed planned unit development and determine the processing requirements.*



**RESPONSE:** This Application acknowledges the provisions of this Subsection.

*B. Application. An application, with the required fee, for preliminary plan approval shall be made by the owner of the affected property, or the owner's authorized agent, on a form prescribed by and submitted to the director. Applications, accompanied by such additional copies as requested by the director for purposes of referral, shall contain or have attached sufficient information as prescribed by the director to allow processing and review in accordance with these regulations. As part of the application, the property owner requesting the planned development shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197 based on the city's decision on the planned development.*

**RESPONSE:** The proposed Planned Unit Development is proposed by the owner of the subject property, Riverlands Subdivision LLC. Proof of Ownership is provided as Exhibit C. Authority to Sign is provided as Exhibit D. A Planned Unit Development Application Form is provided as Exhibit A. Riverlands Subdivision LLC, filed a Covenant of Waiver of Rights and Remedies (Measure 49 Waiver) with the City during the review and approval of Case File No. ANX18-0001, which annexed the subject property into the City. A copy of the previously executed Covenant of Waiver of Rights and Remedies (Measure 49 Waiver) is provided as Exhibit N for reference.

*C. Type III Review and Decision Criteria. Preliminary plan consideration shall be reviewed through the Type III procedure. Decisions shall include review and recognition of the potential impact of the entire development, and preliminary approval shall include written affirmative findings that:*

- 1. The proposed development is consistent with standards, plans, policies and ordinances adopted by the city; and*
- 2. The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and*

**RESPONSE:** As supported by this narrative and enclosed Exhibits, the proposed future development of the subject property is consistent with the standards, plans, policies, and ordinances adopted by the City.

*3. Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:*

- a. Public facility planning by the appropriate agencies; or*
- b. A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project; or*
- c. Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development; and*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, there are adequate services and facilities are available or will be constructed to serve the future development of the subject property.

*4. The provisions and conditions of this code have been met; and*

**RESPONSE:** As supported by this narrative and enclosed Exhibits, the proposed future development of the subject property is consistent with the provisions and conditions of this Code.

*5. Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and*

**RESPONSE:** This application proposes the future construction of a new public road, stormwater facilities, and 18 single-family detached dwellings. The proposed design is intended to preserve existing conditions to the greatest extent feasible.

*6. There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, adequate on-site provisions for utility services, and emergency vehicular access on the subject property.

*7. Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and*

**RESPONSE:** Future single-family detached dwellings will have a minimum rear yard area of 178 SF. Furthermore, each dwelling will be provided off-street parking in garages and driveways. Additionally, on-street parking is proposed on one side of the new public right-of-way.

*8. Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, and the Architectural Plans provided as Exhibit H through Exhibit J, future single-family detached dwellings will satisfy height, setback, and lot coverage standards applicable in the R-2 zoning district.

*D. Conditions. Applications may be approved subject to conditions necessary to fulfill the purpose and provisions of these regulations. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2693 § 1 (Exh. A(6)), 3-3-08; Ord. 2612, 12-6-04; Ord. 2451, 12-2-96. Code 2001 § 151.227.]*

**RESPONSE:** This Application acknowledges the provisions of this Section.

#### **15.240.040 Final plan consideration – Step two.**

*[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** This Application acknowledges the provisions of this Section. Following approval of the requested Preliminary Plan Consideration as dictated by *Section 15.240.030*, the Applicant will satisfy all applicable provisions of this Section prior to Final Plan Consideration.

**15.240.050 Enforcement.**

*Upon the applicant's violation of or failure to comply with any of the provisions of the performance contract or final approved plan, the city may, in its discretion, invoke the enforcement procedures provided in the agreement or under applicable law. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2451, 12-2-96. Code 2001 § 151.229.]*

**RESPONSE:** This Application acknowledges the provisions of this Section.

**Chapter 15.302 Districts and Their Amendment**

**15.302.032 Purposes of each zoning district.**

*B. R-2 Medium Density Residential District.*

- 1. The purpose of this land use designation is to provide a wide range of dwelling types and styles at an average overall density of nine units per gross buildable acre in the district.*
- 2. Typical housing types will include single-family dwellings on small lots, attached single-family, duplex or multifamily dwellings, and manufactured dwelling parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-2 district is intended to be consistent with the medium density residential (MDR) designation of the comprehensive plan.*

**RESPONSE:** The subject property is located within the R-2 Zoning District. As per Section 15.302.032.B.1. of the City of Newberg’s Community Development Code, the purpose of the R-2 Medium Density Residential District is “to provide a wide range of dwellings types and styles at an average overall density of nine units per gross buildable acre in the district”.

As per Section 15.302.032.B.2. of the City of Newberg’s Community Development Code, “Typical housing types will include single-family dwellings on small lots...”

The subject property is 1.56-acres in size. This Application proposes 18-Lots for a total density of 11.5-units per gross acre, so as to allow the future construction of single-family detached dwellings on the subject property.

It is of note, as the proposed development is a Planned Unit Development, density standards applicable to the future development of the subject property are dictated by Section 15.240.20.F. of the City’s Community Development Code.

**Chapter 15.305 Zoning Use Table**

**15.305.020 Zoning use table – Use districts.**

Newberg Development Code – Zoning Use Table

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
200	RESIDENTIAL USES																				
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)								P	P(6)			Subject to density limits of NMC 15.405.010(B)

**RESPONSE:** The subject property is located in the R-2 Zoning District. This Application requests an 18-Lot Planned Unit Development, to permit the future construction of single-family

detached dwellings on the subject property. As directed by the *Newberg Development Code – Zoning Use Table* found in *Section 15.305.020* of the City’s *Community Development Code*, single-family detached dwellings are a permitted use within the R-2 Zoning District.

