

NOTICE OF DECISION

Order 2022-06 Crestview Green CUP22-0001/PUD22-0001

June 10, 2022

Mercedes Serra
3J Consulting Inc.
9600 SW Nimbus Avenue, Suite 100
Beaverton, OR 97008

cc: Greg Haffner (email), Casey Knecht (email), Carrie Martin (email), Charles & Ellen McClure (email), Christian DeBenedetti (email), David Wall (email), Brian Barker (email), Jessica Potter (email), Vicki Shepard (email), Maxine Agather (email), Paul & Carla Anderson (email), Grace Breyley (email), William Bryant (email), Terry Davidson (email), Susan Graham (email), John Read (email), Gina Stellwagen (email), Lena Taylor (email), Dean Alterman (email), Hard copy mail list

Re: CUP22-0001 & PUD22-0001 4813 & 4821 E Portland Road

Dear Ms. Serra,

On June 9, 2022, the Newberg Planning Commission approved a Conditional Use Permit and Planned Unit Development for a 111 lot single-family, townhouse, and apartment development on Yamhill County tax lots R3216 01000 and R3216 00900 subject to the conditions listed in the attached Order No. 2022-06. The Commission's decision will become effective on June 23, 2022, unless an appeal is filed. A copy of the Order can be accessed on the project web page at <https://www.newbergoregon.gov/cd/page/crestview-green-cup22-0001pud22-0001>

An affected party may appeal the Commission's decision to the City Council within 14 calendar days of the Commission's written decision in accordance with Newberg Development Code 15.100.170. Affected parties include the applicant, any party entitled to receive notice of the hearing, anyone providing writing or oral comments at the hearing, and anyone providing written comments prior to the close of the hearing. 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 \$1,223.25 which includes the 5% Technology fee to the Planning Division.

The deadline for filing an appeal is 4:30 pm on June 22, 2022.

In order to fully complete the Conditional Use Permit (CUP) and Planned Unit Development (PUD) process, the applicant must meet all conditions of the CUP and preliminary PUD approval and file a final PUD plat application with the Planning Division. The final PUD plat must be recorded within the time limitations outlined in the staff report and conditions of approval. If you are approaching the



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expiration date, please contact the Planning Division regarding extension opportunities.

If you have any questions, please contact me at 503-537-1212 or doug.rux@newbergoregon.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Rux", written over a white rectangular background.

Doug Rux, AICP
Community Development Director



PLANNING COMMISSION ORDER 2022-06

AN ORDER APPROVING A CONDITIONAL USE PERMIT CUP22-0001 AND PUD22-0001 FOR THE CRESTVIEW GREEN DEVELOPMENT TO ALLOW RESIDENTIAL USE IN THE C-2 COMMERCIAL DISTRICT AND CREATE 14 LOTS FOR SINGLE FAMILY, 96 LOTS FOR TOWNHOUSES, AND ONE LOT FOR 24 MULTI-FAMILY UNITS ON E PORTLAND ROAD (YAMHILL COUNTY TAX LOT R3216 01000 AND ON YAMHILL COUNTY TAX LOT R3216 00900)

RECITALS

1. 3J Consulting representing Westwood Homes submitted an application for preliminary plan approval of a conditional use permit to allow residential use on C-2 commercially zoned property and a planned unit development for 112 lots at 4813 and 4821 E Portland Road (Yamhill County Tax Lot R3216 01000 and Yamhill County Tax Lot R3216 00900).
2. After proper notice, the Newberg Planning Commission held a public hearing on May 12, 2022, to consider the application, and took public testimony.
3. On June 9, 2022 the Planning Commission continued the public hearing and deliberated.
4. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Conditional Use Permit Application CUP22-0001 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The Planned Unit Development preliminary plan application PUD22-0001 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
3. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
4. This Order shall be effective June 23, 2022, unless appealed prior to that date.

5. This order shall expire one year after the effective date above if the applicant does not apply for final plan approval by that time, unless an extension is granted per Newberg Development Code 15.240.020.
6. The conditional use permit shall expire one year after the effective date above if the applicant does not gain final plan (Step 2 of the PUD process) approval for Phases 1-3 of the phasing plan by that time, unless an extension is granted per Newberg Development Code 15.225.100.
7. If the Applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

Adopted by the Newberg Planning Commission this 9th day of June, 2022.



Planning Commission Chair

ATTEST:


Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Conditions

Exhibit “A” to Planning Commission Order 2022-06
Section II: Findings – File CUP22-0001
Conditional Use Permit – Crestview Green

I. Applicable Conditional Use Criteria: Newberg Development Code 15.225

Requested Conditional Use Permit: The Applicant is requesting that C-2 district property be used for single-family (townhouse) and multi-family residential uses.

15.225.040 Concurrent design review.

If new buildings or structures are to be included as part of the application, the planning commission shall concurrently review the application for site design review in order to streamline the review process.

Finding: The proposed application has concurrent site design review for the detached single-family, townhouses and multifamily development. As conditioned, each of these development types will also proceed through a building permit review process where the buildings will be reviewed again for conformance with the NMC and applicable conditions of approval. This criterion is met.

15.225.060 General conditional use permit criteria – Type III.

A conditional use permit may be granted through a Type III procedure only if the proposal conforms to all the following criteria:

A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

Finding: This Conditional Use Permit request is to allow residential development (townhouses and multifamily apartment building) within the C-2 portion of the proposed Crestview Green Planned Unit Development (PUD). The proposal is within the Newberg Urban Growth Boundary on the very eastern edge of the city limits north of E Portland Road and east of NE Benjamin Road. Oxberg Lakes Estates subdivision is located to the north in unincorporated Yamhill County with lot sizes of 1 acre and larger. To the east is Springbrook Farm across NE Benjamin

Road. To the south across E Portland Road is rural residential development on varying lot or parcel sizes.

The overall development area is 10.4 acres. Along the northern property line, the applicant has proposed 14 larger lots ranging from 5,429 square feet to 6,485 square feet as a buffer to the Oxberg Lakes Estates subdivision. In compliance with a condition listed in Orders No. 2007-001, 2008-0014 and 2008-0015, development plan sheets C151 and C152 shows a 30-foot setback from the northern property line. To the west is Crestview Crossing Planned Unit Development (PUD) with lots ranging in size from 1,474 square feet to 8,176 square feet. The applicant has proposed smaller lots in its R-2 portion of the development ranging from 1,330 square feet to 2,869 square feet for the proposed townhouses between E Willakenzie Street and E Jory Street. There will be a 24-unit apartment building at the southwest corner of the development area that will abut an apartment development approved as part of the Crestview Crossing PUD.

The design of the development incorporates extending two streets E Willakenzie Street and E Jory Street. There are four north/south private streets that connect to E Willakenzie Street and E Jory Street that will service the townhouses. The proposed townhouses will be three-story in height (35 feet). The apartment building is located south of E Jory Street and the building will also be 35 feet in height. The bulk, scale, lot coverage and density within the C-2 district will be similar to and compatible with the Crestview Crossing PUD. The design of the residential units are similar to those approved for Crestview Crossing, with the difference being the units will be attached rather than detached. The apartment building will be of similar design concept to the apartment building in Crestview Crossing.

As part of Order No. 2008-0014 a sound wall will be constructed along the north property line of the development in the R-1 district to mitigate site and sound from the proposed Crestview Green PUD. This will be addressed as part of the PUD review.

Order No. 2007-001 and 2008-0014 required that a 20 foot wide dense buffer will be required along the NE Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm. This will be addressed as part of the PUD review.

The operating characteristics will be similar to the Crestview Crossing PUD development to the west. A Homeowners Association will be established to maintain common areas and the private streets in the Crestview Green PUD.

Public facilities will be extended to the development to provide water, wastewater, stormwater and transportation. Phase 1 of the development will be served by gravity wastewater lines. Phase 2 will be served by a new wastewater lift station. Phase 3 will be served by gravity wastewater lines. A stormwater facility will be constructed adjacent to NE Benjamin Road to serve and treat

the runoff from the new public and private streets as well as the homes and apartment development before being discharged into the public storm system. As proposed by the applicant NE Benjamin Road would be disconnected from E Portland Road and NE Benjamin would connect with E Jory Street. E Jory Street connects to E Crestview Drive and the traffic signal at E Portland Road and E Crestview Drive. E Willakenzie Street will also connect to NE Benjamin Road.

Overall the proposed Crestview Green development and that portion requesting Conditional Permit approval for residential development within the C-2 district based on location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

This criterion is met.

B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

Finding: The proposed development will be accessed via E Jory Street and E Willakenzie Street extensions that were stubbed as part of the Crestview Crossing PUD to serve the proposed Crestview Green PUD. As noted above on the location, design, and site planning for the proposed development it will create a convenient and functional living environment. The C-2 portion of the site could have been developed as a retail complex which would have a different look and feel than a townhouse and apartment project. The public transportation system proposed would be the same if the site was developed as commercial or residential. Pedestrian access is also provided from sidewalks along the public and private streets for connectivity.

This criterion is met.

C. The proposed development will be consistent with this code.

Finding: The applicant has provided responses to Newberg Municipal Code sections, a set of land use plans, various technical reports and public notification of the public hearing. City staff have reviewed the applicants' submitted materials and have determined with adherence to the conditions of approval as part of the PUD proposal.

The proposed development meets required conditional use criteria and this section of the NMC.

15.225.080 Conditions.

The hearing body shall designate conditions in connection with the conditional use permit deemed necessary to secure the purpose of this chapter and the general conditional use permit criteria and require the guarantees and evidence that such conditions will be complied with. Such conditions may include:

A. Regulation of uses.

B. Special yards, spaces.

C. Fences and walls.

D. Surfacing of parking areas to city specifications.

E. Street dedications and improvements (or bonds).

F. Regulation of points of vehicular ingress and egress.

G. Regulation of signs.

H. Landscaping and maintenance of landscaping.

I. Maintenance of the grounds.

J. Regulation of noise, vibration, odors or other similar nuisances.

K. Regulation of time for certain activities.

L. Time period within which the proposed use shall be developed.

M. Duration of use.

N. Such other conditions as will make possible the development of the city in an orderly and efficient manner in conformity with the Newberg comprehensive plan and the Newberg development code

Finding: There are conditions proposed in the corresponding PUD22-001 review the applicant will need to adhere to for allow the townhouses and multifamily development in the C-2 district. To ensure that conformance is met with the Newberg Municipal Code (NMC) and Title 15 Development Code the applicant shall comply with all conditions of approval relevant to the residential development in the C-2 district in the conditions of approve for PUD22-0001.

15.225.090 Development in accord with plans.

Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, conditions, sketches, and other documents approved as part of a final decision on a conditional use permit.

Finding: Plans have been submitted as part of CUP22-0001 and PUD22-0001 for the project. Staff reviewed and evaluated the submitted material and concluded where appropriate if standards have been met or where necessary conditions of approval were imposed to ensure compliance with the NMC and Title 15 Development Code. The applicant shall carry out construction, site development, and landscaping in substantial accord with the plans, drawings, conditions, sketches, and other documents approved as part of a final decision on CUP22-001 and PUD22-0001 for development within the C-2 district.

15.225.100 Conditional use permit must be exercised to be effective.

A. A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

- 1. The land use designation of the property has not been changed since the initial use permit approval; and*
- 2. The applicable standards in this code which applied to the project have not changed.*

B. In case such right is not exercised, or extension obtained, the conditional use permit decision shall be void. Any conditional use permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such permit.

Finding: The Applicant submitted a Phasing Plan for the proposed development but did not provide any timeframes for development of the three proposed phases. NMC 15.225.080 L. Time period within which the proposed use shall be developed can be imposed as a condition. Because no timeline of the phases has been provided staff questions if the Conditional Use Permit approval could expire before construction commences on Phases 1 – 3 within the C-2 district. The applicant shall provide a phasing timeline for the Planning Commission to review and consider before it renders a decision on CUP22-0001 and PUD22-0001. (See Supplemental Findings)

Recommendation: Because the proposed development meets NMC 15.225.060 A, B, C, City staff recommends approval of the Conditional Use Permit to allow residential use on C-2 zoned property.

**Exhibit “A” to Planning Commission Order 2022-06
Section III: Findings – File PUD22-0001
Planned Unit Development – Crestview Green**

III. Chapter 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS

15.240.020 General provisions.

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

Finding: The Applicant’s narrative states that the subject property is under development control by Westwood Homes LLC and is being acquired from Richard D. Kimball Trust, Danna Kemp Trustee, and Bruce A. Thomas and Valerie J. Thomas.

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

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

1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.

Finding: On March 20, 2022, the Applicant’s submittal was deemed complete by City staff. The applicant submitted a revised Phasing Plan on April 22, 2022, and a letter addressing Oregon Department of Transportation Rail Division comments on April 29, 2022, to supplement the application packet. The application considers both on-site and off-site improvements for the proposed development. Additional analysis is provided in the following sections of these findings.

This application is being processed as a Type III procedure. The Applicant has acknowledged the two-step process to PUD approval and submits materials in support of Step One - Preliminary Plans.

There are natural features on the site that includes trees. A wetland at the northeast corner of the development area has been approved for a lot line adjustment and is not part of the development site.

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

2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.

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

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

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

Finding: The original application proposed a two-phase development. On April 22, 2002, a revised Phasing Plan was submitted. The revised Phasing Plan identifies 3 Phases. Phase 1 consist of E Portland Road frontage improvements, seven (7) detached single family homes, fifty-six (56) townhouses, extension of E Willakenzie Street to the east edge of Phase 1, extension of E Jory Street to the to the east edge of Phase 1, Private Streets A & B, and construction of the water quality facility (Attachment 1).

Phase 2 consists of seven (7) detached single family homes, forty (40) townhouses, extension of E Willakenzie Street to NE Benjamin Road, extension of E Jory Street to NE Benjamin Road, Private Street C & D, and improvements to NE Benjamin Road along the development frontage (Attachment 1).

Phase 3 consist of the 24-unit multi-family building and associated site improvements (Attachment 1).

The Applicant has not stated what the timing is for the proposed phases of development. The initial submittal identified two phases with no timing. The second phasing submittal identified three phases but did not indicate timing. The preliminary plans encompass the entire development area and all three phases. Because the Applicant is requesting a phasing plan to be approved but has not provided sufficient detail in terms of timing of completion of the various phases, the Applicant must provide information for the timing of completion for each phase of development for the Planning Commission to review and consider before it renders a decision on PUD22-0001. (See Supplemental Finding)

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

Finding: The Applicant acknowledges the process for lapse of PUD approval and intends to follow through with development of the site based on the NMC 15.240.020(D) approval timeline.

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

Finding: The Applicant acknowledges the process for resubmittal following expiration.

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

1. Maximum Density.

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

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

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

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

Duplex, triplex or quadplex dwellings shall be counted as a single dwelling unit, inclusive of all bedrooms in the combined dwelling units, for purposes of calculating density points. Four townhouse dwellings or cottage dwellings shall count as one standard dwelling, inclusive of all bedrooms in the combined dwelling units.

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

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

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

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

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

Finding: The Applicant has provided density calculations based on zoning and land area within a zone district to calculate the maximum allowable density. The R-1 total acreage of 2.36 acres yields 413 density points at 175 points per acres. The R-2 total acreage of 2.88 acres yields 892.8 density points at 310 points per acres. The C-2 total acreage of 5.16 acres yields 15,99.6 density points at 310 points per acres. The total maximum density points that can be earned based on zoning and land area is 2,905.4 points.

Staff calculation of density differs from the applicants and is noted below:

There will be 12 one-bedroom units (multi-family), multiplied by 14 density points, which yields 168 points.

There will be 12 two-bedroom units (multi-family), multiplied by 21 density points, which yields 252 points.

There will be 95 three-bedroom units (townhouses), multiplied by 28 density points, which yields 672 points.

There will be 14 four or more bedroom units (single family units), multiplied by 35 density points, which yields 490 points. Adding the total number of points produced by the number of bedrooms yields 1,582 points. The density is below the 2,905.4 points allowed.

The applicant had a total of 1,750 points.

The Applicants' narrative material did not provide data for assessing the applicability of NMC 15.242.030 so the flexible development standards are not part of these findings. These standards are optional, and the applicant has made no request to utilize the aforementioned section of the development code.

The Applicant has not made any request that the affordable units be utilized as part of the density calculation as provided above under subsection 15.240.020.F.1.b.

Because the maximum allowable density, based on land area, yielded 2,905.4 density points and the applicants proposed density, based on number of bedrooms, yields 1,528, this section of the NMC is met.

This criterion is met because the applicant has not exceeded the total allowed density provided for in the NMC 15.240.020(F).

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

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

- a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.***
- b. Accessory buildings and uses.***
- c. Duplexes.***
- d. Dwellings, single, manufactured, and multifamily.***
- e. Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.***

Finding: The Applicant is proposing single-family detached residential uses within the R-1 and townhouse units in the R-2 zone districts. This criterion is met because single-family and townhouse uses are permitted within the R-1 and R-2 zone districts. The townhouses require Conditional Permit approval for units in the C-2 district.

This criterion is met because the applicant is proposing single-family and townhouse home development which are permitted uses for PUDs in the R-1 and R-2 district.

2. C-1, C-2 and C-3 Zones.

- a. When proposed as a combination residential-commercial planned unit development, uses and buildings as listed in subsection (G)(1) of this section and those listed as permitted outright or conditionally in the use district wherein the development will be located.***

Finding: Not applicable because no commercial development is not proposed. The Applicant has applied for a Conditional Use Permit to allow townhouses and a multifamily development within the C-2 district.

- b. When proposed as a residential or commercial planned unit development, uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.***

Finding: The Applicant is proposing a combination residential (townhouse) and multifamily unit development. All uses within the C-2 zoned property are permitted conditionally for residential uses. Per the findings for the Conditional Use Permit application the residential uses are recommended to be approved.

This criterion is met because all proposed residential uses are permitted or permitted conditionally.

3. M-1, M-2 and M-3 Zones. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

Finding: Not applicable because the development area does not contain any M-1, M-2 and M-3 Zones.

4. M-4 Zone. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located. Proposed sites, structures and uses must work together to support a common theme, product or industry. Applicants for an industrial planned development in M-4 must demonstrate conformance with any adopted master plan for the subject area and provide a plan describing how the proposed structures and uses will work together to support a common theme, product or industry. Prior to subdivision, covenants must limit occupancy to the types of industrial and related uses identified in the development plan.

Finding: Not applicable because the development area does not contain any M-4 Zone.

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

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

- a. Preliminary design;**
- b. Design development;**
- c. Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and**
- d. Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.**

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

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

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

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

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

Finding: The Applicant's narrative states that a professional engineer licensed by the State of Oregon has produced all required plans. Additionally, the land use plan sheets list a landscape architecture firm. A completeness check was conducted to verify that all required documents and plans were submitted. The Applicant acknowledges the process for a design team change in their submitted narrative. These criteria have been met.

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

Finding: The Applicant's PUD proposal seeks to modify the lot standards of the R-2 and C-2 zoning districts to accommodate single-family attached homes (townhouses). The proposed modifications include lot size, lot frontage, and interior yard setbacks.

R-2 Modification Requests

The minimum lot area requirement in the R-2 district is 3,000 square feet. The Applicant is requesting a modification to this standard so that the minimum lot size is 1,330 square feet with an average minimum lot size within this zone of 1,605 square feet.

Similarly, the R-2 zone requires a frontage length of 25 feet, whereas the applicant requests an average frontage length of 19 feet to accommodate the smaller attached residential lots.

The minimum interior yard setback in the R-2 district is five feet. The proposed development includes a modification to allow attached units with zero-foot side yard setbacks. The proposed modifications will allow for the development of single-family attached homes which are consistent with the adjacent small lot development.

C-2 Modification Requests

The minimum lot area requirement in the C-2 zone is 5,000 square feet. The Applicant is requesting a modification to this standard so that the minimum lot size within this zone is 1,330 square feet with an average minimum lot size within this zone of 1,605 square feet.

Similarly, the C-2 zone requires a frontage length of 25 feet, whereas the Applicant requests an average frontage length of 19 feet to accommodate the smaller attached residential lots. The proposed modifications will allow for the development of single-family attached homes which are consistent with the adjacent small lot development.

The C-2 zone abuts the neighboring R-2 zone, requiring a 10-foot setback. The Applicant is requesting a modification to this setback requirement, as the C-2 zone will be developed with residential uses which are compatible with the neighboring uses.

	Minimum lot area for single family	Minimum lot area for townhouse	Minimum Lot Area C-2	Lot Frontage	Interior Yard Setback
R-2	3,000 SF	1,500 SF		25 feet	5 feet
C-2	N/A		5,000 SF		10 feet

The Applicant has requested a minimum lot size in the R-2 of 1,330 square feet to accommodate the townhouse development. 15.405.010(A)(1) allows lot sizes for townhouses to be a minimum of 1,500 square feet. The maximum reduction requested is 170 square feet. This reduction in lot size is acceptable. The minimum lot size allowed in the R-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.

The Applicant has requested a reduction in the lot width at the street from 25 feet down to an average frontage length of 19 feet. NMC 15.405.030(D)(2)(a) Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B). NMC 15.415.050(B)(5)(a)(ii) allows street front minimum of 15 feet based on the units having garages on the front façade. The garages face the private streets. The request is to reduce the lot frontage by 1-foot from code standards. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.

The Applicant has requested a reduction in the interior yard setback. Townhouse dwellings are allowed to be attached (zero-lot line). Per 15.410.030(A)(3) “All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.” The five-foot setback to an interior yard is required where there is a separation or break in the row of units. Setbacks will be discussed further in NMC15.410.

