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**An ORDER APPROVING PUD19-0002 FOR THE RIVERLANDS PUD AT 1303 S RIVER STREET, YAMHILL COUNTY TAX LOT NUMBER 3229 02500**

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**RECITALS**

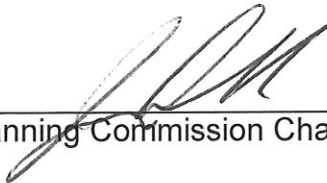
1. Del Boca Vista LLC submitted an application for preliminary plan approval of a Planned Unit Development (PUD) for eighteen (18) lots of residential use and one (1) tract on Medium Density R-2/Riverfront District residentially zoned property at 1303 S River Street with the Yamhill County Tax Lot number of 3229-02500.
2. After proper notice, the Newberg Planning Commission opened the hearing on February 13, 2020 and continued the hearing to March 12, 2020 at the request of the applicant.
3. After proper notice, the Newberg Planning Commission held a hearing on March 12, 2020 to consider the application, take public testimony and deliberated.
4. The Planning Commission directed staff to work with the Applicant on an in-lieu of fee for sidewalk improvements across the spur line railroad tracks and adjust the findings for the in-lieu of fee to reflect the amount.
5. The Applicant provide additional time beyond the 120-day rule to allow the in-lieu fee amount to be established. On April 21, 2020 the applicant noted it agreed with the in-lieu fee amount of \$55,866.87.
6. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings in Exhibit "A".

**The Newberg Planning Commission orders as follows:**

1. The PUD preliminary plan application PUD19-0002 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This Order shall be effective May 11, 2020 unless appealed prior to that date.
4. 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.

**Adopted by the Newberg Planning Commission this 27<sup>th</sup> day of April, 2020.**



\_\_\_\_\_  
Planning Commission Chair

ATTEST:



\_\_\_\_\_  
Planning Commission Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions

**Exhibit "A" to Planning Commission Order 2020-01  
Findings –File PUD19-0002  
Riverlands PUD**

**I. Chapter 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS**

**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.**

**Finding:** The subject property is under ownership by Riverlands Subdivision LLC.

This criterion is met because the subject property is under single ownership.

**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.**

**Finding:** This application is being processed by a Type III procedure. The applicant has acknowledged that their application is in the first step of the PUD review process. There are no natural amenities on the site. There is a single family home to the north in the R-2/RD zoning designation which is the same land use proposed by the applicant. To the east is the closed WestRock mill site outside of the city limits. Under the current Newberg Comprehensive Plan designation the WestRock area would be given an industrial designation at the time the property is annexed.

To the south is undeveloped land and a rail road spur owned by WestRock. Under the current Newberg Comprehensive Plan the area would be given a commercial designation at the time the property is annexed. To the northwest is the Newberg-Dundee Bypass.

The PUD is in the area of the 2019 Riverfront Master Plan that has been adopted by the City Council. As the Riverfront Master Plan is implemented the property to the east of S River Street is identified be a mixed employment area and the property to the south of the proposed PUD to be commercial and high density residential.

The proposed PUD for single family residential will provide an attractive, safe, efficient and stable environment for its residents as well as surrounding property owners. The applicant is proposing three story homes, which are not unlike the homes constructed north of the Newberg-Dundee Bypass.

This criterion is met because the applicant has made an effort to preserve natural amenities, create an attractive, safe, efficient, stable environment that is compatible with surrounding uses or planned land use.

***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.***

**Finding:** Not applicable for the first step in the PUD review process. The applicant has acknowledged that there is a two-step process in the PUD review process and will require compliance with NMC 15.240.040.

This criterion will be reviewed during step two of the PUD review process with the submittal of the final PUD plans and associated material being provided by the applicant.

***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.***

**Finding:** This criterion is not applicable because the applicant is not requesting a phased PUD and has stated in their narrative that they will develop the project in one phase.

***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.**

**Finding:** The applicants' narrative acknowledges the requirement of this section of the NDC.

**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.**

**Finding:** The applicants' narrative acknowledges the requirement of this section of the NDC.

**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:**

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

<b>District</b>	<b>Density Points</b>
<b>C-3</b>	<b>As per required findings</b>

**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:**

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

**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.**

**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.*

**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.*

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

**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.*

**Finding:** The applicants' narrative indicates that the property is zoned R-2/RD and is allowed 310 density points per gross acre. Maximum density is calculated as follows, 310 points per acre x 1.56 acres = 483.6 density points. The applicant is proposing to construct 15 new three-bedroom and 3 new two-bedroom single family homes. Therefore, the proposed number of density points is 28 (three bedroom) x 15 dwelling units + 21 (two bedroom) x 3 dwelling units = 483 density points. Therefore, the proposed development is less dense than what is allowed in the code. Easements are included in the density calculation for utilities that are a benefit to the residents of the PUD. No dedication of land for recreation or open space is proposed in the PUD. The applicant has indicated the PUD will not be phased. City staff concurs with the applicants' findings.

This criterion is met because the applicant has not exceeded the total allowed density provided for in the NDC.

**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.**

**Finding:** The applicant is proposing single family home development for their project, which is a permitted use under this section of the NDC.

This criterion is met because the applicant is proposing single family home development which is a permitted use for PUDs.

**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.**

**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.**

**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.**

**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.**

**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.**

**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.**

**Finding:** The applicants' narrative states that the property owner is utilizing David Evans & Associates for civil engineering and surveying. Brady Berry is an Oregon licensed engineer (#14919PE) and is the professional coordinator for the project. Suntel Design, Inc. has



submitted the architectural plans for the proposed houses. The landscape plan was designed by Otten Landscape Architects. The applicant has acknowledged the requirement to notify the City in writing of any design team changes. The applicants' narrative states that all PUD plans are signed and stamped by the following: Brady Berry, PE (Civil), Janet Otten (Landscape) Jim Mei (Architect), Stephen Williams (Surveyor).

This criterion is met because the property owner is utilizing a licensed civil engineer, Brady Berry, P.E., to design the proposed Riverlands PUD.

***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.***

**Finding:** ODOT rail has indicated that fencing along the south property line will need to meet their requirements consisting of chain link or wrought iron picket. The applicant's material notes that building height for the three house designs is 29' 11 3/8' which meets the 30 foot maximum. Yards meet the requirement for space on the same lot with a building, unoccupied and unobstructed from a point 30 inches above grade upward. Lot width and frontage meets the 25 foot requirement. Lot depth requirements are met and lot is conditioned as noted later in this report. The number of off-street parking spaces are conditioned as noted later in this report. Front yard setbacks will be 15 feet, setback of 20 feet to the garage, and 5 feet setback for interior yards.

The applicant is proposing the following modification under the allowances of this section of the NDC.

The applicant is proposing to adjust the following code requirements:

1. Lot area requirements under NDC 15.405 to reduce the minimum lot size so that the development would be more compatible with the target density of the Medium Density Residential Comprehensive Plan designation. The required base R-2 lot size is 3,000 square feet. The proposed lot sizes range from 1,823 to 3,637 square feet. There will be additional modifications to this lot size range for Lots 9 and 10 based on discussions with the applicant that the lot perimeters need to expand to the west to the cul-de-sac bulb pinch point with the sites perimeter boundary. This

modification reduces the size of Tract A where the water quality facility will be located. The applicant shall modify the proposed lot area (size) for Lots 9 and 10 so that the lots are to the cul-de-sac bulb pinch point with the sites perimeter boundary.

The criterion will be met if the aforementioned condition of approval is adhered to because the requested flexibility to development code requirements are allowed under the NDC PUD regulations and it has been determined by City Staff that no hazardous conditions have been created by allowing the aforementioned requested flexibility.