## Chapter 15.352 Riverfront (RF) Subdistrict

### 15.352.030 The riverfront plan general provisions.

*A. Report Adopted. The Newberg Riverfront Master Plan Final Report, dated June 29, 2001, is adopted by reference. The development standards listed in this chapter shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.*

**RESPONSE:** The subject property is located in the R-2/Riverfront District zoning district.

*B. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the RF overlay subdistrict shall be the same as those uses permitted in the base zoning districts.*

**RESPONSE:** This Application acknowledges the provisions of this Section. As governed by *Subsection 15.305.020*, single-family detached dwellings are a permitted use in the R-2 zoning district.

*C. Street, Bike Path, and Pedestrian Walkway Standards. All development improvements shall comply with standards contained in the circulation and transportation element of the Newberg riverfront master plan.*

**RESPONSE:** The *Newberg Riverfront Master Plan* does not identify street, bike path, or pedestrian walkway standards on the subject property.

*D. View Corridors. Designated key views shall be protected. Key views include the view from the top of the bluff on parcel 12 as noted in Figure 2 of the riverfront master plan, the view from the top of the bluff south of Fourteenth Street generally between College and River Streets, and the view from the riverbank near the barge tie-up facility. These key views shall be protected as follows:*

*[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** The provisions of this Subsection are not applicable not to this Application as the subject property is not located within a designated key view area.

*E. Significant Tree Grove. The area containing the significant tree grove located north of Fourteenth Street and between College and River Streets shall be preserved.*

**RESPONSE:** The provisions of this Subsection are not applicable not to this Application as the subject property is not located within the designated Significant Tree Grove area.

*F. Visual/Noise Buffer. A visual/noise buffer shall be developed along River Street in such a manner as to:*

- 1. Promote the protection of SP Newsprint, or current owner of paper mill, from uses that may complain against or otherwise hinder the operation of this important industrial facility due to visual and noise impacts; and*
- 2. Enhance the vitality and qualities of the land uses within the Newberg riverfront;*
- 3. Hardscape designs such as sound walls and similar barriers should only be located on the east side of River Street. Buffers located on the west side of River Street shall be designed in such a manner as to serve as a gateway to invite and attract people into the riverfront area.*

**RESPONSE:** The SP Newsprint development is located to the east of the subject property across the S. River St. public right-of-way. As depicted by the Landscape Plans provided within Exhibit E, the Applicant proposes the installation of arborvitae along the eastern boundary of the subject property (adjacent to the S. River St. public right-of-way) to ensure an adequate visual/noise buffer is established between the Riverlands development and SP Newsprint.

*G. Separate Rail Traffic from Other Modes. Major transportation improvements shall be designed with considerations intended to separate rail traffic from other modes of transportation.*

**RESPONSE:** The provisions of this Subsection are not applicable not to this Application does not propose a major transportation improvement.

*H. Esplanade Development. Prior to the development of the riverfront esplanade, a slope stability and flood study shall be performed. [Ord. 2564, 4-15-02. Code 2001 § 151.527.3.]*

**RESPONSE:** The provisions of this Subsection are not applicable not to this Application as the subject property is not located within the Riverfront Esplanade.

### **15.352.050 Residential design standards.**

*In addition to the development standards of the base zone, the following standards shall apply:*

#### *A. Single-Family Dwellings.*

*1. For single-family dwellings, including manufactured 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.*

**RESPONSE:** As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, future single-family detached dwellings include eaves with a minimum overhang of 12-inches, as well as horizontal lap siding. This criterion is satisfied.

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

**RESPONSE:** In satisfaction of Section 15.352.050.A.2. this Application does not propose T1-11 or other wood-based "full sheet" or panel-type siding on elevations visible form the public right-of-way.

#### *B. Attached and Multifamily Dwellings [Detailed Provisions Omitted for Brevity]*

**RESPONSE:** The provisions of this Section are not applicable as this Application does not propose attached or multifamily dwellings.

*C. Standards for Garage Doors and Parking in Residential Zones.*

*1. Garage Location. All residential structures shall have a pedestrian entrance facing the street. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:*

*a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.*

**RESPONSE:** As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, and in satisfaction of *Section 15.352.050.C.1.a.* garage doors associated with future dwellings on the subject property are 9-ft in width. This provision is satisfied.

*b. The front of the garage can be no closer to the front lot line than the front facade of the house.*

**RESPONSE:** All future single-family detached dwellings will include garages which are no closer to the front line than the front façade of the dwelling.

*c. Individual garage doors may be no more than 90 square feet in area.*

**RESPONSE:** As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, and in satisfaction of *Section 15.352.050.C.1.a.* garages associated with future dwellings on the subject property are 9-ft by 8-ft (72-sqft in area). This provision is satisfied.

*d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.*

**RESPONSE:** The provisions of this Section are not applicable as this Application does not propose individual garage doors located side by side.

*2. Surface parking areas shall be located behind or to the side of residential structures.*

**RESPONSE:** The provisions of this Section are not applicable as this Application does not propose surface parking.

*3. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials. [Ord. 2747 § 1 (Exh. A § 12), 9-6-11; Ord. 2564, 4-15-02. Code 2001 § 151.527.5.]*

**RESPONSE:**

## **Chapter 15.405 Lot Requirements**

### **15.405.010 Lot area – Lot areas per dwelling unit.**

*[Detailed Provisions Omitted for Brevity]*

### **15.405.020 Lot area exceptions.**

*The following shall be exceptions to the required lot areas:*

*C. Planned unit developments, provided they conform to requirements for planned unit development approval. [Ord. 2451, 12-2-96. Code 2001 § 151.566.]*

**RESPONSE:** This Application requests Planned Unit Development approval. As dictated by *Section 15.405.020.C.*, lot area requirements are not applicable to Planned Unit Developments provided they conform to requirements for Planned Unit Development approval. As addressed in *Section 15.240.020 PD Planned Unit Development Regulations* of this narrative, this Application requests a reduction in the lot area requirements of the R-2 zoning district.