The Applicant has requested a minimum lot size in the C-2 of 1,330 square feet for the townhouses with an average minimum lot size within this zone of 1,605 square feet. 15.405.010(A)(1) allows lot sizes for townhouses to be a minimum of 1,500 square feet. The maximum reduction requested is 170 square feet. This reduction in lot size is acceptable. The minimum lot size allowed in the C-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.

The Applicant has requested a reduction in the lot width at the street from 25 feet down to an average frontage length of 19 feet. NMC 15.405.030(D)(2)(a) Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B). NMC 15.415.050(B)(5)(a)(ii) allows street front minimum of 15 feet based on the units having garages on the front façade. The garages face the private streets. The request is to reduce the lot frontage by 1-foot from code standards. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the C-2 district.

Finally, the Applicant is requesting a modification to the setback requirement, as the C-2 district requires 10 feet when abutting a R-2 district. This reduction is reasonable given the development type that is proposed and taking into consideration the requirements of NMC 15.415.050. The

minimum interior yard setback for townhouses in the C-2 district is zero feet between the C-2 and R2 districts as represented in the preliminary tentative plat drawings C151-C154.

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

Finding: Additional findings on lot coverage are included later in this report under NMC 15.405 Lot Requirements. The Applicant has listed the anticipated lot coverage. The homes in R-1 will be 2-story and the Applicant indicated lot coverage requirements will be met. Because the actual lot coverage cannot be verified at this time, at the time of submittal of building permits the lot coverage of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.405.040.

The Applicant indicates the homes in R-2 are identified to be between 1,330 square feet and 2,869 square feet with an average lot size of 1,605 square feet. The proposed homes in the R-2 district will be three stories. The maximum permitted lot coverage within the R-2 district is 60 percent. The anticipated coverage for these lots will be less than the stated maximum. The driveways on these lots will be 12 feet wide by 20 feet long, or 240 square feet. The total lot coverage on the R-2 zoned lots will not exceed 70 percent. Building footprints and overall lot coverage can be verified at the time of building permit issuance. Because the actual lot coverage cannot be verified at this time, at the time of submittal of building permit the lot coverage of lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.405.040.

The Applicant indicates the C-2 zone does not list a maximum lot coverage requirement, however the proposed single-family attached (townhouse) lots in the C-2 zone will be consistent with the coverage requirements listed above for the R-2 zone. Staff concurs that this is an actable approach and creates lot size consistency for the townhouse development in the R-2 and C-2 districts. Because the actual lot coverage cannot be verified at this time, at the time of submittal of building permit the lot coverage of lots 23-29, 36-43, 50-57, 64-71, 78-85, 92-99, 105-111 in the C-2 district shall be verified to be in compliance with lot coverage requirements of NMC 15.405.040 for the R-2 district.

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

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

Finding: Additional findings on building height are included later in this report under NMC 15.415 Building and Site Design Standards. The Applicant states the maximum permitted height in the R-1 zone is 30 feet. The proposed homes will meet the height requirement of the zone. The maximum proposed height in the R-2 zone and C-2 zone will be 35 feet, consistent with the requirements of the R-2 zone. Because the actual building height cannot be verified at this time, at the time of submittal of building permits the building height of all structures shall be verified to be in compliance with NMC 15.415.020.

The Applicant has provided a sun exposure diagram and analysis. The applicant is proposing 3-story units that may impact sun exposure in the R-2 and C-2 districts.

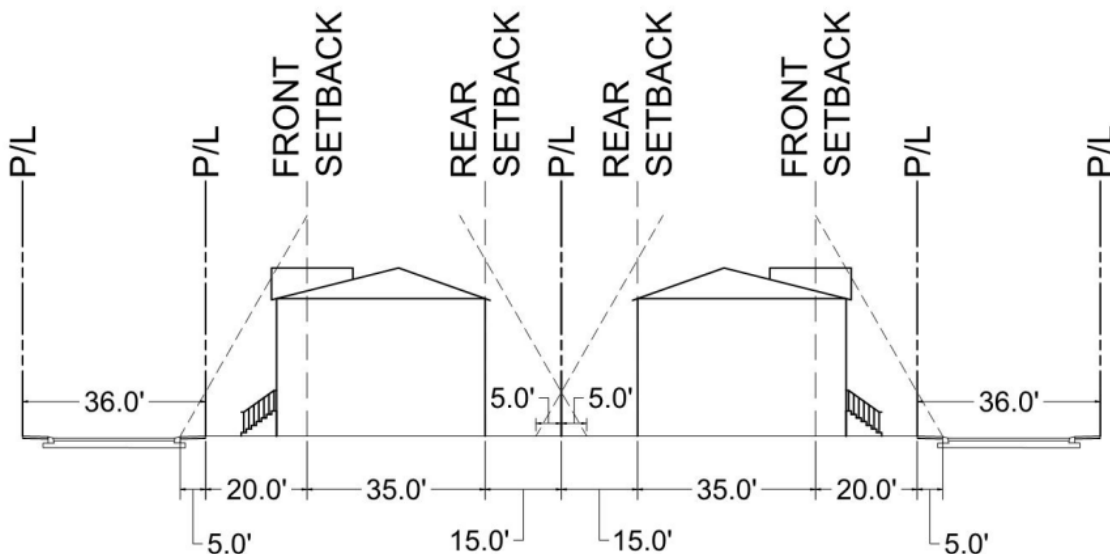


Figure 1: East/West Sun Exposure Diagram - Attached Units

The Applicants’ narrative states “The side yards of the attached homes are subject to the north/south sun exposure plane orientation. The proposed homes are townhome style units, with the majority of the sides of the units being attached with no sun exposure. Units located at each end of the private streets will meet the sun exposure plane requirements. A total of 28 units will not meet the sun exposure plane requirements of NMC 15.05.030 as illustrated in the Figure 2 below. Each of these 28 units will have a five-foot setback from the property line and 10 feet

from the adjacent building. As stated previously, the ground floor of each attached unit will be occupied by a garage. Upper floors will have minimal windows along each side, with main windows located at the front and back of each home, rather than along each side. Open concept floor plans in the attached units will allow for sun exposure to be brought further into each unit. The benefits of housing configured within this manner provides numerous benefits to the future residents and provides opportunities for the creation of a highly efficient and well-designed community. In order to meet the requirements for minimum density, site configuration, parking, block length, and access, the Applicant requests a departure from the strict application of this code from the Planning Commission.”

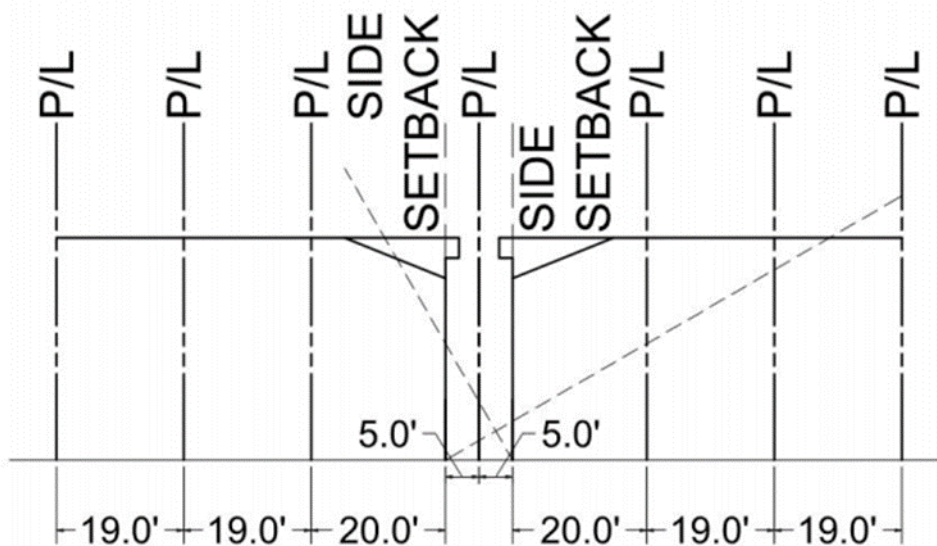


Figure 2: North/South Sun Exposure Diagram - Attached Units

It is up to the hearing authority, in this case the planning commission, to determine if lack of sun exposure will or will not adversely affect the occupants or potential occupants of adjacent properties. Even houses in existing subdivisions that have not been granted relaxations of dimensional requirements, such as lot width and setback, block the sun to some extent of neighboring houses. Because existing neighboring houses in previously developed subdivisions block sun exposure to some extent and would have impacts to sun exposure on only the first floor of their homes and not the entire house these criteria are met.

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

- 1. Streets and Walkways. Including, but not limited to, those necessary for proper development of adjacent properties. Construction standards that minimize maintenance***

and protect the public health and safety, and setbacks as specified in NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.

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

a. An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC 15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.

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

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

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

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

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

Finding: The Crestview Green PUD contains 110 detached single-family and townhouse dwelling units plus the 24-unit apartment building exceeding the minimum require of 50 dwelling units.

The CC&Rs contain provisions for managing on street parking in Sections 5.10, 5.11, 8.1, 8.6. No draft Reserve Study has been submitted but the CC&Rs refer to the Declarant conducting an initial reserve study in 9.6. Staff also noted the length of the replacement period is 30 years related to streets and it needs to be in perpetuity.

The PUD identifies parking for the development with two garage spaces and the driveway for the R-1 district, a garage space and driveway for the townhouses in the R-2 and C-2 districts, and surface parking for the multifamily development. On-street parking is provided on E Willakenzie

Street and E Jory Street based on their street designations as a local residential street and minor collector, respectively.

Staff did not clearly identify that the CC&Rs clearly state that the homeowners association must be in perpetuity and that a homeowners association employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions.

The City Engineer is requiring sidewalks along private streets to be a minimum of five feet wide on both sides of the private streets. The applicant is proposing a PUD which includes both public and private streets. The applicant is proposing private streets A-D with the following cross-section*:

- 5-foot sidewalk
- 1-foot mountable curb
- 12-foot travel lane
- 12-foot travel lane
- 0.5-foot rolled curb
- 5-foot sidewalk

* Per private road cross-sections shown on sheet C210 of the preliminary plans.

The Applicant shall follow City Engineer requirements for sidewalks along both sides of private streets to be a 5-foot-wide ADA accessible surface matching the applicant's cross-sectional detail on sheet C210 of the preliminary plans. The applicant's construction plans are required to satisfy requirements of the fire marshal.

The Applicant's CC&R's indicate in the Recitals that the Planned Unite Development is Class I planned community as defined in ORS Chapter 94.

The Planning Commission approves the private streets subject to the Declarant work with the Community Development Director to revise the draft Declaration of Protective Covenants, Conditions, Restriction and Easements for Crestview Green prior to Step 2 of the PUD process and submittal of Final Plans for compliance with 15.240.020(L)(2).

The Planning Commission finds the applicant has demonstrated that the purpose statements in NMC 15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section with adherence to the above condition.

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

i. The most recent reserve study.

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

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

Finding: The Applicant has not provided a reserve study for Crestview Green Homeowners Association and a final approval of the PUD has not occurred. Because the NMC requires an annual written report on the anniversary date of the final approval of the PUD and the project is proposed to be phased, the Crestview Green Homeowners Association shall provide an annual report that meets the requirements of NMC 15.240.020.L.2.b. to the Newberg Community Development Direction each year on the anniversary date of the final approval for each phase of the PUD approval.

These criteria will be met with the adherence to the aforementioned condition of approval.

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

Finding: Easements are needed for the extension of public utilities and bicycle and pedestrian access. The Applicant is showing 8-foot public utility easements along private street frontages. Because the applicant's narrative and plans do not clearly show the different necessary easements, the Applicant is required to provide 10-foot public utility easements on public and private street frontages. Public utility easements shall not be collocated/overlapped (running parallel) with public infrastructure easements on private streets i.e. storm, sewer, water, or non-potable water lines.

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

Finding: On page 20 of the narrative the Applicant has stated that all utilities will be placed underground. Findings related to underground utilities are included in the Public Improvements section of this report with conditions recommended. This criterion is met.

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

Finding: The Applicant indicates all dwelling units are served by outdoor living areas equal to at least 10 percent of the gross floor area of each unit. The single-family units will have outdoor living on individual lots. The multi-family will utilize a combination of balconies and porches as well as common outdoor living areas located on the multifamily site. All proposed dwelling units will be able to provide at least 10 percent of the gross floor area in outdoor living space. Outdoor living spaces for each unit can be verified at the time of building permit issuance.

No calculations have been provided that ensures the usable outdoor living area of equal to at least 10 percent of the gross floor area of each unit has been met. Because no documentation has been provided, prior to Step 2 in the PUD process the applicant shall provide documentation and calculations that outdoor living areas equal at least 10 percent of the gross floor area of each unit for review and approval in compliance with NMC 15.240.020(N).

There are additional findings related to Outdoor Living Area later in this report under NMC 15.420 Landscaping and Outdoor Areas.

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

Finding: The Applicant has submitted a Tree Removal Plan, Sheet C110, that indicates three are 186 trees inventoried and that 170 of the trees will be removed, 16 tree will remain which are along the north property line where the sound wall will be located and discussed previously in this report.

A Grading Plan, Sheet indicates the development area will receive extensive grading. The site will be terraced from west to east. Between Private Street A and B the grading will require a wall between E Willakenzie and E Jory that will have a maximum height of 4.9 feet. Between Private Street B and C grading will require a wall Lots 58-63 and 72-22 with a maximum height of 2.3 feet. Between Private Street C and D another wall is proposed with a maximum height of 6.5 feet. Finally, the water quality facility between Private Street D and NE Benjamin Road will be a depression area to accommodate the facility.

Due to the extensive site grading preserving site natural features is difficult with proposed grades, and to make the wastewater system functional.

The preliminary plan approval to remove vegetation and modify the sites grades is approved. *(See Supplemental Finding)*

P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the

applicant to post a performance bond of a sufficient amount and time to assure timely completion.

Finding: The Applicant has acknowledged in their narrative the possibility of a performance bond being required to assure timely completion of any delayed landscaping. Additional analysis is provided later in this report under NMC 15.420 Landscaping and Outdoor Areas. This criterion is met.

Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories.

Finding: This section of the NMC is discussed later in this staff report under NMC 15.220.060. This criterion will be met with adherence to the conditions of approval listed in NMC 15.220.060 and NMC 15.220.060.

15.240.030 Preliminary plan consideration – Step one.

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

Finding: All required fees for the preliminary plan approval have been paid. Additionally, the applicant has provided a Measure 49 waiver. This criterion is met because required fees have been paid and a Measure 49 waiver has been submitted.

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

1. The proposed development is consistent with standards, plans, policies and ordinances adopted by the city; and

Finding: This application is being reviewed under a Type III process and the findings review and recognize potential impacts of the entire development. The proposed development has gone

through a full review of City standards, plans, policies, orders and ordinances to determine compliance. Conditions of approval (Exhibit “B”) are provided later in this report and require the developer to address any issues that the preliminary PUD has an identified shortfall in meeting City requirements. This criterion will be met with the adherence to all conditions of approval. (See Supplemental Finding)

2. The proposed development’s general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and

Finding: This PUD request is to allow residential development (detached single-family, townhouses, and multifamily apartment building) within the R-1, R-2, and C-2 portion of the proposed Crestview Green Planned Unit Development (PUD). The proposal is within the Newberg Urban Growth Boundary on the very eastern edge of the city limits north of E Portland Road and east of NE Benjamin Road. Oxberg Lakes Estates subdivision is located to the north in unincorporated Yamhill County with lot sizes of 1 acre and larger. To the east is Springbrook Farm across NE Benjamin Road. To the south across E Portland Road is rural residential development on varying lot or parcel sizes.

The overall development area is 10.4 acres. Along the northern property line, the applicant has proposed 14 larger lots ranging from 5,429 square feet to 6,485 square feet as a buffer to the Oxberg Lake Estates subdivision. In compliance with a condition listed in Orders No. 2007-001, 2008-0014 and 2008-0015, development plan sheets C151 and C152 shows a 30-foot setback from the northern property line.

To the west is Crestview Crossing Planned Unit Development (PUD) with lots ranging in size from 1,474 square feet to 8,176 square feet. The applicant has proposed smaller lots in the R-2 portion of the development ranging from 1,330 square feet to 2,869 square feet for the proposed townhouses between E Willakenzie Street and E Jory Street. There will be a 24-unit apartment building at the southwest corner of the development area that will abut an apartment development approved as part of the Crestview Crossing PUD.

The design of the development incorporates extending two streets E Willakenzie Street and E Jory Street. There are four north/south private streets that connect to E Willakenzie Street and E Jory Street that will service the townhouses. The proposed townhouses will be three-story in height (35 feet). The apartment building is located south of E Jory Street and the building will also be 35 feet in height. The bulk, scale, lot coverage and density within the C-2 district will be similar to and compatible with the Crestview Crossing PUD. The design of the residential units

are similar to those approved for Crestview Crossing PUD, with the difference being the units will be attached rather than detached. The apartment building will be of similar design concept to the apartment building in Crestview Crossing.

In regard to the location and distribution of recreation space there is none proposed within the development area. A public park, Spring Meadow Park, is located to the west at the corner of E Portland Road and Vittoria Way which is approximately 1,500 feet from the development site.

The detached single-family homes north of E Willakanzie Street will be required to have two off-street parking spaces. The townhouses are required to provide a minimum of one parking space. The multi-family development is required to provide 40 parking spaces.

Access to the development will be provided by the three public streets that will have sidewalks. A pedestrian access is also provided from the multi-family development to E Portland Road.

As part of Order No. 2008-0014, a sound wall will be constructed along the north property line of the development in the R-1 district (R3216 01000) to mitigate site and sound from the proposed Crestview Green PUD. In Order No. 2008-0014, Attachment 8, a condition of approval stated "Upon development of the property, construct a sound wall along the northern property line to be of similar design and coordinated with the sound wall on the adjacent properties to the west." The applicant did not illustrate or provide a detail of a wall within their development plan set. Additionally, their narrative did not address the wall. Sheet C200 indicates that a sound wall will be constructed along the north property line of Tax Lot 1000 and 900. The wall is proposed to be jogged around a row of trees along the north property line associated with Lots 3-9. As staff understands the wall location is a compromise location with the tax lot to the north (R3216AA 01600). Because Order No. 2008-0014, applies to Tax Lot 1000 and stated upon development of the property, construct a sound wall along the northern property line to be of similar design and coordinated with the sound wall on the adjacent (Crestview Crossing development) property to the west. Conditions of approval addressing the sound wall along the northern boundary of the applicants' properties are addressed in other sections of this staff report.

Order No. 2007-001 and 2008-0014 required that a 20-foot-wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm. No 20-foot buffer has been proposed in the submitted PUD application material. Because a 20-foot buffer has not been identified along the commercial (C-2) frontage of NE Benjamin Road, the applicant shall provide a 20-foot-wide dense buffer along the NE Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm. A revised drawing identifying the buffer and type of improvements shall be submitted prior to Step

2 of the PUD process and submittal of Final Plans for compliance with Orders No. 2007-001 and 2008-0014.

Order No. 2007-001 and Order N. 2008-0015 had conditions that “The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.” Staff review indicates that the wetland has been delineated at the northeast corner adjacent to the development site, but a 50-foot buffer has not been identified from the wetland or at the top of bank, whichever is greater. Staff analysis indicates the buffer would impact Lot 14 and Tract B. Because the wetland buffer has not been identified, the applicant shall identify the Stream Corridor (stream corridor) overlay at the NE corner of the abutting site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

The operating characteristics will be similar to the Crestview Crossing development to the west. A Homeowners Association will be established to maintain common areas and the private streets in the Crestview Green PUD.

Public facilities will be extended to the development to provide water, wastewater, stormwater and transportation. Phase 1 of the development will be served by gravity wastewater lines. Phase 2 will be served by a new wastewater lift station. Phase 3 will be served by gravity water lines. A stormwater facility will be constructed adjacent to NE Benjamin Road to serve and treat the runoff from the new public and private streets as well as the homes and apartment development before being discharged into the public storm system. As proposed by the applicant NE Benjamin Road would be disconnected from E Portland Road and NE Benjamin would connect with E Jory Street. E Jory Street connects to E Crestview Drive and the traffic signal at E Portland Road and E Crestview Drive. E Willakenzie Street will also connect to NE Benjamin Road.

Overall the proposed Crestview Green development and that portion requesting Conditional Permit approval for residential development within the C-2 district based on location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

These criteria will be met with the adherence to the aforementioned conditions of approval. (*See Supplemental Finding*)

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

a. Public facility planning by the appropriate agencies; or

b. A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project; or

c. Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development; and

Finding: City staff have evaluated the Crestview Green Planned Unit Development Public services and facilities. The details of the findings are contained in the Public Improvement section of this staff report. The findings indicate that public improvements are proposed and can be provided to serve the development, and where appropriate conditions recommended to ensure compliance with public improvement requirements.

These criteria are met as demonstrated through the Applicants' submittal and the evaluation by City Staff of the applicants' submittal and where necessary recommended conditions of approval.

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

Finding: City staff have evaluated site design requirements, public services, and facilities available to the subject property, have found that adequate public services and facilities exists, or upgrades can be made in order to meet this section of the NMC. The conditions of approval identified in Exhibit "B" cover needed upgrades to public services and facilities. Adequate services, police, fire (TVF&R) and access to the library are available and the proposed developments property tax dollars will help fund these services with implementation of the conditions of approval found throughout this report, these criteria will be met.

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

Finding: As noted previously the site will see extensive grading to accommodate the proposed improvements and will remove of 170 inventoried trees. This grading will accommodate the required transportation system improvements, create the required stormwater improvements and water quality facility. The wetland located at the northwest corner of the site has been reserved through a lot line adjustment and is part of an abutting tax lot (R3216AA 01600). A condition is

imposed to comply with erosion control measures through obtaining a DEQ 1200C permit. There are no flood hazard issues on the proposed development site.

This criterion is met. (*See Supplemental Finding*)

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

Finding: City staff have evaluated the application for adequate utility services and have found existing services to be adequate. The Applicant has indicated they have worked with Tualatin Valley Fire & Rescue (TVF&R) and a letter was submitted as part of their application related to the private north/south streets and access. Additional findings are contained in the Public Improvement section of this report on the adequacy of utility services, emergency vehicular access, and, where appropriate, public transportation facilities. Additional findings related to Public Improvements are contained later in this report. This criterion is met with the recommended conditions.

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

Finding: No recreational facilities are proposed in the development. Outdoor living areas are provided with each of the individual single-family home lots. Outdoor living areas are provided in the multi-family portion of the development. As previously discussed, parking is provided for the development. Spring Meadow Park is located approximately 1,500 feet to the east for additional open spaces opportunities. NMC 15.420 Landscaping and Outdoor Areas, and NMC 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways contain additional findings and conditions on recreation facilities, outdoor living area, open space, and parking areas

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

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

Finding: The Applicant is proposing larger lot single-family detached homes along the northern property line, providing a buffer from the smaller lots proposed as part of the development from the larger lots located in the Oxberg Lakes Estates subdivision located outside the Urban Growth

Boundary. To the west is Crestview Crossing Planned Unit Development where smaller lot and higher density single-family development is being constructed.

Buildings will include detached single-family homes (14) north of E Willakenzie Street. Between E Willakenzie Street and E Jory Street will be townhomes (96) with a variety of attached units ranging from two to five. The multi-family portion of the development will be at the southeast corner of the site adjacent to E Portland Road. The location will abut a multi-family development to the west located in the Crestview Crossing development.

The bulk and height of the residential development will consist of 2-story homes meeting the 30-foot height requirement north of E Willakenzie Street in the R-1 zone. The townhouses between E Willakenzie Street and E Jory Street will be 3-story homes and are proposed at 35 feet meeting the height requirement in the R-2 zone. The multi-family development will 35 feet in height to match the building height in the abutting R-2 zone.

Regarding the location and distribution of recreation space there is none proposed within the development area. A public parking, Spring Meadow Park is located to the west at the corner of E Portland Road and Vittoria Way which is approximately 1,500 feet from the development site.

The detached single-family homes north of E Willakenzie Street will be required to have two off-street parking spaces. The townhouses are required to provide a minimum of one parking space. The multi-family development is required to provide 40 parking spaces.

The development has three public streets. This includes E Jory Street a Minor Collector, E Willakenzie Street a local residential street and NE Benjamin Road a local road per Yamhill county.

Access to the development will be provided by the three public streets that will have sidewalks. A pedestrian access is also provided from the multi-family development to E Portland Road.

No other uses are proposed in the development.

To the north and east of the development is rural land. North is the Oxberg Lakes Estates rural subdivision on large one acre lots. To the east is Springbrook Farm and agricultural operation.

Overall, the proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood and meets the criterion.

Addition analysis on access, building scale, bulk, design, setbacks, heights, coverage, landscaping, and screening are contained later in this report,

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

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

Finding: Exhibit “B” lists conditions of approval that are necessary in order fulfill the purpose and provisions of these regulations within the NMC. If the applicant adheres to all conditions of approval this criterion will be met.

III. 15.220.060 Additional requirements for multifamily residential projects.

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

A. Site Design Elements.

- 1. Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of open space areas which can be consolidated into children’s play areas, gardens, and/or dog-walking areas (three points).***
- 2. Preserve existing natural features, including topography, water features, and/or native vegetation (three points).***
- 3. Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more “pedestrian-friendly” environment (three points).***
- 4. Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other “pedestrian-friendly” amenities (three points).***

- 5. Create “outdoor” rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).*
- 6. Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species (two points).*
- 7. Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).*
- 8. Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).*
- 9. Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).*
- 10. Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).*
- 11. Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).*
- 12. Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).*

B. Building Design Elements.

- 1. Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).*
- 2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).*
- 3. Break up large buildings into bays by varying planes at least every 50 feet (three points).*
- 4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).*

5. Building Materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).

6. Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).

7. Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).

8. Provide a front porch at every main entry as this is both compatible with the city's historic building pattern and helps to create an attractive, "pedestrian-friendly" streetscape (two points).

9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points).

Design Review	Possible Points	Points Earned
<i>Site Design Elements</i>		
Consolidate green space	3	0
Preserve existing natural features	3	0
Use front setback to build a street edge	3	0
Place parking lots on sides or back of projects	3	0
Create "outdoor rooms"	2	0
Provide good quality landscaping	2	2
Landscape at edges of parking lots	2	2
Use street trees and vegetative screens	1	1
Use site furnishings to enhance open space	1	1
Keep fences "neighborly"	1	1
Use entry accents	1	1
Use appropriate outdoor lighting	1	1
<i>Building Design Elements</i>		
Orient buildings toward the street	3	0
Respect the scale and patterns of nearby buildings	3	3
Break up large building planes into bays	3	3
Provide variation in repeated units	3	3
Building materials: a) wood or wood-like siding b) shingles on roof or upper portions c) brick at base of walls or chimneys d) wood or wood-like sash windows e) wood or wood-like trim	1 each	1 (a, b, d and e)
Incorporate historical architectural elements	2	0
Keep car shelters accessory to building	2	0
Provide a front porch at every main entry	2	2
Use slope roofs at a pitch of 3:12 or steeper	2	0
Total Earned		21

Finding: The table above illustrates the possible points and points earned for site design and building design elements. This section of the NMC states that at least 20 points are required for 9 units or more. The building is schematic in design with minimal details. Additional details on exterior building materials such as wood or wood-like siding, shingles on roof or upper portions, brick at base of walls or chimneys, wood or wood-like sash windows, and wood or wood-like trim are necessary. Based on the Applicant's narrative and staff preliminary review of the site design elements and building design elements it appears that 21 points have been achieved but cannot be confirmed. Because information is unclear on the building design, prior to Step 2 of the PUD process and submittal of Final Plans for compliance revised and before submittal of building permits, detailed building drawings for the multi-family building shall be submitted for review for conformance with 15.220.060(B).

15.305.020 Zoning use table – Use districts.

Finding: The Applicant is proposing single-family, townhouses, and multifamily residential development within the R-1, R-2 and C-2 districts. The single-family units are proposed for the R-1 zoned area, these uses are permitted within said zoning districts. Townhouses are proposed for the R-2 and C-2 district and are permitted in the R-2 and a conditional use in the C-2 district. The multifamily units will be developed within the C-2 district, which are permitted as a conditional use. The Applicant has requested a conditional use for development of the townhouses and multifamily units within the C-2 district. City staff has recommended approval of the conditional use permit for development of townhouses and multifamily units within the C-2 District. Because the proposed uses are permitted either by right or allowed with a conditional use permit, Section 15.305.020 has been met.

BYPASS INTERCHANGE OVERLAY

15.356 Bypass Interchange (BI) Overlay

15.356.030 Permitted uses.

All uses of land and water that are permitted in the underlying zoning district(s) are also permitted in the bypass interchange overlay, with the exception of the special limitations on commercial uses in the industrial districts as outlined in NMC 15.356.050. [Ord. 2734 § 1 (Exh. B), 3-7-11; Ord. 2708 § 2, 12-1-08; Ord. 2602, 9-20-04. Code 2001 § 151.531.2.]

15.356.040 Conditional uses.

A. Uses of land and water that are listed as conditional uses in the underlying zoning district(s) may also be allowed in the bypass interchange overlay, with the exception of uses included in the list of prohibited uses in NMC 15.356.050.

B. Proposed conditional uses in the bypass interchange overlay are subject to the standard conditional use criteria and procedures of this code.

Finding: The subject properties are within the Bypass Interchange Overlay. The proposed path of the Bypass is located adjacent to the frontage of the subject property on E Portland Road. The applicant is proposing a mixture of single-family, townhouses, and multifamily development on residentially and commercially zoned property. The applicant has applied for Conditional Use Permit approval for the residential development in the C-2 district that was evaluated earlier per the Conditional Use criteria in this report and is recommended to be approved. Because the uses proposed by the applicant are permitted either by right or as a conditional use, these criteria are met.

Chapter 15.405 LOT REQUIREMENTS

15.405.010 Minimum and maximum lot area.

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

1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:

Zone	Minimum lot area for single family	Minimum lot area for townhouse
R-1	5,000 SF	
R-2		1,500 SF

Finding: The lots in the R-1 district are all above 5,000 square and meet the criterion.

The Applicant has requested a minimum lot size in the R-2 of 1,330 square feet to accommodate the townhouse development. NMC 15.405.010(A)(1) allows lot sizes for townhouses to be a minimum of 1,500 square feet. The maximum reduction requested is 170 square feet. This reduction in lot size is acceptable. The minimum lot size allowed in the R-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.

2. In the AI, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.

Finding: The Applicant has requested a minimum lot size in the C-2 of 1,330 square feet for the townhouses with an average minimum lot size within this zone of 1,605 square feet. 15.405.010(A)(1) allows lot sizes for townhouses to be a minimum of 1,500 square feet. The maximum reduction requested is 170 square feet. This reduction in lot size is acceptable. The minimum lot size allowed in the C-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.

3. In the M-1, M-2, M-3, and M-E districts, each lot or development site shall have a minimum area of 20,000 square feet.

Finding: Not applicable as the development is not in the M-1, M-2, M-3, and M-E districts.

4. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.

Finding: Not applicable as the development is not in the Institutional district.

5. Within the commercial and mixed employment district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

Finding: Not applicable as the development is not in the commercial and mixed employment district(s) of the riverfront overlay subdistrict.

B. Maximum Lot or Development Site Area per Dwelling Unit.

1. In the R-1 district, the average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

Finding: The proposed lots in the R-1 district are under 10,000 square feet and meet the criterion.

2. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

Finding: Not applicable as the development in the R-2 is proposed as townhouses with a minimum lot size of 1,500 square feet.

3. In the R-2, AR and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

Finding: Not applicable because the R-2 district is not proposing multiple single-family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects.

4. In the R-3 district, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

Finding: Not applicable because there is no R-3 district in the development area.

C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in

accordance with a future development plan, or land for uses not appurtenant to the residence.

Finding: Lot area calculations for the R-1 and R-2 portions of the development comply with this criterion. The criterion is met.

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.

Finding: Not applicable because the development is utilizing the PUD provisions of NMC 15.240.

15.405.020 Lot area exceptions.

The following shall be exceptions to the required lot areas:

A. Lots of record with less than the area required by this code.

Finding: Not applicable because the two parcels making up the development area are larger than the minimum lot size for R-1 and R-2 districts.

B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.

Finding: Not applicable because the parcels for the development area were created prior being brought into the UGB and annexation into the city limits.

C. Planned unit developments, provided they conform to requirements for planned unit development approval.

Finding: The development is proposed using the PUD process and will be required to comply with the PUD provisions and appropriate conditions of approval. The criterion is met.

15.405.030 Lot dimensions and frontage.

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

Finding: The Applicant has requested a reduction in the lot width at the street from 25 feet down to an average frontage length of 19 feet in the R-2 district. NMC 15.405.030(D)(2)(a) Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B). NMC 15.415.050(B)(5)(a)(ii) allows street front minimum of 15 feet based on the units having garages on the front façade. The garages face the private streets. The request is to reduce the lot frontage

by 1-foot from code standards. The Applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.

The Applicant has requested a reduction in the lot width at the street from 25 feet down to an average frontage length of 19 feet in the C-2 district. NMC 15.405.030(D)(2)(a) Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B). NMC 15.415.050(B)(5)(a)(ii) allows street front minimum of 15 feet based on the units having garages on the front façade. The garages face the private streets. The request is to reduce the lot frontage by 1-foot from code standards. The Applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the C-2 district.

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

Finding: All proposed lots comply with the criterion.

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

Finding: The proposed lot sizes conform to the Code and are utilizing the PUD provisions. The criterion is met.

D. Frontage.

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

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

Finding: The lot frontage proposed for the R-1 district exceeds the 25 feet as represented on Sheets C151 and C152. In the R-2 district lot frontage is proposed at a minimum of 19 feet. The applicant has requested a reduction in the lot width at the street from 25 feet down to an average frontage length of 19 feet. NMC 15.405.030(D)(2)(a) Lots for townhouse dwellings in any zone

where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B). NMC 15.415.050(B)(5)(a)(ii) allows street front minimum of 15 feet based on the units having garages on the front façade. The garages face the private streets. The request is to reduce the lot frontage by 1-foot from code standards. The Applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.

New private streets are proposed in NMC 15.240.020(L)(2) and are identified to be approved through the PUD process.

The criterion is met.

b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line, except that duplex, triplex, quadplex and cottage cluster project lots in the R-3 zone shall have a minimum width of 25 feet at the front building line.

Finding: In the R-2 district lot frontage is proposed at a minimum of 19 feet. The applicant has requested a reduction in the lot width at the street from 25 feet down to an average frontage length of 19 feet. NMC 15.405.030(D)(2)(a) Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B). NMC 15.415.050(B)(5)(a)(ii) allows street front minimum of 15 feet based on the units having garages on the front façade. The garages face the private streets. The request is to reduce the lot frontage by 1-foot from code standards. The Applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.

The criterion is met.

c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.

Finding: The fourteen lots in the R-1 zone exceed the 35-foot requirement as shown on Sheets C151 and C152. This requirement is met.

d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.

Finding: Not applicable as the development is not in the AR zone.

2. The above standards apply with the following exceptions:

a. Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B).

Finding: The Applicant has requested a reduction in the lot width at the street from 25 feet down to an average frontage length of 19 feet. NMC 15.405.030(D)(2)(a) Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B). NMC 15.415.050(B)(5)(a)(ii) allows street front minimum of 15 feet based on the units having garages on the front façade. The garages face the private streets. The request is to reduce the lot frontage by 1-foot from code standards. The Applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.

b. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.

Finding: Not applicable because the parcels for the development area were created prior being brought into the UGB and annexation into the city limits.

c. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

Finding: Not applicable because the parcels for the development area were created prior to being brought into the UGB and annexation into the city limits.

d. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. However, existing single-family detached dwellings on existing private streets may be converted to duplex, triplex, or quadplex dwellings.

Finding: Not applicable because there are no existing private streets in the development area.

15.405.040 Lot coverage and parking coverage requirements.

A. Purpose. The lot coverage and parking coverage requirements below are intended to:

- 1. Limit the amount of impervious surface and storm drain runoff on residential lots.*
- 2. Provide open space and recreational space on the same lot for occupants of that lot.*
- 3. Limit the bulk of residential development to that appropriate in the applicable zone.*

Finding: The analysis below addresses lot coverage and parking coverage.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards; however, cottage cluster projects shall be exempt from the standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

1. Maximum Lot Coverage.

a. R-1: 40 percent, except:

- i. Fifty percent if all structures on the lot are one story; and*
- ii. Sixty percent for townhouse dwellings.*

Finding: The Applicant states that in the R-1 district development will meet lot coverage. Because the actual lot coverage cannot be verified at this time, at the time of submittal of building permits the lot coverage of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.405.040.

b. R-2 and RP: 60 percent.

c. AR and R-3: 60 percent.

Finding: The Applicant indicates the homes in R-2 are identified to be between 1,330 square feet and 2,869 square feet with an average lot size of 1,605 square feet. The proposed homes in the R-2 district will be three stories. The maximum permitted lot coverage within the R-2 district is 60 percent. The anticipated coverage for these lots will be less than the stated maximum. The driveways on these lots will be 12 feet wide by 20 feet long, or 240 square feet. The total lot coverage on the R-2 zoned lots will not exceed 70 percent. Building footprints and overall lot coverage can be verified at the time of building permit issuance. Because the actual lot coverage cannot be verified at this time, at the time of submittal of building permits the lot coverage of lots 16-21, 30-35, 44-50, 58-63, 72-77, 86-91, and 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.405.040.

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

Finding: The Applicant indicates the homes in R-1 and R-2 districts will comply with the requirement. Because the actual lot coverage cannot be verified at this time, at the time of submittal of building permits the lot coverage of lots in the R-1 district and lots 16-21, 30-35, 44-50, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.405.040.

3. Combined Maximum Lot and Parking Coverage.

a. R-1: 60 percent.

b. R-2, R-3, RP and townhouse dwellings in R-1: 70 percent.

Finding: Because the actual lot coverage cannot be verified at this time, at the time of submittal of building permits the lot coverage of lots in the R-1 district and lots 16-21, 30-35, 44-50, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.405.040.

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: The lot coverage for the townhouse development in the C-2 district is matching the lot coverage of the R-2 district. The multifamily development in the C-2 district has a lot coverage for the building and parking of 52.7%.

The Applicant indicates the C-2 zone does not list a maximum lot coverage requirement, however the proposed single-family attached (townhouse) lots in the C-2 zone will be consistent with the coverage requirements listed above for the R-2 zone. Staff concurs that this is an actable approach and creates lot size consistency for the townhouse development in the R-2 and C-2 districts. Because the actual lot coverage cannot be verified at this time, at the time of submittal of building permits the lot coverage of lots 22-29, 36-43, 50-57, 64-71, 78-85, 92-99, 105-111 in the C-2 district shall be verified to be in compliance with lot coverage requirements of NMC 15.405.040 for the R-2 district.

Chapter 15.410 YARD SETBACK REQUIREMENTS

15.410.010 General yard regulations.

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

Finding: No yard or open space provided around any building for the purpose of complying with the provisions of this code is being considered as providing a yard or open space for any other building. This criterion is met.

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

Finding: No yard or open space on adjoining property is being considered as providing required yard or open space for another lot or development. The criterion is met.

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

Finding: The front yards of the proposed residential lots only have parking to access garages in conformance with the Code. The multifamily development area does not have parking in the front yard to E Jory Street. The criterion is met.

D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.

Finding: Not applicable because the common property line separating two or more contiguous lots is not covered by a building or a permitted group of buildings.

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

Finding: Not applicable because dwellings are not proposed above nonresidential buildings.

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

Finding: Not applicable because the development is not in an AI airport industrial district.

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

Finding: Not applicable because the development is not in an AR airport residential district.

15.410.020 Front yard setback.

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

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

Finding: The Applicant indicates that the front yard setback in R-1 will meet the requirement. Because the front yard setback cannot be verified at this time, at the time of submittal of building permits the front yard setback of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.410.020.

The applicant indicates that the front yard setback in R-2 will meet the requirement. Because the front yard setback cannot be verified at this time, at the time of submittal of building permits the front yard setback of lots 16-21, 30-35, 44-50, 58-63, 72-77, 86-91, and 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.410.020.

2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.

Finding: Not applicable because there is no R-3 or RP districts within the development area.

3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

Finding: The Applicant did not provide a narrative response or drawings for garage setbacks in R-1. Because the garage setback cannot be verified at this time, at the time of submittal of building permits the garage setback of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.410.020.

The Applicant did not provide a narrative response or drawings for garage setbacks in R-2. Because the garage setback cannot be verified at this time, at the time of submittal of building permits the garage setback of lots 16-21, 30-35, 44-50, 58-63, 72-77, 86-91, and 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.410.020.

4. Cottage cluster projects in any zone in which they are permitted shall have a front yard of not less than 10 feet. Any garage, carport, or parking areas that are part of a cottage cluster shall be set back at least 20 feet from the nearest property line of the street to which access will be provided; however, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley

only.

Finding: Not applicable because a cottage cluster development is not proposed.

B. Commercial.

2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

Finding: The setbacks for the townhouses in C-2 have not been specifically identified. The application indicates front yard setbacks will match the setbacks in the R-2 district. Because the front yard setbacks have not been clearly identified, at the time of submittal of building permits the front yard setback of lots 22-29, 36-43, 50-57, 64-71, 78-85, 92-99, 105-111 in the C-2 district shall be verified to be in compliance with setback requirements of NMC 15.410.020 for the R-2 district.

The multifamily building is identified to have a 10-foot setback to both E Portland Road and E Jory Street and meets the criterion.

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.

Finding: The Applicant indicates that the interior setbacks in R-1 will meet the requirement. Because the interior yard setbacks cannot be verified at this time, at the time of submittal of building permits the interior yard setbacks of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.410.030.

The Applicant indicates that the interior setbacks in R-2 will meet the requirement. NMC 15.410.030 (A)(3) establishes the setback for townhouses. Where townhouses are proposed the common wall has a zero setback per NMC 15.410.030(A)(3). Because the interior yard setbacks cannot be verified at this time, at the time of submittal of building permits the interior yard setbacks of lots 16-21, 30-35, 44-50, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be

verified to be in compliance with NMC 15.410.030 district shall be verified to be in compliance with NMC 15.410.030.

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

Finding: Not applicable because the development is not in the RP district.

3. All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.

Finding: The R-2 portion of the development is proposed with townhouses where attached units have no setback. Where units are detached, the setback required is 5 feet.

B. Commercial.

1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.

Finding: The Applicant is requesting a modification to the setback requirement, as the C-2 district requires 10 feet when abutting a R-2 district. This reduction is reasonable given the development type that is proposed and taking into consideration the requirements of NMC 15.415.050. The minimum interior yard setback for townhouses in the C-2 district is zero feet between the C-2 and R2 districts as represented in the preliminary tentative plat drawings C151-C154.

2. All lots or development sites in the C-3 district shall have no interior yard requirements.

Finding: Not applicable because there is no C-3 district within the development area.

3. All lots or development sites in the C-4 district will comply with the interior yard requirements described in NMC 15.352.040(E).

Finding: Not applicable because there is no C-4 district within the development area.

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.

Finding: The Applicant's narrative indicates vision clearance is maintained as demonstrated on submitted plans. Review of submitted plans does not identify the vision clearance triangles for public street intersections (E Willakenzie Street and NE Benjamin Road), or for private street intersections A-D with E Willakenzie Street and E Jory Street. Staff cannot determine if the requirement met. Staff cursory review is that dwelling units would be located within the vision clearance areas. The Applicant shall provide vision clearance triangles for all intersecting street and private streets in conformance with 15.410.060(A) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

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.