***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.***

**Finding:** The subject property is zoned R-2. The applicant has stated that the proposal meets the required lot and parking coverage standards. Under Section 15.405.030(B)(1)(b) the maximum lot coverage is 50% and under 15.405.030(B)(2) maximum parking coverage is 30%. The maximum combined lot and parking coverage allowed under Section 15.405.030(b)(3) is 60%.

A lot coverage table was submitted to determine if the requirements have been met. The coverage for Lots 9 and 10 are under question based on where the actual property boundaries are located in relation to Tract A. as noted in section I. Modification of Certain Regulations above. The applicant has also noted that the respective proposed units may shift on the lots based on what units may get constructed. Because of the modifications to the lot area for Lots 9 and 10 and no drawings on lot coverage were provided the applicant shall provide lot coverage calculation for buildings, parking and combined building and parking at the tie of submittal of building plans and shall meet the requirements of 15.405.030(B)(1)(b), 15.405.030(B)(2), and 15.405.030(b)(3).

***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.***

**Finding:** The applicant indicates that Lot 1 – Lot 5 should apply to the sun exposure plane requirements and Lot 6 through Lot 18 should be exempt. It is further noted that Lots 1 – 5 meet the sun exposure requirements and requires buildings on these lots to have a maximum height of 39.93 feet.

Exhibit K of the applicants' narrative illustrates the sun exposure plane associated with the proposed homes on Lots 1 - 5. The applicants' narrative states "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 the Application." After reviewing the applicants' diagrams it does not appear that either the future occupants of the Riverlands PUD or occupants of adjacent properties will be negatively impacted by building heights.

The criterion is met because neither the residents of the Riverlands PUD or occupants of adjacent property to the north will be negatively impacted by the proposed building heights.

***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.***

**Finding:** The applicant is proposing a limited residential street with a 26-foot wide public street and 5-foot wide sidewalk. A 6-foot wide curb tight sidewalk is proposed in the cul-de-sac. The applicant is proposing 47-feet of public right-of-way. The proposed roadway (E River Court) will connect to the west side of S River Street and terminate in a cul-de-sac.

This criteria is met because the public streets and walkways will be constructed to City of Newberg specifications, dedicated to the City and there will be no negative impact to public health and safety.

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

***a. An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.***

***i. A plan for managing on-street parking, maintenance and financing of maintenance of the private street, including a draft reserve study showing that the future homeowners association can financially maintain the private street;***

***ii. A plan demonstrating that on- and off-street parking shall be sufficient for the expected parking needs and applicable codes;***

***iii. Proposed conditions, covenants and restrictions that include a requirement that the homeowners association shall be established in perpetuity and shall continually employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions;***

***iv. Evidence that the private street is of sufficient width and construction to satisfy requirements of the fire marshal and city engineer; and***

***v. The PUD shall be a Class I planned community as defined in ORS Chapter 94.***

***b. If the PUD is established, the homeowners association shall provide an annual written report on the anniversary date of the final approval of the PUD approval to the community development director that includes the following:***

***i. The most recent reserve study.***

***ii. The name and contact information for the retained community management association.***

***iii. A report on the condition of the private street and any plans for maintenance of the private street.***

**Finding:** The applicant is not proposing a private street. These criteria do not apply.

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

**Finding:** The applicant is proposing to dedicate right-of-way to provide for the public street, public utilities, and sidewalks. The applicant has indicated that they are providing a 10-foot public utility easement along all proposed lot frontages, except around the exterior of the cul-de-sac bulb since no single-family homes take access from the cul-de-sac. Additionally the existing railroad to the south of the development and the ODOT right-of-way for the future Newberg-Dundee Bypass alignment to the west of the development reduces the need to provide a 10-foot public utility easement in the cul-de-sac bulb for franchise utilities. Because it is unclear if franchise utilities who typically utilize the public utility easement are agreeable to the exclusion of a 10-foot public utility easement adjacent to the cul-de-sac bulb, the applicant is required to coordinate with franchise utilities and provide a public utility easement width meeting the requirements of the franchise utilities with a maximum public utility easement of 10-feet along all property frontages as coordinated with franchise

utility providers. The City of Newberg must be provided with documentation of the ultimate public utility easement locations as coordinated with and approved by the necessary franchise utilities prior to the approval of the final plat.

This criterion will be met if the aforementioned condition of approval is adhered to.

***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.***

**Finding:** The applicant is proposing that all on-site utilities are located underground. This criterion is met.

***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.***

**Finding:** The applicants' narrative states "as depicted in Exhibit H through Exhibit J, the future gross floor area to be sited on lots with the Planned Unit Development is 720 SF. As such, Section 15.240.020.N. requires each lot to 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).

The applicant's architectural plans indicate that the proposed homes will be three story units but no stated gross square footage for the units is indicated that encompasses the three floors. The applicant has not asked for a waiver. Based on staff review the gross floor area of the proposed units cannot be determined but appears that the first floor is a maximum of 720 square feet. The area for Lots 9 and 10 are also in questions as to where the actual property line will be located that impacts the outdoor living area calculation.

The applicant submitted supplemental information on January 20, 2020 addressing the Usable Outdoor Living Area requirement. The table indicates that the 3-bdroom units have a livable square footage of 1,910 and required Outdoor Living Area of 191 square feet. For the 3-bedroom solar units livable square footage is 1,847 and outdoor living area required is 185 square feet. Finally, for the 2-bedroom solar units livable square footage is 1,847 and outdoor living area required is 185 square feet.

This criterion is met because each dwelling unit will have more than the required 10 percent of the gross floor area of each unit dedicated as usable outdoor living area.

***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.***

**Finding:** The applicants' narrative states "... unless otherwise provided in Preliminary Plan approval, natural features of the subject property will remain substantially unaltered pending Final Plan approval." As noted in the applicant's narrative there are several trees on the site that will be removed as part of the development. The removal of the trees are approved and there are no additional vegetation, topography and natural features remaining on the site.

This criterion is met.

***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.***

**Finding:** This criterion is met because the applicants' narrative acknowledges the requirement to complete the landscaping prior to occupancy, or as conditioned and that the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion of the landscaping.

***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.***

**Finding:** The applicant provided analysis on compliance with NMC 15.220.060. Staff believes this criterion does not apply to the proposed PUD as no multifamily dwellings are proposed and because the project is within the Riverfront District it has a separate set of design standards.

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

***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.***

**Finding:** The applicant has paid the required fee for a PUD review and the application was made by the property owner. Application material with sufficient information and a sufficient number of copies were provided to the city for referral reviews by other agencies and departments. The applicant has provided a Measure 49 waiver.

This criterion is met because the applicant has paid the required fee, submitted the required material for review of the project and a signed Measure 49 waiver.

**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**

**Finding:** The applicant has provided a Type III review application. As this report details, the proposed development is consistent with standards, plans, policies and ordinances adopted by the City of Newberg. In some cases conditions of approval are noted in order to address any deficiencies.

This criterion is met because the proposed development is consistent with standards, plans, policies and ordinances adopted by the city or is conditioned in order to be consistent with such requirements.

**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**

**Finding:** No information was provided on the house footprints in the proposed PUD beyond narrative statements on compliance with applicable code requirements. Architectural drawings have been provided. There is a single family home to the north, industrial development to the east, a vacant parcel with a railroad line to the south and the Newberg-Dundee Bypass to the west and northwest. Staff in prior sections of this report has raised questions about lot and parking coverage, and street trees in the cul-de-sac and suggested conditions of approval. The anticipated location of the buildings, bulk and height, parking and access will be reasonably compatible with abutting properties and the surrounding neighborhood.