**15.405.030 Lot dimensions and frontage.**

*A. Width. Widths of lots shall conform to the standards of this code.*

*B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.*

**RESPONSE:** As per *Section 15.405.030.B.* the depth to width ratio requirement does not apply to the proposed development as lots are under 15,000 SF.

*C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.*

**RESPONSE:** As permitted for a Planned Unit Development, and as addressed in *Section 15.240.020 PD Planned Unit Development Regulations* of this narrative, this Application requests a reduction in the lot area requirements of the R-2 zoning district.

*D. Frontage.*

*1. No lot or development site shall have less than the following lot frontage standards:*

*a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).*

**RESPONSE:** As depicted by the enclosed Preliminary Engineering Plan Set provided as Exhibit E, each future lot on the subject property will have a minimum of 25-feet of frontage on a public right-of-way.

*b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.*

**RESPONSE:** As depicted by the enclosed Preliminary Engineering Plan Set provided as Exhibit E, each future lot on the subject property will have a minimum of 25-feet of width at the front building line.

**15.405.040 Lot coverage and parking coverage requirements.**

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

*1. Maximum Lot Coverage.*

*b. R-2 and RP: 50 percent*

*2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.*

*3. Combined Maximum Lot and Parking Coverage.*

*a. R-1, R-2 and RP: 60 percent.*

**RESPONSE:** As depicted by the enclosed Preliminary Engineering Plan Set, the smallest proposed lot size is Lot 10 at 1,823 SF. As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, future single-family dwellings will have a building footprint of 720 SF. Driveways to serve future dwellings on the subject property will be 20-feet in depth by 12-feet in width (240 SF). As such, Lot 10 will have 39% building coverage, 13% parking coverage, and 53% building and parking coverage. The below table details each proposed lot's satisfaction of applicable lot coverage standards of Section 15.405.040.B.

<b>Table 2: Lot Area &amp; Coverage</b>						
	<b>LOT AREA</b>	<b>BUILDING FOOTPRINT</b>	<b>PARKING FOOTPRINT</b>	<b>BUILDING COVERAGE</b>	<b>PARKING COVERAGE</b>	<b>BUILDING &amp; PARKING COVERAGE</b>
<i>Newberg Code Requirement</i>				50%	30%	60%
LOT 1	2,449 SF	720 SF	240 SF	29%	10%	39%
LOT 2	1,923 SF	720 SF	240 SF	37%	12%	50%
LOT 3	1,923 SF	720 SF	240 SF	37%	12%	50%
LOT 4	1,923 SF	720 SF	240 SF	37%	12%	50%
LOT 5	1,924 SF	720 SF	240 SF	37%	12%	50%
LOT 6	1,924 SF	720 SF	240 SF	37%	12%	50%
LOT 7	1,924 SF	720 SF	240 SF	37%	12%	50%
LOT 8	1,924 SF	720 SF	240 SF	37%	12%	50%
LOT 9	3,637 SF	720 SF	240 SF	20%	7%	26%
LOT 10	1,823 SF	720 SF	240 SF	39%	13%	53%
LOT 11	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 12	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 13	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 14	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 15	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 16	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 17	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 18	2,414 SF	720 SF	240 SF	29%	10%	40%

## Chapter 15.410 Yard Setback Requirements

### 15.410.010 General yard regulations

*A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.*

*B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.*

*C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.*

*D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a*



single development site and the yards as required by this code shall then not apply to such common property lines.

*E. Dwellings Where Permitted above Nonresidential Buildings. The front and interior yard requirements for residential uses shall not be applicable; provided, that all yard requirements for the district in which such building is located are complied with.*

*F. In the AI airport industrial district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.*

*G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel. [Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.550.]*

**RESPONSE:** This Application acknowledges all applicable provisions of this Section.

#### **15.410.020 Front yard setback.**

*A. Residential (see Appendix A, Figure 10).*

*1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.*

**RESPONSE:** As depicted by the enclosed Preliminary Engineering plans provided as Exhibit E, the proposed Planned Unit Development Subdivision of the subject property will allow for the future construction of single-family detached dwellings with 15-foot front yard setbacks in satisfaction of Section 15.410.020.A.1. This criterion is satisfied.

*3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided.*

*However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.*

**RESPONSE:** As depicted by the enclosed Preliminary Engineering plans provided as Exhibit E, the proposed Planned Unit Development Subdivision of the subject property will allow for the future construction of single-family detached dwellings with the 20-foot. garage setbacks in satisfaction of Section 15.410.020.A.3.

#### **15.410.030 Interior yard setback**

*A. Residential.*

*1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.*

**RESPONSE:** As depicted by the enclosed Preliminary Engineering plans provided as Exhibit E, the proposed Planned Unit Development Subdivision of the subject property will allow for the future construction of single-family detached dwellings designed in compliance with the 20-ft. garage setback requirement of Section 15.410.030.A.1.

#### **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. [Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.555.]

**RESPONSE:** As depicted by the sight distance triangles on Sheet C100 of the Preliminary Engineering Plans provided as Exhibit E, the proposed development provides adequate site distance at the intersection of the proposed public right-of-way and the existing S. River St. public right-of-way. The proposed development's compliance with applicable vision clearance setback standards will be further addressed during the Public Improvement Permit Construction Document review and approval process. This provision is satisfied.

**15.410.070 Yard exceptions and permitted intrusions into required yard setbacks**

*[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** This Application acknowledges the provisions of this Section.