Finding: The Applicant's narrative indicates vision clearance is maintained as demonstrated on submitted plans. Review of submitted plans does not identify the vision clearance triangles for private drives and a public street (multifamily development site). Staff cannot determine if the requirement met. The Applicant shall provide vision clearance triangles for all intersecting private drives and public streets in conformance with 15.410.060(B) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

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 Applicant's narrative indicates vision clearance is maintained as demonstrated on submitted plans. No information was submitted to confirm compliance with 15.410.060(C). The Applicant shall provide vision clearance triangles and confirm compliance with 15.410.060(C) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

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

Finding: Not applicable because the development is not within the Riverfront Overlay subdistrict.

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.

Finding: No applicable because there are no depressed areas in the development area.

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.

Finding: Not applicable because no accessory buildings are proposed.

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: The Applicant identifies a sound wall 6 feet in height along the north property line of R3216 01000 and R3216 00900. The applicant's narrative identifies that the R-1 and R-2 areas of the development will have cedar fencing 6 feet in height. The grading plan also identifies a series of retaining walls in the R-2 and C-2 areas with a maximum height of 6.5 feet. The 6.5 feet exceeds the 6-foot requirement. The Applicant shall revise the height of the wall height to not exceed 6 feet in height to comply with 15.410.070(D) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

Fencing around the stormwater facility will be 4 feet in height and constructed of chain link.

- 2. In any commercial, industrial, or mixed employment 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 eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. 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 an eight-foot fence on the property line.

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

Finding: No fencing is proposed for the multifamily portion of the development.

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 fences have been proposed in the residential development. A 4-foot-tall chain link fence is proposed around the stormwater facility and will be required to comply with the standard. Chain link fencing proposed around the perimeter of the stormwater facility shall be manufactured of corrosion-proof materials of at least 11-1/2 gauge.

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

Finding: The Applicant's CC&Rs has restriction on recreational vehicles, boat trailers, etc. in compliance with this criterion.

c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).

Finding: Not applicable because no alleys are proposed.

d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.

Finding: No parking in interior yards are proposed by the application.

3. In any commercial or industrial district, except C-1, C-4, M-1, and M-E, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district and the M-E district within the riverfront overlay subdistrict are described in NMC 15.352.040(H).

Finding: The commercial portion of the development has been approved for residential development through the Condition Use Permit process and parking will comply with appropriate requirements.

4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

Finding: Not applicable because the development is not in the I district.

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: Not applicable because no public telephone booth and transit shelters are proposed or required.

G. Hangars within the AR airport residential district may be constructed with no yard setbacks to property lines adjacent to other properties within the airport residential or airport industrial districts.

Finding: Not applicable because the development is not in the AR airport residential district.

Chapter 15.415 BUILDING AND SITE DESIGN STANDARDS

15.415.020 Building height limitation.

A. Residential.

1. In the R-1 district, no main building shall exceed 30 feet in height, except that townhouse dwellings shall not exceed 35 feet in height.

Finding: The Applicant states the maximum permitted height in the R-1 zone is 30 feet. The proposed homes will meet the height requirement of the zone. Because the actual building height in the R-1 district cannot be verified at this time, at the time of submittal of building permits the building height of all structures shall be verified to be in compliance with NMC 15.415.020.

2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.

Finding: The Applicant states the maximum permitted height in the R-2 zone is 35 feet. The proposed homes will meet the height requirement of the zone. The maximum proposed height in the R-2. Because the actual building height cannot be verified at this time in the R-2 district, at the time of submittal of building permits the building height of all structures shall be verified to be in compliance with NMC 15.415.020.

3. In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.

Finding: Not applicable because there is no R-3 district within the development area.

4. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:

a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.

b. Aircraft hangars in the AR district may be the same height as the main building.

Finding: No accessory buildings have been proposed in the application material. If accessory building are proposed they shall comply with the requirements of 15.415.020(A)(4).

5. No cottage cluster dwelling shall exceed 25 feet in height in any zone where the use is permitted.

Finding: Not applicable because the development is not a cottage cluster development.

6. Single-family dwellings permitted in commercial or industrial districts shall not exceed 35 feet in height, or the maximum height permitted in the zone, whichever is less.

Finding: Not applicable because single-family homes are not proposed in the commercial (C-2) district. Residential development is proposed in a commercial district through a Conditional Use Permit process for townhouses and an apartment building. The applicant indicates the height of the townhouses and apartment building will comply with the 35-foot height requirement.

B. Commercial, Industrial and Mixed Employment.

1. In the C-1 district no main building or accessory building shall exceed 30 feet in height.

Finding: Not applicable because the development is not in the C-1 district.

2. In the AI, C-2, C-3, M-E, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.

Finding: Residential development is proposed in a commercial district through a Conditional Use Permit process for townhouses and an apartment building. The applicant indicates the height of the townhouses will comply with the 35-foot height requirement. The height limit in the R-2 district is 35 feet. This criterion is met.

3. In the C-4 district, building height limitation is described in NMC 15.352.040(J)(1).

Finding: Not applicable because the development is not in the C-1 district.

4. In the M-E district within the riverfront overlay subdistrict, building height limitation is described in NMC 15.352.060.

Finding: Not applicable because the development is not in the C-1 district.

C. The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.

Finding: The proposed height of the buildings permitted conditionally is 35 as noted by the applicant in their application material. This criterion is met.

15.415.030 Building height exemptions.

Roof structures and architectural features for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, TV antennas, steeples and similar structures may be erected above the height limits prescribed in this code; provided, that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the airport overlay subdistrict.

Finding: No information was provided by the Applicant on Building Height Exemptions. If there are any building height exemptions necessary the buildings shall comply with NMC 15.415.030.

15.415.040 Public access required.

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling

units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city.

Finding: All proposed buildings have access to a private street or public street in compliance with NMC 15.415.040.

15.415.050 Rules and exceptions governing triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects.

B. Where permitted, townhouse dwellings are subject to the following provisions:

1. Number of Attached Units. The minimum number of attached townhouse dwelling units in all zones is two units. The maximum number of attached townhouse dwelling units is four units in the R-1 zone and eight units in the R-2, R-3, R-P and AR zones.

Finding: The Applicant proposes a minimum of 2 units and a maximum of 5 units in the R-2 zone and meets the requirement.

*2. Entry Orientation. The main entrance of each townhouse must:
a. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and*

Finding: The Applicant indicates all townhouse dwellings will be within eight feet of the longest street facing wall on the private streets. No floor plans have been provided for staff to confirm if this criterion is met. The Applicant shall provide floor plans for the townhouses to show compliance with 15.415.050(B)(2)(a) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

b. Either:

i. Face the street (see Appendix A, Figure 26); or

Finding: The Applicant indicates all townhouse dwellings will face the street.

ii. Be at an angle of up to 45 degrees from the street (see Appendix A, Figure 27); or

Finding: This criterion is not applicable because the townhouses entrances will not be at a 45-degree angle.

*iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Appendix A, Figure 28);
or*

Finding: This criterion is not applicable because the townhouses entrances will not face a common open spaces or private access or driveway that is abutted by dwellings on at least two sides.

iv. Open onto a porch (see Appendix A, Figure 29). The porch must:

(A) Be at least 25 square feet in area; and

(B) Have at least one entrance facing the street or have a roof.

Finding: The Applicant indicates that all townhouses will either face the street and open to a porch. No information has been provided if the porches meet the 25 square foot requirement. Because information has not been submitted to comply with 15.415.050(B)(2)(b)(iv), prior to Step 2 of the PUD process and submittal of Final Plans for compliance the Applicant will comply with 15.415.050(B)(2)(b)(iv).

Figure 26: Street-Facing Entrance

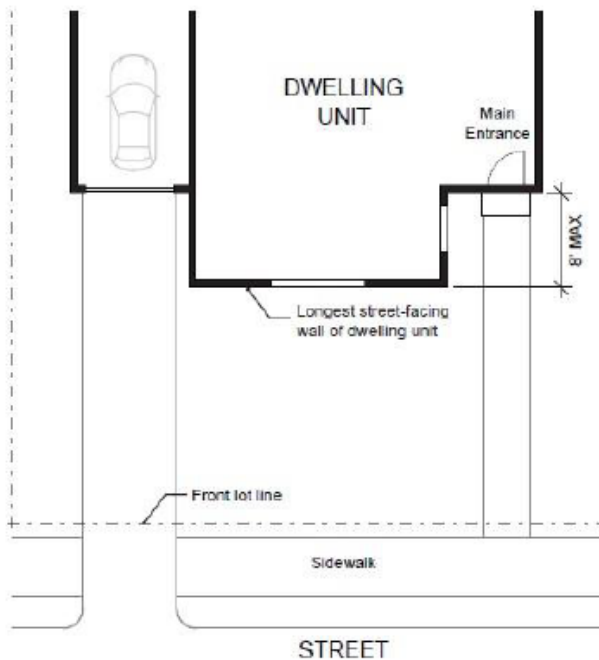


Figure 27: Angled Entrance

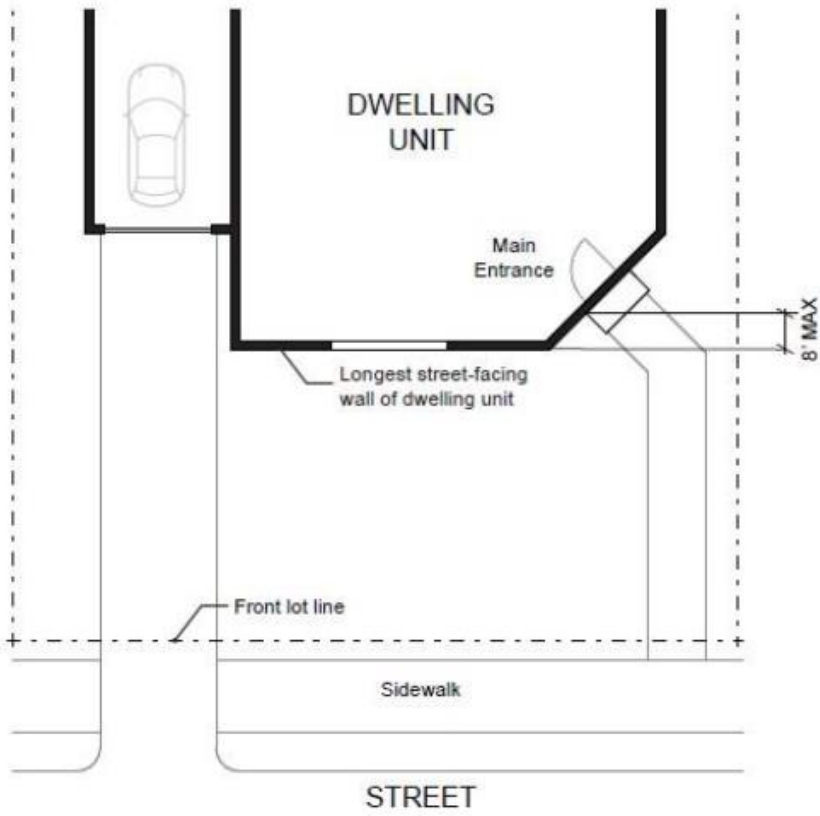


Figure 28: Entrance Facing a Common Open Space

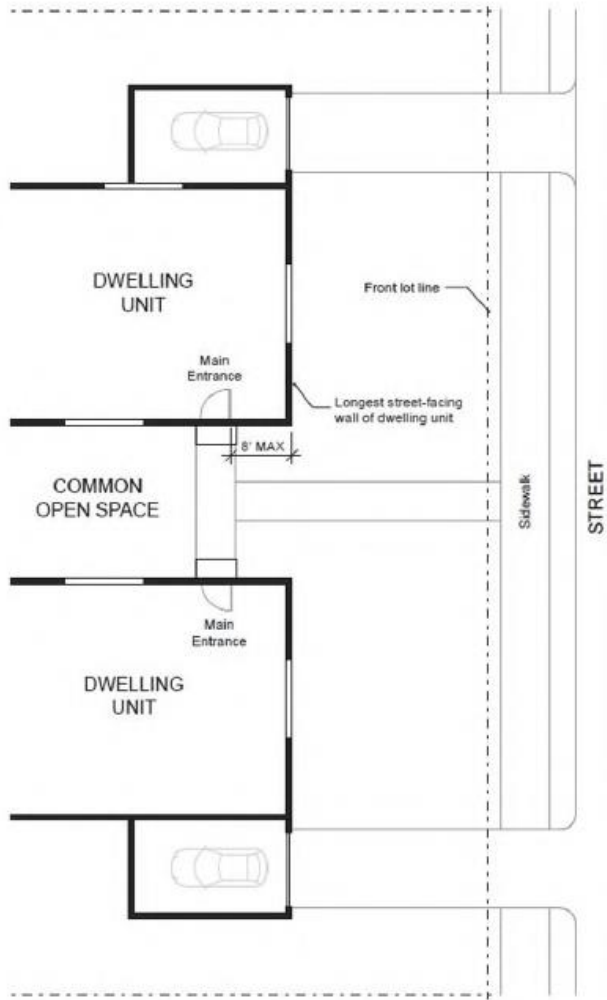
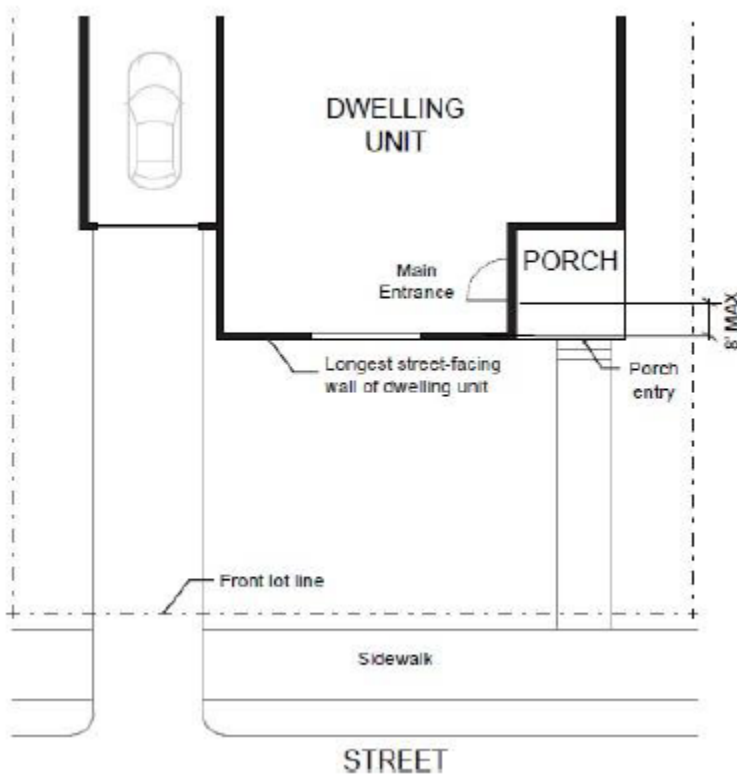
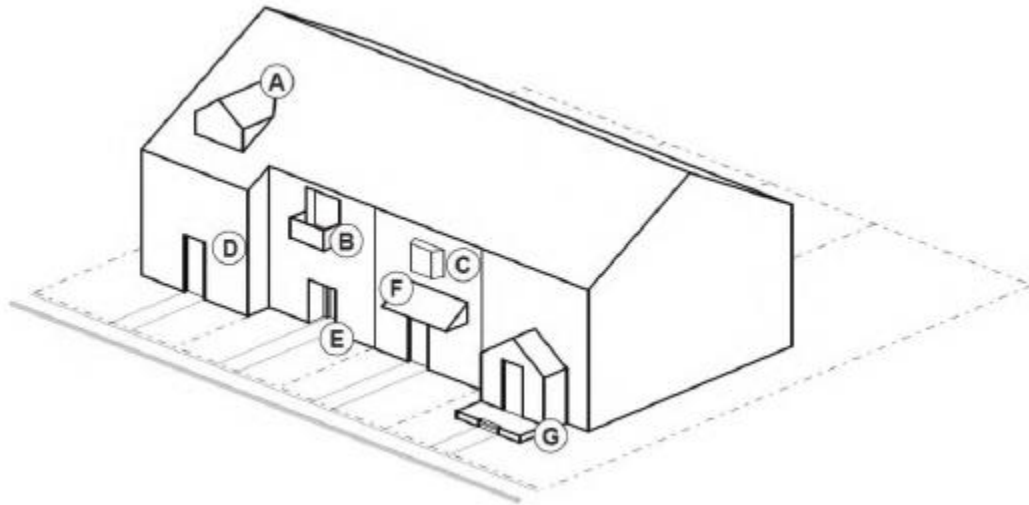


Figure 29: Porch-Facing Entrance



3. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing facade (see Figure 31):

Figure 31: Townhouse Unit Definition



A. Roof dormer

B. Balcony

C. Bay window

D. Facade offset

E. Recessed entryway

F. Covered entryway

G. Porch

a. A roof dormer a minimum of four feet in width; or

b. A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room; or

c. A bay window that extends from the facade a minimum of two feet; or

d. An offset of the facade a minimum of two feet in depth, either from the neighboring townhouse or within the facade of a single townhouse; or

e. An entryway that is recessed a minimum of three feet; or

f. A covered entryway with a minimum depth of four feet; or

g. A porch that is:

i. At least 25 square feet in area; and

ii. Has at least one entrance facing the street or has a roof.

Finding: The Applicant’s narrative indicates that each townhouse will have a covered entryway with a depth of four feet and a porch that is at least 25 square feet in area with an entrance facing a street. No floor plans have been provided for staff to confirm if this criterion is met. The Applicant shall provide floor plans for the townhouses to show compliance with 15.415.050(B)(3) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

4. Windows. *A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. (See Appendix A, Figure 30.)*

Figure 30: Window Coverage



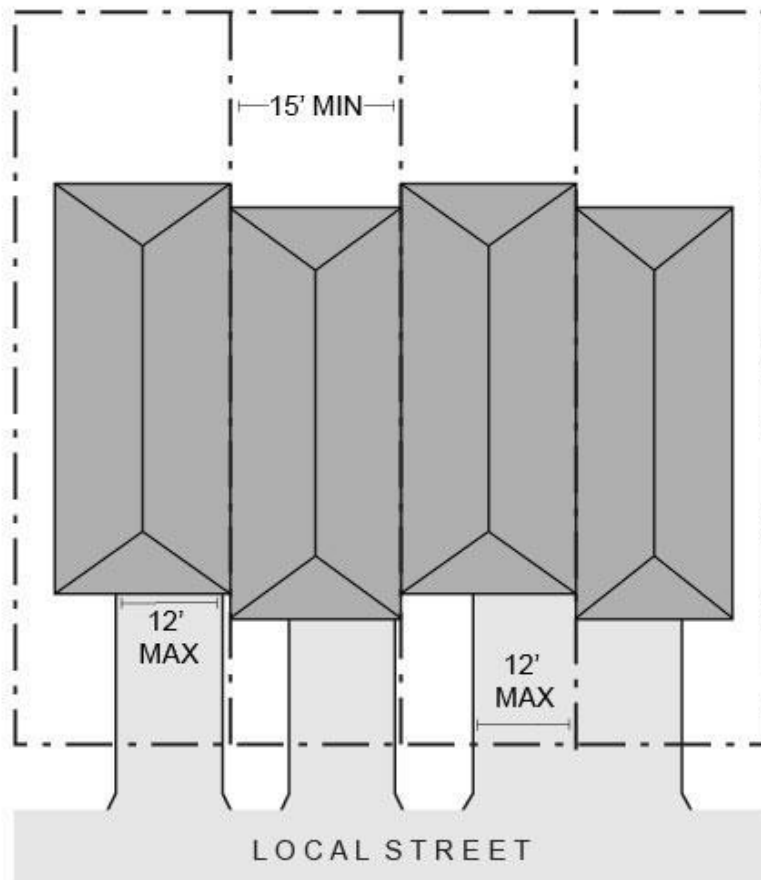
Finding: The Applicant’s narrative indicates a minimum of 15 percent of the area of all front street facing facades will include windows and entrance doors. The glazing calculation has been provided on the conceptual building elevations. The building elevations indicate 20.6% of the front elevation will be window glazing. This meets the requirement.

The Applicant requests a modification for the side yard facades facing the street. The ground floor of the townhome units will primarily be garage space and windows are not proposed. A modification is requested for the side yard facades which face a street. The proposed modification would impact 14 of the townhome units. The PUD allows modifications as “Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority...” Modifications for window glazing are not on the list. To adjust the window glazing on a side yard facing a street would require a variance and no variance application has been submitted._____

5. Driveway Access and Parking. Townhouses with street frontage must meet the following standards:

a. Garages on the front facade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 32):

Figure 32: Townhouses with Parking in the Front Yard



i. Each townhouse lot has a street frontage of at least 15 feet on a local street.

ii. A maximum of one driveway approach is allowed for every townhouse. Individual driveways may be between 10 and 12 feet in width. Driveway approaches and/or driveways may be shared.

iii. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach, which may be between 20 to 24 feet in width.

iv. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

v. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

Finding: The Applicant states each townhouse lot has a street frontage of 15 feet on a private street. Each townhouse will have a driveway between 10-12 feet in width. Shared driveways are not proposed. On-site parking areas will not exceed 12 feet wide on any lot. The proposed garages will not exceed 12 feet wide from the inside of the garage door frame.

Submitted plans indicate a minimum of 19 feet of private street frontage.

