

**NOTICE OF DECISION**  
**Chehalem Valley Middle School Campus Improvements**  
**Design Review – DR221-0008**

December 23, 2021

Brad Kilby  
Harper Houf Peterson Righellis  
205 SE Spokane Street, Suite 200  
Portland, OR 97202

Dear Mr. Kilby,

The Newberg Community Development Director has approved the proposed design review DR221-0008 Chehalem Valley Middle School Campus Improvements located at 403 W Foothills Drive, Tax Lot R3207 01001, subject to the conditions listed in the attached report. The decision will become effective on January 6, 2022, unless an appeal is filed.

You may appeal this decision to the Newberg Planning Commission within 14 calendar days of this decision in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$550.20 to the Planning Division within 14 days of the date of this decision.

**The deadline for filing an appeal is 4:30 pm on January 5, 2022**

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

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

Please note that final building plans submitted for building permit review must comply with the attached conditions. You must comply with all conditions required through the design review process before final occupancy will be granted.

Due to file size the full decision with attachments can be accessed at <https://www.newbergoregon.gov/cd/page/dr221-0008-403-w-foothills-drive>

The report attached does not include all of the attachments.

If you have any questions, please contact me at [doug.rux@newbergoregon.gov](mailto:doug.rux@newbergoregon.gov) or 503-537-1212.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Rux", is enclosed in a thin black rectangular border.

Doug Rux, AICP  
Community Development Director

Attachment



**DECISION AND FINDINGS**  
Chehalem Valley Middle School Improvements– Design Review – DR221-0008

**FILE NO:** DR221-0008

**REQUEST:** Approval of a 4,747 square foot covered play area and 1,488 square foot covered Career Training Education (CTE) programming area, along with removal of one portable classroom. Repair, repaving, and restriping of the existing parking and circulation areas consistent with the existing configuration is also proposed.

**LOCATION:** 403 W Foothills Drive

**TAX LOT:** R3207 01001

**APPLICANT:** Brad Kilby, HHPR

**OWNER:** Newberg School District

**ZONE:** R-1 Low Density Residential

**OVERLAY:** None

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## CONTENTS

Section I: Application Information  
Section II: Exhibit A Findings  
Section III: Exhibit B Conditions

### Attachments:

1. Application Material
2. Agency Comments

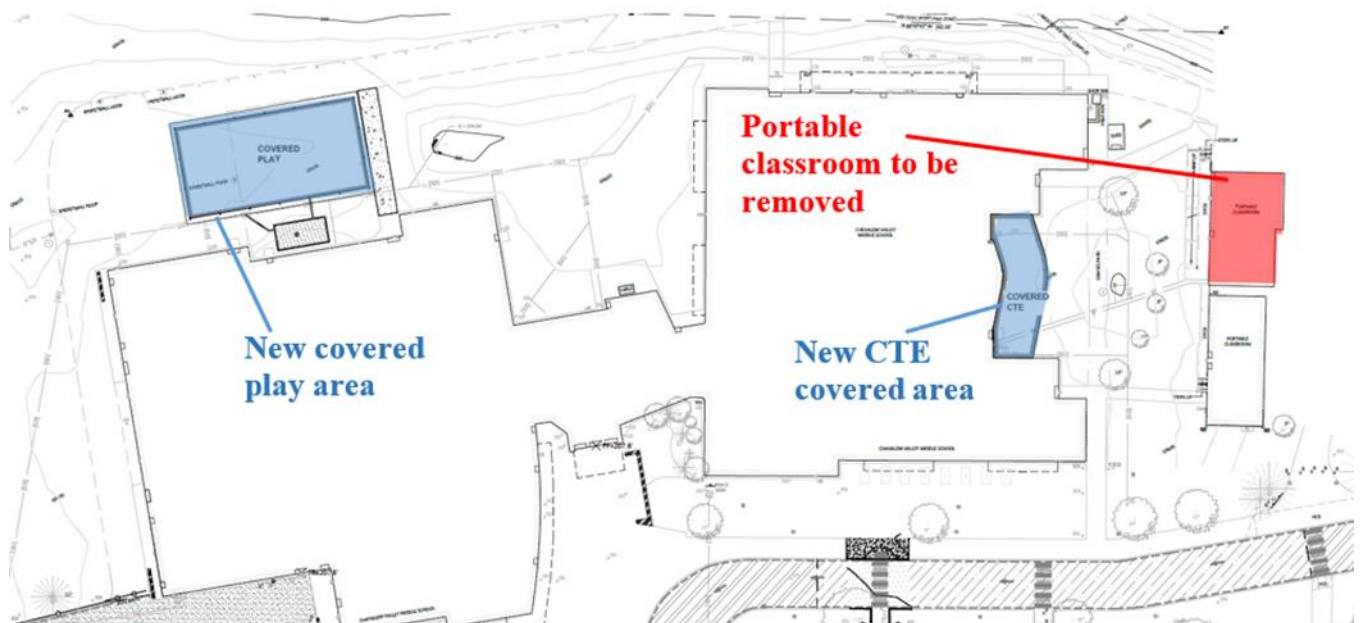
## Section I: Application Information

- A. DESCRIPTION OF APPLICATION:** The Newberg School District is in the process of executing improvements to several District schools as a result of a recent bond approval. Specific to the Chehalem Valley Middle School (CVMS) the District proposes to add one covered play area, associated repair and repaving of the existing parking lots, and with a future phase, add a covered space over the Career Training Education (CTE) space on the east side of CVMS.

As reflected in the attached plan set, the District proposes the following improvements at Chehalem Valley Middle School:

- Add a 4,747 SF covered play area;
- Remove an existing 1,800 SF portable classroom on the east side of the building;
- Add approximately 1,488 SF of covered area for the CTE program on the east side of the middle school building (*if funding is available*); and
- Repair, repaving, and restriping of the existing parking and circulation areas consistent with the existing configuration is also proposed.

Site Plan



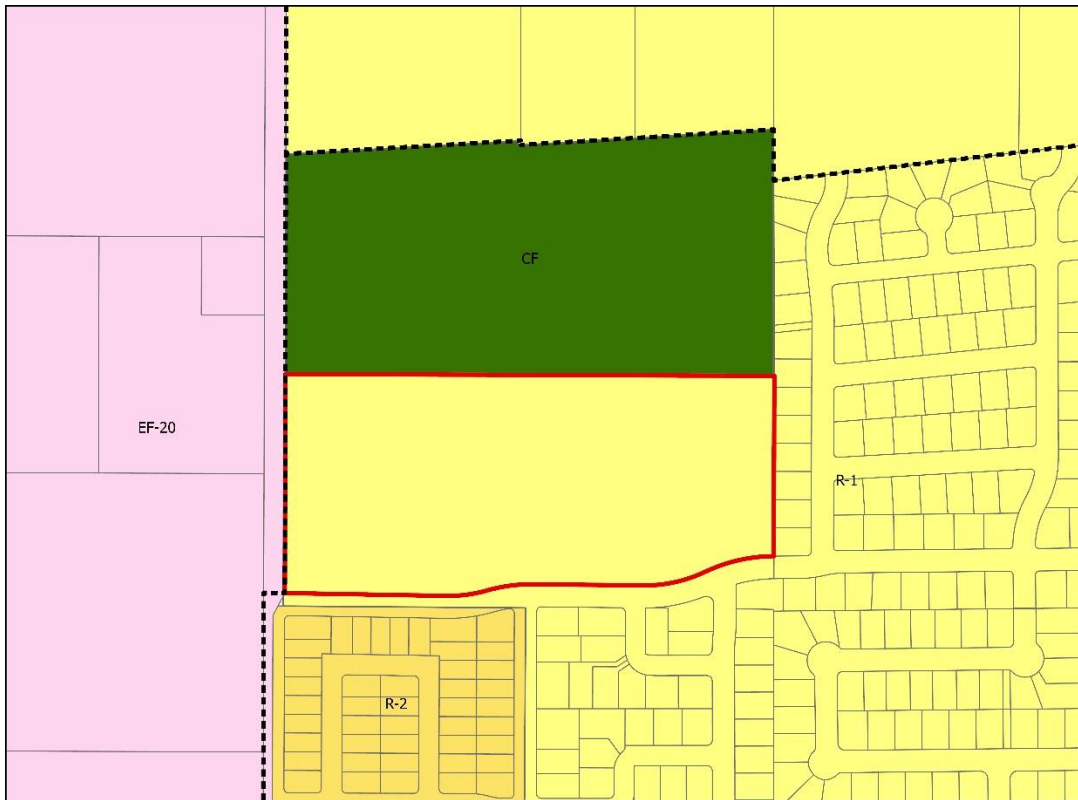
**B. SITE INFORMATION:**

1. Location: 408 W Foothills Drive
2. Size:
  - a. Area of Work: 16.84 Acres (includes CVMS and Antonia Crater)

- Elementary School)
- b. Campus also includes TL 1000, but all construction will occur on TL 1001.
3. Current Land Uses: Middle school. Note, the school is located on a campus that is also home to Antonia Crater Elementary School and the Chehalem Senior Center.
  4. Natural Features: None
  5. Adjacent Land Uses:



- a. North: Crater Park, sports fields/park
  - b. East:
    - i. On-site: Antonia Crater Middle School and Chehalem Senior Center
    - ii. Off-site: Single-family residential
  - c. South: Single family residential
  - d. West: Farmland, vacant (in Yamhill County)
6. Zoning: The following zoning districts abut the subject property.



- a. North: CF, Community Facility
  - b. East: EF-20, Exclusive Farm Use (Yamhill County zoning)
  - c. South: R-1, Low Density Residential and R2, Medium Density Residential
  - d. West: R-1, Low Density Residential
7. Access and Transportation: This property has frontage along W Foothills Drive (Major Arterial) and NE Chehalem Drive (Major Arterial, under Yamhill County jurisdiction). Existing access to the site is from W Foothills Drive. The existing access point will not change with the proposed improvements. The applicant is proposing to repave, restripe, and repair the on-site parking and circulation areas without changing existing configurations and number of parking spaces.
8. Utilities:
- a. Water: The City's GIS system shows there is an existing 8-inch water line in NE Chehalem Drive and an existing 10-inch water line in W Foothills Drive. The applicant has not indicated a need for modification to the existing water system.

- b. Wastewater: The City’s GIS system shows there is an existing 8-inch wastewater line in NE Chehalem Drive and an existing 8-inch wastewater line that runs north-south through the property on the Crater Lane alignment. The applicant has not indicated a need for modification to the existing wastewater system.
- c. Stormwater: There is an existing 27-inch stormwater line located in W Foothills Drive. There are five stormwater lines connecting to this public line from the site.
- d. Overhead Lines: There are no overhead utilities serving the property or running parallel to the property frontage on W Foothills Drive. Any new connection to the property will need to be undergrounded. See NMC 15.430.010 for exception provisions.

**C. PROCESS:** The Design Review request is a Type II application and follows the procedures in Newberg Development Code 15.100.030. Following a 14 day public comment period, the Community Development Director makes a decision on the application based on the criteria listed in the attached findings. The Director’s decision is final unless appealed.

Important dates related to this application are as follows:

- a. 10/19/21: The Community Development Director deemed the application complete.
- b. 10/27/21: The applicant mailed notice to the property owners within 500 feet of the site.
- c. 10/27/21: The applicant posted notice on the site.
- d. 11/09/21: The 14-day public comment period ended.
- e. 12/23/21: The Community Development Director issued a decision on the application.

**D. AGENCY COMMENTS:** The application was routed to several public agencies for review and comment (Attachment 1). Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following agency comments:

Police: Reviewed; no conflict.

Public Works Director: Reviewed; no conflict.

Public Works Maintenance: Reviewed; no conflict.

Building Official: Reviewed; no conflict.

Finance Department: Reviewed; no conflict.

Ziply Fiber: Reviewed, no conflict.

**E. PUBLIC COMMENTS:**

No public comments were submitted.

**Section II: Findings – File DR221-0008**  
**Design Review – Chehalem Valley Middle School Improvements**

*15.220 Site Design Review*

*15.220.020 Site design review applicability.*

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

*2. Type II.*

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

*b. Telecommunications facilities.*

**Finding:** The proposed improvements are improvements to an institutional use, a middle school. The improvements are not listed under a Type I Site Design Review applicability and are therefore subject to a Type II Design Review, consistent with NMC 15.220.020.A.2.b.

*15.220.050 Criteria for design review (Type II process).*

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

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

**Finding:** The proposed covered area has been designed to be compatible with the architecture of the existing schools. It is located well away from the nearby property lines, internal to the site and located near or over existing play areas on the site.

The covered structure is constructed of durable metal and steel materials to serve a utilitarian purpose, similar to the school buildings. The covered play area also features brick walls that will complement the main building's brick façade.

The CTE cover is a metal structure to serve a utilitarian purpose, similar to the school buildings.



The criterion is met.

### *15.425 Exterior Lighting*

#### *15.425.020 Applicability and exemptions.*

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

- 1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.*
- 2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.*
- 3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.*

**Finding:** The covered areas and CTE area would not be provided with any exterior lighting. Rather, lighting will be ceiling mounted and the covered areas will be downlit. No lighting is expected to trespass beyond the proposed footprint of the covered areas. The applicant shall provide lighting information in compliance with NMC 15.425.020A.1.-3. prior to issuance of building permits.

The criterion is met if the aforementioned condition is met.

*B. Exemptions. The following uses shall be exempt from the provisions of this section:*

- 1. Public street and airport lighting.*
- 2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.*
- 3. Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.*
- 4. Temporary Lighting. In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below: ...*
- 5. Lighting activated by motion sensor devices.*



**6. Nonconforming lighting in place as of September 5, 2000.**

***Replacement of nonconforming lighting is subject to the requirements of NMC 15.205.010 through 15.205.100.***

**7. Light Trespass onto Industrial Properties. The lighting trespass standards of NMC 15.425.040 do not apply where the light trespass would be onto an industrially zoned property.**

**Finding:** The applicant has not provided any information on exemptions requested for lighting for the site. The exemptions are not applicable to the proposal.

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

**Finding:** The play area and covered CTE areas do not increase the number of teaching stations on site. Therefore, new parking spaces are not required for the proposed improvements. No changes are proposed to the layout or design of parking and on-site circulation areas. Rather, the parking and circulation on site will be repaired, repaved, and restriped consistent with the existing parking and circulation on site.

Therefore, the provisions of NMC 15.440 are not applicable.

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

**Finding:** The site is zoned Low Density Residential (R-1). This section of the NMC is met because the requirements of Sections 15.415.010 through 15.415.060, 15.405.010 through 15.405.060 and 15.410.010 through 15.410.070, where applicable to the proposed improvements, have been met.

***15.415.020 Building height limitation.***

***A. Residential.***

***1. In the R-1 district, no main building shall exceed 30 feet in height.***

**Finding:** The covered play area is 23 feet tall and is under the height limitation. The criterion is met.

***15.415.030 Building height exemptions.***

**Finding:** No exemptions from the building height are requested. This section of the NMC is not applicable.

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

***A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code: ...***

**Finding:** The proposal would not create any new lots within the district. The current lot size is 16.84 gross acres and is developed with two schools and a senior center.

This criterion of NMC Section 15.405.010 are not applicable.