This criterion is met by way of the design of the PUD and its compatibility with existing surrounding land use as conditioned.

- 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**

**Finding:** City staff have evaluated the Riverlands PUD and have found that adequate public services and facilities are available to serve the development. Referrals were sent out for review by outside agencies as well as internal City of Newberg departments, no issues were noted by any of the reviewers that could not be addressed with conditions of approval. Comments from referral reviewers have been incorporated into this report. As demonstrated throughout these findings, the provisions and conditions of this code have been met.

These criteria are met as demonstrated through the applicants' submittal and the evaluation by City Staff of the applicants' submittal.

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

**Finding:** As demonstrated throughout these findings and conditions, the provisions and conditions of this code have been met.

This criterion is met as demonstrated through the applicants' submittal and the evaluation by City Staff of the applicants' submittal.

**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**

**Finding:** There are no natural features or flood hazard designation on the site. The buildings, roads and water quality facility are located to address the sites features and will address soil erosion.

This criterion is met because the design of the PUD and placement of houses will not create soil erosion.

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



**Finding:** The PUD provides utility services, and allows for emergency vehicular access on the local limited residential cul-de-sac street and S River Street. There currently is no public transit facilities in the area. TVF&R has noted that the curb to curb width is 26 feet and does not allow parking on either side of the roadway to ensure emergency vehicle access.

This criterion is met because the proposed development has been reviewed by various agencies and internal City of Newberg Departments, which have determined that there are adequate on-site provisions for utilities and emergency vehicle access.

***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***

**Finding:** The proposed 18 lot PUD does not provide recreational opportunities within the PUD. Recreation space is available at Rogers Landing south of the site approximately 0.07 miles and at Scott Levitt Park is 0.3 miles northeast of the site on E Eleventh Street and Ewing Yong Park 0.8 miles west of the site. Outdoor living space is provided for each lot in the front and back yards that meets requirements. Parking will not be allowed on the local residential street due to its 26 foot width, but parking will be allowed in the cul-de-sac portion of the local residential street. Parking is accessible by residents of the development.

This criterion is met because the applicant has demonstrated that there will be sufficient usable recreation facilities, outdoor living area, open space and parking areas.

***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.***

**Finding:** No information was provided on the house footprints in the proposed PUD beyond narrative statements on compliance with applicable code requirements. Architectural drawings have been provided. There is a single family home to the north, industrial development to the east, a vacant parcel with a railroad line to the south and the Newberg-Dundee Bypass to the west and northwest. Staff in prior sections of this report has raised questions about lot and parking coverage, and street trees in the cul-de-sac and suggested conditions of approval. The anticipated location of the buildings, bulk and height, parking and access will be reasonably compatible with abutting properties and the surrounding neighborhood.

This criterion is met by way of the design of the PUD and its compatibility with existing surrounding land uses as conditioned.

**D. Conditions. Applications may be approved subject to conditions necessary to fulfill the purpose and provisions of these regulations.**

**Finding:** Exhibit "B", Conditions of Approval, can be found in the next section of this report. With the implementation of the conditions the proposed PUD will fulfill the purpose and provisions of these regulations, therefore, this criterion is met.

**15.220.030 Site design review requirements.**

**14. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]**

**Finding:** The applicant is proposing a 18-lot single family residential development. The ITE Trip Code for Single-Family Detached Housing is No. 210. The weekday PM Peak Hour average trip rate for Single-Family Detached Housing is 1.0. The applicant's development is anticipated to create 18 PM Peak Hour trips which is below the 40-trips per PM Peak Hour threshold which would require a traffic study. Therefore a traffic study is not required.

This criterion does not apply because the proposed project does not meet the threshold of over 40 trips per p.m. peak hour.

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

**Finding:** The subject property is zoned R-2/RD Medium Density Residential/Riverfront District. Table 15.305.020 lists single family residential as a use permitted by right.

This criterion is met because Table 15.305.020 lists single family residential as a use by right in the R-2/RD Zoning District.

**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.**

**Finding:** No information has been provided on the location of parking other than a statement that parking is provided and meets the requirement. Supplemental material submitted on January 20, 2020 notes that one garage space and one surface space in front of the garage will be provided for each house. Because no drawings have been provided to show compliance with 15.440.010 the applicant shall provide drawings at the time of building permit submittal to show compliance with parking requirements of 15.440.010.

This criterion will be met if the aforementioned condition of approval is adhered to.

**15.440.030 Parking spaces required.**

Use	Minimum Parking Spaces Required
<b>Residential Types</b>	
<b>Dwelling, single-family or two-family</b>	<b>2 for each dwelling unit on a single lot</b>

**Notes:**

\* "1-E" refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.

\*\* "3.-G(1)" refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

**Finding:** The applicant is proposing single-family dwelling units, which will require 2 parking spots for each dwelling unit on a single lot. The applicant has stated parking will be provided. Supplemental material submitted on January 20, 2020 notes that one garage space and one surface space in front of the garage will be provided for each house. Because no drawings have been provided to show compliance with 15.440.030 the applicant shall provide drawings at the time of building permit submittal to show compliance with parking requirements of 15.440.030.

This criterion will be met if the aforementioned condition of approval is adhered to.

If parking is proposed in part to be within a garage the garage has interior wall dimension requirements of a single-car garage shall have a minimum inside width of 10 feet by 20 feet. A two-car garage shall have a minimum inside width of 20 feet by 20 feet. Supplemental material submitted on January 20, 2020 notes that single car garages are proposed and meet the 10 feet by 20 feet requirement. The requirement is met.

**Chapter 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.**

**Finding:** The Riverfront Master Plan has been considered by the applicant and addressed by this report.

***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.***

**Finding:** Single family residential development is permitted in the R-2/RD overlay and meets the requirement.

***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.***

**Finding:** The 2002 Riverfront Master Plan identifies a concept circulation plan with the following element identified adjacent to the subject property, "River Street from Eleventh south to Fourteenth: Widen street to 42-foot width, including curbs, two 14-foot shared bike/traffic lanes, two 7-foot parking lanes. Add pedestrian connections (sidewalks or pathways) on east and west sides. Construction cost: \$450,000". This project from the 2002 Riverfront Master Plan was not incorporated into the City's Transportation System Plan (TSP) when it was updated in 2016, therefore, the cross-section for S River Street shall match the 2016 TSP not the cross-section noted above from the 2002 Riverfront Master Plan. The applicant has indicated constructing the S River Street cross-section to a major collector street standard as described in the response to NMC 15.505.030(E)(2) in this document. This criteria is met.

***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:***

***1. Any development on parcel 12 as noted in Figure 2 of the riverfront master plan shall provide a public viewing area accessible from Fourteenth Street that allows views from the top of the bluff to the river. Any viewing area at this location may be connected to the public esplanade or the Fourteenth Street public sidewalk.***

**Finding:** Not applicable as the proposed PUD is not located along E Fourteenth Street.

**2. Development along the bluff on parcels 14, 15, and 16 as noted in Figure 2 of the riverfront master plan shall protect views of the river by providing a public esplanade with a public walkway easement. Standards for the esplanade are identified in the circulation and transportation element.**

**Finding:** Not applicable as the proposed PUD is not located along E Fourteenth Street or at the top of the bluff.

**3. Development in the vicinity of the barge tie-up facility shall protect views of the river by providing a public viewing area near the bank of the river. A public viewing area in this location may be combined with the Willamette Greenway Trail that will run through this location.**

**Finding:** Not applicable as the proposed PUD is not located along E Fourteenth Street or the barge tie-up area.

**4. Additional important views may be identified through the land use approval process. Additional views identified through the land use process may be protected through conditions of approval.**

**Finding:** Not applicable as no additional view corridors are identified in the Riverfront Master Plan or in staff's review of the application.