**Chapter 15.415 Building and Site Design Standards**

**15.415.020 Building height limitation.**

*A. Residential.*

- 1. *In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:*

**RESPONSE:** As depicted by the enclosed Preliminary Engineering plans provided as Exhibit E, the proposed Planned Unit Development Subdivision of the subject property will allow for the future construction of single-family detached dwellings less than 30-feet in height. This provision is satisfied.

**Chapter 15.420 Landscaping and Outdoor Areas**

**15.420.010 Required minimum standards.**

- C.. *Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant. [Ord. 2720 § 1(16, 17), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2513, 8-2-99; Ord. 2451, 12-2-96. Code 2001 § 151.580.]*

**RESPONSE:** This Application acknowledges all applicable provisions of *Section 15.420.010.C*. In the event landscaping associated with future single-family detached dwellings sited on the subject property is not installed prior to the issuance of occupancy permits than the Building Permit Applicant will post a security equal to 110% of the cost of the landscaping as determine by the director is filed with the city, insuring such installation within six months of occupancy.

### **15.420.020 Landscaping and amenities in public rights-of-way.**

*The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of multifamily, commercial, industrial, or institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A decision to include any amenity shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.*

*A. Pedestrian Space Landscaping. Pedestrian spaces shall include all sidewalks and medians used for pedestrian refuge. Spaces near sidewalks shall provide plant material for cooling and dust control, and street furniture for comfort and safety, such as benches, waste receptacles and pedestrian-scale lighting. These spaces should be designed for short-term as well as long-term use. Elements of pedestrian spaces shall not obstruct sightlines and shall adhere to any other required city safety measures. Medians used for pedestrian refuge shall be designed for short-term use only with plant material for cooling and dust control, and pedestrian-scale lighting. The design of these spaces shall facilitate safe pedestrian crossing with lighting and accent paving to delineate a safe crossing zone visually clear to motorists and pedestrians alike.*

- 1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).*
- 2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.*

*a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).*

*b. Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures.*

**RESPONSE:** As depicted by the Landscape Plans provided within Exhibit E, street trees will be planted in conjunction with the construction of single-family detached homes on the subject property in the future. Landscaping associated with the future development of the subject property will be further reviewed for compliance with all applicable provisions of *Section 15.420.020* during the Public Improvement Permit Construction Document, and Building Permit review and approval process.

- 3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.*

*a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.*

*b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.*

*c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).*

*d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.*

**RESPONSE:** As depicted by the Preliminary Engineering plans provided as Exhibit E, street lighting will be installed in conjunction with the future construction of single-family detached dwellings on the subject property. Street lighting associated with the future development of the subject property will be further reviewed for compliance with all applicable provisions during the Public Improvement Permit Construction Document review and approval process.

*4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.*

*a. Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.*

*b. Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.*

**RESPONSE:** This Application does not propose street furniture. These provisions are not applicable to the proposed development.

*5. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.*

**RESPONSE:** Paving and curb cuts associated with future single-family detached dwellings will be constructed to facilitate safe pedestrian crossing, and will satisfy all applicable ADA requirements for accessibility. Compliance with all applicable ADA requirements will be further reviewed during the Public Improvement Permit Construction Document, and Building Permit review and approval process.

*B. Planting Strip Landscaping. All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).*

*1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.*

*2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4).*

*a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.*

*b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.*

*3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one-half feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.*

*a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.*

*b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).*

*c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.*

**RESPONSE:** As depicted by the Landscape Plans provided within Exhibit E, street trees will be planted in conjunction with the construction of single-family detached homes on the subject property in the future. Landscaping associated with the future development of the subject property will be further reviewed for compliance with all applicable provisions of *Section 15.420.020* during the Public Improvement Permit Construction Document, and Building Permit review and approval process.

## **Chapter 15.430 Underground Utility Installation**

### **15.430.010 Underground utility installation.**

*A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.*

**RESPONSE:** This Application proposes the undergrounding of all utility lines built in conjunction with the future development of the subject property.

*B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.*

**RESPONSE:** This Application acknowledges that existing utility lines shall be undergrounded when they are relocated.

## **Chapter 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways**

### **Article I. Off-Street Parking Requirements**

#### **15.440.010 Required off-street parking.**

*A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, adequate off-street parking associated with future single-family detached dwellings on the subject property will be provided in driveways and garages.

**15.440.030 Parking spaces required**

Use	Minimum Parking Spaces Required
<b>Residential Types</b>	
<b>Dwelling, multifamily and multiple single-family dwellings on a single lot</b>	
Studio or one-bedroom unit	1 per <b>dwelling unit</b>
Two-bedroom unit	1.5 per <b>dwelling unit</b>
Three- and four-bedroom unit	2 per <b>dwelling unit</b>
Five- or more bedroom unit	0.75 spaces per bedroom
• Unassigned spaces	If a development is required to have more than 10 spaces on a <b>lot</b> , then it must provide some unassigned spaces. At least 15 percent of the total required <b>parking spaces</b> must be unassigned and be located for convenient <b>use</b> by all occupants of the development. The location shall be approved by the <b>director</b> .
• Visitor spaces	If a development is required to have more than 10 spaces on a <b>lot</b> , then it must provide at least 0.2 visitor spaces per <b>dwelling unit</b> .
• On-street parking credit	On-street <b>parking spaces</b> may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a <b>lot</b> . The on-street spaces must be directly adjoining and on the same side of the <b>street</b> as the subject property, must be legal spaces that meet all <b>city</b> standards, and cannot be counted if they could be removed by planned future <b>street</b> widening or a <b>bike lane</b> on the <b>street</b> .
• Available transit service	At the review body's discretion, affordable <b>housing projects</b> may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.