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

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

**Finding:** Lot coverage and parking coverage is not limited for institutional uses.

***15.410.030 Interior yard setback.***

***A. Residential.***

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

***2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.***

**Finding:** The site is located in the R-1 zone and has interior yards greater than 5 feet. The standard is met.

***D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have interior yards of not less than 10 feet, except outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any***

*accessory structures and uses, shall have an interior yard setback of 25 feet when abutting a residential district.*

**Finding:** The property is not located in the I or CF districts. Therefore, the standard does not apply.

**15.410.040 Setback and yard restrictions as to schools, churches, public buildings.**

**A. Building Setback.** *No buildings shall be erected, used or maintained for a school, church or public or semi-public building or use, institution or similar use under the regulations of this code unless such building is removed at least 25 feet from every boundary line of any property included in any residential district.*

**B. Required Yard.** *No required front or interior yard of the lot on which such building or use is located shall be used for play or parking purposes.*

**Finding:** The covered play area associated with CVMS is located approximately 88-feet from the property line which is further separated from any other use by NE Chehalem Drive. The CTE covered area is located even further into the site's interior. The setback requirements are met.

The criterion is met.

**15.410.050.B Required Yard.**

*No required front or interior yard of the lot on which such building or use is located shall be used for play or parking purposes.*

**Finding:** There are no proposed play or parking areas within the required yards associated with these site modifications. The parking lot is existing and was previously approved. No new parking is proposed. Rather, the parking and circulation areas will be repaired, repaved, and restriped.

**15.410.050.C** *A lot or parcel of land in any district adjoining a street for which the planned right-of-way width and alignment have been determined shall have a building setback line equal to the yard required in the district, plus a distance of:*

- 1. Fifty feet from and parallel with the centerline of expressways.*
- 2. Thirty-five feet from and parallel with the centerline of major and minor arterials.*

- 3. Thirty feet from and parallel with the centerline of multifamily, commercial and industrial streets and single-family collector streets.*
- 4. Thirty feet from and parallel with the centerline of single-family local streets.*
- 5. Twenty-five feet from and parallel with the centerline of single-family hillside, cul-de-sacs and local streets which will never be extended more than 2,400 feet in length and which will have a relatively even division of traffic to two or more exits.*

**Finding:** The property fronts NE Chehalem Drive and W Foothills Drive. NE Chehalem Drive is classified as a major collector and is under the jurisdictional authority of Yamhill County. W Foothills Drive is classified as a major collector and is under the jurisdictional authority of the City of Newberg. NE Chehalem Drive requires a minimum right-of-way width of 60 feet, and there is an existing right-of-way width of 58 feet.

According to these provisions, specifically 15.410.050.C.3, the planned right-of-way distance is 35 feet. Adding the 25-foot yard require for schools, pursuant to NMC 15.410.040, the required building setback along NE Chehalem Drive should be sixty feet. The proposed setback to the covered play structure behind CVMS is eighty-six feet to the closest point.

The criterion is met.

***15.410.060 Vision clearance setback.***

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

- A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.*
- B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.*
- C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.*

**Finding:** The proposed structures are not located in any vision clearance setbacks for public right-of-way. The required vision clearance setback is met and will remain.

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

***The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:***

***A. Depressed Areas. In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.***

***B. Accessory Buildings. In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.***

***C. Projecting Building Features. The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:***

- 1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.***
- 2. Chimneys and fireplaces, provided they do not exceed eight feet in width.***
- 3. Porches, platforms or landings which do not extend above the level of the first floor of the building.***
- 4. Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).***

**Finding:** These criteria are not applicable because the proposed improvements are not located in the required setbacks.

***D. Fences and Walls.***

- 1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:***
  - a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on***

*the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.*

*b. Not to exceed four feet in height. Located or maintained within all other front yards.*

**Finding:** The covered play area consists of 18-foot-tall walls. The walls of the covered structures are not located at the property line or in required setbacks.

The standard is met.

*2. In any commercial or industrial district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows: ...*

**Finding:** The site is located in a residential district. The standard is not applicable.

*3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.*

**Finding:** No chain link fencing is proposed. The standard is not applicable.

*4. The requirements of vision clearance shall apply to the placement of fences.*

**Finding:** See response to NMC 15.410.060.

*E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).*

**Finding:** No changes to the existing on-site vehicular circulation or configuration of parking is proposed. The standard is not applicable.

*F. Public Telephone Booths and Public Transit Shelters. Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.*

**Finding:** This criterion is not applicable because the applicant is not proposing any public telephone booths or public transit shelters. The standard is not applicable.

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

**15.420.010 Required minimum standards.**

**B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family dwellings:**

- 1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.**

**Finding:** With the exception of a new storm pond associated with the covered play area at CVMS, no new landscaping is proposed with this application. In addition, none of the existing landscaping intended to screen or buffer the schools from the surrounding properties is affected by these proposed improvements. Therefore, the standards of NMC 15.420 are not applicable.

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

**15.435.030 Permit required.**

**A. Except as follows, no person or entity shall place any sign within the city without first obtaining a permit from the director.**

**B. The following do not require sign permits, but must otherwise comply with the standards of this chapter:**

- 1. Minor freestanding signs.**
- 2. Minor attached signs.**
- 3. Temporary signs.**
- 4. Portable signs.**
- 5. Flag display (one allowed on each street frontage).**



***6. If any of the signs listed above require permits under the current edition of the Oregon Structural Specialty Code, the sign shall be placed only following the issuance of such permit.***

**Finding:** No new signage or graphics are proposed with these new improvements. The criterion is not applicable.

***6. Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.***

**Finding:** The criteria of NMC 445.075 through 15.445.100 do not apply because a manufactured dwelling or mobile home park is not proposed.

***7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.***

**Finding:** The site is located in the R-1, Low Density Residential District. Primary and secondary schools are a permitted use in the district NMC 15.305.020.

The criterion is met.

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

**Finding:** There are no subdistrict overlays applicable to this site. This criterion is not applicable.

***9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of***



*development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.*

***15.430.010 Underground utility installation.***

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

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

***C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:***

- 1. The cost of undergrounding the utility is extraordinarily expensive.***
- 2. There are physical factors that make undergrounding extraordinarily difficult.***
- 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.***

**Finding:** The applicant's narrative describes new utilities necessary to serve the covered play structures will be built underground. This criterion is met by what is proposed in this application.

***15.505 Public Improvements Standards***

***15.505.020 Applicability.***

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

***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.*

*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:** Frontage improvements along W Foothills Drive have been completed. The applicant will be responsible for repairing any sidewalk panels that need repair or are not meeting current ADA standards along with any non-compliant ADA ramps.

These criteria will be met when any necessary sidewalk repairs are completed in compliance with the aforementioned code.

*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:** No new water connections are proposed. The site is served by the municipal water system. This criterion is met.

*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:** No new wastewater connections are proposed. The site is served by the municipal wastewater system. This criterion is met.

*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 proposed improvements include greater than 500 square-feet of new impervious area. A preliminary stormwater report has been submitted. A final stormwater report will need to be submitted and approved before building permits are issued. The applicant will also need to record a Private Stormwater Maintenance Agreement with the City for the facility design.

This criterion will be met if the stormwater facilities are completed in compliance with the aforementioned code.

*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:** No new easements are required. This criterion does not apply.

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

**Finding:**

*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 not proposing construction of new streets. These criteria do not apply.

*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.*

**Finding:** The project site has frontage on NE Chehalem Drive and W Foothills Drive. Sufficient right-of-way exists along the project's frontage on both NE Chehalem Drive and W Foothills Drive. This criteria does not apply.

- 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:** No street improvements are required for the proposed improvements. The criterion does not apply.

*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 near-term future 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:** There are no improvements relating to impacts identified as part of this proposed action. This criterion does not apply.

*G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place*

*and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]*

**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 not proposing construction of new streets. These criteria do not apply.

*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.*

**Finding:** The project site has frontage on NE Chehalem Drive and W Foothills Drive. Sufficient right-of-way exists along the project's frontage on both NE Chehalem Drive and W Foothills Drive. This criterion does not apply.

- 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:** No street improvements are proposed or necessary. This criterion does not apply.

*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:** No street improvements are proposed or necessary. 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:** No street improvements are proposed or necessary. This criterion does not apply.

**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 streets section width needed, existing streets 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**

<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>
<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>

*\* 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.*

*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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**\*\*** *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:** No street improvements are proposed. These criteria do not apply.

**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:** No street improvements are proposed or necessary. These criteria do not apply.

**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:** No street improvements are proposed or necessary. These criteria do not apply.

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

**Finding:** No street improvements are proposed or necessary. 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:** There are no limited residential streets proposed as part of this project. These criteria do not apply.

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

**Finding:** W Foothills Drive is improved with sidewalks meeting city standards. NE Chehalem Drive is not but there is a sidewalk on the site which runs adjacent to NE Chehalem Drive. NE Chehalem Drive is under the jurisdiction of Yamhill County. This sidewalk will be adequate until a larger street improvement project is completed. 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:** No new sidewalks are being proposed or conditioned. This criterion does not apply.

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

**Finding:** The applicant 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 not proposing modifications to the intersections or street design. This criterion does not apply.

***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 not proposing modifications to the street right-of-way or improvement width. These criteria do 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 is not proposing new layouts of streets. This criterion does not apply.

***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:** 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 is not proposing a cul-de-sac. These criteria do not apply.

*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 is not impacting street names or street signs. This criterion does not apply.

***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 R1 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. These criteria do 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>
Expressway	<i>All</i>	<i>Refer to ODOT Access Spacing Standards</i>	<i>NA</i>
Major Arterial	<i>Urban CBD</i>	<i>Refer to ODOT Access Spacing Standards</i>	
Minor Arterial	<i>Urban CBD</i>	<i>500 200</i>	<i>150 100</i>
Major Collector	<i>All</i>	<i>400</i>	<i>150</i>
Minor Collector	<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 driveway or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.*

*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 is not proposing a new access. This criterion does not apply.

*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 a new driveway. 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 proposed development does not have alley access. This criterion does 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 closure of 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 a shared driveway. 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 project is not taking access from an ODOT or Yamhill County right-of-way. Access will be taken from W Foothills Drive. This criterion is not applicable.

*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 are not applicable.

#### **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. These criteria are not applicable.

*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:** Street trees existing along the frontage of the site behind the existing sidewalk. This criterion is not applicable.

*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:** Street lighting is complete on W Foothills Drive. This criterion is met.

*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 or planned transit facilities. This criterion does not apply.

***15.505.040 Public utility standards.***

***A. Purpose. The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.***

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

***C. General Standards.***

***1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.***

***2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.***

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

***1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.***

***2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the***



*system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.*

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

*4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.*

**Finding:** The applicant's is not proposing new water connections. These criteria do not apply.

*F. 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:** There is no indication of a septic tank on the property. This criterion does not apply.

*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:** The applicant is not proposing any new wastewater connections. These criteria do not apply.

*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.*

**Finding:** No easements are required. This requirement is met.

*15.505.050 Stormwater system standards.*

*A. Purpose. The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.*

*B. Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.*

*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 has submitted a preliminary stormwater report which proposes LIDA facilities to manage stormwater. The narrative describes connecting these facilities to a storm line onsite that drains to the public storm drain. Because final construction plans have not been submitted, the applicant will be required to submit a final stormwater management report with their building permit application. The final stormwater management report shall 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 plans show site disturbance of less than one acre. Because the applicant has not provided documentation of an erosion and sedimentation control permit for the development site, the applicant will be required to obtain an erosion control permit from the City of Newberg before building permits are issued.

*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 preliminary storm management report proposes a flow through planter and stormwater pond to manage stormwater onsite. The applicant will also need to record a Private Stormwater Maintenance Agreement with the City for the facilities.

Because the applicant has not submitted a final stormwater report or construction plans, the applicant will need to submit a final stormwater report and construction plans meeting NMC 13.25 Stormwater Management requirements. A private stormwater maintenance agreement with the City will also need to be recorded for the modified private stormwater facilities located on the property.

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

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

*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 proposed development is for pavement restoration and covered play structures. No new traffic will be generated. The criterion is does not apply.

## **CONCLUSION:**

**Based on the above findings, the project meets the criteria required within the Newberg Development Code, subject to completion of the attached conditions.**

**Section III: Conditions – File DR221-0008**  
**Design Review – Chehalem Middle School Improvements**

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

1. **Permit Submittal:** Submit a building permit application and two (2) complete working drawing sets of the proposed project. Show all the features of the plan approved through design review, including the following:
  - a. The applicant will need to submit construction plans and obtain a Public Improvement Permit to install the water system pursuant to the requirements of the City’s Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.
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. **Exterior Lighting:**
  - a. The applicant shall provide lighting information in compliance with NMC 15.425.020A.1.-3. Prior to issuance of building permits.
4. **Permits:**
  - a. Proposed improvements in the public right-of-way must meet Public Works Design and Construction Standards and appropriate permits.
5. **Streets/Sidewalks:**
  - a. The applicant will be responsible for repairing any sidewalk panels that need repair or are not meeting current ADA standards along with any non-compliant ADA ramps.
6. **Stormwater:**
  - a. A final stormwater report will need to be submitted and approved before building permits are issued. The applicant will also need to record a Private Stormwater Maintenance Agreement with the City for the facility design.
  - b. The applicant will be required to submit a final stormwater management report with their building permit application. The final stormwater management report shall address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management.
  - c. The applicant will be required to obtain an erosion control permit from the City of Newberg before building permits are issued.
  - d. The applicant will need to submit a final stormwater report and construction plans meeting NMC 13.25 Stormwater Management

requirements. A private stormwater maintenance agreement with the City will also need to be recorded for the modified private stormwater facilities located on the property.

**B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY**

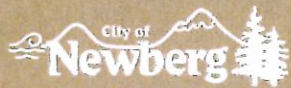
1. **Fire Department Requirements:** This project is subject to compliance with all Fire Department (TVF&R) standards relating to access and fire protection.
2. **Design Review Conditions:** Contact the Planning Division (503-537-1240) to verify that all design review conditions have been completed.
3. **Site Inspection:** Contact the Building Division (503-537-1240) for Building, Mechanical, and Plumbing final inspections. Contact TVF&R (503-649-8577) for Fire Safety final inspections. Contact Yamhill County (503-538-7302) for electrical final inspections. Contact the Planning Division (503-537-1240) for landscaping final inspections.

**C. DEVELOPMENT NOTES**

1. Systems development charges (SDCs) will be collected when building permits are issued. For questions regarding SDCs please contact the Engineering Division.