**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.**

**Finding:** Not applicable as the proposed development is not located on the site where the significant tree grove is identified in the Riverfront Master Plan.

**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.**

**Finding:** The applicant is proposing to plant arborvitae along the eastern boundary of the PUD along S River Street to provide a buffer to the industrial designated land to the east of S River Street. The criteria are met.

***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.***

**Finding:** The applicant's proposed frontage improvements are adjacent to the existing railroad line. The frontage improvements and roadway widening are part of a larger transportation improvement project within the City of Newberg to develop the Riverside Master Plan. Through discussions with the Oregon Department of Transportation Rail Division in a rail diagnostic meeting that occurred on January 14, 2019, it was determined that eventually the rail crossing adjacent to this project site would require rail crossing arms and a fully signalized rail crossing. It's anticipated that the footprint of these future improvements could impact Lot 18. The impact to Lot 18 will be evaluated at a future date when the signalized rail crossing at this location gets incorporated into the City's Transportation System Plan. This requirement is met.

***H. Esplanade Development. Prior to the development of the riverfront esplanade, a slope stability and flood study shall be performed.***

**Finding:** Not applicable to the PUD application as the site is not located adjacent to the location of the esplanade.

***15.352.050 Residential Design Standards.***

***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.

**Finding:** The application material notes that Eaves (minimum 12-inch overhang and horizontal lap siding are provided on the homes two meet the minimum of two design features. The criterion is met.

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

**Finding:** The application material notes that T1-11 and all other wood-based “full sheet” or panel-type siding is not proposed on elevations visible from public rights-of-way and meet the criterion.

**B. Attached and Multifamily Dwellings. The intent of the standards is to provide for multifamily development of a smaller-scale character that is compatible with the vision contained in the riverfront master plan. The standards are intended to require larger developments to be compatible with single-family detached housing by requiring the building to have a massing and appearance that are consistent with a single-family house or townhouse.**

**1. For multifamily or attached housing, each dwelling unit shall be emphasized by providing a unique element on the street-facing elevation. Examples of such elements include roof dormers, roof gables, bay windows, porches, and balconies.**

**Finding:** This criterion does not apply as the proposed development is for detached single family homes and not attached or multifamily dwellings.

**2. Each dwelling unit with windows facing the street frontage shall also have an exterior entrance on the street-facing elevation. Dwelling units on the corner of an intersection shall only be required to meet this standard on one street-facing elevation.**

**Finding:** This criterion does not apply as the proposed development is for detached single family homes and not attached or multifamily dwellings.

**3. Individual units shall be articulated either with a change in roof line or in building plane at an interval of no more than 40 feet. Roof line offsets shall be a minimum four-foot variation vertically as measured from the gutter line. Gable ends facing the street shall be considered to provide a roof line offset. Building plane offsets shall be a minimum of three feet.**

**Finding:** This criterion does not apply as the proposed development is for detached single family homes and not attached or multifamily dwellings.

**4. For multifamily dwellings and all nonresidential structures in residential districts, at least two of the following design features must be provided:**  
**a. Covered front porch at least six feet in width and length for each individual unit that faces a public street. If a covered front porch is provided to serve two or more units, the porch must provide not less**

**than 30 square feet of area for each unit served within a single building and have a minimum width of six feet.**

**b. Eaves (minimum 12-inch overhang).**

**c. Bay or bow windows.**

**d. Dormers.**

**e. Window shutters.**

**f. Cupolas.**

**g. Horizontal lap siding.**

**Finding:** This criterion does not apply as the proposed development is for detached single family homes and not attached or multifamily dwellings.

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

**Finding:** This criterion does not apply as the proposed development is for detached single family homes and not 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.**

**Finding:** Submitted Architectural drawings represent a pedestrian entrance facing the street (E River Court) for all three house designs. The garages are 9 feet in width. The front facade is 21 feet for all three house designs. 40% of the facade would be 8.4 feet. The 9 feet garage door width is less than 12 feet and meets the criterion.

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

**Finding:** Submitted Architectural drawings for all three house designs indicate that the garage is no closer to the front line than the front facade of the house and meet the criterion.

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

**Finding:** Submitted Architectural drawings and the written narrative indicate that the garage doors for the three house designs is 72 square feet each and meets the criterion.



***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.***

**Finding:** Submitted Architectural drawings and the written narrative indicate the three house designs have single car garages and not side by side garages and meets the criterion.

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

**Finding:** No surface parking beyond the driveway to access the garage is proposed by the three houses designs and meets the criterion.

***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.***

**Finding:** This criterion does not apply as the proposed development is not proposing carports.

## **Chapter 15.505 PUBLIC IMPROVEMENTS STANDARDS**

### ***15.505.010 Purpose.***

**This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development.**

### ***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).***

***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.***

**Finding:** The preliminary plans show the installation of a new public limited residential street, and also includes sidewalks and bike lanes on S River Street. Other improvements not limited to water, wastewater, and stormwater infrastructure are also included in the applicant's plans. These improvements requiring City approval shall comply with the City's Public Works Design and Construction Standards. Some improvements may require approval from other agencies.

Through discussions with the Oregon Department of Transportation Rail Division in a rail diagnostic meeting that occurred on January 14, 2019, it was determined that eventually the rail crossing adjacent to this project site would require rail crossing arms and a fully signalized rail crossing. The City of Newberg received comments on the proposed land-use application from the ODOT Rail Division on January 8, 2019. ODOT Rail indicated that the applicant would need to submit a rail crossing application due to proposed improvements adjacent to the existing rail crossing, and obtain appropriate permitting for modifications to the area of influence within the public right-of-way proximate to the existing rail crossing 1505.

The Newberg Planning Commission received testimony at the public hearing on March 12, 2020 on the issue of Needed Housing per ORS 197.303 and ORS 197.307 and concluded the Oregon Department of Transportation (Rail Division) request for a sidewalk crossing of the existing railroad line, in addition to the frontage improvements required by the Newberg Municipal Code, Title 15 Development Code, of the proposed Planned Unit Development did not meet state requirements. The Newberg Planning Commission found that to extend the sidewalk an estimated distance south of the subject property's by a distance of approximately 60 feet across property that the subject property does not control, and that sidewalks in the area do not exist on either the east or west sides of S River Street and that the sidewalk would terminate south of the rail line and require pedestrians to walk within the S River Street right-of-way travel surface area was in conflict contrary to the Needed Housing provisions in Oregon Revised Statutes for clear and objective standards regarding Needed Housing. The Planning Commission further found that the applicant shall contribute to a future sidewalk improvement on the west side of S River Street through the existing rail crossing and that City staff and the applicant establish an in lieu of fee amount for that future sidewalk improvement across the rail line and that the fee in lieu amount shall be held in trust by the City. However, changes to the railroad crossing signage and pavement markings on S River Street consistent with ODOT Rail Division requirements caused by the installation of the new public limited residential street shall be made by the applicant.

Because permitting was not discussed in detail in the applicant's narrative, public utility infrastructure improvements not limited to street improvements, water, wastewater, and stormwater will require completed permits from Yamhill County and the City of Newberg to authorize different work tasks. Issuance of required permits or approvals for development of

the subject parcel not limited to the agencies of Yamhill County and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.

This criterion will be met if the aforementioned condition of approval is adhered to.

***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.***

**Finding:** The preliminary plans and narrative indicate the applicant will be installing a limited residential street with 47-feet of right-of-way, 26-foot curb-to-curb, 5-foot wide sidewalks along E River Court, and 6-foot wide curb tight sidewalks along the cul-de-sac bulb.