**RESPONSE:** As demonstrated by the Architectural Plans provided as Exhibit H through Exhibit J, future development on the subject property will consist of 15 3-bedroom dwellings (Exhibit H & Exhibit I), and 3 2-bedroom dwellings (Exhibit J). As directed by Section 15.440.030, 3-bedroom dwellings must provide a minimum of 2 spaces per dwelling unit, and 2-bedroom dwellings must provide a minimum of 1.5 spaces per dwelling. This Application proposes a total of 2 off-street spaces (one in a garage and one in a driveway) per dwelling unit.

**Chapter 15.505 Public Utility Standards**

**15.505.020 Applicability.**

*The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).*

**RESPONSE:** As regulated by Section 15.505.020 of the City's Community Development Code, the proposed Planned Unit Development is subject to the provisions of this Chapter. As further addressed, the proposed Planned Unit Development is designed to provide services for the future development of the subject property in compliance with the provisions of this Chapter. A future Public Improvement Permit review and approval process will further ensure the future development of the subject property complies with the provisions of this Chapter. This Application acknowledges that development will not be approved unless the following

improvements are provided for prior to occupancy permit issuance, unless future provision is assured in accordance with the provisions of *Section 15.505.0303(E)*. This criterion is satisfied.

*A. Public Works Design and Construction Standards. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.*

**RESPONSE:** The proposed Planned Unit Development is designed to provide services for the future development of the subject property in compliance with the provisions of this Chapter and the City's *Public Works Design & Construction Standards*. A future Public Improvement Permit review and approval process will further ensure the future development of the subject property complies with the provisions of this Chapter and the City's *Public Works Design & Construction Standards*. This criterion is satisfied.

*B. Street Improvements. All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the subject property's eastern boundary is adjacent to the S. River St. public right-of-way. This Application proposes the construction of a new public right-of-way intersecting with S. River St. and dead-ending in a cul-de-sac along the western boundary of the subject property. The proposed public right-of-way is designed in compliance with all applicable requirements of the City of Newberg and Tualatin Valley Fire & Rescue.

*C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, there is an existing 6-in water main located in the River St. public right-of-way to the east of the subject property. The future development of the subject property will require connecting to the existing water main in River St. A new 8-in water main will be constructed in the proposed public road on the subject property, as well as water services to serve future single-family detached dwellings on the subject property. This criterion is satisfied.

*D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, there is an existing 12-in sanitary sewer main located in the River St. public right-of-way to the north of the subject property. The future development of the subject property will require connecting to the existing sanitary sewer manhole in River St., constructing a new 8-in main in S. River St. and in the proposed public road on the subject property, as well as sanitary laterals to serve future single-family detached dwellings on the subject property. This criterion is satisfied.

*E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.*

**RESPONSE:** As depicted by the Preliminary Engineering Plans provided as Exhibit E, there is an existing 15-inch storm line located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. The City's 2015 Stormwater System Master Plan does not identify any improvements within the vicinity of the subject property.

Erosion Control plans prepared by an Engineer Licensed in the state of Oregon are provided as Sheet C002 of Exhibit E. A Preliminary Stormwater Report is provided as Exhibit F. A Composite Utility Plan is provided as Sheet C300 of Exhibit E.

An Extended Dry Basin Stormwater Facility adequately sized to provide water quality and quantity is proposed in Tract A, an approximately 6,050 SF Stormwater Tract in the southwestern corner of the subject property. A new 8" storm main constructed within the proposed public right-of-way will connect to the existing 15-inch storm main in the S. River St. public right-of-way, and the proposed Extended Dry Basin in Tract A.

Runoff from future impervious areas on the subject property will be directed to the Stormwater Facility via weepholes and catch basins. Furthermore, a stormwater planter is proposed along the subject property's northerly most frontage on S. River St. to account for runoff associated with S. River St.

Furthermore, a future Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

*F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, Public Utility Easements 10-feet in width are provided along all proposed lot frontages. No other utility easements are warranted or proposed by this Application. This provision is satisfied.

*G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]*

**RESPONSE:** This Application acknowledges that future public improvements to be constructed following Public Improvement Permit review and approval must be completed, or bonded for prior tot Building Permit issuance.

#### **15.505.030 Street standards.**

*B. Applicability. The provisions of this section apply to:*

- 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.*
- 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.*



3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.
4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.

**RESPONSE:** As directed by Section 15.505.030.B., the provisions of this Section are applicable to the proposed development.

*C. Layout of Streets, Alleys, Bikeways, and Walkways. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.*

**RESPONSE:** Future public right-of-way to serve the development of the subject property is not identified in the City’s *Transportation System Plan*. As detailed by the below table, the subject property is bounded by existing development. The future development of the subject property will require the construction of a new public right-of-way on the subject property, intersecting with the S. River St. public right-of-way on the subject property’s eastern boundary and dead-ending in a cul-de-sac on the subject property’s western boundary.

Table 1: Existing Conditions Adjacent to the Subject Property	
North	Vacant parcels owned by the Oregon Department of Transportation & existing residential development in the City’s R-2 Zoning District
East	S. River St. public right-of-way.
South	Railroad Spur owned and maintained by Westrock on vacant parcel.
West & Northwest	Newberg-Dundee Bypass, and ODOT-owned vacant parcels.

The future development of the subject property will conform to applicable standards of City’s *Municipal Code*, the *Public Works Design & Construction Standards* and the *Transportation System Plan*. This criterion is satisfied.

*D. Construction of New Streets. Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:*

1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and
2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.

**RESPONSE:** Future public right-of-way to serve the development of the subject property will include the construction of full street improvements for a new public right-of-way on the subject property. This criterion is satisfied.