No drawing details to scale have been submitted to confirm the applicants statements for:

- ii. A maximum of one driveway approach is allowed for every townhouse. Individual driveways may be between 10 and 12 feet in width. Driveway approaches and/or driveways may be shared.
- iii. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach, which may be between 20 to 24 feet in width.
- iv. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
- v. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

The Applicant shall provide drawings for the townhouses to show compliance with 15.415.050(B)(4) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

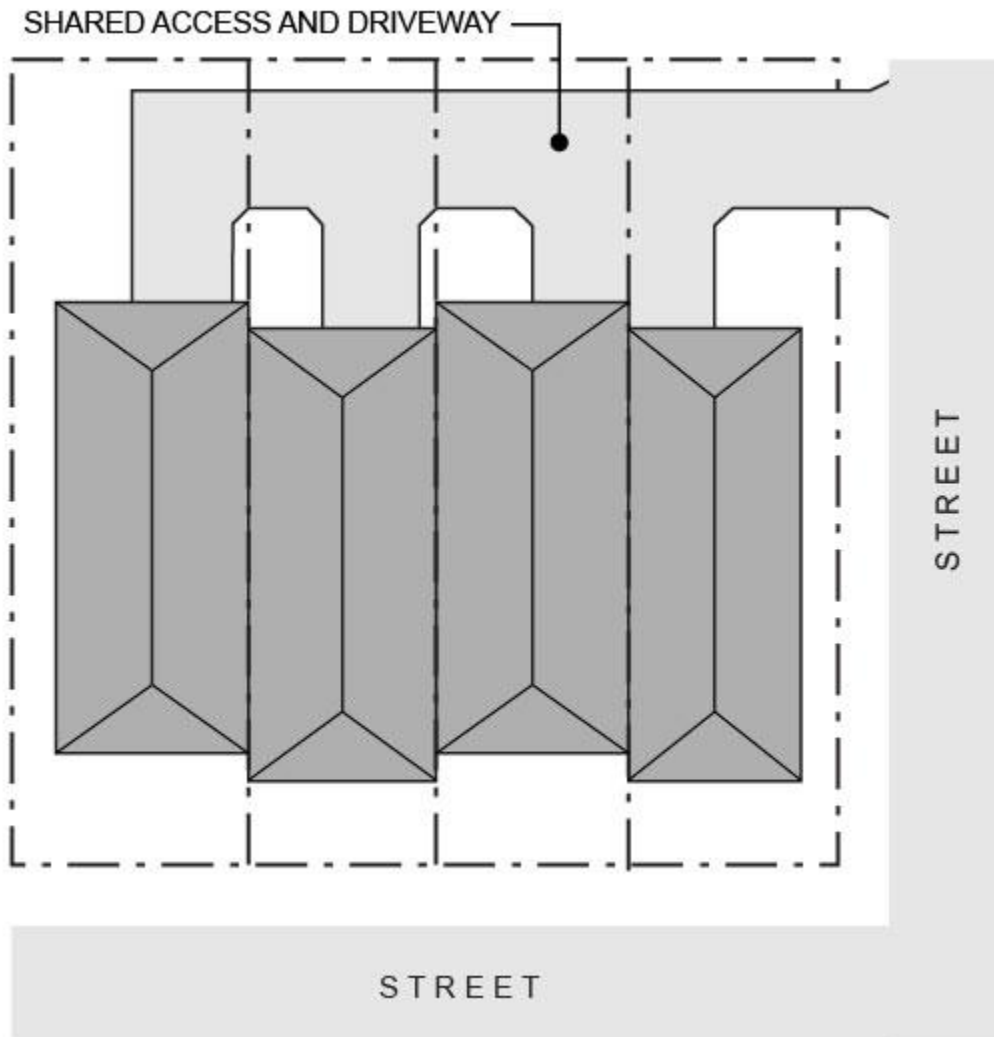
b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (B)(5)(a) of this section. The following driveway and parking area configurations may also be voluntarily utilized for townhouse projects that could otherwise meet the standards in subsection (B)(5)(a) of this section:

i. Off-street parking areas shall be accessed on the back facade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.

ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. (See Appendix A, Figure 33.)

Finding: Not applicable because all garage access will be from a private street at the front of each lot.

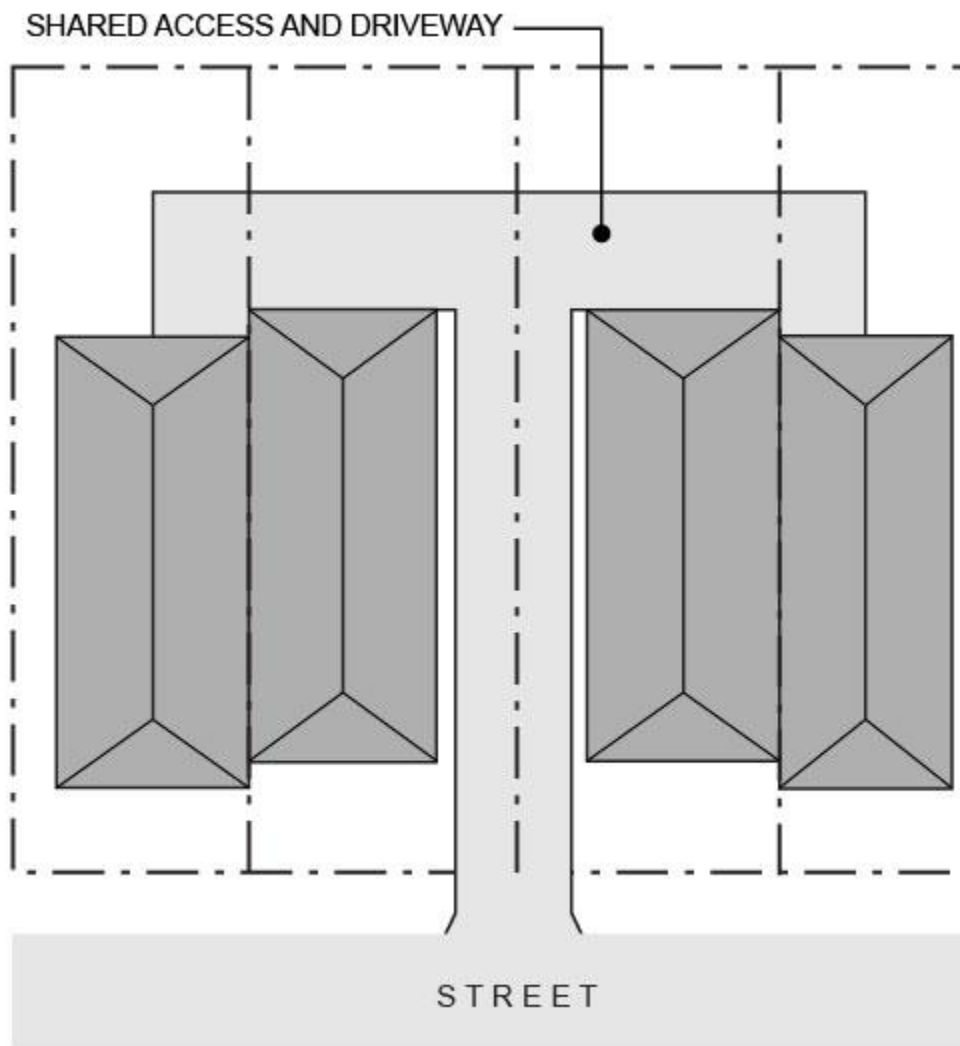
Figure 33: Townhouses on Corner Lot with Shared Access



iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front facade and front lot line of any of the townhouses. (See Appendix A, Figure 34.)

Finding: Not applicable because all garage access will be from a private street at the front of each lot.

Figure 34: Townhouses with Consolidated Access



iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

Finding: Not applicable because all garage access will be from a private street at the front of each lot and no consolidated access is proposed.

c. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (B)(5)(b) of this section.

Finding: Not applicable because all garage access will be from a private street at the front of each lot.

d. As an alternative to the provisions of subsections (B)(5)(a) through (c) of this section, a townhouse development may utilize a shared parking area meeting the requirements of NMC 15.440.060.

Finding: Not applicable because all garage access will be from a private street at the front of each lot and no shared parking area is proposed.

Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS

15.420.010 Required minimum standards.

A. Private and Shared Outdoor Recreation Areas in Residential Developments.

1. Private Areas. Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.

Finding: The Applicant states that 48 square feet of private outdoor space open space will be provided. No drawings have been submitted to show the location of the 48 square feet. The Applicant shall provide drawings for the townhouses to show compliance with 15.420.010(A)(1) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any multifamily residential development, as follows:

a. One- or two-bedroom units: 200 square feet per unit.

b. Three- or more bedroom units: 300 square feet per unit.

c. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.

Finding: No calculations or drawings have been provided on the Individual and Shared Areas for the multifamily development. There are 12 one-bedroom units and 12 two-bedroom units. This requires 4,800 square feet of Individual and Shared Areas. The Applicant shall provide drawings for the townhouses to show compliance with 15.420.010(A)(2) prior to Step 2 of the PUD process and submittal of Final Plans for compliance. (See Supplemental Finding)

3. In the AR airport residential district 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.

Finding: Not applicable because the development is not within the AR airport residential district.

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family detached dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects:

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: The applicant’s narrative indicates that the multifamily site is 41,275 square feet and that 16,768 square feet, or 40.6% of the site is landscaped. Based on the narrative the criterion is met.

2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.

Finding: All areas that are not building, parking and walkways are landscaped and meet the criterion.

3. The following landscape requirements shall apply to the parking and loading areas:

a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

Finding: Defined landscape islands are identified on Sheet C215 in the parking lot area. Sheet C215 indicates a required minimum of 875 square feet for 35 parking spaces. The amount identified as provided is 1,185 square feet. Staff notes later in the staff report that 40 parking

spaces are required. If the additional 5 parking spaces are provided on site, the amount of landscape islands required is 1,000 square feet. The current identified amount of landscaping would exceed the requirement.

b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.

Finding: A 10-foot-wide landscape area is provided along E Portland Road and a 10-foot-wide landscape area along E Jory Street. The landscape width along the west property line is 10 feet. Perimeter landscape width requirements are met.

c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.

Finding: The landscape plans show street trees in the planter strip along E Jory Street. Behind the sidewalk the plans identify a mixture of groundcover and shrubs. No trees are identified between the parking lot and the right-of-way along E Jory Street.

Along E Portland Road the landscape plans show street trees in the planter strip along E Portland Road. Behind the sidewalk the plans identify a mixture of groundcover and shrubs. No trees are identified between the parking lot and the right-of-way along E Portland Road. Because trees are not identified between the parking lot and E Jory Street and E Portland Road the requirement is not met. The Applicant shall provide revised landscape drawings for the multifamily development that identifies trees between the parking lot and the right-of-way along E Jory Street and E Portland Road in compliance with 15.420.010(B)(3)(c) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).

Finding: Not applicable because the multifamily lot has two frontages and the west interior yard has no parking, loading, or drive aisles.

e. Landscaping in a parking or loading area shall be located in defined

landscaped areas which are uniformly distributed throughout the parking or loading area.

Finding: Landscaping in the parking lot is located in defined areas and uniformly distributed throughout the parking lot in conformance with the criterion.

f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.

Finding: Staff review if submitted plans indicates the landscape islands are a minimum of 5 feet in width and meet the criterion.

g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.

Finding: Not applicable because the multifamily development is not abutting a residential district.

h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:

i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).

ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

Finding: The submitted plans indicate that there is no more than seven parking spaces in a row without a landscape island. There are two landscape islands on the north side of the multifamily development which do not have trees. Both of these islands have light poles. A columnar tree can be planted in these islands to meet the requirement. The Applicant shall provide revised

landscape drawings for the multifamily development that identifies two additional parking lot shade trees, columnar species) in the north side of the parking lot facing E Jory Street in compliance with 15.420.010(B)(3)(h) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.

a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.

Finding: E Portland Road is an arterial roadway. Patimor Ash and Chanticleer Pears are proposed on a spacing approximately 40 feet on center. Trees are 2” caliper and balled and burlapped. The requirement is met.

b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.

Finding: On E Jory Street Paperbark Maple and Katsura trees are proposed. Trees are 2” caliper and balled and burlapped. The requirement is met.

On E Willakenzie Street Yellowwood and Japanese Snowball trees are proposed. Trees are 2” caliper and balled and burlapped. The requirement is met.

On NE Benjamin Road Paperbark Maples are proposed. Trees are 2” caliper and balled and burlapped. The requirement is met. Staff notes that the Ne Benjamin Road improvements do not extend to the north property line of the development area. On additional street can be planted north of the intersection NE Benjamin Road and E Willakenzie Street. The Applicant shall provide revised landscape drawings that identifies a street tree north of the intersection NE Benjamin Road and E Willakenzie in compliance with 15.420.010(B)(4)(b) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

No street trees have been identified along the private streets. The Applicant shall work with staff to identify locations for street trees along the private streets prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum

one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.

Finding: Accent trees are proposed in the development that meet the requirements.

d. All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.

Finding: Staff review of the landscape plans have determined the size of the shrubs and comply with requirements.

e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

Gallon cans	3 feet on center
4" containers	2 feet on center
2-1/4" containers	18" on center
Rooted cuttings	12" on center

Finding: The Applicant's Landscape Plans identifies the size of containers for ground cover. The container size and spacing meet the criterion. This criterion is met.

5. Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought-resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.

Finding: Staff review of the landscape plans did not identify a note that all of the landscaping would be provided with an automatic underground irrigation system. The Applicant shall provide revised landscape drawings with a notation that an automatic, underground irrigation system shall be provided for all areas required to be planted in compliance with 15.420.010(B)(5) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

6. Required landscaping shall be continuously maintained.

Finding: The Applicant is proposing new landscape areas for the multifamily development area of the PUD. Following the first year, the Applicant shall continuously maintain all landscape areas in accordance with NMC 15.420.010(B)(6).

7. Maximum height of tree species shall be considered when planting under overhead utility lines.

Finding: All utilities are required to be undergrounded for the development. Overhead lines along NE Benjamin Road will be undergrounded.

8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.

Finding: Not applicable because site development master plan has not been proposed.

9. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.

Finding: Not applicable because the development is not in the M-4 zone.

C. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant.

Finding: The Applicant's narrative acknowledges this requirement.

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

The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of multifamily, commercial, industrial, or

institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A decision to include any amenity shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.

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

Finding: The landscape plans identify grass, groundcovers and shrubs in the planter strips along the public streets. Benches and waste receptacles are not required in this residential development.

1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).

Finding: Street trees are proposed and discussed above and comply with requirements.

2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.

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

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

Finding: The landscape plans identify grass, groundcovers and shrubs in the planter strips along the public streets. This requirement is met.

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

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

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

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

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

Finding: Sidewalks will be illuminated with street lights and pedestrian scale light is not necessary. There are no medians proposed or required.

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

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

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

Finding: This is proposed as a residential development, is not downtown and is not a shopping center or district. Street furniture requirements are not applicable.

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

Finding: Pedestrian crossing of the public streets are identified on the submitted plans. The Public Improvements section of this report will address those improvements.

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

1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with ground cover as well as trees (see Appendix A, Figures

18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.

Finding: The landscape plans identify grass, groundcovers and shrubs in the planter strips along the public streets. This requirement is met.

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

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

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

Finding: Street trees are proposed and discussed above and comply with requirements.

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

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

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

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

Finding: The landscape plans identify grass, groundcovers and shrubs in the planter strips along the public streets. This requirement is met.

C. Maintenance. All landscapes shall be maintained for the duration of the planting to encourage health of plant material as well as public health and safety. All street trees and shrubs shall be pruned to maintain health and structure of the plant material for public safety purposes.

Finding: The landscape strips will be maintained by the Homeowners Association as noted in

the Applicant's narrative. This requirement is met.

D. Exception. In the AI airport industrial district and AR airport residential district, no landscape or amenities except for grass are required for any area within 50 feet of aircraft operation areas including aircraft parking areas, taxiways, clear areas, safety areas, object-free areas, and the runway.

Finding: Not applicable because the development is not in the the AI airport industrial district and AR airport residential district.

Chapter 15.425 EXTERIOR LIGHTING ***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: A lighting plan was submitted for the multifamily development. The plan shows the location of lighting in the parking lot and impacts of lighting from the building wall lighting. This criterion 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:

a. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event.

b. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart.

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. [Ord. 2720 § 1(18), 11-2-09; Ord. 2537, 11-6-00. Code 2001 § 151.586.]

Finding: This criterion is not applicable as no exemption has been requested by the applicant.

15.425.030 Alternative materials and methods of construction, installation, or operation.

The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved by the director. Alternatives must be an approximate equivalent to the applicable specific requirement of this section and must comply with all other applicable standards in this section.

Finding: The details of the height of the light poles, type of lighting, type of wall lighting, etc. for the multifamily development have not been provided. Staff is unable to determine if alternative lighting methods are proposed. The Applicant shall provide revised Photometric plans in compliance with 15.425.030 on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

15.425.040 Requirements.

A. General Requirements – All Zoning Districts.

1. Low-level light fixtures include exterior lights which are installed between ground level and six feet tall. Low-level light fixtures are considered nonintrusive and are unrestricted by this code.

Finding: The details of the height of the light poles, type of lighting, type of wall lighting, etc. for the multifamily development have not been provided. Staff is unable to determine if low level fixtures meet the requirement. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(A)(1) on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

2. Medium-level light fixtures include exterior lights which are installed between six feet and 15 feet above ground level. Medium-level light fixtures must either comply with the shielding requirements of subsection (B) of this section, or the applicant shall show that light trespass from a property has been designed not to exceed one-half foot-candle at the property line.

Finding: The details of the height of the light poles, type of lighting, type of wall lighting, etc. for the multifamily development have not been provided. The photometrics indicate that the .5-foot candle at the property line requirement is met. Staff is unable to determine if medium level fixtures meet the requirement. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(A)(2) on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

3. High-level light fixtures include exterior lights which are installed 15 feet or more above ground level. High-level light fixtures must comply with the shielding requirements of subsection (B) of this section, and light trespass from a property may not exceed one-half foot-candle at the property line.

Finding: The details of the height of the light poles, type of lighting, type of wall lighting, etc. for the multifamily development have not been provided. The photometrics indicate that the .5-foot candle at the property line requirement is met. Staff is unable to determine if high level fixtures meet the requirement. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(A)(3) on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

This criterion will be met with the adherence to the aforementioned condition of approval.

B. Table of Shielding Requirements.

Fixture Lamp Type	Shielded
Low/high pressure sodium, mercury vapor, metal halide and fluorescent over 50 watts	Fully
Incandescent over 160 watts	Fully
Incandescent 160 watts or less	None
Fossil fuel	None
Any light source of 50 watts or less	None
Other sources	As approved by NMC 15.425.030

Finding: The details of the height of the light poles, type of lighting, type of wall lighting, etc. for the multifamily development have not been provided. Staff is unable to determine if shielding requirements have been met. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(B) on the type of lighting shielding proposed for the multifamily development prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

Chapter 15.435 SIGNS

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

15.435.010 Purpose.

A. The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well-planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.

B. These regulations are designed:

- 1. To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.***
- 2. To enhance the attractiveness of Newberg as a place to conduct business.***
- 3. To enable the identification of places of residence and business.***
- 4. To allow freedom of expression.***
- 5. To reduce distractions and obstructions from signs which would adversely affect safety.***

6. To reduce the hazards from improperly placed or constructed signs. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2499, 11-2-98. Code 2001 § 151.590.]

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. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2499, 11-2-98. Code 2001 § 151.592.]

Finding: No signage has been proposed by the applicant as part of the application submittal. Separate sign review applications will be required in order to approve signs.

This section of the NMC will be met with adherence to the aforementioned condition of approval.

Chapter 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS

15.440.010 Required off-street parking.

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

Finding: The Applicant is proposing adequate parking for the R-1 zone district (lots 1-14) that will be located within the confines of lots north of E Willakenzie Street. Parking for the townhouses will be provided on each lot. Parking for the multifamily will be provided on the multifamily site. This criterion is met.

15.440.020 Parking area and service drive design.

A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.

Finding: It has been determined that all proposed public and private parking areas and parking space have been laid out and constructed in compliance with the illustrations and footnotes listed Section 15.440.070 of the NMC. The criterion is met.

B. Groups of three or more parking spaces, except those in conjunction with a single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, townhouse dwelling or cottage cluster project on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

Findings: The parking lot for the multifamily site is served by a service drive through the lot. There are two access points through the parking lot. No maneuvering is required within a street or alley. The design facilitates the flow of traffic through the parking lot and is safe for pedestrian. The service drive is either 24 feet or 26 feet in width and exceeds the minimum requirement. The criterion is met.

C. Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.

Findings: Private streets are proposed to serve the townhouses. No gates are proposed. The criterion is met.

D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are

located, if required, and is approved by the fire marshal, planning director, and public works director. The following submittal must be made:

1. A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other nonsecured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications (refer to Federal Aviation Administration Advisory Circular No. 150/5300-13 regarding airport design, and AC/5370-10B regarding construction standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the private airport owner, and the FAA for airspace review.

Finding: Not applicable as the development site is not in the AI airport industrial district and AR airport residential district.