This criterion will be met if all improvements necessary to serve the development are completed, see conditions in Section 15.505.030.

***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.***

**Finding:** The preliminary plans show a connection to the existing water line in S River Street, and extension of a public water line through the development with a blow off located on the western end of the alignment.

This criterion will be met if all water improvements necessary to service the development are completed, see conditions in Section 15.505.040(D).

***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.***

**Finding:** The preliminary plans show an extension of the wastewater line in S River Street approximately 210-feet north of the development before extending to the west along the proposed limited residential street (E River Court).

This criterion will be met if all wastewater improvements necessary to service the development are completed, see conditions in Section 15.505.040(E).

***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.***

**Finding:** The applicant's narrative indicates the applicant will be creating a public stormwater tract to treat new impervious surface areas created by the development. The stormwater facility will then drain into the storm line in S River Street.

This criterion will be met if all stormwater improvements necessary to service the development are completed, see conditions in Section 15.505.050.

***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.***

**Finding:** The applicant's narrative indicates that all public utilities are to be constructed in the new street right-of-way or in Tract A. The applicant has also indicated that public utility easements are located along all proposed lots.

This criterion will be met if all easements necessary to service the development are completed, see conditions in Section 15.505.040(F).

***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.***

**Finding:** This criterion will be verified to have been met during the building permit review process.

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

**A. Purpose. The purpose of this section is to:**

- 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.***
- 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, "adequate access" means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.***
- 3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, "adequate area" means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction 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.**

**5. Developments outside the city that tie into or take access from city streets.**

**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.**

**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.**

**Finding:** The applicant is proposing to construct a new limited residential street. The applicant has proposed the following cross-section which requires a minimum of 47-feet of right-of-way:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 4.5-foot planter strip
- 0.5-foot curb
- 13-foot travel lane
- 13-foot travel lane
- 0.5-foot curb
- 4.5-foot planter strip
- 5-foot sidewalk

- 1-foot from back of walk to right-of-way

The applicant's proposed roadway cross-section and dedication of right-of-way meets the City's Standard for a limited residential street. The applicant's narrative indicates that they're proposing on-street parking along one side of the limited residential street. However, Tualatin Valley Fire & Rescue (TVF&R) has indicated their standard is to not allow on-street parking when the curb-to-curb pavement width is 26-feet or less. Because TVF&R is the City's fire service provider and their preference is to not allow on-street parking on streets with a curb-to curb pavement width of 26-feet or less, the applicant will be required to disallow on-street parking on the limited residential street and to sign the street appropriately with "no parking" signage. On-street parking is allowed for in the cul-de-sac.

The criteria will be met if the aforementioned condition of approval is adhered to.

#### ***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.***

***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.***

**Finding:** The applicant is proposing to widen S River Street adjacent to their development and to construct improvements that meet the City's standards for a major collector street. The applicant has proposed the following half-street improvement cross-section which requires a minimum of 30-feet of right of way:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter strip
- 0.5-foot curb
- 6-foot bike lane (southbound)
- 12-foot travel lane (southbound)

In addition to constructing the cross-section for the major collector street, the applicant is proposing a 4-foot grind and inlay to the east of the road centerline. The applicant's

proposed roadway cross-section meets the City's Standard for a major collector street. This requirement is met.

***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.***

**Finding:** The applicant's property is not located on a street scheduled for a near term reconstruction and therefore a fee in lieu for improvements is not applicable.

This criterion does not apply.

***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.***

**Finding:** The Newberg Planning Commission received testimony at the public hearing on March 12, 2020 on the issue of Needed Housing per ORS 197.303 and ORS 197.307 and concluded the Oregon Department of Transportation (Rail Division) request for a sidewalk crossing of the existing railroad line, in addition to the frontage improvements required by the Newberg Municipal Code, Title 15 Development Code, of the proposed Planned Unit Development did not meet state requirements. The Newberg Planning Commission found that to extend the sidewalk an estimated distance south of the subject property's by a distance of approximately 60 feet across property that the subject property does not control, and that sidewalks in the area do not exist on either the east or west sides of S River Street and that the sidewalk would terminate south of the rail line and require pedestrians to walk within the S River Street right-of-way travel surface area was in conflict contrary to the Needed Housing provisions in Oregon Revised Statutes for clear and objective standards regarding Needed Housing. The Planning Commission further found that the applicant shall contribute to a future sidewalk improvement on the west side of S River Street over the existing rail crossing and that City staff and the applicant establish an in lieu of fee amount for that future sidewalk improvement across the rail line and that the fee in lieu amount shall be held in trust by the City. However, changes to the railroad crossing signage and pavement markings on S River Street consistent with ODOT Rail Division requirements

caused by the installation of the new public limited residential street shall be made by the applicant.

Because of the direction provided by the Planning Commission, and because of the technical complexity of rail crossings, the City of Newberg contacted Wiser Rail Engineering to develop a cost estimate for the future sidewalk improvement across the rail line on the west side of the crossing. After discussing the existing rail crossing and the associated implications of installing the development's required frontage improvements and the sidewalk improvement on the west side of the crossing, it was determined that the sidewalk installation would trigger a ripple effect of improvements through the entire rail crossing. A sidewalk cannot be installed without several other associated improvements due to the existing crossover/frog in the rail line. A cost estimate in the amount of \$475,058.44 was developed for rail crossing improvements the west side of S River Street based on the information provided by Wiser Rail Engineering.

City staff felt the applicant should only be responsible for their proportional share of this cost. Using an existing traffic count at the S River Street/E 9<sup>th</sup> Street intersection (January 23, 2018), PM peak hour traffic volumes were related to the number of trips being produced by the Riverlands PUD during the PM peak hour. It was found that the PM peak hour volume on S River Street was 135 vehicle trips and that the Riverlands PUD creates 18 vehicle trips during the PM peak hour. As such the following calculation was used to derive the roughly proportional cost of the impact of the Riverlands PUD development on the rail crossing.

Base volume on S River Street (135 PM peak hour vehicle trips) + Riverlands PUD (18 PM peak hour vehicle trips) = 153 vehicle trips on S River Street adjacent to the development

Riverlands PUD (18 PM peak hour vehicle trips) / 153 vehicle trips on S River Street adjacent to the development = 0.1176 Proportional ratio of the Riverlands PUD on the rail crossing.

0.1176 Proportional ratio of the Riverlands PUD on the rail crossing \* \$475,058.44 estimated amount for rail crossing improvements = \$55,866.87

Because of the stated complexity of the rail crossing adjacent to the Riverlands PUD, staff developed a roughly proportional cost estimate representing an in lieu of fee amount for the improvements required to install the sidewalk as directed by the Planning Commission. The applicant and City staff have coordinated concerning the future sidewalk improvements across the rail line and the associated impacts of those improvements. An in lieu of fee in the amount of \$55,866.87 shall be paid to the City and be held in trust for those improvements.



**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>						
<i>Expressway**</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>
<i>Major arterial</i>	<i>95 – 100 feet</i>	<i>74 feet</i>	<i>4 lanes</i>	<i>TWLTL or median*</i>	<i>Yes</i>	<i>No*</i>
<i>Minor arterial</i>	<i>69 – 80 feet</i>	<i>48 feet</i>	<i>2 lanes</i>	<i>TWLTL or median*</i>	<i>Yes</i>	<i>No*</i>
<b>Collectors</b>						
<i>Major</i>	<i>57 – 80 feet</i>	<i>36 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>Yes</i>	<i>No*</i>
<i>Minor</i>	<i>61 – 65 feet</i>	<i>40 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>Yes*</i>	<i>Yes*</i>
<b>Local Streets</b>						
<i>Local residential</i>	<i>54 – 60 feet</i>	<i>32 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking both sides</i>	<i>44 – 50 feet</i>	<i>28 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking one side</i>	<i>40 – 46 feet</i>	<i>26 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>One side</i>
<i>Local commercial/ industrial</i>	<i>55 – 65 feet</i>	<i>34 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>No*</i>	<i>Yes*</i>

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

<i>Type of Street</i>	<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 Lane (Both Sides)</i>	<i>On-Street Parking</i>
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\* *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.*

**2. Motor Vehicle Travel Lanes. Collector and arterial streets shall have a minimum width of 12 feet.**

**Finding:** The applicant is proposing a 12-foot southbound travel lane on S River Street which is a major collector roadway.