## **Attachment 1: Application Material**





# TYPE II APPLICATION – LAND USE

File #: DR 221-0008

**TYPES – PLEASE CHECK ONE:**

- Design review
- Tentative Plan for Partition
- Tentative Plan for Subdivision
- Type II Major Modification
- Variance
- Other: (Explain) \_\_\_\_\_

**APPLICANT INFORMATION:**

APPLICANT: Brad Kilby, Harper Houf Peterson Righellis, Inc.  
 ADDRESS: 205 SE Spokane Street, Suite 200 Portland, OR 97202  
 EMAIL ADDRESS: bradk@hhpr.com  
 PHONE: 503-221-1311 MOBILE: \_\_\_\_\_ FAX: \_\_\_\_\_  
 OWNER (if different from above): Newberg Public Schools - Attn: Nikki Fowler, Director of Finance PHONE: 503-554-5004  
 ADDRESS: 714 East 6th Street Newberg, OR 97132  
 ENGINEER/SURVEYOR: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

**GENERAL INFORMATION:**

PROJECT NAME: CVMS Campus Improvements PROJECT LOCATION: 403 West Foothills Drive  
 PROJECT DESCRIPTION/USE: Construction of 1 covered play area and 1 CTE Area PROJECT VALUATION: \$608,000  
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3207 01001 ZONE: R1 SITE SIZE: 16.84 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: LDR TOPOGRAPHY: Flat  
 CURRENT USE: Middle School  
 SURROUNDING USES:  
 NORTH: Community Facility/Public Park SOUTH: Residential  
 EAST: ACES Elementary School WEST: Agriculture

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Design Review .....p. 12  
 Partition Tentative Plat .....p. 14  
 Subdivision Tentative Plat .....p. 17  
 Variance Checklist .....p. 20

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Brad Kilby  
 Applicant Signature  
10/4/21  
 Date

Nikki L. Fowler  
 Owner Signature  
 \_\_\_\_\_  
 Date

Nikki L. Fowler  
 Print Name

Nikki L. Fowler  
 Print Name

**Chehalem Valley Middle School and Antonia Crater Elementary School Design Review**  
Land Use Application

**Owner:** Newberg School District  
C/o: Joe Morelock, Superintendent  
714 E. 5<sup>th</sup> Street  
Newberg, OR 97132

**Owner Contact:** Cornerstone Management Group, Inc.  
21370 SW Langer Farms Pkwy, Suite 142  
Sherwood, OR 97140

Mary Dolan  
(251) 554-9822  
[mdolan@cornerstonemqi.com](mailto:mdolan@cornerstonemqi.com)

**Planner:** Harper Houf Peterson Righellis Inc.  
205 SE Spokane Street, Suite 200  
Portland, OR 97202  
(503) 221-1131

Brad Kilby, AICP  
[Bradk@hhpr.com](mailto:Bradk@hhpr.com)

**Engineer:** KPFF Consulting Engineers  
111 SW Fifth Avenue, Suite 2500  
Portland, OR 97204

Mark Wharry, PE  
(503) 227-3251  
[Mark.wharry@kpff.com](mailto:Mark.wharry@kpff.com)

**Architect:** BRIC Architecture, Inc.  
1233 NW Northrup Street, Suite 100  
Portland, OR 97209

Ed Herrera AIA NCARB  
(619) 742-2681  
[Ed.herrera@bric-arch.com](mailto:Ed.herrera@bric-arch.com)

**Site Location:** 403 W. Foothills Drive (203 and 101 W. Foothills Drive)

**Tax Lot(s):** Tax Map 3207 Tax lot 01001



**Site Size:** 16.84 Acres (Area of work – Campus also includes TL 1000, but all construction will occur on TL 1001)

**Zoning:** R-1 (Tax Lot 1001) and CF (Tax Lot 1000)

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## I. DESCRIPTION OF PROPOSAL

The Newberg School District is in the process of executing improvements to several district schools as a result of a recent bond approval. Specific to the Chehalem Valley Middle School (CVMS) and Antonia Crater Elementary School campus (ACES), the district proposes to add one covered play area associated with each school, repair and repave the existing parking lots, and with a future phase, add a covered space over the CTE space on the east side of Chehalem Valley Middle School.

As reflected in the attached plan set, the districts proposes the following improvements at Chehalem Valley Middle School:

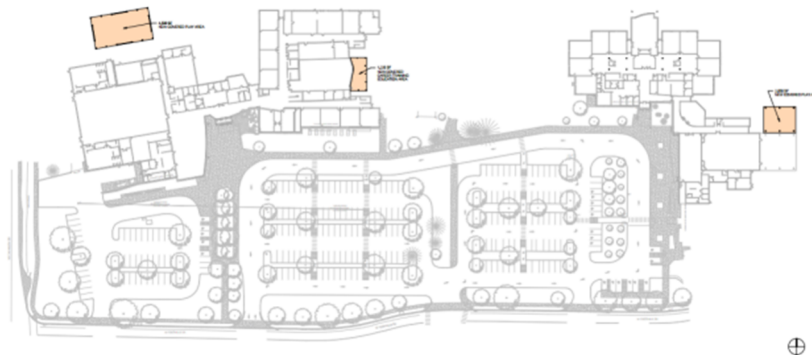
- Add a 4,747 SF covered play area;
- Remove an existing 1,800 SF portable classroom on the east side of the building;
- Add approximately 1,488 SF of covered area for the Career Training Education (CTE) program on the east side of the middle school building (*if funding is available*); and
- Make repairs and repave the existing parking and circulation on-site.

At the Antonio Crater Elementary School Campus, the district proposes to:

- Add a 2,000 SF covered play area and
- Make repairs and repave the existing parking and circulation on-site.



Aerial Photo



SITE PLAN





## II. RESPONSE TO APPLICABLE CODE STANDARDS AND APPROVAL CRITERIA

### CITY OF NEWBERG, OREGON DEVELOPMENT CODE (NDC)

#### Chapter 15 – DEVELOPMENT CODE

**Note:** Only those standards that are applicable to the proposed development are addressed below. Standards of the Development Code that are were not found to be applicable to the proposed improvements have not been responded to.

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

**Response:** The area of the campus where the proposed additions would occur are located within the R-1 zoning district. According to section 15.305.020 Zoning Use Table – Use Districts, primary and secondary schools are permitted outright within the R-1 zone. Both schools are existing and the proposed improvements are modifications to the campus. As indicated previously, the proposed development includes removal of an existing classroom modular associated with CVMS, the addition of three covered areas on an existing combined school campus (*two associated with CVMS and one with ACES*) as well as repairs and repaving of the existing parking and circulation areas on site. The total net area of the covered additions is approximately 6,435 square feet.

According to discussions with staff and section 15.220.020.A.2.a, Site Design Review for these improvements are subject to a Type II review. Section 15.220,050 spells out the standards that must be met for such a development and compliance with the applicable approval criteria are discussed in the following narrative.

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

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

1. **Site Development Plan.** A site **development plan** shall be to scale and shall indicate the following as appropriate to the nature of the use:
  - a. **Access** to site from adjacent **right-of-way, streets** and **arterials**;
  - b. **Parking and circulation areas**;
  - c. **Location and design of buildings** and **signs**;
  - d. **Orientation of windows and doors**;
  - e. **Entrances and exits**;
  - f. **Private and shared outdoor recreation spaces**;
  - g. **Pedestrian circulation**;
  - h. **Outdoor play areas**;
  - i. **Service areas for uses** such as mail delivery, trash disposal, above-ground **utilities**, loading and delivery;
  - j. **Areas to be landscaped**;
  - k. **Exterior lighting**;
  - l. **Special provisions for handicapped persons**;
  - m. **Other site elements and spaces which will assist in the evaluation of site development**;
  - n. **Proposed grading, slopes, and proposed drainage**;
  - o. **Location and access to utilities** including hydrant locations; and

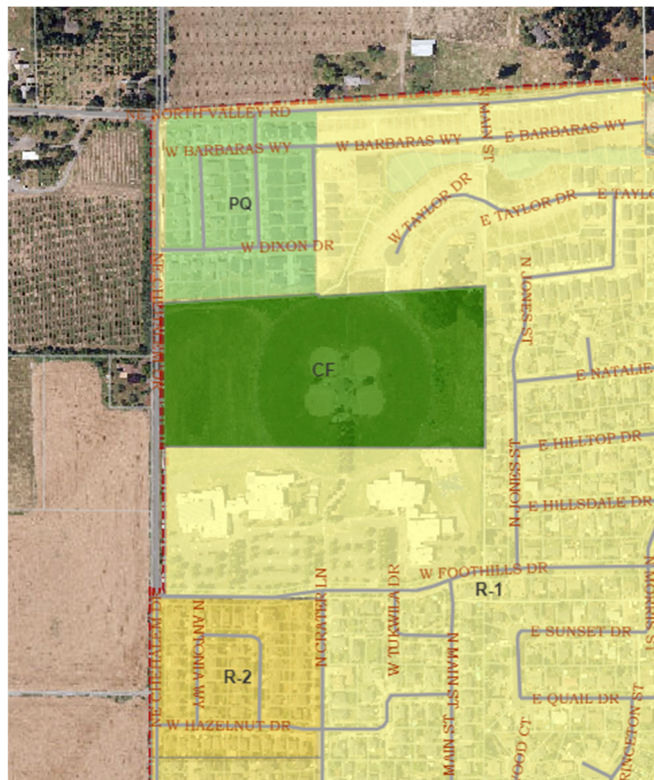


p. Streets, driveways, and sidewalks.

**Response:** This narrative is supplemented by a plan set that includes a site plan demonstrating access locations, parking and circulation areas, and architectural plans demonstrating building elevations. Existing utilities, landscaping and service areas, driveways and sidewalks are not proposed to be modified except where improvements to the stormwater facilities are proposed and where necessary to make repairs to existing sidewalks.

2. *Site Analysis Diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics on the site and within 100 feet of the site:*
- a. *Relationship of adjacent lands;*
  - b. *Location of species of trees greater than four inches in diameter at four feet above ground level;*
  - c. *Existing and proposed topography;*
  - d. *Natural drainage and proposed drainage and grading;*
  - e. *Natural features and **structures** having a visual or other significant relationship with the site.*

**Response:** These characteristics are demonstrated on composite site plans including the existing conditions plan, the site plan, and the preliminary grading and erosion control plans. An image showing the site's relationship to adjacent land is provided below. Surrounding properties include R-1, R-2, PQ, and CF zoning district classifications. The properties located directly west of the campus are located within Yamhill County and zoned for agriculture.



3. *Architectural Drawings. Architectural drawings shall be prepared which identify floor plans and elevations.*

**Response:** Architectural drawings and elevations are included with the submittal. See sheets A3.00 and A3.05.

4. **Landscape Plan.** *The **landscape** plan shall indicate:*

- a. *The size, species and approximate locations of plant materials to be retained or placed on the site together with a statement which indicates the mature size and canopy shape of all plant materials;*
- b. *Proposed site contouring; and*
- c. *A calculation of the percentage of the site to be landscaped.*

**Response:** The proposed modifications and additions would impact a small amount of grassed areas on the perimeter of the covered play areas and at the covered CTE area as shown on sheets C4.1 and C4.2. Because of the size of the existing campus, the impacts to landscaping are minimal. In addition, the storm pond associated with the addition of the covered play area at CVMS would be landscaped as demonstrated on Civil sheet C 4.1.

5. *Special Needs for Handicapped. Where appropriate, the design review plan shall indicate compliance with handicapped accessibility requirements including, but not limited to, the location of handicapped **parking spaces**, the location of accessible routes from the entrance to the public way, and ramps for wheelchairs.*

**Response:** The site has previously been designed to be compliant with the Americans with Disabilities Act (ADA). No modifications to existing ADA routes and parking are proposed with this application.

6. *Existing Features and Natural **Landscape**. The plans shall indicate existing landscaping and existing **grades**. Existing trees or other features intended to be preserved or removed shall be indicated on the plans.*

**Response:** The submittal includes existing conditions plans and grading plans illustrating existing and proposed grades. None of the existing trees on site are proposed to be impacted as a result of the proposed additions. See sheets C1.3 through C1.5 and C3.1-C3.5 for specific details.

7. *Drives, Parking and Circulation. Proposed vehicular and pedestrian circulation, **parking spaces**, parking aisles, and the location and number of **access** points shall be indicated on the plans. Dimensions shall be provided on the plans for parking aisles, back-up areas, and other items as appropriate.*

**Response:** The site plan, Sheets C2.3-C2.5 illustrate the location of the existing access points, parking, pedestrian, and vehicular circulation. The proposed improvements include repair, repaving, and restriping of the existing parking and circulation areas consistent with the existing configuration.





8. *Drainage. The direction and location of on- and off-site drainage shall be indicated on the plans. This shall include, but not be limited to, site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project.*

**Response:** The submittal includes a civil plan set that includes C3.0-C3.5 (Grading and Erosion Control Plans) and C4.1-C4.2, and Appendix 1, a preliminary stormwater memorandum that include more specific details about stormwater treatment and detention. This specific proposal would add approximately 6,435 square feet of new or modified impervious area to the campus and it is assumed that additional treatment would be provided as shown in sheets C4.1-C4.2 and be discharged into the existing conveyance systems on or near the site.

9. *Buffering and Screening. Buffering and screening of areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be shown on the plans.*

**Response:** The play areas are existing and proposed to be covered. The CTE covered area and modular proposed to be removed are interior to the site. Parking and service areas are pre-existing and not affected by the proposed improvements. Therefore, none of the existing required buffering and screening is impacted by this proposal. .

10. *Signs and Graphics. The location, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features shall be shown on the plans.*

**Response:** No new signage or graphics are proposed with these new improvements. This criterion is not applicable to the proposed development.

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

**Response:** The proposed covered play areas will not be provided with exterior lighting. They will be downlit on the interior which means that lighting would not project beyond the footprint of the covered areas. The District has indicated that there will not be any new vertically mounted fixtures.

12. *Trash and Refuse Storage. All trash or refuse storage areas, along with appropriate screening, shall be indicated on the plans. Refuse storage areas must be constructed of brick, concrete block or other similar products as approved by the director.*

**Response:** The locations of trash and refuse areas were previously approved and are not affected by the proposed modifications. Each school has a service area located adjacent to the building as illustrated in the aerial below. None of the existing service areas or screening are impacted by the proposed modifications.





13. Roadways and **Utilities**. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.

**Response:** The district is aware that improvements totaling more than \$30K may afford the City an opportunity to request additional improvements under the development code. The District is not proposing to make any new public improvements with this application beyond replacing any damaged sidewalk panels along the site's frontages. If additional dedication and improvements are warranted and found to be roughly proportional to the impacts of the proposed improvements associated with this application, the District will comply. It should be noted that no new vehicular or pedestrian trips are expected to be generated with this proposal and that enrollment at both schools is not proposed to be increased with these improvements.

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.]

**Response:** As indicated above, no new vehicular or pedestrian trips are expected to be generated with this proposal and enrollment at both schools is not proposed to be increased with these improvements. Staff confirmed in the pre-application conference that a traffic study would not be necessary for this proposal.



## **15.220.050 Criteria for design review (Type II process)**

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

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

**Response:** The proposed covered areas have been designed to be compatible with the architecture of the existing schools. They are located well away from the nearby property lines and located near or over existing play areas on the site. Elevations have been included with this application on sheets A3.00 and A3.05. The proposed structures meet the dimensional standards of the NMC and there is no evidence to suggest that they would not be compatible with the existing uses and structures in the surrounding area.

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

**Response:** The on-site circulation and parking was previously reviewed, approved, and found to be consistent with the applicable standards of the NMC. No changes are proposed to the layout or design. Rather, the parking and circulation on site is proposed to be repaired, repaved, and restriped consistent with the existing parking and circulation on site.

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

**Response:** The proposal does not include any requests for adjustments or modifications to the standards of the code and complies with the requirements listed above. As discussed throughout this narrative.

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

**Response:** With the exception of a new storm pond associated with the covered play area at CVMS, no new landscaping is proposed with this application. In addition, none of the existing landscaping intended to screen or buffer the schools from the surrounding properties is affected by these proposed improvements.



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

**Response:** No new signs are proposed with this application. This criterion is not applicable to the proposed development.

6. Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.