15.440.030 Parking spaces required.

Dwelling, single-family	2 for each dwelling unit on a single lot
Dwelling, townhouse	1 for each dwelling unit
Dwelling, multifamily	
Studio or one-bedroom unit	1 per dwelling unit
Two-bedroom unit	1.5 per dwelling unit
Three- and four-bedroom unit	2 per dwelling unit
Five- or more bedroom unit	0.75 spaces per bedroom
• Unassigned spaces	If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the

<ul style="list-style-type: none"> • Visitor spaces 	<p>development. The location shall be approved by the director.</p> <p>If a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit.</p>
<ul style="list-style-type: none"> • On-street parking credit 	<p>On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.</p>
<ul style="list-style-type: none"> • Available transit service 	<p>At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own</p>

	<p>transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.</p>
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Finding: The lots in the R-1 district will have two off-street parking spaces. The townhouses in the R-2 district provided the minimum of one off-street parking space. The townhouses in the C-2 district provided the minimum of one off-street parking space. The multifamily building provides 35 parking spaces. The unit mix is 12 one-bedroom and 12 two-bedroom units. 30 spaces are required for the units proposed. Based on the number of units 4.8 (5) visitor spaces are required. Of the total parking spaces, no information was submitted on providing unassigned spaces. 15% of the total required spaces need t be unassigned. Of the 30 required spaces 4.5 (5) spaces are required. The total number of spaces for required, unassigned, and visitor total 40 spaces. The 35 spaces identified do not meet the requirement.

The NMC allows for on-street spaces to be counted towards the required spaces. The spaces have to be adjoining and on the same side of the street. E Jory Street is a Minor Collector and allows on-street parking. The additional 5 spaces could be located on E Jory Street. On-street parking is required to be 8 feet wide and 20 feet in length. To meet the parking requirements the Applicant shall identify either adding 5 additional spaces on site or 5 spaces on E Jory Street and revise the parking plan accordingly and submit the information prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

This section of the NMC will be met with adherence to the aforementioned condition of approval.

15.440.060 Parking area and service drive improvements.

All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:

A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.

Finding: Parking in the multifamily development will be asphaltic concrete meeting the requirement.

B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.

Finding: The parking for the multifamily development does not encroach on public streets, alleys, and other rights-of-way and meets the criterion.

C. All parking areas, except those required in conjunction with a single-family detached, duplex, triplex, quadplex or townhouse dwelling, or cottage cluster project, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

Finding: The multifamily development provides a perimeter curbing which will prevent cars from encroachment on abutting private and public property and meets the criterion.

D. All parking areas, including service drives, except those required in conjunction with single-family detached, duplex, triplex, quadplex or townhouse dwellings or cottage cluster projects, shall be screened in accordance with NMC 15.420.010(B).

Finding: The parking area for the multifamily development according to the provided landscape plans is proposed to be screened in accordance with NMC 15.420.010(B).

E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.

Finding: Lighting is proposed in the multifamily development area and is located to reflect the light away from any abutting or adjacent residential district and meets the criterion. There are condition to provided revised lighting details to meet lighting requirements.

F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.

Finding: All of the parking spaces in the multifamily development are shown as striped to meet the criterion.

G. Parking areas for residential uses shall not be located in a required front yard, except as follows:

1. Single-family detached, duplex, triplex, quadplex, and townhouse dwellings: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.

Finding: No parking for the detached single family and townhouses is provided in the front yard other than the allowed service drive leading the respective garages and meets the criterion.

H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

Finding: For the multifamily development nine (9) compact spaces are proposed out of the 35 proposed spaces which less than 30% and meets the criterion. Staff notes that there are 5 additional required parking spaces for the multifamily development and if the 5 spaces are provided on site they shall comply with the maximum 30% requirement.

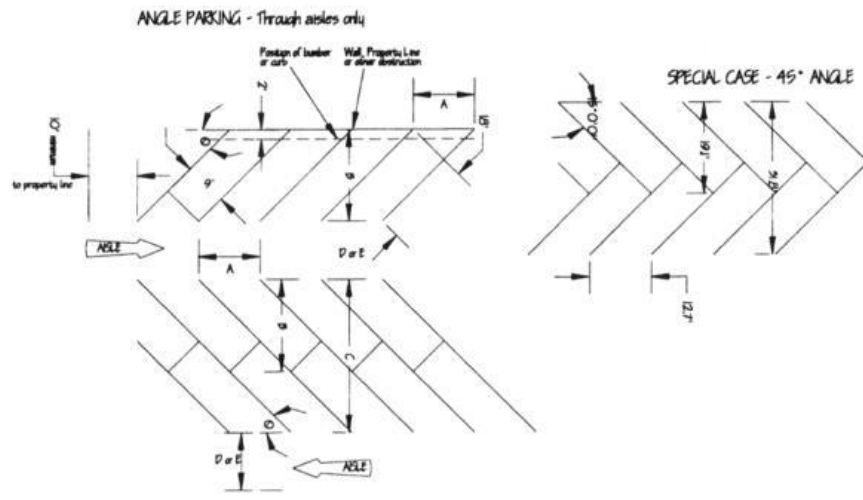
I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.

Finding: Not applicable because no affordable housing is proposed for the development.

J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.

Finding: Not applicable because transit improvements are not proposed.

15.440.070 Parking tables and diagrams.



Finding: The proposed parking is 90° angle and the supporting drive aisle meet the requirement. The proposed parking spaces are 9 feet by 18 feet for standards spaces and 8 feet by 16 feet and meet the requirements.

15.440.075 Residential garage standards.

A. Single-car garages for residential uses shall have a minimum inside width of 10 feet by 20 feet.

B. Two-car garages for residential uses shall have a minimum inside width of 20 feet by 20 feet.

C. Three-car garages for residential uses shall have a minimum inside width of 30 feet by 20 feet.

Finding: The Applicant’s narrative indicates all single car garages will be 10 feet by 20 feet. All two car garages will be 20 feet by 20 feet. For three car garages they will be 30 feet by 20 feet. The parking garage dimensions meet the criterion.

15.440.090 Purpose.

Cycling is a healthy activity for travel and recreation. In addition, by maximizing bicycle travel, the community can reduce negative effects of automobile travel, such as congestion and pollution. To maximize bicycle travel, developments must provide effective support facilities. At a minimum, developments need to provide a secure place for employees, customers, and residents to park their bicycles.

15.440.100 Facility requirements.

Bicycle parking facilities shall be provided for the uses shown in the following table.

Fractional space requirements shall be rounded up to the next whole number.

<i>Use</i>	<i>Minimum Number of Bicycle Parking Spaces Required</i>
<i>New multiple dwellings, including additions creating additional dwelling units</i>	<i>One bicycle parking space for every four dwelling units</i>

Finding: The Applicant is proposing 24 multifamily units as part of the project, which requires 6 bicycle parking spaces. Site development sheet C215 illustrates 6 bicycle parking spots and bicycle parking will accommodate two bikes.

This section of the NDC is met because the applicant is proposing 6 bicycle parking spaces.

15.440.110 Design.

A. Bicycle parking facilities shall consist of one or more of the following:

- 1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.*
- 2. An enclosed locker.*
- 3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.*
- 4. Other facility designs approved by the director.*

B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.

C. All spaces shall be located within 50 feet of a building entrance of the development.

D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority responsible for maintenance of that right-of-way.

Finding: No information was provided on the type of bike rack to be used. No dimensions were provided on the size of the bike parking spaces. The location of the bike parking spaces is within 50 feet of the multifamily building entrance. Because the type of bike rack and the size of the bike spaces have not been provided the requirements are not met. The Applicant shall provide the type of bike rack and the size of the bike spaces in conformance with 15.440.110 prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

With the adherence to the aforementioned condition of approval these criteria will be met.

Article III. Private Walkways

15.440.120 Purpose.

15.440.140 Private walkway design.

Sidewalks and private walkways are part of the city's transportation system. Requiring their construction is part of the city's plan to encourage multimodal travel and to reduce reliance on the automobile. Considerable funds have and will be expended to install sidewalks along the streets in the city. Yet there is little point to this expense if it is not possible for people to walk from the sidewalk to the developments along each side. The following requirements are intended to provide safe and convenient paths for employees, customers, and residents to walk from public sidewalks to development entrances, and to walk between buildings on larger sites.

15.440.130 Where required.

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the airport industrial (AI) district and residential (AR) district, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.

Finding: Private walkways are provided for Private Streets A-D that connect to E Willakenzie Street and E Jory Street. A private walkway is also identified to connect from E Portland Road to E Jory Street in front of the multifamily building.

15.440.140 Private walkway design.

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

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

Finding: The identified private walkways are a minimum of 5 feet and meet the criterion.

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

Finding: The identified private walkways applicants narrative indicates the private walkways will be constructed of portland cement concrete. The criterion is met.

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

Finding: No private walkways cross a designated service drive.

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

Finding: Private walkways for Private Streets A-D and at the multifamily development area connect to public sidewalks at E Willakenzie and E Jory Street. The multifamily site also connects to E Portland Road. The criterion is met.

F. The review body may require on-site walks to connect to development on adjoining sites.

Finding: Not applicable as there are no adjoining private walkways for the Crestview Green development to connect to.

G. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards.

Finding: The applicant is proposing private walkways throughout the PUD, which connect multi-family residential units to E Willakenzie Street, E Jory Street, and E Portland Road.

PUBLIC IMPROVEMENTS

15.220.030 *Site design review requirements.*

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

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.*

Findings: The Applicant is proposing new public streets, stormwater facilities, a wastewater lift station, and utilities. This requirement is met.

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

Finding: The Applicant has submitted a traffic impact analysis performed by Kittelson & Associates. The study found capacity concerns at nearby intersections. Specifically:

The OR99W/Springbrook Road intersection is projected to operate at 0.01 over the ODOT mobility target. They found that the additional trips generated by the Crestview Green development represent fewer than one percent of the total intersection peak hour volume. They also cited the expectation that traffic demand at the intersection will decrease with the eventual completion of the Newberg-Dundee Bypass. They did not recommend any improvements.

The OR99W/Brutscher Street intersection is also projected to operate at 0.01 over the ODOT mobility target. Based on the increase being just 0.01 and the expectation that the Newberg-Dundee Bypass will decrease traffic demand at the intersection, they did not recommend any improvements.

The OR99W/Providence Drive/ Crestview Drive intersection was projected to operate 0.13 over the ODOT mobility target during the weekday AM peak hour and at 0.15 over the ODOT mobility target during the weekday PM peak hour. The study recommended:

- modifying the lane configuration on the southbound Crestview Drive approach to include a separate left-turn lane
- a shared through/left-turn lane
- an exclusive right turn lane
- converting to split phasing for the northbound Providence Drive and the southbound Crestview Drive approaches.

Arielle Ferber PE, an ODOT Traffic Analysis Engineer, submitted comments regarding these recommendations in a memo dated April 21, 2022, to Casey Knecht PE, ODOT Development Review Coordinator. In that memo alternate mobility targets were identified for the study intersections. Based on the alternate mobility targets, ODOT found all study intersections met the mobility targets. They also cited the expectation that traffic would improve with the completion of the Newberg Dundee Bypass. ODOT did not find the mitigations recommended by the Kittleson Traffic Impact Analysis warranted. Staff concurs with the comments in the ODOT memo dated April 21, 2022, to Casey Knecht PE, ODOT Development Review Coordinator.

This requirement is met.

Chapter 15.430 Underground Utility Installation

15.430.010 Underground utility installation.

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

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.]*

Finding: On page 20 of the narrative the Applicant has stated that all utilities will be placed underground. This requirement is met.

Chapter 15.505 PUBLIC IMPROVEMENTS STANDARDS

15.505.010 Purpose.

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

15.505.020 Applicability.

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

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

Finding: All improvements reviewed under this application are identified in the NMC 15.505 section specific to them and are conditioned to comply with the Public Works Design and Construction Standards in those sections. This requirement is met.

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

Finding: The Applicant has shown extension of E Jory Street and E Willakenzie Street connecting E Crestview Drive with NE Benjamin Road, a half street improvement on the NE

Benjamin Road frontage and frontage improvements along OR 99W. E Jory Street is designated as a minor collector and E Willakenzie Street is designated as a local street. Please see specific conditions in NMC 15.505.030 below.

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

Finding: The plans show a water service connection to the water lines in E Jory and E Willakenzie Streets to the west. Preliminary plans show both public and private streets having water lines, and public streets having non-potable water lines. Five new fire hydrants are proposed. Fire flow test results need to be submitted with building permit applications to be reviewed by the Fire Marshall for approval.

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

Finding: The submitted plans show connections to the wastewater collection lines in E Jory and E Willakenzie Streets to the west. The eastern portion of the site will drain to a new lift station which pumps wastewater to a manhole to the west and flows to the system in E Willakenzie Street. Please see specific conditions in NMC 15.505.040.

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

Finding: The Applicant has submitted a preliminary stormwater report. A stormwater management facility is shown on the plans in Tract A. The facility drains to a new storm line shown running northeast along OR99W to a culvert under NE Benjamin Road to Springbrook Creek. The southwest corner of the site drains to a storm line that crosses under OR99W. Please see conditions in NMC 15.505.050.

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

Finding: The plans show 10-foot public utility easements along the public Street frontage of the single-family homes and 8-foot public utility easements along the private street frontage of the attached single-family homes. The 10-foot segment surrounding the multifamily parcel is not labeled as a public utility easement. All public utilities shall be located within a public utility easement or right-of-way. See conditions in NMC 15.505.040 (F).

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are

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

Required public improvement permit(s) for this project must be submitted, approved and issued prior to any construction for water, wastewater, storm or street improvements. Required public improvements are to be completed prior to building permits being issued.

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

15.505.030 Street standards.

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

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

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

- 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.*
- 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.*
- 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.*
- 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.*
- 5. Developments outside the city that tie into or take access from city streets.*

C. Layout of Streets, Alleys, Bikeways, and Walkways. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In

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

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

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

Finding: The Applicant is proposing to extend E Jory and E Willakenzie Streets from the subdivision to the west, Crestview Crossing, through the proposed development. E Jory Street is shown turning north and joining NE Benjamin Road. The applicant is proposing to close the NE Benjamin Road/OR99W intersection. This closure is anticipated in the City of Newberg Transportation System Plan and is consistent with FEIS planning efforts for the Newberg-Dundee Bypass. The requirements of A, B, C, and D are met.

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 Applicant has shown half street improvements along the NE Benjamin Road frontage and frontage improvements along OR 99W. NE Benjamin Road is designated a local street under the jurisdiction of Yamhill County and OR99W is designated as a major arterial under the jurisdiction of ODOT. The existing right-of-way width of OR 99W is sufficient for the required frontage improvements. The existing right-of-way of NE Benjamin Road is insufficient to construct the required frontage improvements for a local street, the Applicant will be required to dedicate right-of-way along the NE Benjamin Road frontage sufficient for construction of the required frontage improvements.

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

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

Finding: The submitted plans and the narrative propose a half street improvement for NE Benjamin Road. A three-quarter street improvement is required. For a local street 56-feet of right-of-way and 32-feet of curb-to-curb pavement width is required to meet Newberg Municipal Code section 15.505.030(G), the City of Newberg Transportation System Plan and the Public Works Design and Construction Standards. Because final plans have not been submitted, final plans showing a three-quarter street improvement for NE Benjamin Road will be required as part of the public works improvement permit. A minimum of 28-feet of pavement width is needed along the NE Benjamin Road frontage to achieve the required three-quarter street improvement. Improvements along the NE Benjamin Road frontage are also to include curb and gutter, a minimum 5.5-foot-wide planter strip, a minimum 5-foot-wide sidewalk and a minimum of 1-foot between the back of sidewalk and the right-of-way.

Improvements along the OR 99W frontage consisting of a 6-foot-wide bike lane, curb and gutter, a minimum 5.5-foot-wide planter strip and minimum 6-foot-wide sidewalk are required and will require ODOT permitting and approval. The applicant is to apply for, and obtain, ODOT permit(s) prior to applying for the City of Newberg public improvement permit.

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

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 is not proposing a fee in lieu of street improvements. This criterion is not applicable.

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

Finding: The proposed improvements are directly related to the impacts of the development. This criterion is met.

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

G. Street Width and Design Standards.

1. Design Standards. *All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.*

Table 15.505.030(G) Street Design Standards

<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>
Arterial Streets						
<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>

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>
<i>Collectors</i>						
<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>
<i>Local Streets</i>						
<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.*

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

Finding: E Jory Street is a Minor Collector. The plans show a 64-foot right-of-way with a curb-to-curb width of 40-feet. E Willakenzie is a Local Residential Street. The plans show a 56-foot right-of-way and a curb-to-curb pavement width of 32-feet. These proposals for E Jory Street and E Willakenzie meet the street design standards.

NE Benjamin Road is a Local Residential Street. The proposed improvement shows a half right-of-way width of 28 feet and 16-feet of pavement width. A three-quarter street improvement will require a minimum of 28-feet of pavement width. Because final plans have not been submitted, final plans showing a three-quarter street improvement with a minimum of 28-feet of pavement width along the NE Benjamin Road frontage will be required with the public works improvement permit application.

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

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

Finding: E Jory Street is a minor collector. The submitted plans show 12-foot travel lanes. This criterion is met.

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

Finding: The submitted plans show a 6-foot bike lane on OR 99W.

E Jory Street is a minor collector. Consistent with the adjacent development sharrows are required for the connection from the west. The submitted plans show the cross section of E Jory Street with 12-foot travel lanes and 8-foot parking lanes. The travel lanes are not identified with sharrows. Because final plans have not been submitted, final plans for E Jory Street showing the 12-foot travel lanes with sharrows are to be submitted with the public works permit application.

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

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: E Jory Street is a minor collector. The plans submitted show parking lanes 8 feet wide. This criterion is met.

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

Finding: No center turn lane is proposed or required. This criterion is not applicable.

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: Limited residential streets are not proposed. These criteria are not applicable.

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

Finding: The submitted plans show 5-foot-wide sidewalk with planter strip along the all public street frontages except OR99W which is shown with a 6 foot wide sidewalk. The City requires 5-foot sidewalks along all public streets where a planter strip is utilized, and 6-foot sidewalks in areas utilizing a curb-tight sidewalk. ODOT has different sidewalk width requirements, and the applicant is showing a 6-foot sidewalk along OR99W. This requirement 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: The submitted plans show 5.5-foot-wide planter strips along all public street frontages. This requirement is met.

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

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

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

Finding: The submitted plans for E Willakenzie and E Jory Streets appear to meet the design standards in the Newberg Public Works Design and Construction Standards. Because construction plans have not been developed to review if all City of Newberg Public Works Design and Construction Standards are met, the final designs for E Willakenzie and E Jory Streets will need to comply with City of Newberg Public Works Design and Construction Standards.

E Jory Street, a minor collector, is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5.5-foot planter, 0.5-foot curb, 8-foot parking lane, 12-foot travel lane with sharrow, 12-foot travel lane with sharrow, 8-foot parking lane, 0.5-foot curb, 5.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The applicant is required to dedicate sufficient right-of-way (minimum of 64-feet) to construct E Jory Street.

E Willakenzie Street, a local street, is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5.5-foot planter, 0.5-foot curb, 7-foot parking lane, 9-foot travel lane, 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, 5.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The applicant is required to dedicate sufficient right-of-way (minimum of 56-feet) to construct E Willakenzie Street.

The Applicant will be required to obtain a Public Improvement Permit and meet the City's Transportation System Plan and Public Works Design and Construction Standards for the proposed roadway improvements. The final design of all roads within the PUD will be reviewed and approved as part of the Public Improvement Permit.

E Jory Street is shown turning north and joining NE Benjamin Road on the applicant's preliminary plans. E Jory Street will be under the jurisdiction of the City of Newberg. NE Benjamin Road is under Yamhill County jurisdiction. Because NE Benjamin Road is under Yamhill County jurisdiction, the Applicant will be required to obtain permit approval from Yamhill County for the NE Benjamin frontage improvements prior to the City of Newberg issuing a public improvement permit. The applicant is proposing to close the NE Benjamin Road/OR99W intersection. Yamhill County has submitted comments "*..in support of keeping a Right Only in from WB Hwy 99 with additional consideration of a Right Out onto Hwy 99 from SB Benjamin Road*". The applicant's traffic study included some analysis of a right-in only access from Highway 99W at NE Benjamin Road.

Highway 99W is under ODOT jurisdiction. ODOT has submitted comments stating that a right-in only access from Highway 99W at NE Benjamin Road would need ODOT approval for the turn restrictions and that the developer would need to provide additional analysis to determine the intersection control type and the need for deceleration lanes and/or storage. Because NE Benjamin Road is under Yamhill County jurisdiction and Highway 99W is under ODOT jurisdiction, the Applicant will be required to coordinate with Yamhill County and ODOT regarding the proposed closure of NE Benjamin Road, including any additional analysis to determine the intersection control type and the need for deceleration lanes and/or storage related to a right-in only access from Highway 99W at NE Benjamin Road. Including meeting intersection spacing requirements. If a right-in only access from Highway 99W at NE Benjamin Road is required to be evaluated during the Yamhill County permit approval process, the applicant will be required to obtain permit approval, or denial, from ODOT prior to the City of Newberg issuing a public improvement permit.

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

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 modifications to street standards for the purpose of ingress or egress. 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 has not proposed modifications to these street standards. This criterion does not apply.

I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant

access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

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

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

Finding: The Applicant's street layout appears to have given suitable recognition to the surrounding topography. This requirement is met.

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

Finding: The submitted plans show new streets connected through to adjacent properties. This requirement is met.

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 are not applicable.

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 streets proposed are in alignment with the streets under construction in the development to the west. The names proposed are the same names as the names of the streets currently under construction. The applicant's plans do not show details for street name signs. Because the applicant has not shown street names and street name signs in the plans or indicated that they will be installed, the applicant is required to install street name signs at all intersections within the development including those intersections with private streets.

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

This criterion is met.

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.

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

3. Exceptions.

a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.

b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.

c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.

d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.

e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.

f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

Finding: The submitted narrative describes the proposed development with block lengths ranging from 176 feet to 415 feet, with a maximum block perimeter of 1,108 feet. This requirement is met.

4. Public Pedestrian Walkways and Bicycle Access. The approval authority in approving a land use application with conditions may require a developer to provide an access way where the creation of a street consistent with street spacing standards is infeasible and the creation of a cul-de-sac or dead-end street is unavoidable. A public walkway provides a connection through a block that is longer than established standards or connects the end of the street to another right-of-way or a public access easement. A public walkway shall be contained within a public right-of-way or public access easement, as required by the city. A public walkway shall be a minimum of 10 feet wide and shall provide a minimum six-foot-wide paved surface or other all-weather surface approved by the city (see subsection (S) of this section for public walkway standards).

Design features should be considered that allow access to emergency vehicles but that restrict access to non-emergency motorized vehicles.

Finding: Not applicable.

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: Preliminary plans show public and private streets as part of a Planned Unit Development. See finding under NMC 15.240 (L)(2) for additional findings and conditions. Preliminary plans show concrete aprons/driveways providing a visual separation of private streets from public streets. This requirement is met.

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. This criterion does 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

<i>Roadway Functional Classification</i>	<i>Area¹</i>	<i>Minimum Public Street Intersection Spacing (Feet)²</i>	<i>Driveway Setback from Intersecting Street³</i>
<i>Expressway</i>	<i>All</i>	<i>Refer to ODOT Access Spacing Standards</i>	<i>NA</i>

Table 15.505.R. Access Spacing Standards

<i>Roadway Functional Classification</i>	<i>Area¹</i>	<i>Minimum Public Street Intersection Spacing (Feet)²</i>	<i>Driveway Setback from Intersecting Street³</i>
<i>Major arterial</i>	<i>Urban CBD</i>	<i>Refer to ODOT Access Spacing Standards</i>	
<i>Minor arterial</i>	<i>Urban CBD</i>	<i>500 200</i>	<i>150 100</i>
<i>Major collector</i>	<i>All</i>	<i>400</i>	<i>150</i>
<i>Minor collector</i>	<i>All</i>	<i>300</i>	<i>100</i>

¹ *“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.

² *Measured centerline to centerline.*

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

Finding: The Applicant is proposing to close the intersection of NE Benjamin Road and OR 99W by connecting E Jory to NE Benjamin Road. The applicant’s narrative describes that the proposed connection is achieved with a 20 MPH curve of E Jory Street to the north intercepting NE Benjamin Road. E Jory is shown connecting to NE Benjamin Road prior to the proposed connection of E Willakenzie Street to NE Benjamin Road. The proposed public streets will join NE Benjamin which is a local residential street.

Order No. 2008-0015 for annexation of the subject property, Yamhill County Tax Lot 3216-900, included a condition for a 20-foot-wide dense buffer along NE Benjamin Road. The condition

indicates that the 20-foot-wide dense buffer could include vegetative elements, a wall, and a berm. The required 20-foot-wide dense buffer is not addressed in the applicant's narrative and is not shown on the submitted plans. The required dense buffer could impact sight distance requirements for the proposed 20 MPH curve for connecting E Jory Street with NE Benjamin Road. Because the applicant has not satisfied conditions of approval for the annexation of Tax Lot 3216-900, the Applicant will need to submit revised plans that include the 20-foot-wide dense buffer along the NE Benjamin Road frontage required by Order No. 2008-0015 for annexation of Yamhill County Tax Lot 3216-900. Revised plans for street construction will need to accommodate the required 20-foot-wide dense buffer and meet intersection spacing and sight distance requirements.

Submitted plans show lots along private streets that connect E Jory Street, a minor collector, with E Willakenzie, a local street. Driveway locations for lots along the private streets are not shown on the submitted plans. For compliance with NMC Table 15.505.R. Access Spacing Standards, driveways for lots along the private streets within 100-feet of the curb line of E Jory Street, a minor collector, are to be located as far as possible from the intersection with E Jory Street.

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

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

Finding: Most lots created by this proposal do not have multiple frontages. The multi-family portion the development has frontage on OR99W and E Jory Street. The access is taken off E Jory Street which is the street with the lesser classification. There are lots within the applicant's Planned Unit Development that have frontages along more than one public/private street, driveway locations are not being shown for lots along the private streets. Because it's unclear where property access is being taken from, access shall be taken from the street with the lesser functional classification, and private streets are designated as having the lowest functional classification.

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

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

a. For a duplex, triplex or quadplex dwelling or a cottage cluster project, 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 22 feet of lot frontage separating each driveway approach.

Finding: The multi-family portion of this proposal has two driveways on E Jory Street which is a minor collector. The driveways for the multi-family portion shown on the submitted plans are more than 40 feet apart. The driveways shown are close to yet not fully aligned with private street intersections on the opposite side of E Jory Street. To minimize conflict points, driveways for the multi-family portion are to be aligned as close as possible with private street intersections on the opposite side of E Jory Street.

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

The multi-family portion of this proposal has two driveways on E Jory Street which is a minor collector. The driveways are more than 40 feet apart. This requirement is met.

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

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

Finding: The Applicant's property does not have alley access. These criteria are not applicable.

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 existing access to the property will be closed. This criterion is met.

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, with the exception of cottage dwellings on individual lots that are part of a cottage cluster.

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

e. Where three or more lots 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. However, duplex, triplex, quadplex, townhouse and cottage dwellings with shared driveways shall be exempt from this standard.

Finding: No shared driveways are proposed. 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: A frontage street is not proposed or required. 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 property does abut ODOT and Yamhill County right-of-way. The Applicant is proposing to close the intersection of NE Benjamin Road and OR99W. Access to proposed lots and tracts is not proposed from NE Benjamin Road or OR99W. This criterion does not apply.

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.*

Finding: The Applicant is not requesting an exception. These criteria do not apply.

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. This criterion is not applicable.

- 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 submitted narrative describes public walks ways at the multifamily portion of the development between E Jory Street and OR99W, along the private streets proposed, and as sidewalks along the public streets proposed. Public access easements are required for the proposed public walkway through the multi-family site and for the sidewalks associated with the private streets. The public walkway through the multi-family site is to be maintained by the PUD/HOA. Sidewalks along the private streets are to be maintained by the PUD/HOA as part of maintenance of the private streets. See conditions in NMC section 15.505.040(F).

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 are addressed under 15.420.010(B)(4)(a).

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

Finding: The Applicant is proposing new streetlights and has included lighting notes with their proposed plans. Because the applicant has not submitted final plans, final plans shall be submitted with the public improvement permit application showing via a lighting analysis that street lighting, including along the OR 99W frontage and the NE Benjamin Road frontage, meets City standards or provide additional Option A street lighting that is compliant with the City's Public Works Design and Construction Standards. Street lighting analysis is to extend to the center line of the NE Benjamin Road frontage.

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

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

- 1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, “reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.***
- 2. A transit passenger landing pad accessible to disabled persons.***
- 3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.***
- 4. Lighting at the transit facility.***

Finding: The Applicant is not proposing transit improvements and the site is not adjacent to existing 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 plans show water service connection to the water lines in E Jory and E Willakenzie Streets to the west. A non-potable (reuse) water connection is shown as well. Five new fire hydrants are proposed. A fire flow test confirming adequate flows for fire protection will be required. Because final plans have not been submitted, final plans that address requirements for water services outlined in the Public Works Design and Construction Standards are required to be submitted with the permit applications. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

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

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

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

Finding: Preliminary plans show existing homes located on the property and the applicant has indicated the removal of existing septic systems. Because it's not clear if existing septic systems have been removed, the Applicant is required to abandon or remove the existing septic systems in accordance with Yamhill County Standards. The Applicant will need to provide a certification from Yamhill County of the septic system abandonment/removal.

This criterion will be met with the adherence to the aforementioned condition of approval.

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 submitted plans show connections to the public wastewater collection lines in E Jory and E Willakenzie Streets to the west. Submitted plans show new sewer mains in both public and private streets throughout the PUD. Service laterals for wastewater service is to be provided to each lot. The western portion of the project site is described by the applicant as being served by gravity wastewater mains. The eastern portion of the site will drain to a new wastewater lift station which will pump wastewater to a manhole to the west and flows to the system in E Willakenzie Street. Because final plans have not been submitted, final plans that address requirements for wastewater service outlined in the City of Newberg Public Works Design and Construction Standards as well as the City of Newberg Wastewater Pump Station and Force Main Design Specifications will be required with the public improvement permit application. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Sizing and design elements of the wastewater system, including for the proposed wastewater lift stations will have to be to the satisfaction of the City Engineer.

The proposed public wastewater lift station is shown in Tract B of the preliminary plans. Tract B is shown in the northeast portion of the project site. This location is near an existing wetland. Per a condition of approval in Order No. 2008-0015, ANX-08-003, for annexation of the subject property, *The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.* Order No. 2005-0015 also included a condition for a 20-foot-wide dense buffer along NE Benjamin Road. The condition indicates that the 20-foot-wide dense buffer could include vegetative elements, a wall, and a berm. The City of Newberg will not accept any tracts to be dedicated to the city that contain wetlands, wetland buffers, stream corridor overlays or other similar encumbrances such as the dense buffer described in conditions of approval for Order No. 2008-0015. Because the proposed wastewater lift station is shown near an existing wetland and appears to be within the stream corridor overlay conditioned with ANX-08-003, the Applicant is required to provide revised plans as part of the public improvement permit process that demonstrate that any land intended to be dedicated to the City of Newberg does not contain any wetlands, wetland buffers, stream corridor overlays or other similar encumbrances such as the dense buffer described in conditions of approval for Order No. 2008-0015.

The Applicant's narrative describes the proposed lift station as intended in place of the Providence Lift Station indicated in the current City of Newberg Wastewater Master Plan. The applicant further states that the proposed lift station will serve the remaining area of the Fernwood wastewater subbasin within the Urban Growth Boundary that does not currently have wastewater service. The applicant has also submitted a technical memorandum prepared by 3J Consulting, dated January 14, 2022. The technical memorandum presents an analysis showing that there is adequate capacity in the downstream conveyance, including the Fernwood Lift Station, to accommodate the wastewater from this proposed development. As part of the permit plan review process the applicant will be required to provide an updated wastewater analysis

report for the proposed lift station. The wastewater analysis report is to address recommendations for the Providence Lift Station described in section 6.2.3 of the current City of Newberg Wastewater Master Plan and to demonstrate to the satisfaction of the City Engineer that the proposed lift station located within the project site will serve the areas intended to be served by the Providence Lift Station.

These criteria will be met if the aforementioned conditions of approval are adhered to.

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

Finding: The Applicant has submitted preliminary plans that indicate some utility easements, however not all needed easements have been identified. The plans show 10-foot public utility easements along the public street frontage of the single-family homes and 8-foot public utility easements along the private street frontage of the attached single-family homes. The 10-foot segment surrounding the multifamily parcel is not labeled as a public utility easement. Because the applicant has not indicated all utility easements, the Applicant will be required to submit construction plans that include necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

- 1) 10-foot-wide public utility easement along all public and private street frontages.
- 2) 15-foot utility easements along all public stormwater, sewer, water, and non-potable water lines where not located within public roadway right-of-way.
- 3) Public access easements for any private streets that are required to be used to access public infrastructure.
- 4) Public access easements for all private walkaways within the PUD.

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

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 preliminary plans and a preliminary stormwater report. A stormwater management facility is shown on the plans in Tract A. The facility in Tract A drains to a new storm line shown running northeast along OR99W. The submitted narrative describes this line flowing to a culvert under NE Benjamin Road to an outfall to Spring Brook. A separate stormwater facility is indicated for the lot with the multifamily building in the southwest corner of the site and drains to a storm line that crosses under OR99W. Stormwater facilities are also indicated along the ODOT Highway 99W frontage improvements.

Construction plans and a final stormwater report for the proposed stormwater systems have not yet been submitted. A final stormwater report will need to be submitted with the Public Improvement Permit and will be completely reviewed at that time. Because construction plans and a final stormwater report have not yet been submitted and reviewed to determine if this requirement has been met, the Applicant will need to submit a final stormwater report and construction plans meeting the City's Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management as part of the public improvement permit process. The plans and final stormwater report will be completely reviewed at that time. The final stormwater report analysis is to include the upstream basins north of the site described in the preliminary report as not included in that report.

This 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 proposed project will require a DEQ 1200 C Erosion Control Permit. 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 a DEQ 1200 C Erosion Control Permit prior to any ground disturbing activity or issuance of a grading or public improvement permit.

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

E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards

Finding: Preliminary plans show that all on-site stormwater is collected and conveyed to on-site stormwater facilities. A detention pond with a vegetated swale is proposed and shown in Tract A on the east side of the site. The detention pond is described as managing the post-developed basin associated with the proposed single-family dwellings. The basin associated with the multifamily building is described as having its own stormwater management facility. The submitted preliminary stormwater report indicates that the onsite stormwater treatment facilities will be private facilities.

The Applicant's materials do not clearly indicate that the proposed stormwater facility in Tract A will be privately maintained. It is also unclear if the facility can be adequately accessed. Construction plans have not yet been submitted and reviewed to determine if the requirement is met. Because the applicant has not submitted construction plans, the Applicant will be required to submit construction plans to include the following:

- Permanent maintenance access via a paved road shall extend to within 10 feet of the center of all private stormwater structures for vector truck access. Turn templates for maintenance vehicles accessing stormwater facilities shall be provided to verify that adequate site access exists.
- Sumped stormwater structures upstream and downstream of the stormwater detention pond.

- All stormwater mains are required to cross streets at right angles perpendicular to the street.

Private maintenance agreements for the stormwater facilities will be required. Because private maintenance agreements for the stormwater facilities have not been provided and recorded, the Applicant is required to submit a private maintenance agreement for the onsite stormwater facilities and have the approved agreement recorded prior to final plat approval.

Construction plans and a final stormwater report for the proposed stormwater systems have not yet been submitted. A final stormwater report will need to be submitted with the Public Improvement Permit and will be completely reviewed at that time. Because construction plans and a final stormwater report have not yet been submitted and reviewed to determine if this requirement has been met, the Applicant is required to obtain a Public Improvement Permit to install the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Stormwater treatment facilities that treat stormwater runoff from both public and private streets and walkways are to be privately owned and maintained facilities.

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

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

SUPPLEMENTAL FINDINGS

Section II: Findings – File CUP22-0001 Conditional Use Permit – Crestview Green

15.225.100 Conditional use permit must be exercised to be effective.

A. A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

- 1. The land use designation of the property has not been changed since the initial use permit approval; and*
- 2. The applicable standards in this code which applied to the project have not changed.*

B. In case such right is not exercised, or extension obtained, the conditional use permit decision shall be void. Any conditional use permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such permit.

Finding: The Applicant submitted a Phasing Plan for the proposed development but did not provide any timeframes for development of the three proposed phases. As a supplement the Applicant submitted a timeline on when the various phases would be constructed. Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025. NMC 15.225.080 L. Time period within which the proposed use shall be developed can be imposed as a condition. The Planning Commission finds the proposed timeline reasonable for construction of the townhouses and apartment building in the C-2 zone. Approval of the townhouses and apartment building in the C-2 zone shall adhere to the following phasing timeline, Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025.

Section III: Findings – File PUD22-0001 Planned Unit Development – Crestview Green

15.240.020 General provisions.

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

Finding: The original application proposed a two-phase development. On April 22, 2002, a revised Phasing Plan was submitted. The revised Phasing Plan identifies 3 Phases. Phase 1 consist of E Portland Road frontage improvements, seven (7) detached single family homes, fifty-six (56) townhouses, extension of E Willakenzie Street to the east edge of Phase 1, extension of E Jory Street to the to the east edge of Phase 1, Private Streets A & B, and construction of the water quality facility (Attachment 1).

Phase 2 consists of seven (7) detached single family homes, forty (40) townhouses, extension of E Willakenzie Street to NE Benjamin Road, extension of E Jory Street to NE Benjamin Road, Private Street C & D, and improvements to NE Benjamin Road along the development frontage (Attachment 1).

Phase 3 consist of the 24-unit multi-family building and associated site improvements (Attachment 1).

The Applicant through a Supplemental submittal provided a timeline on when the various phases would be constructed. Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025. The Planning Commission finds the proposed timeline reasonable for construction of the townhouses and apartment building for Crestview Green. Approval of the townhouses and apartment building for Crestview Green shall adhere to the following phasing timeline, Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025.

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

Finding: The Applicant has submitted a Tree Removal Plan, Sheet C110, that indicates three are

186 trees inventoried and that 170 of the trees will be removed, 16 trees will remain which are along the north property line where the sound wall will be located and discussed previously in this report.

A Grading Plan, Sheet indicates the development area will receive extensive grading. The site will be terraced from west to east. Between Private Street A and B the grading will require a wall between E Willakenzie and E Jory that will have a maximum height of 4.9 feet. Between Private Street B and C grading will require a wall Lots 58-63 and 72-22 with a maximum height of 2.3 feet. Between Private Street C and D another wall is proposed with a maximum height of 6.5 feet. Finally, the water quality facility between Private Street D and NE Benjamin Road will be a depression area to accommodate the facility.

The proposed grading encroaches into the Stream Corridor and identifies removal of trees within the Stream Corridor. Newberg Urban Area Management Commission (NUAMC) Resolution No. 2006-18 and City Council Order No. 2007-001, Condition 3 states “Amend the comprehensive plan to Include a SC (Stream Corridor) overlay on the northeast corner of the site. The SC delineation shall be at the top of bank or 50 feet from the wetland, whichever is greater.” Order 2008-0015 Condition 3.F. states “The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.” These conditions establish the location of the Stream Corridor. On May 6, 2022, the City received confirmation from the Department of State Lands on the submitted wetland delineation report confirming the location of the wetland area at the northeast corner of the site. The Stream Corridor impacts Lot 14 and Tract B.

The City has regulations for the Stream Corridor in Chapter 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT. No Stream Corridor application has been submitted for potential impacts for grading and tree removal within the Stream Corridor. Staff would also note the proposed sound wall encroaches into the Stream Corridor.

NMC 15.342.020 Where these regulations apply.

A. New structures, additions, accessory structures, decks, addition of concrete or other impervious surfaces;

B. Any action requiring a development permit by this code;

C. Changing of topography by filling or grading;

D. Installation or expansion of utilities including but not limited to phone, cable TV, electrical, wastewater, storm drain, water or other utilities;

E. Installation of pathways, bridges, or other physical improvements which alter the lands within the stream corridor overlay subdistrict.

Because the application identifies impacts to the Stream Corridor the Applicant has two options

to address site modifications within the Stream Corridor. Option 1 is to revise the proposal to remove any grading activities, tree removal, and placement of the sound wall within the Stream Corridor. Option 2 is to submit a Type II application for modifications within the Stream Corridor as part of the CUP and PUD application for review and consideration.

Due to the extensive site grading outside of the Stream Corridor preserving site natural features is difficult with proposed grades, and to make the wastewater system functional.

15.240.030 Preliminary plan consideration – Step one.

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

2. The proposed development’s general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and

Finding: This PUD request is to allow residential development (detached single-family, townhouses, and multifamily apartment building) within the R-1, R-2, and C-2 portion of the proposed Crestview Green Planned Unit Development (PUD). The proposal is within the Newberg Urban Growth Boundary on the very eastern edge of the city limits north of E Portland Rad and east of NE Benjamin Road. Oxberg Lakes Estates subdivision is located to the north in unincorporated Yamhill County with lot sizes of 1 acre and larger. To the east is Springbrook Farm across NE Benjamin Road. To the south across E Portland Road is rural residential development on varying lot or parcel sizes.

The overall development area is 10.4 acres. Along the northern property line, the applicant has proposed 14 larger lots ranging from 5,429 square feet to 6,485 square feet as a buffer to the Oxberg Lake Estates subdivision. In compliance with a condition listed in Orders No. 2007-001, 2008-0014 and 2008-0015, development plan sheets C151 and C152 shows a 30-foot setback from the northern property line.

To the west is Crestview Crossing Planned Unit Development (PUD) with lots ranging in size from 1,474 square feet to 8,176 square feet. The applicant has proposed smaller lots in the R-2 portion of the development ranging from 1,330 square feet to 2,869 square feet for the proposed townhouses between E Willakenzie Street and E Jory Street. There will be a 24-unit apartment building at the southwest corner of the development area that will abut an apartment development approved as part of the Crestview Crossing PUD.

The design of the development incorporates extending two streets E Willakenzie Street and E Jory Street. There are four north/south private streets that connect to E Willakenzie Street and E Jory Street that will service the townhouses. The proposed townhouses will be three-story in height (35 feet). The apartment building is located south of E Jory Street and the building will also be 35 feet in height. The bulk, scale, lot coverage and density within the C-2 district will be similar to and compatible with the Crestview Crossing PUD. The design of the residential units are similar to those approved for Crestview Crossing PUD, with the difference being the units will be attached rather than detached. The apartment building will be of similar design concept to the apartment building in Crestview Crossing.

In regard to the location and distribution of recreation space there is none proposed within the development area. As noted under O. Site Modifications in this report there is a Stream Corridor that overlays a portion of Lot 14 and Tract B. A public park, Spring Meadow Park, is located to the west at the corner of E Portland Road and Vittoria Way which is approximately 1,500 feet from the development site.

The detached single-family homes north of E Willakanzie Street will be required to have two off-street parking spaces. The townhouses are required to provide a minimum of one parking space. The multi-family development is required to provide 40 parking spaces.

Access to the development will be provided by the three public streets that will have sidewalks. A pedestrian access is also provided from the multi-family development to E Portland Road.

As part of Order No. 2008-0014, a sound wall will be constructed along the north property line of the development in the R-1 district (R3216 01000) to mitigate site and sound from the proposed Crestview Green PUD. In Order No. 2008-0014, Attachment 8, a condition of approval stated "Upon development of the property, construct a sound wall along the northern property line to be of similar design and coordinated with the sound wall on the adjacent properties to the west." The applicant did not illustrate or provide a detail of a wall within their development plan set. Additionally, their narrative did not address the wall. Sheet C200 indicates that a sound wall will be constructed along the north property line of Tax Lot 1000 and 900. The wall is proposed to be jogged around a row of trees along the north property line associated with Lots 3-9. As staff understands the wall location is a compromise location with the tax lot to the north (R3216AA 01600). Because Order No. 2008-0014, applies to Tax Lot 1000 and stated upon development of the property, construct a sound wall along the northern property line to be of similar design and coordinated with the sound wall on the adjacent (Crestview Crossing development) property to the west. Conditions of approval addressing the sound wall along the northern boundary of the applicants' properties are addressed in other sections of this staff report. A segment of the sound wall on Tax Lot 900 encroaches into the Stream Corridor on lot 14. A prior condition requires the wall to not encroach within the Stream Corridor.

Order No. 2007-001 and 2008-0014 required that a 20-foot-wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm. No 20-foot buffer has been proposed in the submitted PUD application material. Because a 20-foot buffer has not been identified along the commercial (C-2) frontage of NE Benjamin Road, the applicant shall provide a 20-foot-wide dense buffer along the NE Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm. A revised drawing identifying the buffer and type of improvements shall be submitted prior to Step 2 of the PUD process and submittal of Final Plans for compliance with Orders No. 2007-001 and 2008-0014.

Order No. 2007-001 and Order N. 2008-0015 had conditions that “The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.” Staff review indicates that the wetland has been delineated at the northeast corner adjacent to the development site, but a 50-foot buffer has not been identified from the wetland or at the top of bank, whichever is greater. Staff analysis indicates the buffer would impact Lot 14 and Tract B. Because the wetland buffer has not been identified, the applicant shall identify the Stream Corridor (stream corridor) overlay at the NE corner of the abutting site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

The operating characteristics will be similar to the Crestview Crossing development to the west. A Homeowners Association will be established to maintain common areas and the private streets in the Crestview Green PUD.

Public facilities will be extended to the development to provide water, wastewater, stormwater and transportation. Phase 1 of the development will be served by gravity wastewater lines. Phase 2 will be served by a new wastewater lift station. Phase 3 will be served by gravity water lines. A stormwater facility will be constructed adjacent to NE Benjamin Road to serve and treat the runoff from the new public and private streets as well as the homes and apartment development before being discharged into the public storm system. As proposed by the applicant NE Benjamin Road would be disconnected from E Portland Road and NE Benjamin would connect with E Jory Street. E Jory Street connects to E Crestview Drive and the traffic signal at E Portland Road and E Crestview Drive. E Willakenzie Street will also connect to NE Benjamin Road.

Overall the proposed Crestview Green development and that portion requesting Conditional Permit approval for residential development within the C-2 district based on location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate

development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

These criteria will be met with the adherence to the aforementioned conditions of approval.

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

Finding: As noted previously the site will see extensive grading to accommodate the proposed improvements and will remove of 170 inventoried trees. This grading will accommodate the required transportation system improvements, create the required stormwater improvements and water quality facility. The wetland located at the northwest corner of the site has been reserved through a lot line adjustment and is part of an abutting tax lot (R3216AA 01600). A Stream Corridor overlays a portion of Lot 14 and Tract B. Conditions have been imposed to address the Stream Corridor issue earlier in this report. A condition is imposed to comply with erosion control measures through obtaining a DEQ 1200C permit. There are no flood hazard issues on the proposed development site.

This criterion is met.

15.420.010 Required minimum standards.

A. Private and Shared Outdoor Recreation Areas in Residential Developments.

2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any multifamily residential development, as follows:

a. One- or two-bedroom units: 200 square feet per unit.

b. Three- or more bedroom units: 300 square feet per unit.

c. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.

Finding: Through a Supplemental submittal, calculations have been provided on the Individual and Shared Areas for the multifamily development. There are 12 one-bedroom units and 12 two-bedroom units. This requires 4,800 square feet of Individual and Shared

Areas. The Applicant indicates that each unit will have a balcony that is 50 square feet totaling 1,200 square feet of open space. The remaining 3,600 square feet is provided as landscape areas on the multifamily site. The Applicant indicates the open spaces area will have amenities of paths, seating areas, lawn areas and landscape garden areas. Plans are being revised to show the stated improvements. The Applicant shall provide drawings for the apartments to show compliance with 15.420.010(A)(2) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

Exhibit “B” to Planning Commission Order 2022-06
Conditions – File CUP22-0001/PUD22-0001
Crestview Green

- A. The applicant must complete the following prior to final plat approval.**
1. **Substantially Complete the Construction Improvements:** In accordance with NDC 15.240.040, submit the final plan application. Prior to final plan approval for a given phase, the applicant must substantially complete the construction improvements and secure for them in accordance with city policy. Complete construction and call for a walk-through inspection with the Engineering Division (503-537-1273).
 2. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
 3. **Conditional Use Permit Conditions:**
 - a. To ensure that conformance is met with the Newberg Municipal Code (NMC) and Title 15 Development Code the applicant shall comply with all conditions of approval relevant to the residential development in the C-2 district in the conditions of approve for PUD22-0001.
 - b. The applicant shall carry out construction, site development, and landscaping in substantial accord with the plans, drawings, conditions, sketches, and other documents approved as part of a final decision on CUP22-001 and PUD22-0001 for development within the C-2 district.
 - c. Approval of the townhouses and apartment building in the C-2 zone shall adhere to the following phasing timeline, Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025.
 4. **Planned Unit Development Conditions:**
 - a. Phasing
 1. Approval of the townhouses and apartment building for Crestview Green shall adhere to the following phasing timeline, Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025.
 - b. Modifications
 1. The minimum lot size allowed in the R-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-

C154.

2. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.
3. The minimum lot size allowed in the C-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.
4. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the C-2 district.
5. The minimum interior yard setback for townhouses in the C-2 district is zero feet between the C-2 and R2 districts as represented in the preliminary tentative plat drawings C151-C154.

c. Lot Coverage

1. At the time of submittal of building permits the lot coverage of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.405.040.
2. At the time of submittal of building permit the lot coverage of lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.405.040.
3. At the time of submittal of building permit the lot coverage of lots 23-29, 36-43, 50-57, 64-71, 78-85, 92-99, 105-111 in the C-2 district shall be verified to be in compliance with lot coverage requirements of NMC 15.405.040 for the R-2 district.

d. Building Height

1. At the time of submittal of building permits the building height of all structures shall be verified to be in compliance with NMC 15.415.020.

e. Dedication, Improvement and Maintenance of Public Thoroughfares

1. The Applicant shall follow City Engineer requirements for sidewalks along both sides of private streets to be a 5-foot-wide ADA accessible surface matching the applicant's cross-sectional detail on sheet C210 of the preliminary plans. The applicant's construction plans are required to satisfy requirements of the fire marshal.
2. The Planning Commission approves the private streets subject to the Declarant work with the Community Development Director to revise the

draft Declaration of Protective Covenants, Conditions, Restriction and Easements for Crestview Green prior to Step 2 of the PUD process and submittal of Final Plans for compliance with 15.240.020(L)(2).

3. The Crestview Green Homeowners Association shall provide and annual report that meets the requirements of NMC 15.240.020.L.2.b. to the Newberg Community Development Direction each year on the anniversary date of the final approval for each phase of the PUD approval.
4. The applicant is required to provide 10-foot public utility easements on public and private street frontages. Public utility easements shall not be collocated/overlapped (running parallel) with public infrastructure easements on private streets i.e. storm, sewer, water, or non-potable water lines.
5. At the time of submittal of building permits the lot coverage of lots in the R-1 district and lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.405.040.

f. Usable Outdoor Living Area

1. Prior to Step 2 in the PUD process the applicant shall provide documentation and calculations that outdoor living areas equal at least 10 percent of the gross floor area of each unit for review and approval in compliance with NMC 15.240.020(N).

g. Site Modification

1. The Applicant has two options to address site modifications within the Stream Corridor. Option 1 is to revise the proposal to remove any grading activities, tree removal, and placement of the sound wall within the Stream Corridor. Option 2 is to submit a Type II application for modifications within the Stream Corridor as part of the CUP and PUD application for review and consideration.

h. Preliminary Plan Consideration – Step one

1. The Applicant shall provide a 20-foot-wide dense buffer along the NE Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm. A revised drawing identifying the buffer and type of improvements shall be submitted prior to Step 2 of the PUD process and submittal of Final Plans for compliance with Orders No. 2007-001 and 2008-0014.

2. The Applicant shall identify the Stream Corridor (stream corridor) overlay at the NE corner of the abutting site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
 - i. Additional requirements for multifamily residential projects
 1. Prior to Step 2 of the PUD process and submittal of Final Plans for compliance revised and before submittal of building permits, detailed building drawings for the multi-family building shall be submitted for review for conformance with 15.220.060(B).
 - j. Lot Requirements
 1. The minimum lot size allowed in the R-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.
 2. The minimum lot size allowed in the C-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.
 3. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.
 4. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the C-2 district.
 5. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.
 6. At the time of submittal of building permits the lot coverage of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.405.040.
 7. At the time of submittal of building permits the lot coverage of lots 16-22, 30-36, 44-50, 58-64, 72-78, 86-92, an 100-105 in the R-2 district shall be verified to be in compliance with NMC 15.405.040.
 8. At the time of submittal of building permits the lot coverage of lots in the R-1 district and lots 16-22, 30-36, 44-50, 58-64, 72-78, 86-92, an 100-105

in the R-2 district shall be verified to be in compliance with NMC 15.405.040.

9. At the time of submittal of building permits the lot coverage of lots 23-29, 36-43, 50-57, 64-71, 78-85, 92-99, 105-111 in the C-2 district shall be verified to be in compliance with lot coverage requirements of NMC 15.405.040 for the R-2 district.

k. Yard Setback Requirements

1. At the time of submittal of building permits the front yard setback of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.410.020.
2. At the time of submittal of building permits the front yard setback of lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.410.020.
3. At the time of submittal of building permits the garage setback of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.410.020.
4. At the time of submittal of building permits the garage setback of lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.410.020.
5. At the time of submittal of building permits the front yard setback of lots 23-29, 36-43, 50-57, 64-71, 78-85, 92-99, 105-111 in the C-2 district shall be verified to be in compliance with setback requirements of NMC 15.410.020 for the R-2 district.
6. At the time of submittal of building permits the interior yard setbacks of lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.410.030 district shall be verified to be in compliance with NMC 15.410.030.
7. The minimum interior yard setback for townhouses in the C-2 district is zero feet between the C-2 and R2 districts as represented in the preliminary tentative plat drawings C151-C154.
8. The Applicant shall provide vision clearance triangles for all intersecting street and private streets in conformance with 15.410.060(A) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
9. The Applicant shall provide vision clearance triangles for all intersecting private drives and public streets in conformance with 15.410.060(B) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
10. The Applicant shall provide vision clearance triangles and confirm compliance with 15.410.060(C) prior to Step 2 of the PUD process and

submittal of Final Plans for compliance.

11. The Applicant shall revise the height of the wall height to not exceed 6 feet in height to comply with 15.410.070(D) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
12. Chain link fencing proposed around the perimeter of the stormwater facility shall be manufactured of corrosion-proof materials of at least 11-1/2 gauge.
 1. Building and Site Design Standards
 1. At the time of submittal of building permits the building height of all structures shall be verified to be in compliance with NMC 15.415.020.
 2. If there are any building height exemptions necessary the buildings shall comply with NMC 15.415.030.
 3. The Applicant shall provide floor plans for the townhouses to show compliance with 15.415.050(B)(2)(a) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
 4. prior to Step 2 of the PUD process and submittal of Final Plans for compliance the Applicant will comply with 15.415.050(B)(2)(b)(iv).
 5. The Applicant shall provide floor plans for the townhouses to show compliance with 15.415.050(B)(3) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
 6. The Applicant shall provide drawings for the townhouses to show compliance with 15.415.050(B)(4) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
 - m. Landscaping and Outdoor Areas
 1. The Applicant shall provide drawings for the townhouses to show compliance with 15.420.010(A)(1) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
 2. The Applicant shall provide drawings for the apartments to show compliance with 15.420.010(A)(2) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
 3. The Applicant shall provide revised landscape drawings for the multifamily development that identifies trees between the parking lot and the right-of-way along E Jory Street and E Portland Road in compliance with 15.420.010(B)(3)(c) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
 4. The Applicant shall provide revised landscape drawings for the multifamily development that identifies two additional parking lot shade trees, columnar species) in the north side of the parking lot facing E Jory

Street in compliance with 15.420.010(B)(3)(h) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

5. The Applicant shall provide revised landscape drawings that identifies a street tree north of the intersection NE Benjamin Road and E Willakenzie in compliance with 15.420.010(B)(4)(b) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
6. The Applicant shall work with staff to identify locations for street trees along the private streets prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
7. The Applicant shall provide revised landscape drawings with a notation that an automatic, underground irrigation system shall be provided for all areas required to be planted in compliance with 15.420.010(B)(5) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
8. The Applicant shall continuously maintain all landscape areas in accordance with NMC 15.420.010(B)(6).

n. Exterior Light

1. The Applicant shall provide revised Photometric plans in compliance with 15.425.030 on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
2. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(A)(1) on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
3. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(A)(2) on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
4. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(A)(3) on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
5. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(B) on the type of lighting shielding proposed for the multifamily development prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

- o. Signs
 - 1. Separate sign review applications will be required in order to approve signs.
- p. Off-street Parking, Bicycle Parking, and Private Walkways
 - 1. To meet the parking requirements the Applicant shall identify either adding 5 additional spaces on site or 5 spaces on E Jory Street and revise the parking plan accordingly and submit the information prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
 - 2. The Applicant shall provide the type of bike rack and the size of the bike spaces in conformance with 15.440.110 prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
- q. Public Improvements
 - 1. Water
 - i. Fire flow test results need to be submitted with building permit applications to be reviewed by the Fire Marshall for approval.
 - ii. Final plans that address requirements for water services outlined in the Public Works Design and Construction Standards are required to be submitted with the permit applications. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.
 - 2. Permits
 - i. Required public improvement permit(s) for this project must be submitted, approved and issued prior to any construction for water, wastewater, storm or street improvements. Required public improvements are to be completed prior to building permits being issued.
 - 3. Transportation
 - i. The Applicant will be required to dedicate right-of-way along the NE Benjamin Road frontage sufficient for construction of the required frontage improvements.
 - ii. Final plans showing a three-quarter street improvement for NE Benjamin Road will be required as part of the public works improvement permit. A minimum of 28-feet of pavement width is needed along the NE Benjamin Road frontage to achieve the

- required three-quarter street improvement. Improvements along the NE Benjamin Road frontage are also to include curb and gutter, a minimum 5.5-foot-wide planter strip, a minimum 5-foot-wide sidewalk and a minimum of 1-foot between the back of sidewalk and the right-of-way.
- iii. Improvements along the OR 99W frontage consisting of a 6-foot-wide bike lane, curb and gutter, a minimum 5.5-foot-wide planter strip and minimum 6-foot-wide sidewalk are required and will require ODOT permitting and approval. The Applicant is to apply for, and obtain, ODOT permit(s) prior to applying for the City of Newberg public improvement permit.
 - iv. Final plans showing a three-quarter street improvement with a minimum of 28-feet of pavement width along the NE Benjamin Road frontage will be required with the public works improvement permit application.
 - v. Final plans for E Jory Street showing the 12-foot travel lanes with sharrows are to be submitted with the public works permit application.
 - vi. The final designs for E Willakenzie and E Jory Streets will need to comply with City of Newberg Public Works Design and Construction Standards.
 - vii. E Jory Street, a minor collector, is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5.5-foot planter, 0.5-foot curb, 8-foot parking lane, 12-foot travel lane with sharrow, 12-foot travel lane with sharrow, 8-foot parking lane, 0.5-foot curb, 5.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The applicant is required to dedicate sufficient right-of-way (minimum of 64-feet) to construct E Jory Street.
 - viii. E Willakenzie Street, a local street, is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5.5-foot planter, 0.5-foot curb, 7-foot parking lane, 9-foot travel lane, 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, 5.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The Applicant is required to dedicate sufficient right-of-way (minimum of 56-feet) to construct E Willakenzie Street.
 - ix. The Applicant will be required to obtain a Public Improvement Permit and meet the City's Transportation System Plan and Public Works Design and Construction Standards for the proposed roadway improvements. The final design of all roads within the PUD will be reviewed and approved as part of the Public Improvement Permit.

- x. The Applicant will be required to obtain permit approval from Yamhill County for the NE Benjamin frontage improvements prior to the City of Newberg issuing a public improvement permit.
- xi. The Applicant will be required to coordinate with Yamhill County and ODOT regarding the proposed closure of NE Benjamin Road, including any additional analysis to determine the intersection control type and the need for deceleration lanes and/or storage related to a right-in only access from Highway 99W at NE Benjamin Road. Including meeting intersection spacing requirements. If a right-in only access from Highway 99W at NE Benjamin Road is required to be evaluated during the Yamhill County permit approval process, the Applicant will be required to obtain permit approval, or denial, from ODOT prior to the City of Newberg issuing a public improvement permit.
- xii. The applicant is required to install street name signs at all intersections within the development including those intersections with private streets.
- xiii. The Applicant will need to submit revised plans that include the 20-foot-wide dense buffer along the NE Benjamin Road frontage required by Order No. 2008-0015 for annexation of Yamhill County Tax Lot 3216-900. Revised plans for street construction will need to accommodate the required 20-foot-wide dense buffer and meet intersection spacing and sight distance requirements.
- xiv. For compliance with NMC Table 15.505.R. Access Spacing Standards, driveways for lots along the private streets within 100-feet of the curb line of E Jory Street, a minor collector, are to be located as far as possible from the intersection with E Jory Street.
- xv. Access shall be taken from the street with the lesser functional classification, and private streets are designated as having the lowest functional classification.
- xvi. To minimize conflict points, driveways for the multi-family portion are to be aligned as close as possible with private street intersections on the opposite side of E Jory Street.
- xvii. Final plans shall be submitted with the public improvement permit application showing via a lighting analysis that street lighting, including along the OR 99W frontage and the NE Benjamin Road frontage, meets City standards or provide additional Option A street lighting that is compliant with the City's Public Works Design and Construction Standards. Street lighting analysis is to extend to the center line of the NE Benjamin Road frontage.

4. Easements:

- i. The Applicant will be required to submit construction plans that

include necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

- 10-foot-wide public utility easement along all public and private street frontages.
 - 15-foot utility easements along all public stormwater, sewer, water, and non-potable water lines where not located within public roadway right-of-way.
- ii. Public access easements for any private streets that are required to be used to access public infrastructure.
 - iii. Public access easements for all private walkaways within the PUD.

5. Wastewater:

- i. The Applicant is required to abandon or remove the existing septic systems in accordance with Yamhill County Standards. The Applicant will need to provide a certification from Yamhill County of the septic system abandonment/removal.
- ii. Final plans that address requirements for wastewater service outlined in the City of Newberg Public Works Design and Construction Standards as well as the City of Newberg Wastewater Pump Station and Force Main Design Specifications will be required with the public improvement permit application. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Sizing and design elements of the wastewater system, including for the proposed wastewater lift stations will have to be to the satisfaction of the City Engineer.
- iii. The Applicant is required to provide revised plans as part of the public improvement permit process that demonstrate that any land intended to be dedicated to the City of Newberg does not contain any wetlands, wetland buffers, stream corridor overlays or other similar encumbrances such as the dense buffer described in conditions of approval for Order No. 2008-0015.
- iv. As part of the permit plan review process the Applicant will be required to provide an updated wastewater analysis report for the proposed lift station. The wastewater analysis report is to address recommendations for the Providence Lift Station described in section 6.2.3 of the current City of Newberg Wastewater Master Plan and to demonstrate to the satisfaction of the City Engineer that the proposed lift station located within the project site will serve the areas intended to be served by the Providence Lift

Station.

6. Stormwater:

- i. The Applicant will need to submit a final stormwater report and construction plans meeting the City's Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management as part of the public improvement permit process. The plans and final stormwater report will be completely reviewed at that time. The final stormwater report analysis is to include the upstream basins north of the site described in the preliminary report as not included in that report.
- ii. The Applicant will be required to obtain a DEQ 1200 C Erosion Control Permit prior to any ground disturbing activity or issuance of a grading or public improvement permit.
- iii. The Applicant will be required to submit construction plans to include the following:
 - Permanent maintenance access via a paved road shall extend to within 10 feet of the center of all private stormwater structures for vector truck access. Turn templates for maintenance vehicles accessing stormwater facilities shall be provided to verify that adequate site access exists.
 - Sumped stormwater structures upstream and downstream of the stormwater detention pond.
 - All stormwater mains are required to cross streets at right angles perpendicular to the street.
- iv. The Applicant is required to obtain a Public Improvement Permit to install the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Stormwater treatment facilities that treat stormwater runoff from both public and private streets and walkways are to be privately owned and maintained facilities.

B. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing

authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

C. Final Plat Application Materials:

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

D. Final Mylar Copies of the Plat: Submit final mylar copies of the corrected final plat

(after red-line corrections have been made).

1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval.

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

- a. Community Development Director
- b. The County Assessor
- c. The County Surveyor
- d. The City Recorder

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

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

H. Development Notes:

1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
2. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
3. **Frontier:** The developer must coordinate trench/conduit requirements with Frontier. Contact the Engineering Division, Frontier, at 541-269-3375.
4. **Comcast:** The developer must coordinate trench/conduit requirements with Comcast. 971-777-0933.

5. **Tualatin Valley Fire & Rescue:** The developer shall coordinate with TVF&R on requirements noted in Attachment 2.
6. **Addresses:** The Planning Division will assign addresses for the new lots. Planning Division staff will send out notice of the new addresses after they receive a mylar copy of the recorded final plat.