This criterion is met.

**3. Bike Lanes. Striped bike lanes shall be a minimum of six feet wide. Bike lanes shall be provided where shown in the Newberg transportation system plan.**

**Finding:** The applicant is proposing a 6-foot southbound bike lane on S River Street which is a major collector roadway.

This criterion is met.

**4. Parking Lanes. Where on-street parking is allowed on collector and arterial streets, the parking lane shall be a minimum of eight feet wide.**

**Finding:** The applicant will be making improvements to S River Street, a major collector street, adjacent to the development. No on-street parking on S River Street is proposed.

This criterion is met.

**5. Center Turn Lanes. Where a center turn lane is provided, it shall be a minimum of 12 feet wide.**

**Finding:** There are no center turn lanes proposed as part of this project. This criterion does not apply.

**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.**
- b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.**
- c. Use for through streets or looped streets is preferred over cul-de-sac streets.**
- d. Use for short blocks (under 400 feet) is preferred over longer blocks.**
- 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.**
- 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.**

**Finding:** The applicant has indicated they will follow the requirements of the fire chief.

The applicant has indicated that the estimated future traffic associated with the proposed development will generate approximately 172 average daily trips (ADT) based on ITE Trip Code 210. The projected number of trips (172 ADT) is less than the threshold of 600 ADT and therefore the traffic volume on the street is categorized a low. This criterion is met.

The applicant has indicated that due to existing development patterns in the vicinity of the subject property, that continuation of the public street network through the property is infeasible. The property is boarded by an existing railroad to the south and the Newberg-Dundee Bypass right-of-way to the west and northwest. The applicant is therefore proposing a cul-de-sac. This criterion is met.

The applicant has indicated the dead-end right-of-way is approximately 350-feet in length. This criterion is met.

The applicant's proposal indicates that 18-lots are being created and will access the limited residential street. This criterion is met.

The applicant's proposal indicates that 18-lots are being created and each lot will have the required off-street parking in driveways and garages. Therefore, the need for on-street parking should be limited. Parking per TVF&R, will not be allowed in the 26-foot curb-to-curb cross-section. This criterion is met.

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

**Finding:** The applicant is proposing 5-foot sidewalks with a planter strip along E River Court and S River Street. The E River Court cul-de-sac will have a 6-foot sidewalk.

This criterion is met.

**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.*

**Finding:** On S River Street the applicant is proposing a 6-foot planter strip inclusive of the curb, which meets City standards. On River Court the applicant is proposing a 5-foot planter strip inclusive of the curb. The applicant is proposing 6-foot curb tight sidewalks in the cul-de-sac bulb at the western terminus of E River Court and omitting the planter strip.

This criterion is met.

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

**Finding:** The applicant is not proposing a slope easement. This criterion does not apply.

**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.*

**Finding:** The applicant is proposing to construct a new public limited residential street. Because the applicant has not completed an intersection sight distance evaluation of proposed intersection, the applicant will be required to conduct and submit an intersection sight distance evaluation per Section 5.23 in the Public Works Design & Construction Standards.

The criterion will be met if the aforementioned condition of approval is adhered to.

**11. The planning commission may approve modifications to street standards for the purpose of ingress or egress to a minimum of three and a maximum of six lots through a conditional use permit.**

**Finding:** The applicant is not proposing a conditional use permit. This criterion does not apply.

**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.**

**Finding:** The applicant is proposing a limited residential street, and is not proposing further modifications to the street right-of-way or improvement width. This criterion does not apply.

**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.*

**Finding:** The applicant is not proposing a temporary turnaround. This criterion does not apply.

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

**Finding:** The applicant has given suitable recognition to surrounding topographical conditions. This criterion is met.

**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.*

**Finding:** The applicant’s plan and narrative show there are no possible future street extensions as part of this project. This criterion does not apply.

**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.**

**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).**

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

**Finding:** The applicant has indicated that due to existing development patterns in the vicinity of the subject property, that continuation of the public street network through the property is infeasible. The property is boarded by an existing railroad line to the south and the Newberg-Dundee Bypass right-of-way to the east. The applicant is therefore proposing a cul-de-sac. The cul-de-sac is approximately 350-feet in length and serves 18-single family

dwellings. The cul-de-sac bulb has a curb-to-curb diameter of 96-feet, and a right-of-way diameter of 110-feet.

This criterion is met.

***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.***

**Finding:** The applicant has indicated on the plans they intend to call the new limited residential street E River Court. Because a street name sign has not yet been selected, the applicant will be required to select a street name, and install new street name signs at the intersection of their proposed limited residential street and S River Street.

The criterion will be met if the aforementioned condition of approval is adhered to.

***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.***

**Finding:** The applicant is not proposing alleys. These criteria do not apply.

***O. Platting Standards for Blocks.***

- 1. Purpose. Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.***

**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>
<b>R-1</b>	<b>800 feet</b>	<b>2,000 feet</b>
<b>R-2, R-3, RP, I</b>	<b>1,200 feet</b>	<b>3,000 feet</b>

**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.*

**Finding:** The applicant is not proposing blocks. These criteria do not apply.

**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).



**Finding:** The applicant is not proposing private streets. This criterion does not apply.

**Q. Traffic Calming.**

- 1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:**
  - a. **Serpentine alignment.**
  - b. **Curb extensions.**
  - c. **Traffic diverters/circles.**
  - d. **Raised medians and landscaping.**
  - e. **Other methods shown effective through engineering studies.**
- 2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.**

**Finding:** The applicant is not proposing traffic calming. These criteria do not apply.

**R. Vehicular Access Standards.**

- 1. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.**
- 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**

<b>Roadway Functional Classification</b>	<b>Area<sup>1</sup></b>	<b>Minimum Public Street Intersection Spacing (Feet)<sup>2</sup></b>	<b>Driveway Setback from Intersecting Street<sup>3</sup></b>
<b>Expressway</b>	<b>All</b>	<b>Refer to ODOT Access Spacing Standards</b>	<b>NA</b>

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

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

<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 on adjoining streets, one driveway is allowed as far from the intersection as possible.

**Finding:** The applicant has indicated that the newly proposed limited residential street will create a new intersection with S River Street which is classified as a major collector. As such, major collector minimum public street intersection spacing is 400-feet. The closest improved intersection to the subject property is the intersection of S River Street at E Twelfth Street. The new public street proposed by this application will be located approximately 485-feet south of the existing intersection.

This criterion is met.

**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.**

**Finding:** The applicant’s plans show that once subdivided, Lot 1 and Lot 18 will have frontage on E River Court (limited residential street) and S River Street (major collector).

Because the applicant's plan do not show proposed driveway access locations for Lot 1 and Lot 18, the applicant will be required to take driveway access for Lot 1 and Lot 18 from the limited residential street (E River Court) which has the lesser functional classification. Driveways for Lot 1 and Lot 18 to be located as far from the intersection of E River Court/S River Street as possible.

The criterion will be met if the aforementioned condition of approval is adhered to.