**Response:** The proposed development is to add covered areas to an additional campus, remove an existing modular, and to make repairs and repave existing parking and circulation areas. This criterion is not applicable to this proposal.

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

**Response:** The proposed improvements are located on property zoned R-1 Low-Density Residential. According to NMC 15.305.010, primary and secondary schools are outright permitted uses in the zone. The overall development of the site was previously subject to Site Design approval and compliance along with other applicable provisions of the NMC. As proposed and discussed in detail throughout this narrative, the proposed modifications comply with the applicable standards of the Newberg Municipal Code.

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

**Response:** The proposed development is not located within a subdistrict. This standard is not applicable to the proposed development.

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

**Response:** Circulation on and around the site was reviewed and approved previously. With the exception of repair, repaving, and restriping of the parking areas, no modifications





are proposed to the existing circulation and parking areas. Damaged sidewalk panels along the site's public frontages will be replaced as required by the City.

10. *Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director. [Ord. 2763 § 1 (Exh. A § 7), 9-16-13; Ord. 2747 § 1 (Exh. A § 5), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.194.]*

**Response:** A traffic study was not warranted by the proposed improvements to the site; therefore, this criterion is not applicable.

## **15.302 Districts and their Amendment**

### **15.302.032 Purposes of each zoning district.**

#### *A. R-1 Low Density Residential District.*

- 1. The purpose of this land use designation is to provide for low density urban single-family residential uses at an average overall density of 4.4 units per gross buildable acre in the district. It is intended to provide a stable and healthful environment together with the full range of urban services.*
- 2. Typical housing types will include single-family dwellings, duplex dwellings and planned unit developments. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-1 district is intended to be consistent with the low density residential (LDR) designation of the comprehensive plan.*

**Response:** The proposed development is located within the R-1 Low Density Residential. The schools and senior center on this campus are pre-existing approved uses. Neither density or housing types associated with the districts purpose statement are proposed with this development. These criteria are not applicable to the proposal.

### **15.302.040 Subdistricts.**

*Subdistricts of each of the use districts may be established. The parent residential district requirements shall apply to those respective subdistricts except those regulations pertaining to lot area per dwelling unit or density.*

**Response:** None of the subject site is located within a subdistrict or overlay. These criteria are not applicable to the proposed development.



### **15.303 Use Categories**

*This section speaks to the uses that are outright permitted, conditionally permitted, or not permitted within a specific zoning classification.*

**Response:** Section 15.303.331 defines Schools, primary or secondary as, “public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education primarily to minors.” Accessory uses include, “play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care, and administrative offices.” The proposed development would include construction of accessory uses to an already permitted use.

### **15.305 Zoning Use Table**

**Response:** This portion of the campus is located within the R-1 Zoning district. As indicated previously in this narrative, primary and secondary schools are listed as permitted uses within the zone. This proposal would result in the addition of three accessory covered activity areas on the overall campus, removal of

### **15.405 Lot Requirements**

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

*15.404.010.B.1. In the R-1 district, there shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 10,000 square feet.*

**Response:** This proposal would not create any new lots within the district. The current lot size is 16.84 gross acres and is developed with two schools and a senior center. This criterion is not applicable.

#### **15.405.040 Lot coverage and parking coverage requirements**

**Response:** According to section 15.405.040.C, lot and parking coverage associated with primary and secondary schools is not limited under these provisions.

### **15.410 Yard Setback Requirements**

*15.410.020.A.1 R-1 districts shall have a front yard not less than 15 feet. Said yard shall be maintained and landscaped.*

**Response:** The proposed development has frontage onto both NE Chehalem Drive and Foothills Drive. The proposed buildings and improvements along those frontages exceed the minimum setbacks prescribed above. All three of the covered structures are located behind the primary structures on site and are well beyond the 15-foot setback required by this section. This criterion is satisfied.

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



**Response:** The proposed covered areas are interior to the site and well away from the side property lines. The eastern most covered play area associated with the elementary school is approximately 118-feet away from the eastern property line. The covered play area associated with CVMS is located approximately 88-feet from the property line. See sheet C1.0 for details.

*15.410.040 Setback and yard restrictions as to schools, churches, public buildings.*

*A. Building Setback. No buildings shall be erected, used or maintained for a school, church or public or semi-public building or use, institution or similar use under the regulations of this code unless such building is removed at least 25 feet from every boundary line of any property included in any residential district.*

**Response:** The property is developed with two schools and a senior center. There are residences located south, east, and north of the site. The proposed buildings are well away from properties located north and south of the campus by hundreds of feet. The proposed covered areas are also interior to the site and well away from the side property lines. However, they are closer to residential uses and warrant a more detailed discussion on those setbacks. As proposed, the eastern most covered play area associated with the elementary school is approximately 118-feet away from the eastern property line. The covered play area associated with CVMS is located approximately 88-feet from the property line which is further separated from any other use by NE Chehalem Drive. In fact, the property located west of the school site is farmed with a residence located northwest of the proposed covered play area. Please see sheet C1.0 for details.

*15.410.050.B Required Yard. No required front or interior yard of the lot on which such building or use is located shall be used for play or parking purposes.*

**Response:** There are no proposed play or parking areas within the required yards associated with these site modifications. The parking lot is existing and was previously approved. No new parking is proposed. Rather, the parking and circulation areas will be repaired, repaved, and restriped.

*15.410.050.C A lot or parcel of land in any district adjoining a street for which the planned right-of-way width and alignment have been determined shall have a building setback line equal to the yard required in the district, plus a distance of:*

- 1. Fifty feet from and parallel with the centerline of expressways.*
- 2. Thirty-five feet from and parallel with the centerline of major and minor arterials.*
- 3. Thirty feet from and parallel with the centerline of multifamily, commercial and industrial streets and single-family collector streets.*
- 4. Thirty feet from and parallel with the centerline of single-family local streets.*
- 5. Twenty-five feet from and parallel with the centerline of single-family hillside, cul-de-sacs and local streets which will never be extended more than 2,400 feet in length and which will have a relatively even division of traffic to two or more exits.*





**Response:** The property fronts NE Chehalem Drive and W. Foothills Drive. According to the pre-app notes provided by staff, NE Chehalem Drive is classified as a major collector and is under the jurisdictional authority of Yamhill County. W Foothills Drive is classified as a major collector and is under the jurisdictional authority of the City of Newberg. NE Chehalem Drive requires a minimum right-of-way width of 60 feet, and there is an existing right-of-way width of 58 feet. W. Foothills Drive requires a minimum right-of-way width of 60 feet and there is an existing right-of-way width of 62 feet. Both right-of-ways typical TSP section is listed as 60 feet. Therefore, the NE Chehalem Drive is deficient of the TSP typical cross section by two feet. W. Foothills Drive, on the other hand, has two feet more than required to meet the typical TSP cross section. According to these provisions, more specifically, subsection C.3, the building setback along NE Chehalem Drive should be forty-five feet. The proposed setback to the covered play structure behind CVMS is eighty-six to the closest point. This criterion is satisfied.

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

- A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.*
- B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.*
- C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.*

**Response:** All of the proposed buildings are interior to the site. Existing vision clearance will not be impacted by the proposed improvements. These criteria are not applicable.

#### **15.415 Building and Design Standards**

- D. Institutional. The maximum height of any building or structure will be 75 feet except as follows:*
  - 1. Within 50 feet of an interior property line abutting a C-1, R-1, R-2 or R-P district, no main building may exceed 30 feet.*
  - 2. Within 50 feet of an interior property line abutting an R-3 district, no main building may exceed 45 feet.*
  - 3. Within 100 feet of a property line abutting a public street or railroad right-of-way, or within 100 feet of property lines abutting parcels with an R-1, R-2, R-3, R-P, C-1, C-2, C-3, M-1, M-2, or M-3 zoning designation, no main building may exceed 50 feet in height.*



4. *To utilize the maximum permitted height standard, at least 80 percent of the building's ground coverage must be beyond the setback area designated in subsection (D)(3) of this section. The maximum encroachment may not exceed 25 feet.*

**Response:** The NMC defines building height as, "...the vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable roof..." The proposed covered play areas are not considered "main buildings" as defined in this section. Therefore, we assume that the maximum height is 75 feet. The accessory building height limitations do not appear to be listed within these provisions. Neither of the covered play areas are located within 100 feet of a property line with an R-1 zone and neither building exceeds 30 feet in height. The actual height of the proposed covered play areas are approximately 23 feet and 30 feet respectively. Please see sheets A3.00 and A3.05 for the proposed elevations.

#### **15.420 Landscaping and Outdoor Areas**

**Response:** None of the existing landscaping would be affected by the proposed improvements. Therefore, the landscaping provisions do not appear to be applicable to this proposal.

#### **15.425 Exterior Lighting**

##### **15.425.020 Applicability and exemptions**

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

- 1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.*
- 2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.*
- 3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.*

**Response:** The covered play areas and CTE area would not be provided with any exterior lighting. Rather, lighting will be ceiling mounted and the covered areas will be downlit. No lighting is expected to trespass beyond the proposed footprint of the covered play areas. If required, the applicant will provide detailed lighting cutsheets that are proposed within the covered play areas.



## **15.430 Underground Utility Installation**

### **15.430.010 Underground utility installation**

- A. *All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.*
- B. *Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.*
- C. *The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:*
- 1. The cost of undergrounding the utility is extraordinarily expensive.*
  - 2. There are physical factors that make undergrounding extraordinarily difficult.*
  - 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed. [Ord. 2537, 11-6-00. Code 2001 § 151.589.]*

**Response:** All new utilities intended to serve the covered play areas will be placed underground in compliance with this section. This criterion is satisfied.

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

**Response:** All required parking will remain on site. The play areas and covered CTE areas do not increase the number of teaching stations on site. The previously approved parking areas will not be modified for these covered play/CTE areas. Rather, the parking and circulation areas will be repaired, repaved, and restriped consistent with the existing parking and circulation layout. These provisions are not applicable to the proposed development and are not addressed in detail.

## **15.505 Public Improvement Standards**

### **15.505.030 Street Standards**

#### *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.*

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

**Response:** The proposed development provides three new covered areas on an existing shared school campus. The District is not proposing any public improvements beyond replacement of any damaged sidewalk panels along the site's frontage with W. Foothills Drive. The proposed development will not generate any additional traffic trips that would generally be expected to further impact the existing transportation system.

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

**Response:** Noted. The District is not proposing any additional dedication or street improvements beyond improvements related to replacing the damaged sidewalk panels.

*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.*

**Response:** As stated previously, the CVMS/ACES shared campus fronts NE Chehalem Drive and W. Foothills Drive. According to the pre-app notes provided by staff, NE Chehalem Drive is classified as a major collector and is under the jurisdictional authority of Yamhill County. W Foothills Drive is classified as a major collector and is under the jurisdictional authority of the City of Newberg. NE Chehalem Drive requires a minimum right-of-way width of 60 feet, and there is an existing right-of-way width of 58 feet. W. Foothills Drive requires a minimum right-of-way width of 60 feet and there is an existing right-of-way width of 62 feet. Both right-of-ways typical TSP section is listed as 60 feet.



Therefore, the NE Chehalem Drive is deficient of the TSP typical cross section by two feet. W. Foothills Drive, on the other hand, has two feet more than required to meet the typical TSP cross section. If conditioned to provide additional dedications or improvements, the District will comply so long as the exactions are directly related and roughly proportional to the impacts of the proposed development.

*S. Public Walkways.*

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

**Response:** The District is willing to replace any damaged sidewalk panels along the site's frontage with W. Foothills Drive and ensure that they are consistent with the Americans with Disabilities Act. The City's pre-app notes indicate that additional improvements and dedications along NE Chehalem Drive may be required. The District does not feel that the required improvements along NE Chehalem Drive are justified and is not proposing any improvements along those frontages.

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



**Response:** The District is not proposing to impact any of the existing on-site landscaping with these improvements.

#### **15.505.040 Public Utility Standards**

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

**Response:** The proposed improvements to the site do not impact any of the public utilities. Stormwater improvements are required and will be constructed to treat and detain the storm water from the covered structures. A preliminary stormwater memorandum is attached to this application as Appendix 1.

#### *C. General Standards.*

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

**Response:** The District is not proposing any new public utility improvements with the proposed site improvements. The proposed stormwater improvements will be located, designed and constructed in conformance with the Newberg public works design and construction standards.

*F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards.*

**Response:** Easements for on-site public and private utilities will be provided where required. As proposed, this criterion is satisfied.

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

*C. General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The*





*developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.*

**Response:** New on-site stormwater will be collected and over detained near the covered play area associated with CVMS. The stormwater will be treated and conveyed to an existing on-site storm line. More specific details can be found in Appendix 1 and on sheets C4.1 and C4.2 of the plan set.

*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.*

**Response:** A preliminary stormwater memorandum, prepared by a professional and licensed engineer within the State of Oregon has been prepared and submitted along with this application. The plan includes methods, proposed facilities, and calculations to support the design of the system. Specific erosion control plans for the proposed improvements are included in sheets C3.0 – C3.5 of the proposed plan set. Proposed erosion control will include best management practices as prescribed by the Oregon Department of Environmental Quality (DEQ).

*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.*

**Response:** Noted. The project engineer is aware of this requirement and has designed the improvements with the applicable design and construction standards in mind.



### III. CONCLUSION

This summary of the request and attachments demonstrate compliance with the City of Newberg applicable approval criteria for the proposed design review. The applicant respectfully requests that the City approve this request.