*E. Improvements to Existing Streets.*

*1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.*

**RESPONSE:** Future public right-of-way to serve the development of the subject property will include the construction of full street improvements for a new public right-of-way, and half-street improvements on the subject property's frontage on S. River St.

*2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.*

**RESPONSE:** This Application is subject to Planned Unit Development review procedure. This Application proposes half-street improvements on the subject property's frontage on S. River St., and full-street improvements on the newly proposed public right-of-way.

*3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.*

**RESPONSE:** The provisions of this Section are not applicable as this Application does not propose to provide a fee-in-lieu of street improvements.

*F. Improvements Relating to Impacts. Improvements required as a condition of development approval shall be roughly proportional to the impact of the development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this code. If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land use application.*

**RESPONSE:** This Application acknowledges that improvements required as a Condition of Approval should be roughly proportional to the impact of the future development on public facilities and services, and that development may not occur until required transportation facilities are in place or guaranteed.

*G. Street Width and Design Standards.*

*1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing*

development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

**Table 15.505.030(G) Street Design Standards**

Type of Street	Right-of-Way Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
<b>Arterial Streets</b>						
Expressway**	ODOT	ODOT	ODOT	ODOT	ODOT	ODOT
Major arterial	95 – 100 feet	74 feet	4 lanes	TWLTL or median*	Yes	No*
Minor arterial	69 – 80 feet	48 feet	2 lanes	TWLTL or median*	Yes	No*
<b>Collectors</b>						
Major	57 – 80 feet	36 feet	2 lanes	None*	Yes	No*
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
<b>Local Streets</b>						
Local residential	54 – 60 feet	32 feet	2 lanes	None	No	Yes
Limited residential, parking both sides	44 – 50 feet	28 feet	2 lanes	None	No	Yes
Limited residential, parking one side	40 – 46 feet	26 feet	2 lanes	None	No	One side
Local commercial/ industrial	55 – 65 feet	34 feet	2 lanes	None*	No*	Yes*

\* May be modified with approval of the **director**. Modification will change overall curb-to-curb and **right-of-way** width. Where a center turn lane is not required, a landscaped median shall be provided instead, with turning pockets as necessary to preserve roadway functions.

\*\* All standards shall be per **ODOT** expressway standards.

**RESPONSE:** Table 15.505.030.G. dictates that a Limited Residential Street with parking on one side shall have between 40 and 46-feet of right-of-way, including a curb-to-curb pavement width of 26-feet, 2 travel lanes, no median, no bicycle lanes, and on-street parking on one side of the new road. As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, Application proposes the future construction of a new Limited Residential Street with 47-feet of right-of-way, including 26-feet of curb-to-curb pavement, 2 travel lanes, no median, no bicycle lanes, and on-site street parking on one side.

As depicted by the below Table 3: Requirements of Table 15.505.030.G. Versus Proposed Development, the proposed future street satisfies all applicable standards of Table 15.505.030.G.

	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes</i>	<i>Median Type</i>	<i>Striped Bike Lanes</i>	<i>On-Street Parking</i>
<b>15.505.030.G. Requirement</b>	40 -46 ft.	26-ft.	2	N/A	N/A	Both sides
<b>Proposed Limited Residential Street, Parking on One Side</b>	47 ft.	26-ft.	2	N/A	N/A	One side

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

a. *The requirements of the fire chief shall be followed.*

**RESPONSE:** The proposed Limited Residential Street is designed to satisfy applicable requirements of Tualatin Valley Fire & Rescue.

b. *The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.*

**RESPONSE:** Based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 8<sup>th</sup> Edition*, single-family detached dwellings (ITE Land Use Code No. 210) generate 9.55 average daily trips (ADT). Following approval of the proposed Planned Unit Development and Construction Document review and approval process, 18 single-family detached dwellings will be sited on the subject property. As such, future traffic associated with the proposed development will generate 172 ADT (18-dwellings \* 9.55-ADT). This criterion is satisfied.

c. *Use for through streets or looped streets is preferred over cul-de-sac streets.*

**RESPONSE:** As previously addressed, due to existing development patterns in the vicinity of the subject property, the continuation of the public street network through the subject property is infeasible. This Application proposes of a new road intersecting with the S. River St. public right-of-way on the eastern boundary of the subject property, and dead-ending in a cul-de-sac bulb along the western boundary of the subject property.

d. *Use for short blocks (under 400 feet) is preferred over longer blocks.*

**RESPONSE:** The proposed dead-end right-of-way will be approximately 350-ft in length. As previously addressed, due to existing development patterns adjacent to the subject property, the creation or extension of the street block system is not feasible.

*e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.*

**RESPONSE:** This Application proposes the division of the subject property to support the future construction of 18 single-family detached dwellings.

*f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provide as Exhibit E, and the Architectural Plans provided as Exhibit H through Exhibit J, the future development of the subject property will provide adequate off-street parking in driveways and garages. As such, the use of the additional on-street parking should be limited in nature.

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

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provide as Exhibit E, the future development of the subject property will provide 5-foot sidewalks on the subject property's frontage on S. River St., and 5-foot sidewalks on both sides of the new public right-of-way. As permitted by *Section 15.505.030.G.8.*, this Application is proposing 6-foot wide curb-tight sidewalks along the proposed cul-de-sac bulb.

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

- a. Additional reinforcement is done to the sidewalk section at corners.*
- b. Sidewalk width is six feet.*

**RESPONSE:** As depicted by Sheet C100 of the Preliminary Engineering Plan Set provide as Exhibit E, this Application proposes half-street improvements to the existing S. River St. public right-of-way, including 6-foot planter strips. Planter strips 4.5-feet in width are proposed on both sides of the new public right-of-way, with the exception of the new cul-de-sac bulb where 6-foot curb-tight sidewalks are proposed.

*9. Slope Easements. Slope easements shall be provided adjacent to the street where required to maintain the stability of the street.*

**RESPONSE:** The subject property generally slopes from east to west at less than 1%. Slope easements are not warranted or proposed by this Application.

*10. Intersections and Street Design. The street design standards in the Newberg public works design and construction standards shall apply to all public streets, alleys, bike facilities, and sidewalks in the city.*

**RESPONSE:** This Application proposes the future construction of a new public street designed in compliance with all applicable *Public Works Design & Construction Standards*.

*H. Modification of Street Right-of-Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:*

- 1. The modification is necessary to provide design flexibility in instances where:*
  - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or*
  - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or*
  - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or*
  - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.*
- 2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.*

**RESPONSE:** The provisions of this Section are not applicable as this Application does not propose to modify street right-of-way or improvement widths.

*I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.*

**RESPONSE:** The provisions of this Section are not applicable as this Application does not propose a temporary turnaround.

*J. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.*

**RESPONSE:** The proposed future public right-of-way is designed to accommodate existing surrounding topographical conditions.

*K. Future Extension of Streets. All new streets required for a subdivision, partition, or a project requiring site design review shall be constructed to be "to and through": through the development and to the edges of the project site to serve adjacent properties for future development.*

**RESPONSE:** As previously addressed by *Table 1: Adjacent to the Subject Property* on Page 41 of this narrative, existing development patterns surrounding the subject property prohibit the future extension of the proposed public right-of-way. This Application proposes the future construction of a dead-end street.

*L. Cul-de-Sacs.*

1. *Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.*

*a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.*

*b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.*

*c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.*

*d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, this Application proposes the future construction of a new street dead-ending in a cul-de-sac bulb. Said cul-de-sac bulb is proposed due to existing development patterns surrounding the subject property which prohibit the future extension of the proposed public right-of-way.

*2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed street dead-ending in cul-de-sac bulb is approximately 350-feet in length.

*3. Cul-de-sacs shall not serve more than 18 single-family dwellings.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed street dead-ending in cul-de-sac bulb will serve 18 future single-family detached dwellings.

*Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed cul-de-sac bulb has a curb-to-curb diameter of 96-feet, and a right-of-way diameter of 110-feet.

*M. Street Names and Street Signs. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.*

**RESPONSE:** The future street to be constructed on the subject property does not align with an existing named street. This Application acknowledges that naming of the new street will be subject to approval by the City's Community Development Director and Tualatin Valley Fire & Recuse.

*N. Platting Standards for Alleys.*

- 1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.*
- 2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.*
- 3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.*
- 4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.*
- 5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.*

**RESPONSE:** The provisions of this Section are not applicable as this Application does not propose an alley.

*O. Platting Standards for Blocks.*

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

<b>Zone(s)</b>	<b>Maximum Block Length</b>	<b>Maximum Block Perimeter</b>
R-1	800 feet	2,000 feet
R-2, R-3, RP, I	1,200 feet	3,000 feet

*3. Exceptions.*

- a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.*
- b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.*
- c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.*
- d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.*
- e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.*
- f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.*



**RESPONSE:** As previously addressed, due to existing development patterns adjacent to the subject property, the creation or extension of the street block system is not feasible. This Application proposes the future construction of a dead-end right-of-way approximately 350-ft in length.

*P. Private Streets. New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).*

**RESPONSE:** The provisions of this Section are not applicable as this Application does not propose the construction of a private street. As dictated by the City’s *Transportation System Plan*, S. River St. has a functional classification of Major Collector.

*R. Vehicular Access Standards.*

*2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.*

**Table 15.505.R. Access Spacing Standards**

Roadway Functional Classification	Area <sup>1</sup>	Minimum Public Street Intersection Spacing (Feet) <sup>2</sup>	Driveway Setback from Intersecting Street <sup>3</sup>
Expressway	All	Refer to ODOT Access Spacing Standards	NA
Major arterial	Urban CBD	Refer to ODOT Access Spacing Standards	
Minor arterial	Urban CBD	500 200	150 100
Major collector	All	400	150
Minor collector	All	300	100

<sup>1</sup> "Urban" refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).

"CBD" refers to intersections within the central business district (C-3 zone).

"All" refers to all intersections within the Newberg urban growth boundary.

<sup>2</sup> Measured centerline to centerline.

<sup>3</sup> The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.

**RESPONSE:** This Application proposes a new intersection on S. River St. As per the City’s *Transportation System Plan*, S. River St. has a functional classification of Major Collector. As per *Table 15.505.R.* (presumably a scrivener’s error; meant to read *Table 15.505.030.R.*), public intersections should be spaced a minimum of 150-feet on Major Collectors. The closest improved intersection to the subject property is the intersection of S. River St. and E. 12<sup>th</sup> Ave. The new public right-of-way proposed by this application will be located approximately 385-ft south of said intersection.

*3. Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.*

**RESPONSE:** The provisions of this Subsection are not applicable as the subject property does not have multiple frontages.

*4. Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.*

**RESPONSE:** The provisions of this Subsection are not applicable as this Application does not propose more than one future driveway per lot.

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

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

**RESPONSE:** The provisions of this Subsection are not applicable as this Application does not propose an alley.

*6. Closure of Existing Accesses. Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.*

**RESPONSE:** The provisions of this Subsection are not applicable as this Application does not propose the closure of an existing access.

*7. Shared Driveways.  
[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** The provisions of this Subsection are not applicable as this Application does not propose future shared driveways.

*8. Frontage Streets and Alleys. The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.*

**RESPONSE:** This Application acknowledges the provisions of this Subsection.

*9. ODOT or Yamhill County Right-of-Way. Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.*

**RESPONSE:** This Application acknowledges the provisions of this Subsection.

*10. Exceptions. The director may allow exceptions to the access standards above in any of the following circumstances:*

- a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.*
- b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.*
- c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.*

*11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.*

**RESPONSE:** This Application acknowledges the provisions of this Subsection. Regarding traffic generated by the future development of the subject property, based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 8<sup>th</sup> Edition*, the proposed development will generate 18 new PM peak hour trips (18 lots generating 1 trip per unit during the PM peak hour). Accordingly, the proposed development does not meet the City's threshold requirement of generating at least 40 new vehicular trips during the PM peak hour to trigger the need for a Traffic Study.

*S. Public Walkways.*

- 1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.*
- 2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.*
- 3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.*
- 4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.*
- 5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.*
- 6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.*
- 7. Lighting may be required for public walkways in excess of 250 feet in length.*
- 8. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.*

**RESPONSE:** As previously addressed, due to existing development patterns in the vicinity of the subject property, the continuation of the public street and pedestrian network through the subject property is infeasible. This Application proposes 5-foot sidewalks on the subject

property's frontage on S. River St., and 5-foot sidewalks on both side of the new public road, with the exception of a 6-foot curb-tight sidewalk on the proposed cul-de-sac bulb.

*T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, this Application proposes the future construction of landscaping strips. The future construction of single-family detached dwelling son the subject property will ensure the installation of street trees in compliance with all applicable provisions of *Subsection 15.420.010(B)(4)*.

*U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, this Application proposes the future construction of street lighting designed in compliance with all applicable City standards.

*V. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:*

- 1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.*
- 2. A transit passenger landing pad accessible to disabled persons.*
- 3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.*
- 4. Lighting at the transit facility. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 19), 9-16-13; Ord. 2736 § 1 (Exh. A §§ 1, 3, 4), 3-21-11; Ord. 2619, 5-16-05; Ord. 2513, 8-2-99; Ord. 2507, 3-1-99; Ord. 2494, 4-6-98; Ord. 2451, 12-2-96. Code 2001 §§ 151.681, 151.683, 151.684 – 151.686, 151.689 – 151.692, 151.694, 151.695, 151.701 – 151.703, 151.705.]*

**RESPONSE:** The provisions of this Subsection are not applicable to this Application as the subject property is not adjacent to existing or planned transit facilities of the City's *Transportation System Plan* or adopted local or regional transit plans.

#### **15.505.040 Public utility standards.**

*B. Applicability. This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.*

*C. General Standards.*

- 1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.*
- 2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.*

**RESPONSE:** This Application acknowledges that a Public Improvement Permit must be obtained prior to any construction of any public improvements. Following approval of this Planned Unit Development, the proposed development will undergo Public Improvement Permit review and approval to ensure future development complies with all applicable requirements of the City's *Public Works Design & Construction Standards*.

*D. Standards for Water Improvements. All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.*

- 1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.*
- 2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.*
- 3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.*
- 4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed future development of the subject property will connect to the City's existing water facilities, is adequate to serve the future development of the subject property. Due to existing development patterns surrounding the subject property the future extension of utilities is not applicable to this Application. The future development is designed to comply with all applicable City requirements. Following approval of this Planned Unit Development, the proposed development will undergo Public Improvement Permit review and approval to ensure future development complies with all applicable requirements of the City's *Public Works Design & Construction Standards*.

*E. Standards for Wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.*

- 1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.*

2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.

3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.

5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.

6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.

7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed future development of the subject property will connect to the City's existing water, sanitary and stormwater facilities and services. Existing utility infrastructure in the vicinity of the subject property is adequate to serve the future development of the subject property. Due to existing development patterns surrounding the subject property the future extension of utilities is not applicable to this Application. The future development is designed to comply with all applicable City requirements. Following approval of this Planned Unit Development, the proposed development will undergo Public Improvement Permit review and approval to ensure future development complies with all applicable requirements of the City's *Public Works Design & Construction Standards*.

*F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, Public Utility Easements 10-feet in width are proposed along the frontage of all proposed lots. No other easements are warranted or proposed by this Application.

#### **15.505.050 Stormwater system standards.**

*C. General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the future development of the subject property will include the construction of a stormwater main in the proposed public road, connecting to the existing stormwater main in S. River St. and provide service to each future single-family detached dwelling. A Stormwater Facility will be constructed in Tract A in the southwestern corner of the subject property. Stormwater runoff from future dwellings on the subject property will be directed via weepholes into the stormwater system. There is a secondary raingarden located to the north of the proposed intersection along the subject property's frontage on S. River St. As supported by the Preliminary Stormwater Report provided as Exhibit F, the proposed stormwater facilities are adequately sized to support the future development of the subject property. This Application acknowledges that the developer is responsible for all costs associated with designing and constructing said stormwater facilities. This criterion is satisfied.

*D. Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall containS at a minimum:*

- 1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.*
- 2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.*
- 3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.*

**RESPONSE:** Erosion Control plans prepared by an Engineer Licensed in the state of Oregon are provided within Exhibit E. A Preliminary Stormwater Report is provided as Exhibit F. A Composite Utility Plan is provided as Sheet C300 of Exhibit E.

*E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]*

**RESPONSE:** This Application acknowledges the provisions of this Section. Future development of the subject property will be planned, designed, constructed, and maintained in compliance with all applicable standards of the City's *Public Works Design & Construction Standards*.

## CONCLUSION

This narrative and supporting documentation demonstrate compliance with all applicable provisions of the *City of Newberg Community Development Code* and *Comprehensive Plan*. The Applicant thereby respectfully requests approval of this Comprehensive Plan Amendment request.