**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.**

**Finding:** The applicant is not proposing more than one driveway per lot. This criterion does not apply.

**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.**

**Finding:** The applicant's property does not have alley access. These criteria do not apply.

**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.**

**Finding:** The applicant is not proposing to close an existing access. This criterion does not apply.

**7. Shared Driveways.**

**a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as**

**applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).**

**b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.**

**c. No more than four lots may access one shared driveway.**

**d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.**

**e. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.**

**Finding:** The applicant is not proposing shared driveways. These criteria do not apply.

**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.**

**Finding:** The applicant's project is not proposing frontage streets or alleys. This criterion does not apply.

**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.**

**Finding:** The applicant's proposed limited residential street connects to S River Street which is jurisdictionally owned by Yamhill County. The property also abuts a rail line which is jurisdictionally regulated through the Oregon Department of Transportation (ODOT), and the property abuts ODOT right-of-way to the west as part of the Newberg-Dundee Bypass alignment. It is unclear from the application if construction activities (i.e. grading or constructing the sidewalk in the cul-de-sac bulb) could impact adjacent land parcels. Because the applicant has not indicated the need to obtain permitting from other agencies, the applicant will be required to acquire an access permit from Yamhill County to connect to S River Street and the applicable access permitting from the ODOT Highway Division for

improvements related to the cul-de-sac bulb development.

This criterion will be met if the aforementioned condition of approval is adhered to.

**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.**

**Finding:** The applicant is not proposing any exceptions. These criteria do not apply.

#### **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.**

**Finding:** The applicant is not proposing public walkways and no opportunities to create a public walkway exist due to the railroad line to the south and the Newberg-Dundee Bypass to the west and northwest. These criteria do not apply.

**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).**

**Finding:** The applicant's landscape plan shows the installation of street trees along E River Court, and no street trees are shown along S River Street. Street trees are required along all improved public streets. No street trees are shown on the cul-de-sac. If no public utility easement is required by the utility companies around the cul-de-sac bulb street trees will be required. Because it's unclear if the street tree criteria is being met, the applicant will be required to provide any necessary street trees that are compliant with 15.420.010(B) including street trees around the perimeter of the cul-de-sac bulb if a public utility easement is not required by utility providers, and street trees along S River Street.

The criterion will be met if the aforementioned condition of approval is adhered to.

**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.**

**Finding:** The applicant's plans show street lighting along both S River Street and E River Court. Because it's unclear if the applicant is meeting City street lighting standards, the applicant will be required to adequately light the following locations or show via a lighting analysis that the existing street lighting meets City standards. If existing street lighting does not meet City standards the applicant shall provide additional street lighting along the property frontage that is compliant with the City's Public Works Design and Construction Standards.

Street lighting meeting City standards is required at the following locations:

- Street lighting will be required along the proposed limited residential street
- Street lighting will be required at the newly created intersection of the proposed limited residential street and S River Street
- Street lighting will be required on the west side of S River Street along the property frontage.

The criterion will be met if the aforementioned condition of approval is adhered to.

***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.***

**Finding:** The applicant is not proposing transit improvements and the site is not adjacent to existing transit facilities. The Yamhill County Transit Development Plan does show a future transit line along S River Street which is identified as a long-term priority with no date for implementation identified. These criteria do not apply.

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

##### **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.***

**Finding:** The applicant has indicated that the proposed improvements are located within the 47-feet of right-of-way to be dedicated for the limited residential street or are within easements meeting the City's Public Works Design and Construction Standards. Additionally, the public utilities were designed with the intent to minimize soil and site disturbance as feasible. All construction of utilities will be coordinated with the City.

These criterion are met.

***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.***

**Finding:** The applicant's plans and narrative indicate that there is an existing water line in S River Street. Water service is being shown to every lot. Because the applicant has not submitted fire flow calculations, the applicant will be required to submit fire flow calculations to show that the existing and proposed service is adequate prior to the issuance of the Public Improvement Permit.

This criterion will be verified to have been met with the adherence to the condition of approval.

***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.***



**Finding:** The applicant's plans and narrative indicate that there is an existing water line in S River Street. Water service is being shown to every lot. Because the applicant has not submitted construction plans, the applicant will be required to submit construction plans and obtain a Public Improvement Permit to extend a public water line into E River Court and to install water service laterals to the requirements of the City's Public Works Design and Construction Standards.

The criterion will be met if the aforementioned condition of approval is adhered to.

***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.***

**Finding:** The applicants' narrative does not address if the existing home located on the property is served by a septic tank. Because it's unclear if the existing home located on the property is served by a septic tank, the applicant will be required to provide documentation that a septic system does not exist for the existing house. If a septic system does exist it will need to be abandoned or removed in accordance with Yamhill County standards and provide documentation of such abandonment/removal prior to issuance of a City Public Improvement Permit.

This criterion will be met if the aforementioned condition of approval is adhered to.

***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.**

**Finding:** Preliminary plans indicate that the applicant will be able to meet requirements of the Public Works Design and Construction Standards. The preliminary plans show a connection to the existing southern terminus of the wastewater line approximately 210-feet north of the development. The applicant is also showing and extension of the public wastewater line to the west along E River Court. The applicant does not show the extension of the wastewater line in S River Street to the southern extent of their property frontage. Because the applicant has not submitted construction plans and does not show the full extension of the wastewater line to the southern end of their property frontage in S River Street, the applicant will be required to extend the wastewater line in S River Street to the southern end of the subject property, submit construction plans, and obtain and Public Improvement Permit to install the wastewater service main and laterals pursuant to the requirements of the City's Public Works Design and Construction Standards.

The criterion will be met if the aforementioned condition of approval is adhered to.

**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.]**

**Finding:** The applicant has submitted a preliminary PUD development that indicates some utility easements. Because the applicant has not recorded all utility easements, the applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

- 1) A 10-foot public utility easement along Lots 1 through Lot 18. Stormwater facilities are not allowed to be co-located in public utility easements.

- 2) A maximum 10-foot public utility easement adjacent to the cul-de-sac bulb as coordinated and approved by the required franchise utilities if required by said franchise utility companies. Stormwater facilities are not allowed to be co-located in public utility easements.

The criterion will be met if the aforementioned condition of approval is adhered to.

**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.**

**Finding:** The applicant's plans and narrative show a water quality and detention pond proposed along the western edge of the development. The proposed water quality and detention pond in Tract A will then be conveyed into the public stormwater line in S River Street. Because the applicant has not provided construction plans or a final stormwater report, the applicant will be required to provide detailed construction plans and a final stormwater report that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management.

The criterion will be met if the aforementioned condition of approval is adhered to.

**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 contain 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.**

**Finding:** The applicant's narrative indicates developing a 18-unit single-family residential PUD. New impervious surface areas will be created and the applicant indicated they would install one large stormwater facility in Tract A to treat stormwater. Because the applicant did

not discuss the need for an erosion and sedimentation control permit to construct the proposed development, the applicant will be required to obtain 1200-C permit prior to issuance of the Public Improvement Permit.

The criterion will be met if the aforementioned condition of approval is adhered to.

***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.***

**Finding:** The applicant's plans and narrative show a water quality and detention pond proposed along the western edge of the development. The proposed water quality and detention pond in Tract A will then be conveyed into the public stormwater line in S River Street. Because the applicant has not submitted construction plans or a final stormwater report, the applicant will need to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Public Improvement Permit prior to installing the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

The criterion will be met if the aforementioned condition of approval is adhered to.

**Conclusion:** Based on the above findings, the application meets the required criteria within the Newberg Development Code, subject to completion of the attached conditions found in Exhibit "B".