### IV. APPENDIX

1. Preliminary stormwater memorandum.
2. Title Report

### V. PLAN SETS

#### **Architectural**

- A3.00 – CVMS Covered Play Area Elevations
- A3.05 – ACES Covered Play Area Elevations

#### **Civil Plans**

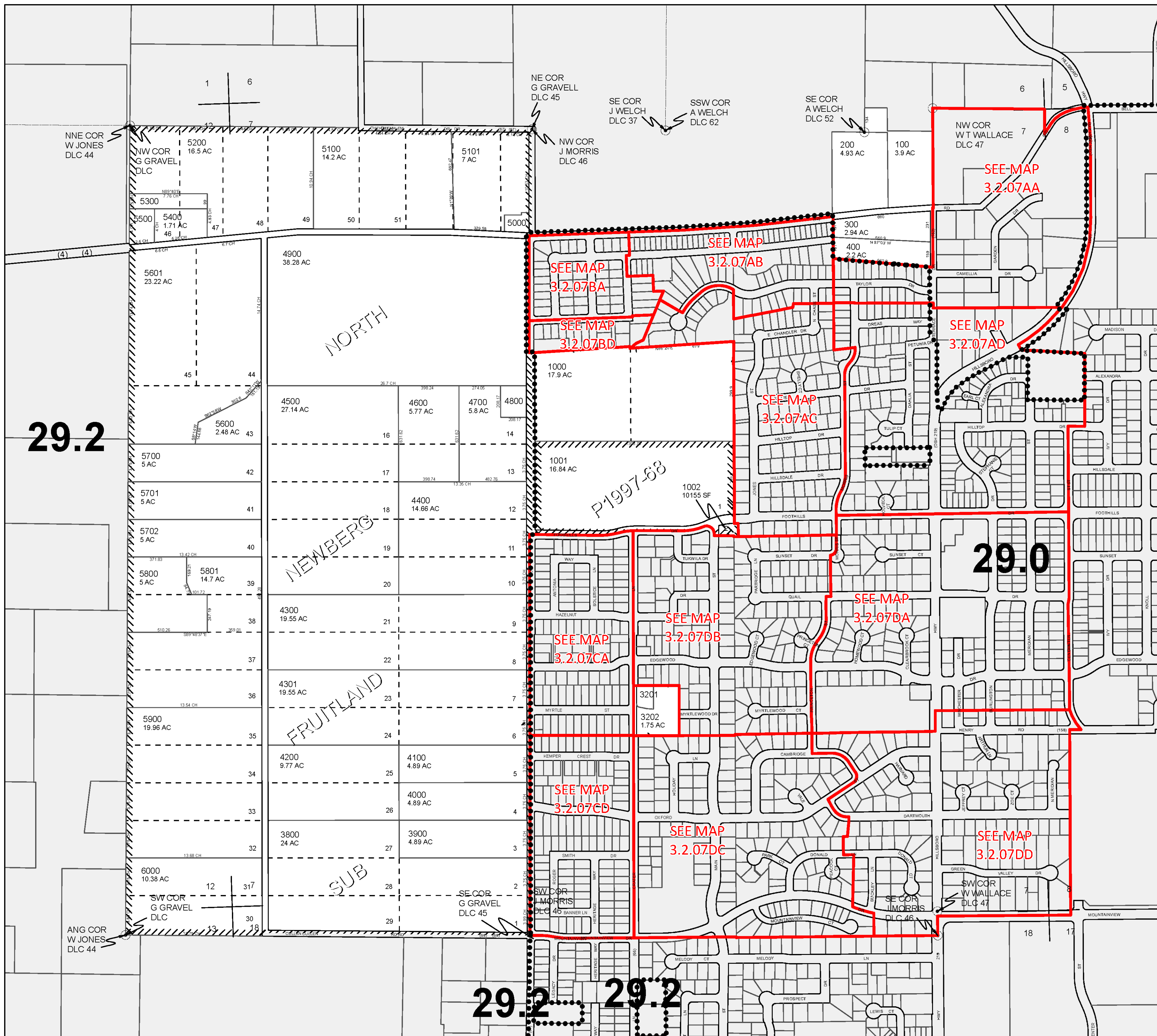
- C0.1 – Title Sheet & General Arrangement
- C1.0 – Overview
- C1.3 – Demo and Existing Conditions Plan
- C1.4 – Demo and Existing Conditions Plan
- C1.5 – Demo and Existing Conditions Plan
- C2.1 – Demo & Site Plan
- C2.1A – Demo & Site Plan
- C2.2 – Demo & Site Plan
- C2.3 – Site Plan
- C2.4 – Site Plan
- C2.5 – Site Plan
- C2.6 – Civil Improvements Enlargement
- C2.7 – Civil Improvements Enlargement
- C3.0 – Grading & Erosion Control Cover
- C3.0A – Grading and Erosion Notes
- C3.1 – Grading and Erosion Control Plan
- C3.2 – Grading and Erosion Control Plan
- C3.3 – Grading and Erosion Control Plan
- C3.4 – Grading and Erosion Control Plan
- C3.5 – Grading and Erosion Control Plan
- C4.1 – Chehalem Valley Storm Plan & Details
- C4.2 – Antonio Crater Storm Plan & Details
- C5.1 – Civil Details
- C5.2 – Civil Details





ASSESSMENT & TAX  
CARTOGRAPHY

SECTION 7 T.3S. R.2W. W.M.  
YAMHILL COUNTY OREGON  
1" = 400'



CANCELLED TAXLOTS:

3704	1801
3703	1800
3702	1700
3701	1600
3700	1500
3600	1400
3500	1300
3400	1200
3300	1100
3203	1003
3200	500
3100	602
3002	700
3001	800
3000	600
2900	601
2800	
2700	
2600	
2503	
2502	
2501	
2500	
2400	
2300	
2200	
2100	
2000	
1901	
1900	

DATE PRINTED: 7/8/2021

This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.

**PRE-APPLICATION MEETING NOTES**

**DATE OF PRE-APPLICATION MEETING:** 09/01/21, PRE21-0022

**MEETING TYPE:** Video Conference call

**SUBJECT PROPERTY ADDRESS:** 403 W Foothills Dr. (203 and 101 W Foothills Dr.)

**TAXMAP ID:** R3207 01001

**ZONING DISTRICT:** R1 Low Density Residential

**REQUESTOR'S NAME/BUSINESS:** Newberg Public Schools

**REQUEST DESCRIPTION:** construction of 3 covered play areas.

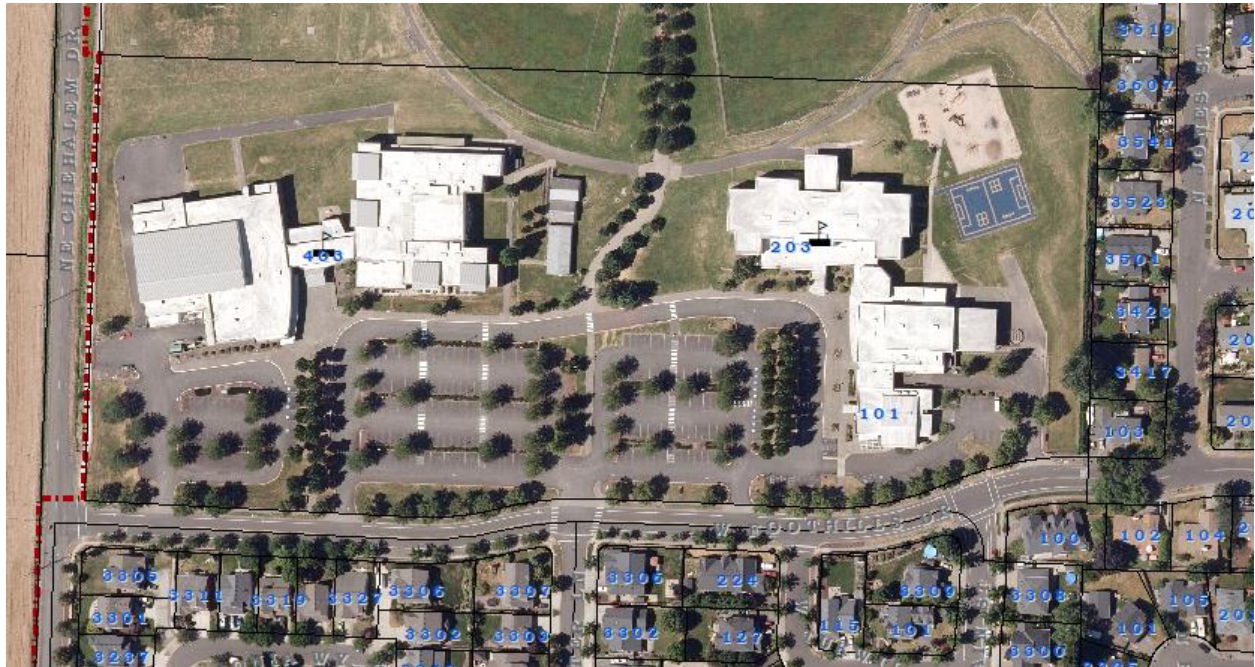
**PROPOSED USE ALLOWED:** Yes – NMC 15.305.020 #330 Schools

**Summary of Existing Land Use Characteristics:** 3 covered play areas

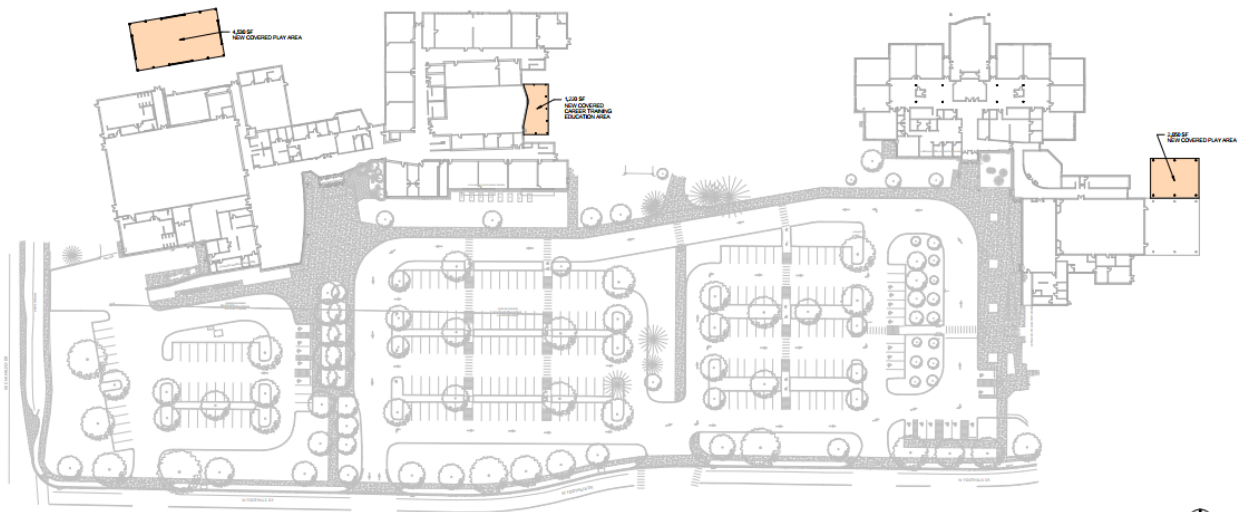
**PARTICIPANTS**

<b>APPLICANT</b>	<b>CITY STAFF</b>
Brad Kilby - Harper Houf Peterson Righellis, Inc.	Brett Musick (Host) - ENG
Newberg Public Schools	Keith Leonard – CDD
	Kristen Svicarovich - ENG
	Brett Musick – ENG
	Jared Bradbury – BLD
	Ty Darby- TVF&R





**Aerial Photo**



**SITE PLAN**

**TUALATIN VALLEY FIRE & RESCUE COMMENTS:**

- Fire flow analysis required; closest hydrant is located at entrance.
- Hydrant no further than 600 feet from school.
  - Contact Ty Darby: [Ty.Darby@tvfr.com](mailto:Ty.Darby@tvfr.com)

**BUILDING SAFETY DIVISION COMMENTS:** Contact: Jared Bradbury:

[Jared.Bradbury@newbergoregon.gov](mailto:Jared.Bradbury@newbergoregon.gov)

**ENGINEERING COMMENTS:**

**Street:** NE Chehalem Drive is classified as a major collector and is under the jurisdictional authority of Yamhill County. W Foothills Drive is classified as a major collector and is under the jurisdictional authority of the City of Newberg. Information regarding existing right-of-way and required cross-sections can be seen below and is consistent with the City’s Transportation System Plan.

Roadway	Functional Classification	Existing Right-of-way	Existing Pavement Width	Minimum Right-of-way	Minimum Pavement Width	Typical Cross-Section (per Transportation System Plan)
NE Chehalem Drive	<b>Major Collector</b> (57-feet to 80-feet)	Approx. 58-feet	Approx. 24-feet	60-feet  For typical section per TSP.	36-feet	<ul style="list-style-type: none"><li>• 1-foot from back of walk to right-of-way</li><li>• 5-foot sidewalk</li><li>• 5.5-foot planter*</li><li>• 0.5-foot curb</li><li>• 6-foot bike lane</li><li>• 12-foot travel lane</li><li>• 12-foot travel lane</li><li>• 6-foot bike lane</li><li>• 0.5-foot curb</li><li>• 5.5-foot planter*</li><li>• 5-foot sidewalk</li><li>• 1-foot from back of walk to right-of-way</li></ul>
Roadway	Functional Classification	Existing Right-of-way	Existing Pavement Width	Minimum Right-of-way	Minimum Pavement Width	Typical Cross-Section (per Transportation System Plan)
W Foothills Drive	<b>Major Collector</b> (57-feet to 80-feet)	Approx. 62-feet	Approx. 42-feet	60-feet  For typical section per TSP.	36-feet	<ul style="list-style-type: none"><li>• 1-foot from back of walk to right-of-way</li><li>• 5-foot sidewalk</li><li>• 5.5-foot planter*</li><li>• 0.5-foot curb</li><li>• 6-foot bike lane</li><li>• 12-foot travel lane</li></ul>



						<ul style="list-style-type: none"> <li>• 12-foot travel lane</li> <li>• 6-foot bike lane</li> <li>• 0.5-foot curb</li> <li>• 5.5-foot planter*</li> <li>• 5-foot sidewalk</li> <li>• 1-foot from back of walk to right-of-way</li> </ul>
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\*5-foot minimum per NMC 15.505.030(G)(8)

If more than \$30,000 of improvements are made to the property, street/frontage improvements can be required, see NMC 12.05.090.

***12.05.090 Permits and certificates.***

*A. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is \$30,000 or more except as the city engineer may require on building permits of lesser value in accordance with NMC [12.05.040](#), the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:*

- 1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.*
- 2. Dedicate right-of-way in accordance with the city transportation plan.*

It appears that frontage improvements along W Foothills Drive have been completed. The applicant will be responsible for repairing any sidewalk panels not meeting current ADA standards along with any non-compliant ADA ramps. The applicant will also need to verify that lighting levels are met and add street lighting if necessary.

On NE Chehalem Drive, the applicant will be required to dedicate any necessary right-of-way, and construct curb, gutter, sidewalk, and planter strips as part of the proposed improvements. The applicant will also be required to evaluate street lighting and if street lighting standards are not met, they'll need to upgrade/install street lighting to meet current standards. There is an existing sidewalk along the west side of the school that connects to the Gracie's Landing Subdivision to the north.

The applicant needs to prepare a project boundary and then, and then a discussion regarding proportionality will need to occur to determine the extent of required public improvements.

**Wastewater:** The City's GIS system shows there is an existing 8-inch wastewater line in NE Chehalem Drive and an existing 8-inch wastewater line that runs north-south through the

property on the Crater Lane alignment. The applicant has not indicated a need for modification to the existing wastewater system.

**Water:** The City's GIS system shows there is an existing 8-inch water line in NE Chehalem Drive and an existing 10-inch water line in W Foothills Drive. The applicant has not indicated a need for modification to the existing wastewater system.

It's possible that an additional fire hydrant may be needed in order to access the western covered play structure. Coordinate with TVF&R.

**Stormwater:** There is an existing 27-inch stormwater line located in W Foothills Drive. If the applicant is proposing to create more than 500 sqft, the quantity and quality of stormwater will need to be treated and a stormwater report completed by a licensed professional civil engineer (PWDCS 4.6 and NMC 13.25.280) will be required per the Public Works Design and Construction Standards. The applicant should document all existing and proposed impervious surface areas prior to site work to document any credits for impervious surface areas.

The applicant will need to execute a Private Stormwater Maintenance Agreement with the City of Newberg for the proposed private stormwater facility.

**Erosion and Sedimentation Control (ESC):** A City issued Erosion Control and Sedimentation Plan/Permit will be required for any site disturbance. The permit can be found online here: <https://www.newbergoregon.gov/engineering/page/erosion-sedimentation-control-permit-application>

**Other Utilities:** Any new/modified service connection to the property is required to be undergrounded. See NMC 15.430.010 for provisions.

**Notes:** The City's GIS System can be accessed online to view utility and planning maps: <http://www.newbergoregon.gov/planning/page/interactive-city-map>

**General Comment:** The engineering pre-application notes provided are preliminary based on the information provided by the applicant and may not cover all of the development issues or requirements for the project. When a complete application is received and a full review is conducted, it may be determined that additional requirements to meet the Municipal Code or the Public Works Design and Construction Standards exist.

The Engineering Department also administers/assigns System Development Charges (SDCs) for the following utilities:

- Transportation System Development Charge
- Water System Development Charge
- Wastewater System Development Charge
- Stormwater System Development Charge
- Non-Potable System Development Charge

**\*ALL SDC FEES ARE APPROXIMATE (rounded to the nearest \$50) AND SUBJECT TO CHANGE – See City’s Current Fees for exact costs. Based on July 1, 2020 Master Fee Schedule**

**\*Transportation SDC** – Transportation SDC are based on the land use and the associated trip rate.

- $SDC = \text{Unit} \times \text{ITE Trip Rate} \times 1.68 \times \$3,950$

**\*Water SDC** – Water SDCs are based on the meter size.

- 5/8” – 3/4” Meter      \$5,700
- 1” Meter                      \$9,700
- 1.25” Meter                \$14,300
- 2” Meter                      \$30,250

**\*Wastewater SDC** – Wastewater SDCs are based on fixture units which are defined in the Uniform Plumbing Code.

- For the first 18 fixture units    \$7,100
- Per each fixture unit over 18    \$400

**\*Stormwater SDC** – Stormwater SDCs are based on net new impervious surface areas on the property.

- Single Family                                      1 EDU (Equivalent Dwelling Unit) = \$400
- Other Than Single Family                       $\text{Impervious Area}/2877 = \#\text{EDU} \times \$400$

**\*Non-Potable SDC** – Water SDCs are based on the meter size.

- 3/4” Meter                      \$3,750
- 1” Meter                        \$6,400
- 1.25” Meter                    \$9,400
- 1.5” Meter                      \$12,400

Contact: Kristen Svcarovich: [kristen.svcarovich@newbergoregon.gov](mailto:kristen.svcarovich@newbergoregon.gov)

**PLANNING COMMENTS:**

**Application:** Both partition and design review require a Type II Application that can be found here

**Fees:** Page 4 of the Type II Application. Make sure to add the 5% technology to the total permit cost. Fee typically increase on April 1<sup>st</sup> of each year.

## Procedures:

**Completeness Check:** Submit two paper copies of your application for the Engineering and Planning Divisions to review. Typically completeness check takes two weeks. We will send a letter to you notifying you if your application is complete or if we need additional information and a second completeness check submittal.

**Notice:** All property owners within 500 feet of subject property, sign(s) posted on each street frontage no greater than 600 feet apart.

**Review Time Frame:** Typically, 4-6 weeks. However, staffing level and current workload can extend the typical review timeframe. We will send a Notice of Decision to those listed on the Type II application. There is a 14-day waiting period before the Notice of Decision becomes final.

## Development Notes:

15.410.040 Setback and yard restrictions as to schools, churches, public buildings.

A. Building Setback. No buildings shall be erected, used or maintained for a school, church or public or semi-public building or use, institution or similar use under the regulations of this code unless such building is removed at least 25 feet from every boundary line of any property included in any residential district.

### Development Standards Summary

**Setbacks:** at least 25 feet from every boundary line of any property included in any residential district.

**Vision clearance setback:** n/a

**Lot coverage:** n/a

**Landscaping:** Street trees in wells required along the frontages. n/a for project

**Building height:** up to 30 feet

**Exterior lighting:** light trespass limited to 0.5 foot-candles at the property line. Shielded exterior lights (see code section 15.425).

**Parking:** n/a for covered play structures

**Design compatibility:** The design compatibility criterion is fairly broad and covers design/landscaping/building bulk/light impact/etc. The design should harmonize with nearby buildings, and try to buffer the residential building to the south in some ways.

B. Required Yard. No required front or interior yard of the lot on which such building or use is located shall be used for play or parking purposes. [Ord. 2451, 12-2-96. Code 2001 § 151.553.]

### 15.220.020 Site design review applicability.

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

2. Type II.

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

**15.100.140 Permit decision – Type II.**

- A. The director shall approve or deny the development permit for a Type II action within 60 days of accepting a complete permit application, unless it is a subdivision which has been converted to a Type III process pursuant to NMC 15.235.030(A).
- B. The applicant shall provide notice pursuant to NMC 15.100.200 et seq. together with a 14-day comment period for the submission of written comments prior to the decision.
- C. The decision of the director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.
- D. The director shall notify the applicant and others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to NMC 15.100.160 et seq. A decision on a Type II development shall take effect on the fifteenth day following the notice of a decision unless an appeal is filed pursuant to NMC 15.100.160 et seq.
- E. Approval or denial of a Type II development permit application shall be accompanied by written findings that explain the criteria, facts and justification for the decision.
- F. The director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.
- G. The director shall deny the permit application if required approvals are not obtained or the application otherwise fails to comply with code requirements.
- H. Notice of approval or denial of a Type II decision shall be provided to the applicant, parties providing written testimony, or anyone requesting such notice. Notice shall include a description of the item, the decision, conditions that may have been added, and the rights of appeal.

**15.100.210 Mailed notice. Mailed notice shall be provided as follows:**

- B. Type II and Type III Actions. The applicant shall provide public notice to:
1. The owner of the site for which the application is made; and
  2. Owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.
  3. To the owner of a public use airport, subject to the provisions of ORS 215.416 or 227.175.

C. The director may request that the applicant provide notice to people other than those required in this section if the director believes they are affected or otherwise represent an interest that may be affected by the proposed development. This includes, but is not limited to, neighborhood associations, other governmental agencies, or other parties the director believes may be affected by the decision.

D. The director shall provide the applicant with the following information regarding the mailing of notice:

1. The latest date by which the notice must be mailed;
2. An affidavit of mailing (to be signed and returned) certifying that the notice was mailed, acknowledging that a failure to mail the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledging that failure to mail will result in the automatic postponement of a decision on the application; and
3. A sample notice.

E. The notice of a Type II and Type III development application shall be reasonably calculated to give actual notice and shall:

1. Set forth the street address or other easily understood geographical reference to the subject property;
2. List, by commonly used citation, the applicable criteria for the decision;
3. Include the name and phone number of a local government contact person, the telephone number where additional information may be obtained and where information may be examined;
4. Explain the nature of the application and the proposed use or uses which could be authorized;
5. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.

F. Prior to mailing or posting any notice required by this code, the applicant shall submit a copy of the notice to the director.

G. The applicant shall mail the notice for Type II actions at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.

H. The applicant shall mail the notice for Type III actions at least 20 days before the first new hearing, or if two or more new hearings are allowed, 10 days before the first new hearing. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.

I. All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. An affidavit of mailing issued by the person



conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the affidavit.

J. Failure to mail the notice and affirm that the mailing was completed in conformance with the code shall result in:

1. Postponement of a decision until the mailing requirements have been met; or
2. Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
3. The entire process being invalidated; or
4. Denial of the application.

### **15.100.220 Additional notice procedures of Type II development applications.**

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

- A. Provide a 14-day period from the date of mailing for the submission of written comments prior to the decision;
- B. State that issues that may provide a basis for appeal must be raised in writing during the comment period;
- C. State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;
- D. State the place, date and time that comments are due;
- E. State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (A) of this section;
- F. Briefly summarize the local decision-making process.
- G. Type II notice for subdivisions shall also include a description of how an interested party may request a public hearing before the planning commission.

### **Requirements**

#### **15.220.030 Site design review requirements.**

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

1. Site Development Plan. A site development plan shall be to scale and shall indicate the following as appropriate to the nature of the use:
  - a. Access to site from adjacent right-of-way, streets and arterials;
  - b. Parking and circulation areas;
  - c. Location and design of buildings and signs;
  - d. Orientation of windows and doors;
  - e. Entrances and exits;
  - f. Private and shared outdoor recreation spaces;
  - g. Pedestrian circulation;
  - h. Outdoor play areas;

- i. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
  - j. Areas to be landscaped;
  - k. Exterior lighting;
  - l. Special provisions for handicapped persons;
  - m. Other site elements and spaces which will assist in the evaluation of site development;
  - n. Proposed grading, slopes, and proposed drainage;
  - o. Location and access to utilities including hydrant locations; and
  - p. Streets, driveways, and sidewalks.
2. Site Analysis Diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics on the site and within 100 feet of the site:
- a. Relationship of adjacent lands;
  - b. Location of species of trees greater than four inches in diameter at four feet above ground level;
  - c. Existing and proposed topography;
  - d. Natural drainage and proposed drainage and grading;
  - e. Natural features and structures having a visual or other significant relationship with the site.
3. Architectural Drawings. Architectural drawings shall be prepared which identify floor plans and elevations.
4. Landscape Plan. The landscape plan shall indicate:
- a. The size, species and approximate locations of plant materials to be retained or placed on the site together with a statement which indicates the mature size and canopy shape of all plant materials;
  - b. Proposed site contouring; and
  - c. A calculation of the percentage of the site to be landscaped.
5. Special Needs for Handicapped. Where appropriate, the design review plan shall indicate compliance with handicapped accessibility requirements including, but not limited to, the location of handicapped parking spaces, the location of accessible routes from the entrance to the public way, and ramps for wheelchairs.
6. Existing Features and Natural Landscape. The plans shall indicate existing landscaping and existing grades. Existing trees or other features intended to be preserved or removed shall be indicated on the plans.
7. Drives, Parking and Circulation. Proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points shall be indicated on the plans. Dimensions shall be provided on the plans for parking aisles, back-up areas, and other items as appropriate.
8. Drainage. The direction and location of on- and off-site drainage shall be indicated on the plans. This shall include, but not be limited to, site drainage, parking lot drainage, size

and location of storm drain lines, and any retention or detention facilities necessary for the project.

9. Buffering and Screening. Buffering and screening of areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be shown on the plans.

10. Signs and Graphics. The location, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features shall be shown on the plans.

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

12. Trash and Refuse Storage. All trash or refuse storage areas, along with appropriate screening, shall be indicated on the plans. Refuse storage areas must be constructed of brick, concrete block or other similar products as approved by the director.

13. Roadways and Utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.

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.

#### **15.220.050 Criteria for design review (Type II process).**

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

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

2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010.

Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall

be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

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

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

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

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

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

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

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

#### **15.220.030.B SITE DESIGN REVIEW REQUIREMENTS (for Type 2)**

- **15.410.020 Front yard setback.**

- A. Residential

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

- **15.410.030 Interior yard setback.**

- A. Residential.

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

- 15.410.040 Setback and yard restrictions as to schools, churches, public buildings. Share
  - A. Building Setback. No buildings shall be erected, used or maintained for a school, church or public or semi-public building or use, institution or similar use under the regulations of this code unless such building is removed at least 25 feet from every boundary line of any property included in any residential district.
  - B. Required Yard. No required front or interior yard of the lot on which such building or use is located shall be used for play or parking purposes. [Ord. 2451, 12-2-96. Code 2001 § 151.553.
- **15.415.020 Building height limitation.**
  - A. Residential.
    1. In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height.

**LANDSCAPING (landscaping should be sufficient but make sure to write a compliance statement in the applicant’s narrative addressing the landscaping standards)**

- 15.420.010 Required minimum standards.
- 15.420.020 Landscaping and amenities in public rights-of-way.
- 

**EXTERIOR LIGHTING (unless new lighting is being added this criteria should be N/A but make sure to write a compliance statement in the applicant’s narrative)**

**PARKING**

**15.440.030 Parking spaces required.**

Schools	Elementary or junior high, 1-1/2 for each teaching station plus 4 for every classroom, or 1 for every 42 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area
Schools	High schools, 1-1/2 for each teaching station, plus 8 for every classroom, or 1 for every 28 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area

**15.505 PUBLIC IMPROVEMENTS STANDARDS:** applicable per Engineering’s direction

- Will accept building permit plans for review after the Notice of Decision is released plus a 2 week period (mandatory appeals period) where the decision can be appealed to the Planning Commission.

**Link to application:** <https://www.newbergoregon.gov/planning/page/type-ii-application-land-use-decision>

**General Comment:** The planning pre-application notes provided are preliminary based on the information provided by the applicant and may not cover all of the development issues or requirements for the project. When a complete application is received and a full review is conducted, it may be determined that additional information or other regulations within the Municipal Code apply that were not determine during the limited pre-application review.

Contact: Keith Leonard [keith.leonard@newbergoregon.gov](mailto:keith.leonard@newbergoregon.gov)



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### Appendix A

Stormwater Basin Maps

### Appendix B

Stormwater Details

### Appendix C

Proposed Utility Plan

# Project Overview and Description

## *Purpose of this report*

This report describes the stormwater management design strategies for the proposed development. The basis for this report are the City of Newberg stormwater requirements and the requirements outlined therein. The purpose of the proposed stormwater management facilities is to protect existing public stormwater infrastructure and improve the overall health of the watershed.

## *Project Location*

The project site is located at 403 W Foothills Dr, Newberg, OR 97132 consists of approximately 16.83 acres of private land in the City of Newberg, Oregon. See Figure 1 below for the Vicinity Map.

The proposed building addition, renovations and exterior site improvements will result in a net positive area of treatment per current City of Newberg LIDA form requirements.

Figure 1: Vicinity Map



## *Type of Development and Proposed Improvements*

### *On-site*

The project will include the demolition of one modular classroom. Site improvements include the south east parking lot resurfacing. The north west drive aisle will have proposed structure of approximately 4,744 sf that covers approximately 1,177 sf of existing impervious area, a storm planter of 300 sf and a replaced existing sidewalk. East side of Chehalem Valley middle school will add approximately 1,577 sf of impervious roof space and remove approximately 1,910 sf of portable classrooms and 760 sf of impervious ramp

surface. New Covered Play east side of the campus new proposed impervious area 3,616 sf that covers approximately 1,115 sf of existing impervious area to be removed. 1,206 SF New impervious hardscape to be added south of Antonia Crater Elementary school building and around new ADA parking space

**Existing vs. Post-construction Conditions**

The grades for the majority of the site are level however sheds north west to south east.

Table 1: On-Site Existing Removed and Post-Development Areas

	Ex. Impervious Hardscape Area Remain (sf)	New Impervious Hardscape Area (sf)	Ex. Impervious Roof Area (sf)	New Impervious Roof Area (sf)	Total Impervious Area (sf)
Existing Removed	3,052	0	1,910	0	4,962
Post-Developed	0	1,206	0	8,360	8,360
				Net Area (sf)	4,604

**Methodology**

At a minimum, the City of Newberg requires that the post-development runoff rate does not exceed the pre-development runoff rate, and that all stormwater quality facilities meet design requirements of the current City of Newberg LIDA Form. Therefore, the initial design investigations followed those required by the LIDA, which were to determine if it was possible to manage storm via a flow-through planter. The planter is sized per a sizing factor of 0.060 or impervious area required to be treated.

Table 2: City of Newberg LIDA Sizing

Area	Impervious Hardscape Area (sf)	Impervious Roof Area (sf)	Total Impervious Area (sf)	Facility Sizing Factor (Flow Through Planter)	Required Planter Size (sf)	Actual Planter Size (sf)
Cover Play	4,744	0	4,744			
	Required treatment total area:		4,744	6%	285	300

**Drainage and Conveyance**

The proposed development consists of approximately 12.1 total acres, with predevelopment impervious area of approximately 3,847 sf and a post development area of approximately 8,360 sf providing a proposed net new impervious area of approximately 4,513 sf.