**Exhibit "B" to Planning Commission Order 2020-01  
Conditions – File PUD19-0002  
Riverlands PUD**

- A. The applicant must complete the following prior to final plat approval.**
- 1. Substantially Complete the Construction Improvements:** In accordance with NDC 15.240.040, submit the final plan application. Prior to final plan approval for a given phase, the applicant must substantially complete the construction improvements and secure for them in accordance with city policy. Complete construction and call for a walk-through inspection with the Engineering Division (503-537-1273).
  - 2. Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
  - 3. Lot Area and Coverage**
    - a. The applicant shall modify the proposed lot area (size) for Lots 9 and 10 so that the lots are to the cul-de-sac bulb pinch point with the sites perimeter boundary.
    - b. The applicant shall provide lot coverage calculation for buildings, parking and combined building and parking at the tie of submittal of building plans and shall meet the requirements of 15.405.030(B)(1)(b), 15.405.030(B)(2), and 15.405.030(b)(3).
  - 4. Public Utility Easements:**
    - a. The applicant is required to coordinate with franchise utilities and provide a public utility easement width meeting the requirements of the franchise utilities with a maximum public utility easement of 10-feet along all property frontages as coordinated with franchise utility providers. The City of Newberg must be provided with documentation of the ultimate public utility easement locations as coordinated with and approved by the necessary franchise utilities prior to the approval of the final plat.
  - 5. Parking**
    - a. The applicant shall provide drawings at the time of building permit submittal to show compliance with parking requirements of 15.440.010.
    - b. The applicant shall provide drawings at the time of building permit submittal to show compliance with parking requirements of 15.440.030.

## 6. Required Permits:

- a. Public utility infrastructure improvements not limited to street improvements, water, wastewater, and stormwater will require completed permits from Yamhill County and the City of Newberg to authorize different work tasks. Issuance of required permits or approvals for development of the subject parcel not limited to the agencies of Yamhill County and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.
- b. The applicant will be required to obtain 1200-C permit prior to issuance of the Public Improvement Permit.

## 7. Roads and Sidewalks:

- a. Public utility infrastructure improvements not limited to street improvements, water, wastewater, and stormwater will require completed permits from Yamhill County and the City of Newberg to authorize different work tasks. Issuance of required permits or approvals for development of the subject parcel not limited to the agencies of Yamhill County and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.
- b. The applicant will be required to disallow on-street parking on the limited residential street and to sign the street appropriately with "no parking" signage. On-street parking is allowed for in the cul-de-sac.
- c. The applicant will be required to conduct and submit an intersection sight distance evaluation per Section 5.23 in the Public Works Design & Construction Standards
- d. The applicant will be required to select a street name, and install new street name signs at the intersection of their proposed limited residential street and S River Street.
- e. The applicant will be required to take driveway access for Lot 1 and Lot 18 from the limited residential street (E River Court) which has the lesser functional classification. Driveways for Lot 1 and Lot 18 to be located as far from the intersection of E River Court/S River Street as possible.
- f. The applicant will be required to acquire an access permit from Yamhill County to connect to S River Street and the applicable access permitting from the ODOT Highway Division for improvements related to the cul-de-sac bulb development.
- g. The applicant and City staff have coordinated concerning the future sidewalk improvements across the rail line and the associated impacts of those

improvements. An in lieu of fee in the amount of \$55,866.87 shall be paid to the City and be held in trust for those improvements.

#### **8. Street Trees:**

- a. The applicant will be required to provide any necessary street trees that are compliant with 15.420.010(B) including street trees around the perimeter of the cul-de-sac bulb if a public utility easement is not required by utility providers, and street trees along S River Street.

#### **9. Street Lighting:**

- a. The applicant will be required to adequately light the following locations or show via a lighting analysis that the existing street lighting meets City standards. If existing street lighting does not meet City standards the applicant shall provide additional street lighting along the property frontage that is compliant with the City's Public Works Design and Construction Standards. Street lighting meeting City standards is required at the following locations:
  - Street lighting will be required along the proposed limited residential street
  - Street lighting will be required at the newly created intersection of the proposed limited residential street and S River Street
  - Street lighting will be required on the west side of S River Street along the property frontage

#### **10. Water:**

- a. The applicant will be required to submit fire flow calculations to show that the existing and proposed service is adequate prior to the issuance of the Public Improvement Permit.
- b. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to extend a public water line into E River Court and to install water service laterals to the requirements of the City's Public Works Design and Construction Standards.

#### **11. Wastewater:**

- a. The applicant will be required to provide documentation that a septic system does not exist for the existing house. If a septic system does exist it will need to be abandoned or removed in accordance with Yamhill County standards and provide documentation of such abandonment/removal prior to issuance of a City Public Improvement Permit.
- b. The applicant will be required to extend the wastewater line in S River Street to the southern end of the subject property, submit construction plans, and

obtain and Public Improvement Permit to install the wastewater service main and laterals pursuant to the requirements of the City's Public Works Design and Construction Standards.

## **12. Easements:**

- a. The applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:
  - 1) A 10-foot public utility easement along Lots 1 through Lot 18. Stormwater facilities are not allowed to be co-located in public utility easements.
  - 2) A maximum 10-foot public utility easement adjacent to the cul-de-sac bulb as coordinated and approved by the required franchise utilities if required by said franchise utility companies. Stormwater facilities are not allowed to be co-located in public utility easements.

## **13. Stormwater:**

- a. The applicant will be required to provide detailed construction plans and a final stormwater report that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management.
- b. The applicant will need to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Public Improvement Permit prior to installing the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

**14. 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.

#### **15. Final Plat Application Materials:**

- a. Type I application form (found either at City Hall or on the website – [www.newbergoregon.gov](http://www.newbergoregon.gov) in the Planning Forms section) with the appropriate fees.
- b. Compliance with requirements of NMC 15.240.040 Final plan consideration – Step Two.
- c. Two preliminary paper copies of the plat are acceptable for review at the time of final plat application.
- d. Write response to any conditions of approval assigned to the land division.
- e. A title report for the property, current within six months of the final plat application date.
- f. Copies of any required dedications, easements, or other documents.
- g. Copies of all homeowner's agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner's association, including but not limited to a draft homeowner's association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
- h. Copies of any required maintenance agreements for common property.
- i. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.
- j. Any other item required by the city to meet the conditions of approval assigned to the land division.

#### **16. Final Mylar Copies of the Plat:** Submit final mylar copies of the corrected final plat (after red-line corrections have been made).

- a. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the

county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval.

**17. Required Signatures:** According to NDC 15.235.180, approval of a final plat must be acknowledged and signed by the following:

- i. Community Development Director
- ii. The County Assessor
- iii. The County Surveyor
- iv. The City Recorder

**18. Recording:** Deliver the approved plat to the office of the County Clerk for recording. The County Clerk's office is located at 414 NE Evans St, McMinnville, OR 97128.

**19. Copy returned to the City:** Return an electronic copy of the recorded plat to the Director to complete the plat process. The land division will not be considered final until the copy is returned to the Director. No permits will be issued for any development on the property after the plat is signed until the copy is returned.

**20. Development Notes:**

- a. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
- b. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
- c. **Frontier:** The developer must coordinate trench/conduit requirements with Frontier. Contact the Engineering Division, Frontier, at 541-269-3375.
- d. **Comcast:** The developer must coordinate trench/conduit requirements with Comcast. 971-777-0933.
- e. **Tualatin Valley Fire & Rescue:** The developer shall coordinate with TVF&R on requirements noted in Attachment 4.
- f. **Addresses:** The Planning Division will assign addresses for the new lots. Planning Division staff will send out notice of the new addresses after they receive a mylar copy of the recorded final plat.