The new proposed cover on the north west section of the property consisting of approximately 4744 sf. Through a single roof drain, drains directly into Flow-through planter of 300 sf. Will ultimately discharge to the existing municipal system at the western portion of main campus along NE Chehalem Dr. of the main campus.

### ***Flow Control***

As outlined in the City of Newberg requirements, onsite storm quantity detention facilities shall be designed to capture, detain, and release runoff of the 2, 5, 10, and 25-year design storms at a rate equal or less than the predevelopment discharge rate.

### ***LIDA Water Quality***

As outlined in the City of Newberg requirements, onsite storm quantity detention facilities shall be designed to capture, detain, and release runoff of the 2, 5, 10, and 25-year design storms at a rate equal or less than the predevelopment discharge rate.

## **Engineering Conclusion**

Based on the requirements of LIDA and the engineering assumptions and calculations detailed in this report, all facility components are anticipated to have enough capacity to manage flow control and are designed to treat to the necessary level of pollution reduction.

## **Operations and Maintenance**

In order for the stormwater detention facilities to operate at acceptable levels, regular maintenance and inspection is required. An Operations and Maintenance Plan that provides instruction and procedures for maintaining these facilities will be developed and provided to the property owner.

The party to perform maintenance shall enter into a maintenance agreement with the city that is recorded in the deed records of Yamhill County, Oregon.

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*10101700019- bd*

# Appendix A

## Stormwater Basin Maps



# Appendix B

## Stormwater Details

# Appendix C

## Proposed Utility Plan











































































































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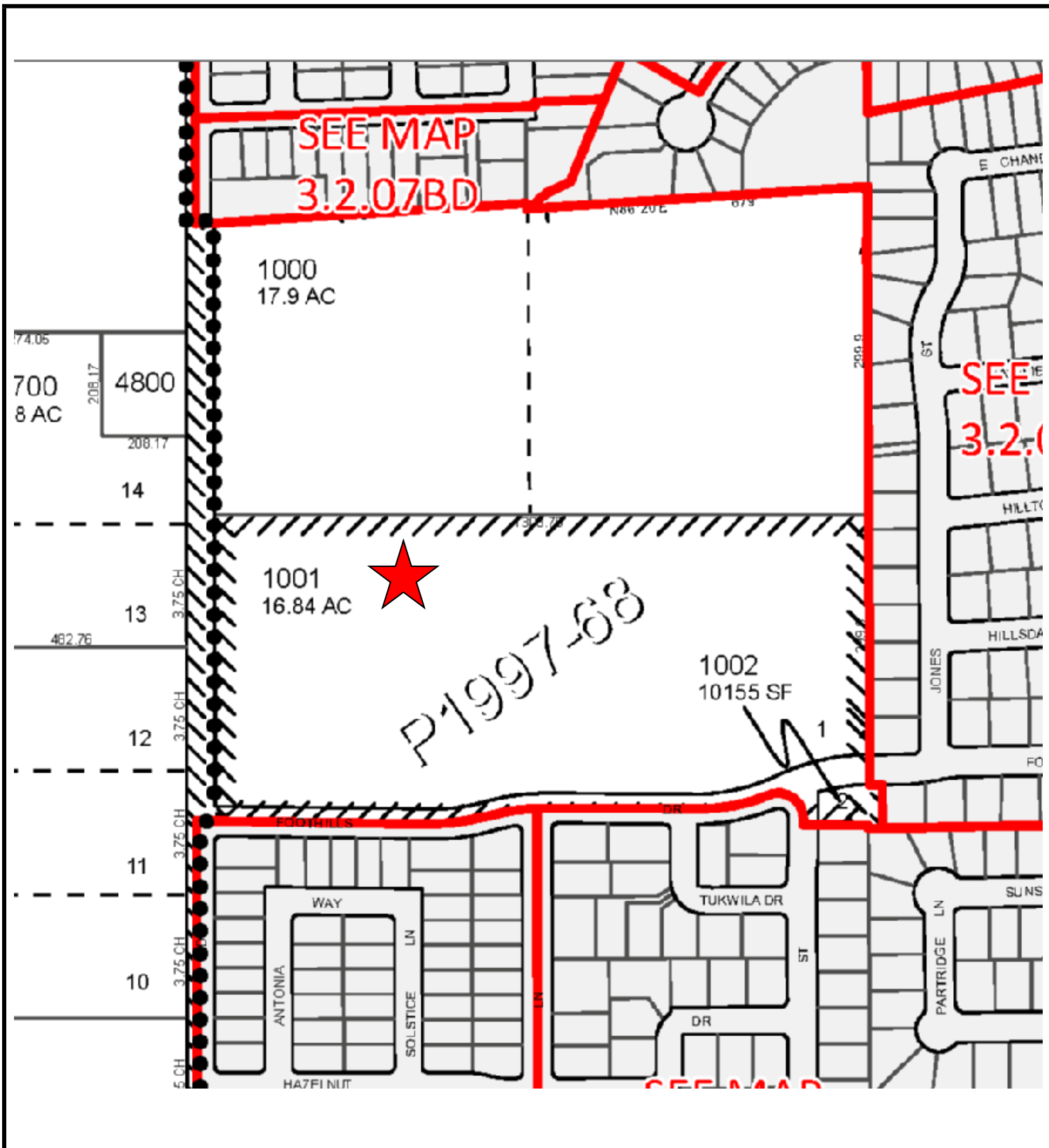
# **SAMPLE** LAND USE NOTICE

**File Number:** PRE21-0022

**Proposal:** The Newberg School District is proposing to add a covered outdoor Recreation area and covered work area at Chehalem Valley Middle School

**For Further Information:**

City of Newberg  
Community Development Department  
414 E. First Street  
(503)537-1240



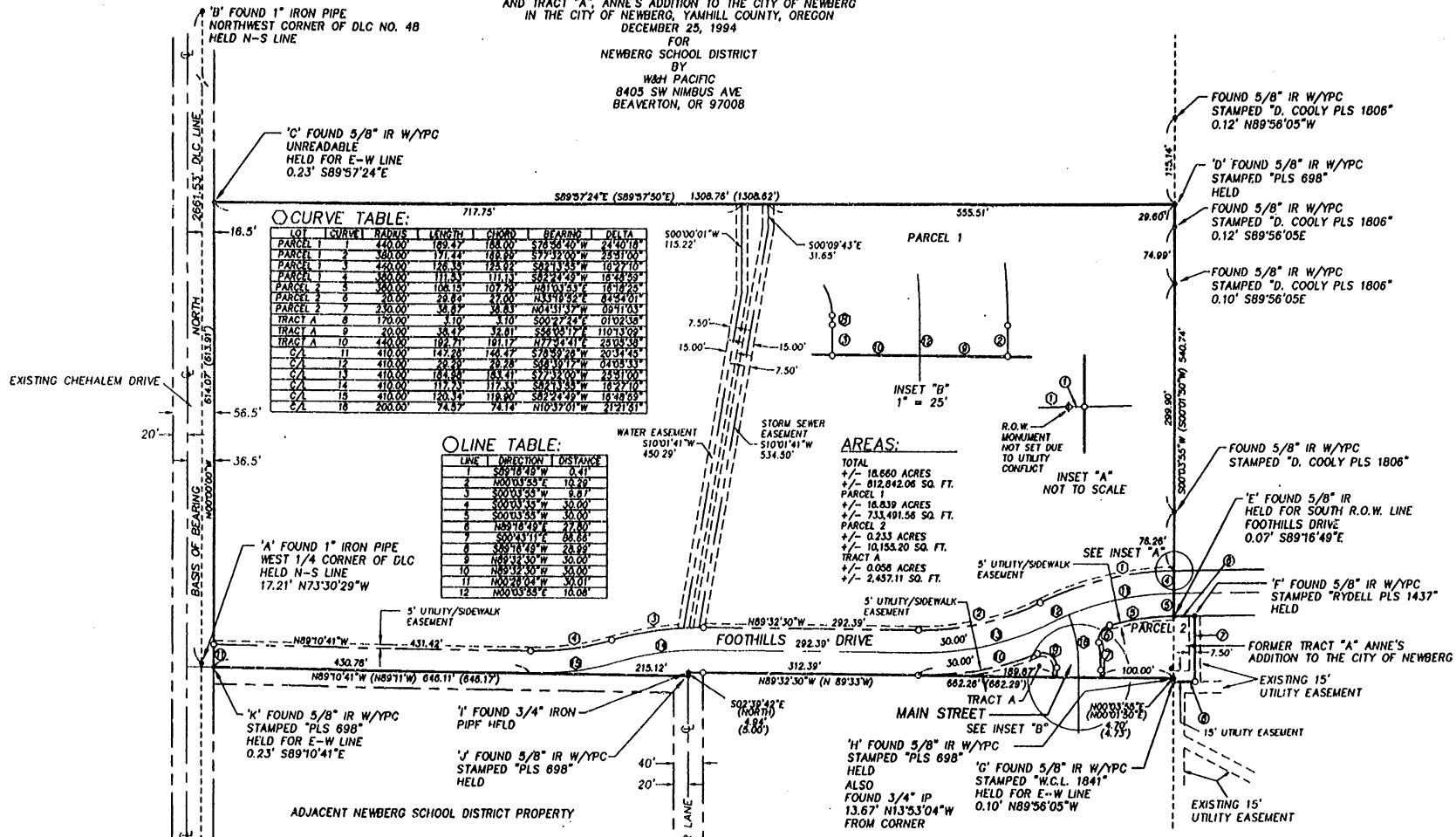
403 W Foothills Dr  
Newberg, OR 97132

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF

PARTITION PLAT NO.: 97-68

LOCATED IN THE  
NW 1/4 AND NE 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST, W.M.  
AND TRACT "A", ANNE'S ADDITION TO THE CITY OF NEWBERG  
IN THE CITY OF NEWBERG, YAMHILL COUNTY, OREGON  
DECEMBER 25, 1994

FOR  
NEWBERG SCHOOL DISTRICT  
BY  
W&P PACIFIC  
8405 SW NIMBUS AVE  
BEAVERTON, OR 97008



**CURVE TABLE:**

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
PARCEL 1	1	420.00	189.47	184.00	S78°58'40\"	214°01'00\"
PARCEL 1	2	380.00	171.44	168.00	S77°33'00\"	233°01'00\"
PARCEL 1	3	420.00	126.30	124.00	S89°13'45\"	109°29'10\"
PARCEL 1	4	300.00	111.33	111.10	S89°24'49\"	184°48'39\"
PARCEL 1	5	300.00	108.10	107.50	N81°03'51\"	167°26'30\"
PARCEL 2	6	300.00	28.88	27.00	N31°18'25\"	84°20'10\"
PARCEL 2	7	230.00	38.87	38.83	N04°31'37\"	08°11'03\"
TRACT A	8	170.00	3.10	3.10	S00°27'24\"	01°02'08\"
TRACT A	9	20.00	58.97	57.81	S85°05'17\"	110°33'09\"
TRACT A	10	443.00	192.71	191.17	N77°24'41\"	230°33'30\"
C/A	11	410.00	147.28	146.47	S78°58'28\"	203°14'45\"
C/A	12	410.00	28.39	28.28	S08°38'17\"	04°03'33\"
C/A	13	410.00	124.38	123.41	S77°33'00\"	223°01'00\"
C/A	14	410.00	117.33	117.33	S89°13'45\"	182°27'10\"
C/A	15	410.00	120.34	118.90	S89°24'49\"	184°48'39\"
C/A	16	200.00	74.37	74.18	N10°37'01\"	21°21'51\"

**LINE TABLE:**

LINE	DIRECTION	DISTANCE
1	S89°18'48\"	0.41'
2	N00°03'53\"	12.29'
3	S00°03'25\"	8.87'
4	S00°03'15\"	30.00'
5	S00°03'55\"	30.00'
6	N89°18'48\"	27.80'
7	S00°24'11\"	28.54'
8	S89°18'48\"	28.52'
9	N89°32'30\"	30.00'
10	N89°32'30\"	30.00'
11	N00°20'04\"	30.01'
12	N00°03'53\"	10.08'

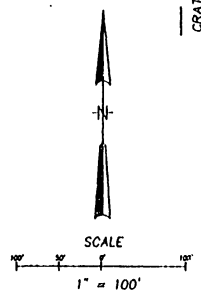
**AREAS:**

TOTAL	+/- 18.660 ACRES
	+/- 812,842.06 SQ. FT.
PARCEL 1	+/- 18.839 ACRES
	+/- 733,491.56 SQ. FT.
PARCEL 2	+/- 0.233 ACRES
	+/- 10,155.20 SQ. FT.
TRACT A	+/- 0.068 ACRES
	+/- 2,437.11 SQ. FT.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

JOHN D. PUTNAM  
2676

RENEWAL: 12-31-96



- LEGEND:**
- RIGHT-OF-WAY LINE
  - CENTER LINE
  - EXISTING SURVEY LINE
  - EASEMENT LINE
  - FOUND MONUMENT AS NOTED
  - SET 5/8"x30" IR W/YPC STAMPED "W&P PACIFIC"
  - IR IRON ROD
  - IP IRON PIPE
  - W/YPC WITH YELLOW PLASTIC CAP
  - (.....) MEASUREMENT OF RECORD
  - R.O.W. RIGHT OF WAY



PARTITION PLAT NO.: 97-68

LOCATED IN THE NW 1/4 AND NE 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST, W.M. AND TRACT "A", ANNE'S ADDITION TO THE CITY OF NEWBERG IN THE CITY OF NEWBERG, YAMHILL COUNTY, OREGON DECEMBER 25, 1994

FOR NEWBERG SCHOOL DISTRICT BY W&H PACIFIC 8405 SW NIMBUS AVE BEAVERTON, OR 97008

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO PARTITION THAT LAND DESCRIBED AS FILM VOLUME 293, PAGE 0883, YAMHILL COUNTY DEED RECORDS AND TRACT "A" OF ANNE'S ADDITION TO THE CITY OF NEWBERG INTO TWO PARCELS, TWO ROADS AND ONE TRACT FOR THE NEWBERG SCHOOL DISTRICT.

THE WEST LINE OF THE JAMES MORRIS DONATION LAND CLAIM NO. 48 WAS DEVELOPED AS A BASIS OF BEARINGS BY HOLDING MONUMENT 'B' AS THE NORTHWEST CORNER AND MONUMENT 'A' AS A POINT ON LINE PER COUNTY SURVEY P-4789. THE WEST PROPERTY LINE WAS THEN ESTABLISHED PER DEED AS BEING 18.50 FEET EAST OF AND PARALLEL TO THE WEST D.L.C. LINE WHEN MEASURED AT RIGHT ANGLES. MONUMENTS 'C' AND 'D' WERE HELD FOR LINE TO ESTABLISH THE NORTHERN PROPERTY LINE. THE EAST PROPERTY LINE WAS ESTABLISHED BY HOLDING THE LINE THAT BEST FITS THE MONUMENTS ALONG THE WEST LINE OF ANNE'S ADDITION TO THE CITY OF NEWBERG. MONUMENT 'F' WAS HELD AS THE NORTHEAST CORNER OF TRACT 'A' OF SAID ANNE'S ADDITION, WHILE MONUMENT 'E' WAS HELD FOR EAST-WEST LINE. FROM 'F', DEED BEARING AND DISTANCE WAS HELD TO THE SOUTHWEST CORNER OF ANNE'S ADDITION ALSO HOLDING MONUMENT 'G' FOR EAST-WEST LINE. FROM SAID SOUTHWEST CORNER MONUMENTS 'H', 'I', AND 'J' WERE HELD FOR POSITION AS PROPERTY CORNERS. FROM 'J', MONUMENT 'K' WAS HELD FOR EAST-WEST LINE ON THE FINAL COURSE OF THE PROPERTY. ALL LINES ESTABLISHED BY HOLDING MONUMENTS WERE EXTENDED OR TRUNCATED TO MEET THEIR ADJACENT PROPERTY LINES.

SURVEYOR'S CERTIFICATE:

I, JOHN PUTNAM, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2676 IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LANDS REPRESENTED ON THIS PARTITION PLAT, WHOSE EXTERIOR LINES ARE AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE JAMES MORRIS DONATION LAND CLAIM NO. 48; THENCE SOUTH 2661.53 FEET; THENCE SOUTH 73°30'29" EAST, 17.21 FEET TO THE TRUE POINT OF BEGINNING, A FOUND 5/8" IRON ROD 'K'; THENCE NORTH 614.07 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF CHEHALEM DRIVE; THENCE ALONG THE NORTHERLY PROPERTY LINE SOUTH 89°57'24" EAST, 1308.76 FEET TO A FOUND 5/8" IRON ROD 'D' ON THE EASTERLY PROPERTY LINE; THENCE SOUTH 00°03'55" WEST, 540.74 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF FOOTHILLS DRIVE; THENCE ALONG SAID RIGHT-OF-WAY NORTH 89°16'49" EAST TO THE NORTHEAST CORNER OF TRACT "A", ANNE'S ADDITION TO THE CITY OF NEWBERG; THENCE SOUTH 00°43'11 EAST, 86.66 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE SOUTH 89°16'49" WEST, 28.99 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE ALONG THE WEST LINE OF ANNE'S ADDITION TO THE CITY OF NEWBERG NORTH 00°03'55" EAST, 4.70 FEET TO A FOUND 5/8" IRON ROD 'H'; THENCE ALONG THE SOUTHERLY PROPERTY LINES NORTH 89°32'30" WEST, 662.26 FEET TO A FOUND IRON PIPE 'I'; THENCE SOUTH 02°39'42" EAST, 4.94 FEET TO A FOUND 5/8" IRON ROD 'J'; THENCE NORTH 89°10'41" WEST, 646.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.66 ACRES MORE OR LESS.



DECLARATION:

KNOW IT ALL MEN BY THESE PRESENTS, THAT SHERRY AVERETT, ACTING ON BEHALF OF THE NEWBERG SCHOOL DISTRICT, THE OWNER OF THE LANDS DESCRIBED IN THE ACCOMPANYING SURVEYORS CERTIFICATE, DOES HEREBY MAKE, ESTABLISH, AND DECLARE THE ANNEXED PARTITION PLAT TO BE A TRUE AND CORRECT PLAT THEREOF, ALL PARCELS BEING OF DIMENSIONS SHOWN AND ALL STREETS AND EASEMENTS OF WIDTHS THEREIN SET FORTH AND HEREBY GRANT ALL STREETS & EASEMENTS AS SHOWN OR NOTED ON SAID MAP. THERE ARE NO WATER RIGHTS APPURTENANT TO THIS PLAT.

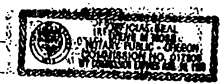
Sherry Averett, Director of Business Services, Newberg School District 29J

ACKNOWLEDGEMENT:

STATE OF OREGON } SS COUNTY OF YAMHILL }

THIS IS TO CERTIFY THAT ON THIS 2nd DAY OF March, 1995 BEFORE ME, A NOTARY, PERSONALLY APPEARED SHERRY AVERETT, PERSON NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND HE ACKNOWLEDGED TO ME THAT THE SAME WAS DONE FREELY AND VOLUNTARILY.

Jane M. Rose, Notary Public for the State of Oregon, My Commission Expires 8/17/96



REFERENCES:

- CSP 147-C, CSP 4765, CSP 8020, CSP 8225, CSP 8371, CSP 9523, QUAIL MEADOW PHASE 1, QUAIL MEADOW NO. 2, ANNE'S ADDITION TO THE CITY OF NEWBERG, ANNE'S ADDITION TO THE CITY OF NEWBERG PHASE II, VOLUME 293, PAGE 0883, YAMHILL COUNTY DEED RECORDS, CIRCUIT COURT CASE 82-1390

CITY OF NEWBERG APPROVALS:

APPROVED THIS 14th DAY OF Sept, 1995.

By: Jeff Swales, City of Newberg, Community Development Director

APPROVED THIS 14th DAY OF September, 1995.

By: John J. Reiner, Surveyor for the City of Newberg

APPROVED THIS 22nd DAY OF September, 1995.

By: Diane R. Bell, City Recorder for the City of Newberg

COUNTY APPROVALS:

ALL TAXES, FEES, OF OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID AS OF June 30, 1995. DIRECTOR OF ASSESSMENT & TAXATION (COUNTY ASSESSOR), YAMHILL COUNTY, OREGON.

By: Julia M. Higgins 6-3-97

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD ON \_\_\_\_\_ IN THE \_\_\_\_\_

Recorded in Official Yamhill County Records CHARLES STERN, COUNTY CLERK 7:00 AM 199710267 10:21am 10/30/97

Copy of form kept - School District Julia Higgins 7-14-97

Vol 4 Page 479-480



320 Church St. NE, Salem, OR 97301  
PHONE (503)581-1431 FAX (503)364-8716

---

To: FSBO

Date: October 6, 2021

Order No. 499659AM

Reference: 403 (203) W Foothills Dr  
Newberg, OR 97132

Attn: DO NOT ADD EMPLOYEES

Your File No.: Chehalem Valley Middle  
School

We have enclosed our Statut of Record Title Report pertaining to order number 499659AM.

***Thank you for the opportunity to serve you. Your business is appreciated!***

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

***Carlee Novak***

carlee.novak@amerititle.com

Title Officer

**NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.**



320 Church St. NE, Salem, OR 97301  
PHONE (503)581-1431 FAX (503)364-8716

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## STATUS OF RECORD TITLE

DO NOT ADD EMPLOYEES  
FSBO

October 6, 2021  
Title Number: 499659AM  
Title Officer: Carlee Novak  
Fee: \$200.00

Your Reference No. Chehalem Valley Middle School

### **We have searched the status of record title as to the following described property:**

Parcel 1 of Partition Plat 97-68, in the City of Newberg, recorded October 30, 1997 in Volume 4, Page 479 of Partition Plats, Yamhill County, Oregon,

#### Vestee:

**Newberg School District S9Jt**

and dated as of **October 1, 2021** at 7:30 a.m.

### **Said property is subject to the following on record matters:**

1. Taxes assessed under Code No. 29.0 Account No. [439706](#) Map No. R3207 01001, including the current fiscal year, not assessed because of Exempt School Improved Exemption. If the exempt status is terminated an additional tax may be levied.
2. City liens, if any, of the City of Newberg.  
(No inquiry has been made. If no search is requested, this exception will remain in the policy. A charge of \$25.00 per account will be added if a search is requested)
3. The property lies within and is subject to the levies and assessments of the Yamhill Soil and Water Conservation District.
4. Easement Agreement, including the terms and provisions thereof,  
Recorded: May 17, 1984  
Instrument No.: [Volume: 186 Page: 511](#)
5. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Recorded: September 8, 1993  
Instrument No.: [Film: 293 Page: 883](#)
6. Reservation of Mineral Rights, including the terms and provisions contained therein, in deed,  
Recorded: September 8, 1993  
Instrument No.: [Film: 293 Page: 883](#)  
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.



Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B.

The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

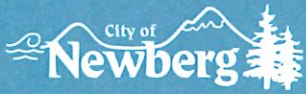
7. Restrictive Covenants regarding street and municipality utility improvements, including the terms and provisions thereof, and including among other things a waiver of right of remonstrance,  
Recorded: December 27, 1993  
Instrument No.: [Film: 300 Page: 870](#)
8. Easements as shown on the Partition [Plat No. 97-68](#).
9. Restrictive Covenants regarding street and utility improvements, including the terms and provisions thereof, and including among other things a waiver of right of remonstrance,  
Recorded: October 30, 1997  
Instrument No.: [1997-18268](#)
10. Agreement and the terms and conditions contained therein  
Between: Newberg School District 29 JT  
And: Del Boca Vista LLC, an Oregon limited liability company  
Purpose: Easement Agreement  
Recorded: July 28, 2017  
Instrument No.: [2017-12189](#)
11. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: City of Newberg  
Recorded: August 1, 2017  
Instrument No.: [2017-12515](#)

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

***"Superior Service with Commitment and Respect for Customers and Employees"***

**Attachment 2: Agency Comments**



Community Development Planning Division  
Land Use Application Referral

**REFERRAL TO:** Finance,

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: November 14, 2021. Please refer questions and comments to Doug Rux.

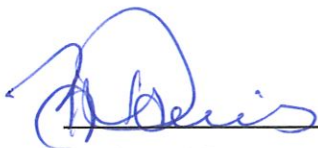
**NOTE: Full size plans are available at the Community Development Department Office.**

**APPLICANT:** Brad Kilby, Harper Houf Peterson Righellis, Inc. \_  
**REQUEST:** Construction of 1 covered play area, and 1 CTE Area  
**SITE ADDRESS:** 403 W Foothills Drive  
**LOCATION:** Middle School Campus  
**TAX LOT:** R3207 01001  
**FILE NO:** DR221-0008  
**ZONE:** R-1

**RECEIVED**  
**OCT 28 2021**  
Initial: \_\_\_\_\_

**HEARING DATE:** \_\_\_\_\_

- Reviewed, no conflict. *NO city Liens*
- Reviewed; recommend denial for the following reasons:
- Require additional information to review. (Please list information required)
- Meeting requested.
- Comments. (Attach additional pages as needed)

  
Reviewed By: \_\_\_\_\_

10/28/2021  
Date:





Community Development Planning Division  
Land Use Application Referral

**REFERRAL TO:** Police Department, Chief Jeff Kosmicki


The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: November 14, 2021. Please refer questions and comments to Doug Rux.

**NOTE: Full size plans are available at the Community Development Department Office.**

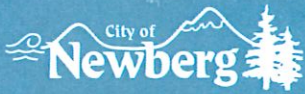
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**FILE NO:** DR221-0008  
**ZONE:** R-1

**HEARING DATE:** \_\_\_\_\_

- 
- Reviewed, no conflict.
  - Reviewed; recommend denial for the following reasons:
  - Require additional information to review. (Please list information required)
  - Meeting requested.
  - Comments. (Attach additional pages as needed)

  
\_\_\_\_\_  
Reviewed By:

10-27-2021  
Date:



Community Development Planning Division  
Land Use Application Referral

**REFERRAL TO:** Public Works: Maintenance Superintendent, Preston Langeliers

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: November 14, 2021. Please refer questions and comments to Doug Rux.

**NOTE: Full size plans are available at the Community Development Department Office.**

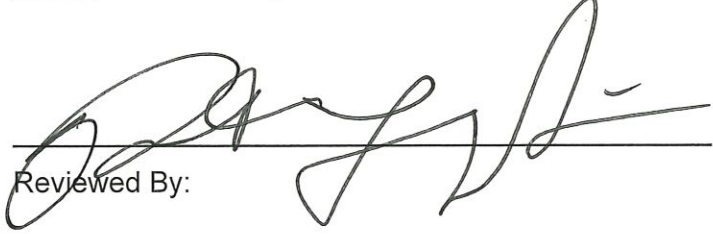
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**FILE NO:** DR221-0008  
**ZONE:** R-1

RECEIVED  
NOV 18 2021

Initial: \_\_\_\_\_

**HEARING DATE:** \_\_\_\_\_

- Reviewed, no conflict.
- Reviewed; recommend denial for the following reasons:
- Require additional information to review. (Please list information required)
- Meeting requested.
- Comments. (Attach additional pages as needed)

Reviewed By: 

Date: 11/16/21



Community Development Planning Division  
Land Use Application Referral

**REFERRAL TO:** Public Works: Maintenance , Vance Barton

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: November 14, 2021. Please refer questions and comments to Doug Rux.

**NOTE: Full size plans are available at the Community Development Department Office.**

**APPLICANT:** Brad Kilby, Harper Houf Peterson Righellis, Inc.\_  
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**TAX LOT:** R3207 01001  
**FILE NO:** DR221-0008  
**ZONE:** R-1

**HEARING DATE:** \_\_\_\_\_

- 
- Reviewed, no conflict.  
 Reviewed; recommend denial for the following reasons:  
 Require additional information to review. (Please list information required)  
 Meeting requested.  
 Comments. (Attach additional pages as needed)

Vance Barton  
Reviewed By:

10/29/2021  
Date:





Community Development Planning Division  
Land Use Application Referral

**REFERRAL TO:** Director of Public Works, Russ Thomas

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: November 14, 2021. Please refer questions and comments to Doug Rux.

**NOTE: Full size plans are available at the Community Development Department Office.**

**APPLICANT:** Brad Kilby, Harper Houf Peterson Righellis, Inc.\_  
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**TAX LOT:** R3207 01001  
**FILE NO:** DR221-0008  
**ZONE:** R-1

**HEARING DATE:** \_\_\_\_\_

- 
- Reviewed, no conflict.
  - Reviewed; recommend denial for the following reasons:
  - Require additional information to review. (Please list information required)
  - Meeting requested.
  - Comments. (Attach additional pages as needed)

  
\_\_\_\_\_  
Reviewed By:

10/29/2021  
Date:



Community Development Planning Division  
Land Use Application Referral

**REFERRAL TO:** Ziplly Fiber, Attn: Engineering

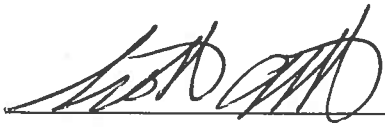
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**NOTE: Full size plans are available at the Community Development Department Office.**

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**HEARING DATE:** \_\_\_\_\_

- 
- Reviewed, no conflict.
  - Reviewed; recommend denial for the following reasons:
  - Require additional information to review. (Please list information required)
  - Meeting requested.
  - Comments. (Attach additional pages as needed)

  
Reviewed By: SCOTT ALBERT ZIPLY FIBER

11/2/21  
Date:



Community Development Planning Division  
Land Use Application Referral

**REFERRAL TO:** Building Official, Brooks Bateman

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: November 14, 2021. Please refer questions and comments to Doug Rux.

**NOTE: Full size plans are available at the Community Development Department Office.**

**APPLICANT:** Brad Kilby, Harper Houf Peterson Righellis, Inc.\_  
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**FILE NO:** DR221-0008  
**ZONE:** R-1

RECEIVED

NOV 5 2021

Initial: \_\_\_\_\_

**HEARING DATE:** \_\_\_\_\_

- Reviewed, no conflict.
- Reviewed; recommend denial for the following reasons:
- Require additional information to review. (Please list information required)
- Meeting requested.
- Comments. (Attach additional pages as needed)

BROOKS BATEMAN  
Reviewed By:

11.4.21  
Date: