

Community Development Department

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NOTICE OF DECISION

Crestview Crossing Planned Unit Development (PUD18-0001) and Conditional Use Permit (CUP18-0004)

October 12, 2018

3J Consulting, Inc.
Attn: Andrew Tull
5075 SW Griffith Dr., Suite 150
Beaverton, OR 97005
A

cc: GC Commercial, LLC and VPCF Crstview, LLC. – property owner
Jamie Housley – applicants attorney
Jeffrey Kleinman, Oxberg Lakes Estates HOA attorney
All who submitted public comments: Russell Thomas, Don Clements, Chris Clemow, Diego Arguea, John Trudel, Robert Soppe, Black and Diane Williams, Bruce Thomas, Cooper Fouschee, Dale and Doris Palmer, Dick Petrone, Jessica Poetzman, Mark Simmons, Mark Wagner, Terry Coss, Vicki Shepherd, Steve and Joanne Goodfellow and Beth Bernier.

On October 11, 2018, the Newberg Planning Commission approved a preliminary plat for a phased, 250 lot Planned Unit Development and Conditional Use Permit to allow residential use in a C-2 Community Commercial zoning district on Yamhill County tax lots R3230-00403 and R3230-00500, subject to the conditions listed in the attached Order No. 2018-10. The Commission's decision will become effective on October 26, 2018 unless an appeal is filed.

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 \$1,086.75 to the Planning Division.

The deadline for filing an appeal is 4:30 pm on October 25, 2018.

In order to fully complete the Planned Unit Development (PUD) process, the applicant must meet all conditions of preliminary PUD approval and file a final PUD plat application with the Planning Division. The final PUD plats must be recorded within the time limitations outlined in the staff report and conditions of approval. If you are approaching the expiration date, please contact the Planning Division regarding extension opportunities.

If you have any questions; please contact me at 503-537-1215 or keith.leonard@newbergoregon.gov.

Sincerely,

Keith Leonard, Associate Planner



PLANNING COMMISSION ORDER 2018-10

AN ORDER APPROVING PUD18-0001/CUP18-0004 FOR THE CRESTVIEW CROSSING PUD AND CONDITIONAL USE PERMIT TO ALLOW RESIDENTIAL USE IN THE C-2 COMMERCIAL ZONING DISTRICT AND CREATE 250 LOTS FOR SINGLE FAMILY, MULTI-FAMILY AND COMMERCIAL USE AT 4505 E PORTLAND ROAD (YAMHILL COUNTY TAX LOT 3216-01100) AND ON YAMHILL COUNTY TAX LOT 3216AC-13800.

RECITALS

1. CG Commercial LLC and VPCF Crestview LLC submitted an application for preliminary plan approval of a planned unit development for 250 lots and conditional use permit to allow residential use on C-2 commercially zoned property at 4505 E Portland Road (Yamhill County Tax Lot 3216-01100) and Yamhill County Tax Lot 3216AC-13800.
2. After proper notice, the Newberg Planning Commission held a hearing on August 9, 2018 to consider the application. The Commission considered public testimony, kept the hearing open and continued the hearing to September 13, 2018 based on a lack of information needed to assess the proposed PUD and conditional use permit.
3. On August 29, 2018, The Newberg Graphic published a public hearing notice and city staff placed notices in 4 public places advertising the September 13, 2018 Planning Commission public hearing.
4. On September 13, 2018, the Newberg Planning Commission continued the August 9, 2018, public hearing, took public testimony, left the record open and continued the hearing to October 11, 2018.
5. On October 11, 2018, the Newberg Planning Commission continued the September 13, 2018 public hearing, took public comments, and deliberated.
6. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings shown in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Conditional Use Permit Application CUP18-0004 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 PUD18-0001 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

"Working Together For A Better Community-Serious About Service"

this reference incorporated.

4. This order shall be effective October 26, 2018 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 Phase 1A of the phasing plan by that time, unless an extension is granted per Newberg Development Code 15.225.100.
7. The phasing plan shall expire ten years after the effective date above with the possibility of five one year extensions as granted per 15.240.020(C).
8. When commercial use on lot 250 is developed the application shall be reviewed through a Type II Design Review process.

Adopted by the Newberg Planning Commission this 11th day of October, 2018.



Planning Commission Chair

ATTEST:



Planning Commission Secretary

List of Exhibits:

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

**Exhibit “A” to Planning Commission Order 2018-10
Findings –File PUD18-0001/CUP18-0004
Crestview Crossing PUD**

I. Applicable Planned Unit Development Criteria: Newberg Development Code 15.240

Requested Conditional Use Permit: The applicant is requesting that C-2 zoned property be used for single family and multifamily residential uses.

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: The proposal is within the Newberg Urban Growth Boundary where urban density is encouraged. Oxberg Lake Estates subdivision is located to the north in unincorporated Yamhill County with lot sizes of 1 acre and larger. Along the northern property line the applicant has proposed 18 larger lots ranging from 8,105 square feet to 10,492 square feet as a buffer to the Oxberg Lake Estates subdivision. In compliance with a condition listed in Order 2007-002 and Ordinance 2007-2664, development plan sheet C150 shows a 30 foot setback from the northern property line. To the west is Spring Meadow Park and Spring Meadow subdivision with lots approximating 8,000 square feet. The applicant has proposed smaller lots ranging from 1,543 square feet to 3,792 square feet along the western property line. One larger lot in the Spring Meadow subdivision, 1812 Leo Lane, will directly abut smaller lots 245 through 248 in the proposed development. The bulk of the smaller lots, 215 through 249, will abut Spring Meadow Park, which will provide a natural buffer for the larger lots to the west located in Spring Meadow subdivision located west of Spring Meadow Park. Two other lots in Spring Meadow subdivision will abut proposed larger lot 1 and public Street “C”. To the south is E Portland Road, smaller lots 203 through 214, commercial lot 250 and multiple family lot 249. To the west there is one existing single family home that is located approximately 263 feet from the east property line of the proposed development. The site plan shows one large lot (lot 18), smaller lots 19 through 30, proposed Public Streets “B” and “C” and two multifamily buildings located in the southeastern portion of the site.

The height of the proposed buildings meets the requirements of the NDC and should relate well to human scale. The bulk of the proposed development is greater than surrounding development within the city due to the reduced size of the proposed lots and reduced setbacks. However, as discussed in other sections of this report, the applicant has not maxed out their density allowance so even though the proposed density is greater than surrounding older subdivisions additional units could be

proposed and could cause even more of an impact. However, the current application does not max out the density allowance. The applicant has requested an increase in maximum lot and parking coverage from 60% in the R-2 zone to 70% coverage. The proposed coverage is greater than the surrounding development, however, no adverse impacts to the surrounding properties is anticipated. This is mitigated by larger lots north abutting Oxberg Lake Estates and to the west by Spring Meadow Park. Although not illustrated on the development plan sheets, on page 8 of the narrative the applicant has stated “they intend to provide landscape plantings along the boundary of lots 245 to 248 to provide a vegetative buffer between the lower density Spring Meadow Subdivision and the higher density lots proposed along the project’s boundary”. The vegetative buffer would be established between 1812 Leo Lane and proposed lots 245 through 248. Prior to proposed lots 245 through 248 receiving a certificate of occupancy from the Building Department, a vegetative buffer must be established along the rear property line of said lots because of the smaller lots and higher density in the proposed Crestview Crossing development than is found in Spring Meadow subdivision and the applicant has expressed a willingness to provide additional buffering to lessen the impact to 1812 Leo Lane. It should be pointed out that the surrounding subdivisions were developed before the adoption of the current development code, when larger lots and lower density was common.

The proposed development would remove 923 of 1,045 total trees within the site. In NUAMC Resolution 2006-15 the Newberg Urban Area Management Commission lists a condition of approval that states a tree buffer along the north property line would be required (Attachment 6). The applicants’ submittal does not show any trees along the north property line being preserved or any new trees planned to be planted. In compliance with Resolution 2006-15, the applicant shall retain as many mature trees as possible along the northern border of Yamhill County Tax lots 13800 and 1100 and supplement the tree buffer with new trees where necessary to provide a contiguous vegetative buffer. The conditions of approval listed in the NUAMC Resolution 2006-15 are still enforceable, therefore a tree buffer is appropriate for the northern border of tax lots 13800 and 1100. In order to verify that an adequate buffer will be established, the applicant must provide an updated tree removal, tree preservation and tree planting plan that clearly illustrates the type, number and location of new trees, numbers of trees being preserved and the number of trees being removed. Said plan sheet will be required to be submitted before step two (Final Plans) Section 15.240.020(B)(2) commences.

The applicant and HOA have come to an agreement on a groundwater monitoring program. Although the City does not have an applicable section of the NDC that applies to groundwater monitoring, the proposed location of the monitoring appears to be within the C-2 zoning district. On October 11, 2018, the Planning Commission made the determination that in order to achieve compliance with the conditional use criteria and the proposed location of the monitoring well being in the C-2 zoning district that it was appropriate to have a condition of approval requiring a groundwater monitoring program. Because the proposed groundwater monitoring well is located within the C-2 zoning district and in order to achieve compliance with the conditional use requirements of Newberg Development Code Section 15.225.060(A), and in light of the Source Water Assessment Report by the State of Oregon for the Oxberg Water System, prepared in April 2004, the applicant and Oxberg Lakes Estates Homeowners Association shall promptly enter into a Well Monitoring Agreement

designed to protect Oxberg's water supply from contamination, in a form agreed to by their respective engineers and legal counsel.

Adequate public facilities and utilities are available to serve the development. The applicant has provided a Transportation Impact Analysis (TIA) dated June 2018 and a memorandum dated August 15, 2018, which addresses the 5-Party Agreement (referred to as the 6-Party Agreement in memorandum). The TIA makes several recommendations pertaining to N Providence Drive/E Crestview Drive/E Portland Road intersection and site circulation/site access operations that have been incorporated into the findings in Exhibit "A" and conditions of approval in Exhibit "B".

City staff engineers have reviewed the proposed development for the availability of sanitary sewer, water and stormwater facilities and services. Sanitary sewer, water and stormwater services are available to serve the development. Conditions of approval have been drafted by City staff, which ensure that if any upgrades or additional services are needed then the applicant will construct them per City requirements. Sanitary sewer, water and stormwater requirements are discussed in other sections of this report to further support the availability of facilities, services and any needed upgrades as stated in the conditions of approval.

In 2006, the City of Newberg, Yamhill County, Oxberg Lake Homeowners Association, JT Smith Companies, Ken and Joan Austin and Meadowood Development, LLC., entered into an agreement commonly known as the "Five Party Agreement" (Attachment 4). This agreement pertains to transportation issues within and surrounding area of the Crestview Crossing project area and needed improvements agreed upon by those signatories of the agreement. Kittelson and Associates memorandum, dated August 15, 2018, states that the "proposed Crestview Drive alignment, intersection treatments, and cross-sectional elements area consistent with the guiding principles established in the Agreement, and as such, provides functionally equivalent transportation infrastructure as that identified in the Agreement" (Attachment 1). City staff engineers have reviewed the memorandum dated August 15, 2018 and have found the findings listed to be accurate and adequately addresses concerns raised by residents and attorney Jeffrey Kleinman.

In a memorandum from Jeffrey Kleinman, attorney representing the Oxberg Lake Homeowners Association, he raised questions of a potential impact to the Oxberg Lake potable groundwater well that serves the residents of the subdivision. In response to these concerns, the applicant has submitted a "Revised Geologic and Hydrogeologic Technical Memorandum" from professional Geologist Jonathon S. Travis who works for GeoEngineers. This memorandum was discussed in more detail in a previous section of this report. The applicants' consultant stated that there was little chance that the aquifer, which is utilized for the Oxberg Lake subdivisions drinking water, would be negatively impacted by the proposed Crestview Crossing development.

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

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 Portland Road from the south and E Crestview Drive from the northwest. With direct access to E Portland Road, the proposed development will have easy access to the Portland Metro area, Downtown Newberg, grocery stores, recreational uses, medical facilities, offices and industrial uses. When the proposed commercial lot is developed there will be direct access for residents within the development and for those within the surrounding area. The possible additional population will potentially spend additional dollars within the community and have the opportunity to work and live within the City of Newberg. The property owner is utilizing planners, engineers, architects and landscape architects to design the project. These professionals have produced designs and site planning for the subject property. Lot 250 is proposed for commercial use to be developed at a later date. Per sheet C220 of the development plan sheets, lot 250 would have two vehicle access points, one providing a right turn in and right turn out from E Crestview Drive and another vehicle access point from proposed public street “B”. Pedestrian access is also provided from sidewalks. Because of the access from the proposed development to potential employers, shopping, downtown and other community amenities and the property owner using professionals to design and provide site planning for the subject property, this criterion is met.

C. The proposed development will be consistent with this code. [Ord. 2451, 12-2-96. Code 2001 § 151.210.]

Finding: The applicant has provided responses to Newberg Development 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, the proposed development meets required conditional use criteria and this section of the NDC.

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

II. 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 applicants’ narrative states that the subject property is under single ownership. In fact, the subject properties are owned by two separate LLCs. Yamhill County tax lot 13800 is owned by GC Commercial, LLC. and tax lot 01100 is owned by VPCF Crestview, LLC. The person signing the City’s Application for the two LLCs is Jeff Smith. This criterion is met.

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 July 5, 2018, the applicants' submittal was deemed complete by City staff. The applicant re-submitted updated materials on August 17, 2018 in an effort to address deficiencies in their first submittal. The applicant has provided technical reports evaluating the on-site and off-site impacts of the proposed development. The proposed development would remove 923 of 1,045 total trees within the site. In NUAMC Resolution 2006-15 the Newberg Urban Area Management Commission lists a condition of approval that states a tree buffer along the north property line would be required (Attachment 6). The applicants' submittal does not show any trees along the north property line being preserved or any new trees planned to be planted. In compliance with Resolution 2006-15, the applicant shall retain as many mature trees as possible along the northern border of Yamhill County Tax lots 13800 and 1100 and supplement the tree buffer with new trees where necessary to provide a contiguous vegetative buffer. The conditions of approval listed in the NUAMC Resolution 2006-15 are still enforceable, therefore a tree buffer is appropriate for the northern border of tax lots 13800 and 1100. In order to verify that an adequate buffer will be established, the applicant must provide an updated tree removal, tree preservation and tree planting plan that clearly illustrates the type, number and location of new trees, numbers of trees being preserved and the number of trees being removed. Said plan sheet will be required to be submitted before step two (Final Plans) Section 15.240.020(B)(2) commences.

The applicant has provided the following suggested conditions of approval for the sound wall. "The Applicant shall construct a pre-cast concrete wall approximately six (6) feet in height along the south boundary of tax lots 1803, 1804 and 1808 where they abut the north boundary of tax lot 13800 (the "Sound Wall"). The exact location and length of the Sound Wall shall be determined by Applicant in compliance with applicable plans approved by the City of Newberg, or any other governmental agency having jurisdiction. The design style of the Sound Wall and its construction type shall be consistent with "Conceptual Noise Barrier Exhibit" attached hereto. [Exhibit C to the 2008 agreement] Alternatively, if that Exhibit cannot be located, the design style and construction type of the Sound Wall shall be as reasonably agreed by the Applicant and the benefitted property owner or owners."

City staff do not concur with the exact wording of the proposed condition of approval because said condition does not address the sound wall along tax lot 1100. The sound wall was a condition of approval in annexation Order 2008-0013, which is applicable to tax lot 1100 and not tax lot 13800. The applicant and Oxberg Lakes Estates HOA have jointly agreed to a sound wall along only tax lot 13800. The text of the applicants' and Oxberg Lakes Estates is primarily taken from the 2008 DA, which the City was not a party to. The jointly proposed conditions of approval did not address a sound wall on tax lot 1100. However, Order 2008-0013 specifically states "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 Gueldner property”. The Gueldner property is tax lot 13800 where the applicant and Oxberg Lakes Estates HOA have jointly proposed a sound wall along the northern property line. Therefore, per Order 2008-0013 a sound wall is to be constructed along the entire northern property line along tax lots 13800 and 1100. City staff propose that the wall be extended along the entire northern boundary of both tax lots 13800 and 1100. The Applicant shall construct a pre-cast concrete wall approximately six (6) feet in height along the south boundary of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and a westerly portion of tax lot 1815 where they abut the north boundary of tax lots 13800 and 1100 (the "Sound Wall"). The exact location and length of the Sound Wall shall be determined by Applicant in compliance with applicable plans approved by the City of Newberg, or any other governmental agency having jurisdiction. The design style of the Sound Wall and its construction type shall be consistent with "Conceptual Noise Barrier Exhibit" attached hereto. [Exhibit C to the 2008 agreement] Alternatively, if that Exhibit cannot be located, the design style and construction type of the Sound Wall shall be as reasonably agreed by the Applicant and the benefitted property owner or owners.

“The Applicant shall construct and install the Sound Wall in such a manner as to preserve, to the best of Applicant's ability, those trees with trunks greater than twelve (12) inches DBH that are located near the south boundary of tax lots 1803, 1804 and 1808.”

City staff do not concur with the proposed condition of approval as jointly drafted by the applicant and Oxberg Lakes Estates HOA. City staff proposed the following modified condition of approval to address the entire northern property line of tax lots 13800 and 1100. The Applicant shall construct and install the Sound Wall in such a manner as to preserve, to the best of Applicant's ability, those trees with trunks greater than twelve (12) inches DBH that are located near the south boundary of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and a westerly portion of tax lot 1815.

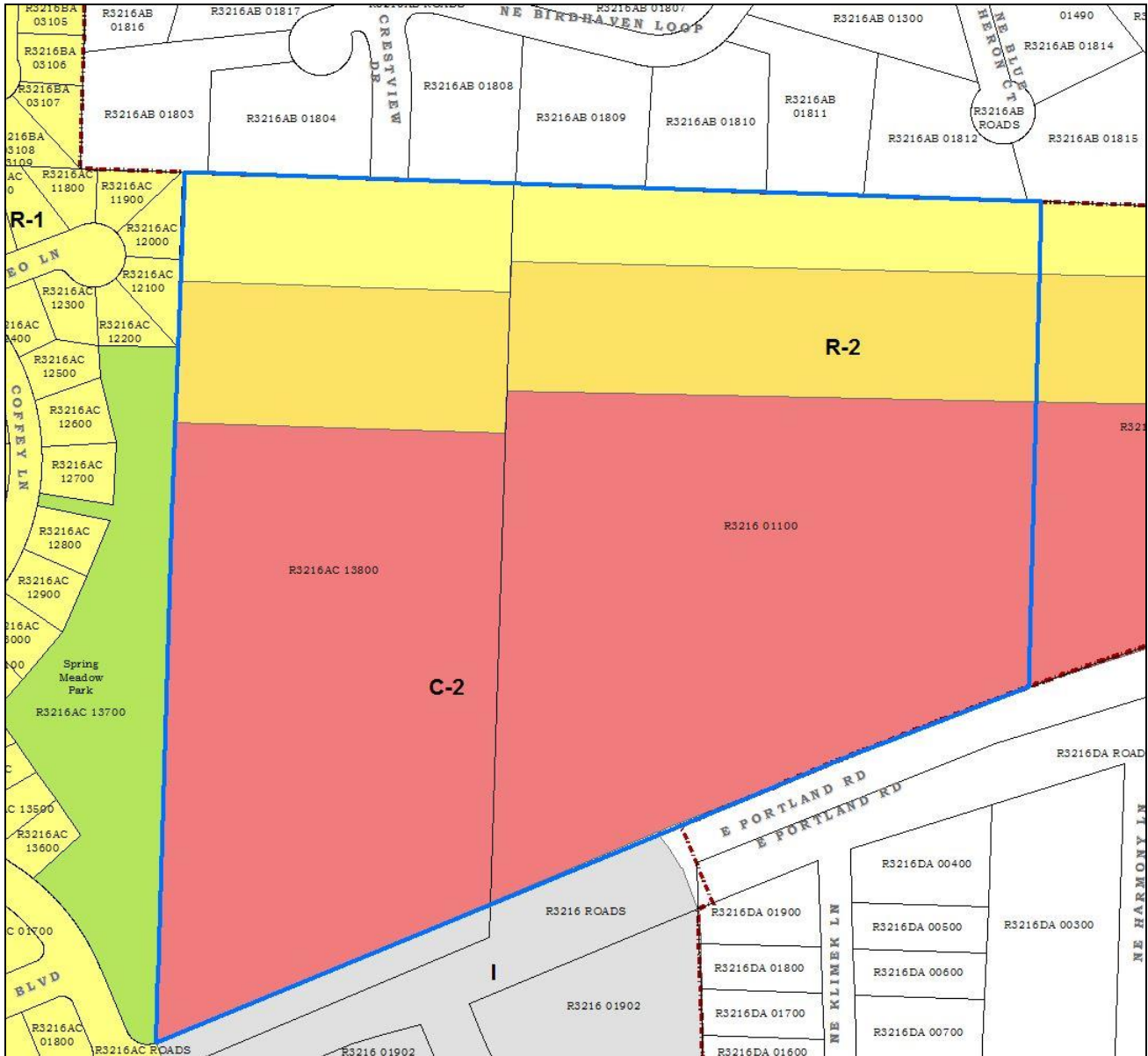
“The Applicant shall provide the owners of tax lots 1803, 1804 and 1808 with copies of any proposed designs and drawings of the Sound Wall, and consider, in good faith, all timely comments Applicant receives from the owners with respect to the Sound Wall. However, the final design and specifications of the Sound Wall shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction. Applicant shall complete the construction and installation of the Sound Wall on or before the date of final lift of asphalt concrete within the Applicant’s development. The owners shall grant the Applicant a temporary construction easement for the sound wall.”

City staff do not concur with the proposed condition of approval as jointly drafted by the applicant and Oxberg Lakes Estates HOA. By the applicant stating that the Sound Wall doesn’t have to be completed on or before the date of the final lift of asphalt concrete could result in neighboring residents putting up with noise, that may have been negated by the Sound Wall, for up to 15 years. City staff proposed the following modified condition of approval to address the entire northern property line of tax lots 13800 and 1100. The Applicant shall provide the owners of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and 1815 with copies of any proposed designs and drawings of the Sound Wall, and consider, in good faith, all timely comments Applicant receives from the owners with respect to the Sound Wall. However, the final design and specifications of the Sound Wall shall

be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction. Applicant shall complete the construction and installation of the Sound Wall at the same time as Phase 1 is constructed and completed within the Applicant's development. The owners shall grant the Applicant a temporary construction easement for the sound wall.

The Crestview Crossing Homeowners Association shall be responsible for all costs and expenses related to the maintenance and general upkeep of the Sound Wall after completion. This maintenance obligation shall bind the owners and their respective successors in interest and shall be made a part of the easements and the Crestview Crossing CCRs. The owners shall grant the Applicant a temporary construction easement for the Sound Wall, which shall be as limited in scope as reasonably possible. This condition is not intended to eliminate any joint maintenance obligation created by prior agreement with adjacent property owners, which may benefit the Crestview Crossing Homeowners Association. The previous version of this jointly proposed condition of approval required the homeowners of lot 1803, 1804 and 1808 to responsible for the maintenance and upkeep associated with the sound wall. Because the City was not a party to the 2008 Development Agreement between the applicant and the Oxberg Lakes HOA, it is inappropriate to propose modification of the aforementioned condition of approval that places financial burden for maintenance and general upkeep of the sound wall on property owners within Oxberg Lakes Estates subdivision. Additionally, the City has no authority to require property owners outside the City Limits to pay for the maintenance and upkeep of a wall that is required for a development within the City Limits. However, at the October 10, 2018 Planning Commission meeting the applicant and HOA worked out the aforementioned condition of approval that was agreeable to both parties and the Planning Commission approved the condition of approval. In a memo from the applicants attorney dated August 17, 2018, it was stated that a "Draft Maintenance Agreements for the Private Street and Stormwater Tracts. These items have been provided in lieu of CC&R's". The applicant shall submit CC&Rs during an intermediate review step prior to Step 2 of the PUD review process for the City to review and require changes if needed because their proposed condition of approval refers to CC&Rs that, to date, the City has not received for review.

"Applicant shall begin construction of the Sound Wall after it has received all site design approvals, land use permits, entitlements and other permits required for the development, and has begun construction. If Applicant does not receive the aforementioned permits and entitlements it shall not be obligated to build the sound wall."



Tax Lot Numbers

The City of Newberg does not have an urban forestry program and the development code only provides for tree preservation within Stream Corridor overlay areas. There are no noted Stream Corridor areas within the confines of the subject property.

The applicant has provided elevation drawings illustrating the proposed façades of buildings, which appear to be aesthetically pleasing.

The applicant submitted a TIA to assess impacts and proposed recommendations to mitigate the additional number of automobile trips projected to be generated by the development of the subject property.

A landscaping plan has been submitted that meets the requirements of the NDC.

The applicant has made an effort to locate larger lots on the northern border of the subject property where they will abut larger lots of the Oxberg Lake Estates subdivision that is located in unincorporated Yamhill County. Most of the smaller lot higher density area along the western boundary of the subject property will abut Spring Meadow Park. There is one lot, 1812 Leo Lane, in Spring Meadow subdivision that will abut proposed smaller lots 245-248. A condition of approval has been added in a previous section of these findings and is listed in Exhibit “B” to address buffering between the larger lot in Spring Meadow subdivision and the smaller lots. The multifamily buildings will be located north of E Portland Road and approximately 263 feet from the closest house to the east. A network of paths and sidewalks provide pedestrians safe access throughout the development and the proposed park and preserved wetland area.

With the adherence to the conditions of approval, this criterion will be met.

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.

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: On August 17, 2018, the applicant submitted a phasing plan with the re-submitted application materials.

The applicant is proposing the following phasing:

- Phase 1: This phase will include improvements to the site’s frontage along E Portland Road and the installation of underground utility connections necessary to provide service to the site.
- Phase 1a: This phase will include the extension of E Crestview Drive through the site and the construction of roadways and lots located east of the E Crestview Drive extension to public road D. This phase will also include the stormwater facility located south of public road B.
- Phase 2: This phase will include the installation of the roadways, infrastructure and lots which are to be located west of the E Crestview extension. Crestview Crossing – Alternate Plat and Phasing July 24, 2018
- Phase 3: This phase will include the lots located east of public road D to the property’s eastern property boundary.
- Phases B and C will be constructed after the construction of Phases 1 and 1A and may be constructed independently of the subdivision lots and by other entities or assigns.

Due to the size of the plan and the complexity of the various components within the development, the Applicant has requested that the City grant the developer a ten (10) year window for the construction of the infrastructure shown within the plan’s phases with opportunities for up to five (5) one (1) year extensions following the approval of the preliminary plat. While the Applicant does not intend to wait for ten (10) years to allow for the construction of the proposed improvements, the flexibility afforded by the ten (10) year schedule with the requested extensions will allow for the project’s various components to be sensitive to changing market conditions.”

There has been no schedule submitted in terms of years in which a given phase will be completed. Section 15.240.020(C) requires 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. Section 15.240.020(D) states “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”. Although the applicant has submitted a phasing plan it does not provide sufficient detail in terms of how long each phase will take to complete. The applicants’ phasing letter located in Attachment 1 states “In addition to covering the entitlements afforded to the developer through Section D of the Planned Unit Development’s general conditions, this phasing schedule is also intended to supersede the one (1) year limitation imposed upon Conditional Use Permits which is described in section 15.225.100 and the Final Plat criteria described in section 15.235.070. This time limitation can be made to be flexible by section 15.225.080.L of the City’s code.” 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 estimates for the timing of completion for each phase of development during an interim review step between step 1 and step 2 of the PUD review process.

Because the applicant has provided a phasing plan as permitted under NDC 15.240.020.C., final plan applications may be submitted in phases. If the Planning Commission approves the proposed PUD then the applicant may submit final plans in phases. This criterion is met.

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>District</i>	<i>Density Points</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>

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 4.31 acres yields 754.25 density points at 175 points per acres. The R-2 total acreage of 6.58 acres yields 4,211.2 density points at 640 points per acres. The C-2 total acreage of 22.24 acres yields 6,894.4 density points at 310 points per acres. The total maximum density points earned based on zoning and land area is 11,859.85 points.

There will be 27 one bedroom units, multiplied by 14 density points, which yields 378 points. There will be 24 two bedroom units, multiplied by 21 density points, which yields 504 points. There will be 80 three bedroom units, multiplied by 28 density points, which yields 2,240 points. There will be 168 four or more bedroom units (single family units), multiplied by 35 density points, which yields 5,880 points. Adding the total number of points produced by the number of bedrooms yields 9,314 points.

The applicants' narrative or other submitted 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 11,859 density points and the applicants proposed density, based on number of bedrooms, yields 9,314 this section of the NDC is met.

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 R-2 portions of the subject property. This criterion is met because single-family and multifamily uses are permitted within the R-1 and R-2 zone districts.

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: The applicant is proposing a combination residential-commercial planned unit development. All uses within the C-2 zoned property are permitted either conditionally for residential or as a permitted use for future commercial use. This criterion is met because all proposed uses are permitted either conditionally or by right as a permitted uses.

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 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. 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 applicants’ narrative requests modification for lot sizes, minimum lot dimensions, minimum lot frontages, maximum lot and parking area coverage and minimum setback standards for the R-1, R-2 and C-2 zoning districts. Lot coverage is discussed below under “J”. The following table details the requirements listed in the NDC and the dimensional modifications that the applicant is requesting.

	Min. front yard setback per NDC to house not garage	Proposed front yard setback by applicant	Minimum interior setback per NDC	Proposed minimum interior setback proposed by applicant	Minimum lot size per NDC	Proposed minimum lot size	Minimum lot width per the NDC	Proposed minimum lot width
R-1	15 feet	10 feet	5 feet	5 feet	5,000 sq.ft.	5,000 sq.ft.	35 feet	35 feet

R-2	15 feet	10 feet	5 feet	2.5 feet	3,000 sq.ft.	1,440 sq.ft.	25 feet	21.5 feet
C-2	10 feet	10 feet	10 feet	2.5 feet	5,000 sq.ft.	1,440 sq.ft.	n/a	21.5 feet

In Order numbers 2007-0002 and 2008-0013, which pertained to the annexation of tax lot 13800 and 1100, a condition of approval required 30 foot building setback along the north property line. A 30 foot setback along the north property line is illustrated on sheet C-150 of the applicants’ plan set. In Order 2008-0013, Attachment 6, 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 Gueldner property 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. Because Order 2008-0013, applies to tax lot 1100 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 Gueldner property to the west. Conditions of approval addressing the sound wall along the northern boundary of the applicants’ properties have addressed in other sections of this staff report.

The current NDC states that “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.” For the R-1 zone the minimum frontage required by the NDC is 25 feet. The larger lots developed within the R-1 zoned area have lot frontage of between 58 to 79 feet, which exceeds the requirement listed in the NDC. A number of higher density or smaller lots do not meet the 25 foot minimum frontage requirement. If approved, the planning commission would be granting a relaxation of 3.5 feet from the required 25 foot minimum frontage requirements.

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).

The applicant has requested a modification to the maximum lot and parking coverage, which is discussed in the next section “J” of this report.

City of Newberg Staff Engineers have reviewed the development proposal and have not found hazardous conditions created for vehicular or pedestrian traffic if all conditions of approval are adhered to. This criterion is met because the proposed modifications to the Newberg Development Code do not create hazardous conditions for vehicular or pedestrian traffic.

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

Finding: The applicant has requested the following modifications to lot and parking coverage.

	Maximum Lot Coverage listed in the NDC	Maximum parking coverage	Maximum combined parking and lot coverage	Proposed maximum lot coverage listed on sheet C150	Proposed maximum lot coverage stated in narrative
R-1	40% or 50% if all structures on the lot are one story.	30%	60%	None requested	None listed
R-2	50%	30%	60%	60%	70%
C-2	n/a	n/a	n/a	n/a	n/a

The lot coverage listed above is from the NDC and was current at the time the applicant made their submittal. The applicants' narrative and sheet C150 listed different requested maximum lot coverages. The PUD process allows for adjustments to the strict adherence to requirements listed in the development code. The applicant has stated in their narrative that "the anticipated coverage for these lots [R-1] will be less than the stated maximum" lot coverage listed in the table above. The applicant states that smaller lots sizes of 1,474 to 2,010 square feet would have a maximum combined lot and parking coverage of 56.6% in the R-2 zone. Additionally, the applicants' narrative states for lots within the R-2 that are 2,010 square feet the combined lot coverage would be 63.7%. Finally, for lots within the R-2 with an area 1,742 square feet the narrative states the lot coverage would be approximately 65.9%. The applicant is requesting a combined lot and parking coverage of 70% within the R-2 zone. No adverse impacts have been identified with a greater lot and parking coverage and having more units or higher density within a subdivision can be considered a more efficient use of land.

The current NDC does not have a maximum lot coverage for C-2 zoned property. The applicant is proposing a number of residential lots within the C-2, which allows for residential land use with a conditional use permit.

In summary, the applicant is requesting a 10% increase in combined lot and parking coverage over the current maximum of 60% combined lot coverage allowed for in the R-2 zone.

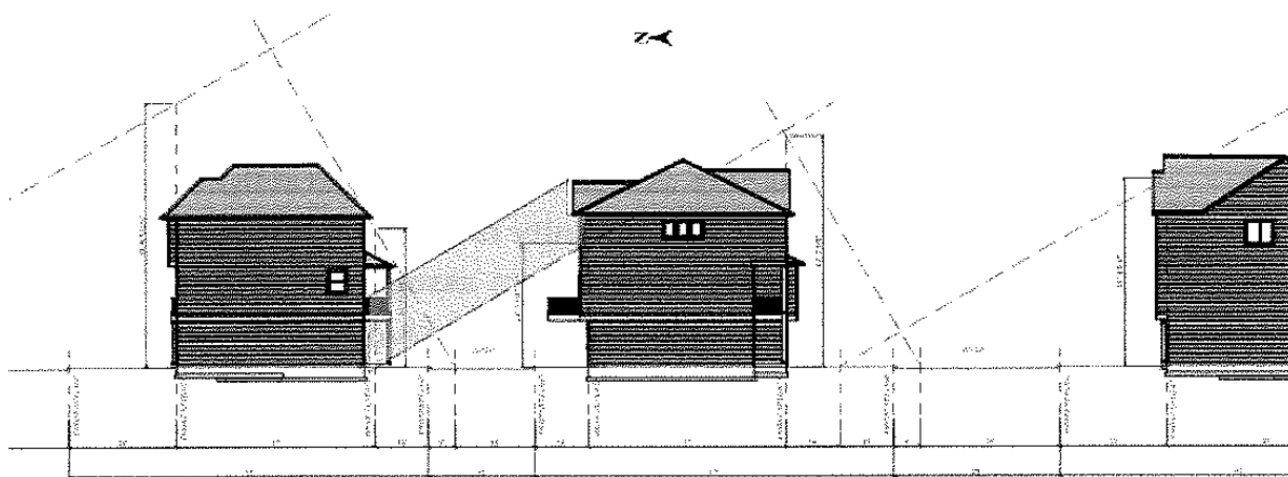
Because there are no adverse impacts anticipated to units within the proposed development and to existing surrounding properties, it is appropriate to allow an increase of a combined lot and parking coverage of 70% within the R-2 zone. This criterion along with section 15.240.020.I. have been met.

K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between

lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of “sun exposure plane” in NMC 15.05.030). The hearing authority may further modify heights to:

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

Finding: The applicant has provided a sun exposure diagram and analysis with the updated submittal. The applicant is proposing some 3-story units that may impact sun exposure. The narrative states that “some of the north/south oriented lots may have slight impacts on the first floor of the proposed homes”. The first floor of lots that would be impacted are 36-66, 81 and 82. The east/west oriented lots do not appear to be impacted by the smaller lots and higher density of units. The following diagram is provided in the applicants’ narrative.



The applicants’ narrative has made several arguments in support of what they call a “limited impact” and that housing configured in this manner provides numerous benefits to the future residents and provides opportunities for the creation of a highly efficient and well-designed developments. It is true that the urban growth boundary limits the amount of land developed at urban densities. The residents will have access to the network of pathways, sidewalks and parks so they will still have access to the sun. The applicants’ narrative did not discuss impacts to Oxberg Lake or Spring Meadow subdivisions. 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 a limited number of proposed units, 32, 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 applicant is proposing a mixture of private and public streets. The NDC states that “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 applicant has stated they have met the requirements listed in NDC Section 15.240.020(L)(2)(a)(i, ii, iii, iv and v) as well as Section 15.240.010(A, B, C and D). The applicant has provided documentation that the development proposal meets the requirements listed in Section 15.240.020(L)(a)(i, ii, iii, iv and v) including:

- “a PUD proposes at least 50 dwelling units,
- has provided a plan for on-street parking, maintenance and financing of maintenance of the private street,
- demonstrates sufficient parking,
- includes CC&Rs addressing the private street (alternative submittal discussed below),
- is constructed to proper standards, and
- the PUD is a Class I planned community as defined in ORS Ch. 94.”

1. The applicant has proposed 299 dwelling units, which exceeds the required minimum units for a PUD of 50 dwelling units. The applicant has provided a Declaration of Private Street

Maintenance Covenant and Agreement, Stormwater Facility Easement and Maintenance Agreement and a Reserve Study and Maintenance Plan for financing of maintenance of the private streets and stormwater facilities. The letter submitted by the applicants' legal representative states that the stormwater and private street maintenance covenant and agreements have been submitted in lieu of CC&Rs. The applicant shall submit CC&Rs during an intermediate review step prior to Step 2 of the PUD review process for the City to review and require changes if needed because their narrative refers to CC&Rs and CC&Rs are required by the NDC that, to date, the City has not received for review. The applicant is providing 1,087 parking spots while the NDC requires 570 parking spots, so this proposal demonstrates there is sufficient parking. With the adherence to all conditions of approval the proposed Crestview Crossing development will be constructed to meet proper City standards. In order for a PUD to meet ORS Chapter 94 of a Class I planned community the following must be true: "Class I planned community" means a planned community as defined in ORS 94.550 that: (a) Contains at least 13 lots or in which the declarant has reserved the right to increase the total number of lots beyond 12; and (b) Has an estimated annual assessment, including an amount required for reserves under ORS 94.595, exceeding \$10,000 for all lots or \$100 per lot, whichever is greater, based on: (A) For a planned community created on or after January 1, 2002, the initial estimated annual assessment, including a constructive assessment based on a subsidy of the association through a contribution of funds, goods or services by the declarant;" The applicants proposed PUD meets the requirements of ORS 94 as it pertains to planned communities.

The applicant further states their application meets the following purpose statements in NDC 15.240.010(A) through (D), which include:

- "encourage comprehensive planning in areas of sufficient size...
- provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations
- promote an attractive, safe, efficient and stable environment...and
- provide for economy of shared services and facilities."

The subject property is 33.13 acres in area, which is large enough for comprehensive planning. As proposed by the applicant, the development has provided a network of paths and a park centered around a wetland, parking for visitors is spread throughout the development and has utilized a team of professionals including planners, engineers and landscape architects in their planning process. The applicant has provided a few typical single family and multifamily home elevation drawings utilizing peaked roofs and other architectural features. Clustering of lots has been somewhat utilized as evident from the preservation of some of the wetlands. The applicant has indicated in their narrative that they have provided enough open and outdoor living space for each unit, which has been conditioned for verification during the building permit review process. The applicant has provided a plan showing site circulation for pedestrians and vehicles. One intersection of private street "G" and public street "C" has been determined to not meet the required distance from Crestview Drive (Major Collector), which is

discussed and conditioned later in this report. The applicant has provided plans for shared waste water disposal, stormwater and public water facilities and services.

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

- 5-foot sidewalk*
- 0.5-foot rolled curb
- 24-26-foot travel lanes
- 0.5-foot rolled curb
- 5-foot sidewalk*

* Per private road cross-section shown on sheet C300.

The applicant has indicated in parts of the narrative that private walkways are to be 4-feet wide, but the cross-section of C300 show sidewalks along private streets as 5-feet wide. Information regarding travel lane widths for private streets was updated by the applicant per an email sent on Friday July 27, 2018 by Andrew Tull. The email indicates that all private streets will have at least 26-feet of access. In some cases, access drives will be 24-feet in width with mountable curbs and sidewalks built to withstand wheel-loads. Private streets without walkways will have 26-feet of pavement.

The applicant has proposed the following condition of approval:

“The applicant shall follow the city engineer requirement for sidewalks along private streets to be 5-foot wide, with 12 inch wide, six inch high mountable curb. The private street width shall be measured from the back of the 12 in curb.”

Staff does not concur with the applicants proposed condition of approval. Staff believes the updated condition reduces the clarity of the original condition which referenced a cross-section detail on sheet C300. Under the proposed condition, clarity is lost in regards to the actual sidewalk width. It's possible to interpret the applicant's proposed condition to mean that the 5-foot sidewalk is inclusive of the 12-inch mountable curb which would reduce the ADA accessible width of the sidewalk to 4-feet, which is not acceptable to the City Engineer. However, staff does recognized that the detail on sheet C300 does not include the dimensioning for the mountable curb which would make the effective roadway width 26-feet.

Staff recommends the following condition to address both staff and the applicant's concerns:

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 C300. The private street width shall be measured from the back of the 12-inch mountable curb. The sidewalk shall be measure from the back of walk to the back of the 12-inch mountable curb. The design of weep holes in the proposed rolled curb will be reviewed as part of the Public Improvement Permit, direct connection to the stormwater system may be required.

Because the applicant has been unclear about their intended parking locations on private streets, the applicant shall follow requirements outlined in a letter TVF&R provided on June 5, 2018 which indicated the following:

- 20-26 feet road width – no parking on either side of roadway

Through their submitted materials, the applicant has demonstrated compliance with Section 15.240.010 (A) through (D) of the NDC.

Private streets are acceptable with the adherence to the conditions of approval because the applicant plans, narrative and other supporting documents meet the requirements of this section of the NDC or conditions of approval address and correct any deficiencies. These criteria have been met. Additional requirements for public improvements are addressed later in this report.

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 provided a copy of the Crestview Crossing Homeowners Association Reserve Study and Maintenance Plan 2020 as required by this section of the NDC. The reserve study utilizes a mix of information provided by the developer, various construction estimating and scheduling manuals/programs, and will incorporate information from the eventually established Crestview Crossing Homeowners Association (HOA) in order to determine the useful life and replacement cost of each common item such as the proposed private streets. This documents states that it will be updated annually. Blue Mountain Community Management will be utilized by the Crestview Crossing HOA to conduct the reserve study, which will be implemented for the budget year beginning on January 1, 2020 with the budget year ending on December 31, 2020. As described in this study, a reserve study is best described as an assessment of current assets, their approximate value and their future value at the time of replacement. Page 10 of the Maintenance Plan 2020 projects that all lots would be required to pay a monthly fee of \$5.52 providing an annual total program contribution of \$16,425.00. The aforementioned total assumes contributions by all 250 lots. It is unknown when all 250 lots will be constructed and the developer has proposed phasing of the development over ten years with the possibility of an additional five one year extensions. Because the NDC requires an annual written report on the anniversary date of the final approval of the PUD and the project is proposed to be phased, which final approval could take 10 years with additional five one year extensions, the Crestview HOA must provide and annual report that meets the requirements of NDC 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. The applicant provided email correspondence with Portland General Electric (PGE) dated August 8, 2018 which indicated that PGE would like 10-foot public utility easements along all public road frontages, and 8-foot public utility easements along private street frontages with the goal to have 8-foot clear space (no sidewalks). 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 street frontages per PGEs review dated August 24, 2018. 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. 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: Page 21 of the applicants' supplemental narrative provided on August 8, 2018, states all dwelling units are served by outdoor living areas equal to at least 10 percent of the gross floor area of each unit (Attachment 8). The single-family units will have outdoor living on individual lots. The multifamily units will utilize a combination of balconies and porches as well as common outdoor living areas located throughout the overall planned unit development. All proposed dwelling units will be able to provide at least 10% of the gross floor area in outdoor living space. Outdoor living spaces for each unit can be verified at the time of the building permit." Because the applicants' narrative states they will verify that all units have at least 10% outdoor living area, the applicant shall clearly list all outdoor living area calculations on all single-family and multifamily building plans. If a single family or multifamily building plan does not meet said requirement then no building permit shall be granted until plans are revised to meet this section 15.240.020(N) of NDC. This criterion will be verified to have been met during the building permit review process.

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 grading plans that have been reviewed by City staff. The applicant is proposing to remove 923 of 1,042 trees, which is allowed under the current Newberg Development Code due to there not being an Urban Forestry Program in the City. However, Resolution 2006-15 the Newberg Urban Area Management Commission lists a condition of approval that states a tree buffer along the north property line would be required (Attachment 6). The applicants' submittal does not show any trees along the north property line or any new trees planned to be planted. The applicant has provided no information pertaining to a tree buffer and is proposing to remove all existing mature trees along the northern border abutting the Oxberg Lake Estates subdivision. A condition of approval has been added to a separate section of this report to address the absence of a tree buffer along the northern property line. In order to meet the requirements of this section of the NDC, prior to modification of any site features or beginning "Step Two" of the review process (NDC Section 15.240.020.B.2.) the applicant shall provide a list of site features to be modified and supporting drawings illustrating before and after conditions for review by City Staff. "Step two" shall not commence until the applicant and city staff can agree what site modifications are permissible under this section of the NDC. As discussed in length in other sections of this staff report, existing trees will be preserved within 10 feet of the northern property line to act as a buffer between Oxberg Lakes Estates subdivision and the proposed Crestview Crossing development. The following condition of approval is appropriate to meet the requirements of this section of the NDC. The Applicant shall construct and install the Sound Wall in such a manner as to preserve, to the best of Applicant's ability, those trees with trunks greater than twelve (12) inches DBH that are located near the south boundary of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and a westerly portion of tax lot 1815.

On August 7, 2018, the applicant has submitted a Joint Permit Application to the Oregon Department of State Lands for their review. The following text is not applicable due to a new application being submitted to DSL. The applicant has stated that the permitting for wetland filling and mitigation is being conducted separately from this PUD application and have provided little information regarding their progress with the Joint Permit Application (JPA) process. On August 20, 2018, a review referral form was sent to Mr. Dan Cary of Aquatic Resource Management Program, Oregon Department of State Lands, who sent an email dated July 30, 2018, providing comments pertaining to currently proposed Crestview Crossing development. The applicant is proposing significant modifications to wetlands including preservation, removal and mitigation. In an email dated July 26, 2018 (Attachment 2) and received after 6:30 pm, Ms. Jevra Brown, Aquatic Resource Planner for Department of State Lands stated the following:

“Expired delineation WD2000-0260 for tax lot 1100

Expired delineation WD2006-0698 associated with administratively closed permits 40337-RF and 48735-RF for Crestview Crossing – Part I.

Crestview Crossing – Part 2 WD2013-0148, administratively closed application 57027-RF, 58464-RF application on extension.”

The applicant was informed of the expired wetlands permit issue on July 27, 2018.

With adherence to the aforementioned condition of approval this criterion is met.

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

Finding: On page 21 of the applicants' narrative it states that "the applicant acknowledges the possibility of a performance bond being required to assure timely completion of any delayed landscaping." Because the applicant has acknowledged this section of the NDC 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. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2763 § 1 (Exh. A §§ 9, 10), 9-16-13; Ord. 2730 § 1 (Exh. A § 9), 10-18-10; Ord. 2720 § 1(4), 11-2-09; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.226.]

Finding: This section of the NDC is discussed later in this staff report under Section 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, order 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 that cause a shortfall in meeting City requirements. This criterion will be met with the adherence to all conditions of approval.

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: 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 Lake Estates subdivision. To the west is Spring Meadow Subdivision and Spring Meadow Park, where smaller lot higher density single family development is proposed. The higher density single family area near the west property line is buffered from Spring Meadow subdivision by Spring Meadow Park. The multifamily and smaller lots bordering the eastern property line of the subject property are approximately 263 feet from the single family home on the abutting lot to the east. Along the southern property line smaller single family lots and multifamily buildings abut E Portland Road. The proposed development provides a network of pathways and a centrally located park. Parking is provided on the single family lots, a parking lot for the multifamily buildings, on street parking on the public streets and visitor parking lots are located throughout the higher density single family areas. Both public and private streets are being proposed as part of the development.

The height of the proposed buildings meets the requirements of the NDC and should relate well to human scale. The bulk of the proposed development is greater than surrounding development within the city due to the reduced size of the proposed lots and reduced setbacks. However, as discussed in other sections of this report, the applicant has not maxed out their density allowance so even though the proposed density is greater than surrounding older subdivisions additional units could be proposed and could cause even more of an impact. However, the current application does not max out the density allowance. The landscaping and screening is adequate for most of the surrounding lots with the exception of 1812 Leo Lane, tax lot 12100, located in Spring Meadow subdivision. The property in Spring Meadow subdivision will abut proposed lots 245 through 248. As conditioned elsewhere in this report, a vegetative buffer will be required along the entire property line of 1812 Leo Lane because lots 245 through 248 are a smaller or more dense and out of character with the lots within the Spring Meadow subdivision. As conditioned elsewhere in this report, a tree buffer will be required to lessen the impact to the Oxberg Lake Estate subdivision. It should be pointed out that the surrounding subdivisions were developed before the adoption of the current development code, when larger lots and lower density was common. In NUAMC Resolution 2006-15 the Newberg Urban Area Management Commission lists a condition of approval that states a tree buffer along the north property line would be required (Attachment 6). The applicants’ submittal does not show any trees along the north property line being preserved or any new trees planned to be planted. As conditioned earlier in the report and in compliance with Resolution 2006-15, the applicant shall retain as many mature trees as possible along the northern border of Yamhill County Tax lots 13800 and 1100 and supplement the tree buffer with new trees where necessary to provide a contiguous vegetative buffer.

The applicant has provided site development plans that illustrate the location and distribution of recreation space, parking, roads, access and other uses such as a centrally located park as part of a preserved wetland. The proposed plans provide adequate recreation space, the required 10% outdoor living space per Section 15.240.020 (N) will also be checked during the building permit review process. As discussed in other sections of this report, the applicant has provided a sufficient number of parking spaces. Staff engineers have reviewed all private and public roads and access and have found all to meet City requirements and standards except where conditioned. Conditions of approval have been provided to assure compliance with the NDC.

The applicant has provided the following suggested conditions of approval for the sound wall. “The Applicant shall construct a pre-cast concrete wall approximately six (6) feet in height along the south boundary of tax lots 1803, 1804 and 1808 where they abut the north boundary of tax lot 13800 (the "Sound Wall"). The exact location and length of the Sound Wall shall be determined by Applicant in compliance with applicable plans approved by the City of Newberg, or any other governmental agency having jurisdiction. The design style of the Sound Wall and its construction type shall be consistent with "Conceptual Noise Barrier Exhibit" attached hereto. [Exhibit C to the 2008 agreement] Alternatively, if that Exhibit cannot be located, the design style and construction type of the Sound Wall shall be as reasonably agreed by the Applicant and the benefitted property owner or owners.”

City staff do not concur with the exact wording of the proposed condition of approval because said condition does not address the sound wall along tax lot 1100. The sound wall was a condition of approval in annexation Order 2008-0013, which is applicable to tax lot 1100 and not tax lot 13800. The applicant and Oxberg Lakes Estates HOA have jointly agreed to a sound wall along only tax lot 13800. The text of the applicants' and Oxberg Lakes Estates is primarily taken from the 2008 DA, which the City was not a party to. The jointly proposed conditions of approval did not address a sound wall on tax lot 1100. However, Order 2008-0013 specifically states “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 Gueldner property”. The Gueldner property is tax lot 13800 where the applicant and Oxberg Lakes Estates HOA have jointly proposed a sound wall along the northern property line. Therefore, per Order 2008-0013 a sound wall is to be constructed along the entire northern property line along tax lots 13800 and 1100. City staff propose that the wall be extended along the entire northern boundary of both tax lots 13800 and 1100. The Applicant shall construct a pre-cast concrete wall approximately six (6) feet in height along the south boundary of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and a westerly portion of tax lot 1815 where they abut the north boundary of tax lots 13800 and 1100 (the "Sound Wall"). The exact location and length of the Sound Wall shall be determined by Applicant in compliance with applicable plans approved by the City of Newberg, or any other governmental agency having jurisdiction. The design style of the Sound Wall and its construction type shall be consistent with "Conceptual Noise Barrier Exhibit" attached hereto. [Exhibit C to the 2008 agreement] Alternatively, if that Exhibit cannot be located, the design style and construction type of the Sound Wall shall be as reasonably agreed by the Applicant and the benefitted property owner or owners.

“The Applicant shall construct and install the Sound Wall in such a manner as to preserve, to the best of Applicant's ability, those trees with trunks greater than twelve (12) inches DBH that are located near the south boundary of tax lots 1803, 1804 and 1808.”

City staff do not concur with the proposed condition of approval as jointly drafted by the applicant and Oxberg Lakes Estates HOA. City staff proposed the following modified condition of approval to address the entire northern property line of tax lots 13800 and 1100. The Applicant shall construct and install the Sound Wall in such a manner as to preserve, to the best of Applicant's ability, those trees with trunks greater than twelve (12) inches DBH that are located near the south boundary of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and a westerly portion of tax lot 1815.

“The Applicant shall provide the owners of tax lots 1803, 1804 and 1808 with copies of any proposed designs and drawings of the Sound Wall, and consider, in good faith, all timely comments Applicant receives from the owners with respect to the Sound Wall. However, the final design and specifications of the Sound Wall shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction. Applicant shall complete the construction and installation of the Sound Wall on or before the date of final lift of asphalt concrete within the Applicant's development. The owners shall grant the Applicant a temporary construction easement for the sound wall.”

City staff do not concur with the proposed condition of approval as jointly drafted by the applicant and Oxberg Lakes Estates HOA. By the applicant stating that the Sound Wall doesn't have to be completed on or before the date of the final lift of asphalt concrete could result in neighboring residents putting up with noise, that may have been negated by the Sound Wall, for up to 15 years. City staff proposed the following modified condition of approval to address the entire northern property line of tax lots 13800 and 1100. The Applicant shall provide the owners of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and 1815 with copies of any proposed designs and drawings of the Sound Wall, and consider, in good faith, all timely comments Applicant receives from the owners with respect to the Sound Wall. However, the final design and specifications of the Sound Wall shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction. Applicant shall complete the construction and installation of the Sound Wall at the same time as Phase 1 is constructed and completed within the Applicant's development. The owners shall grant the Applicant a temporary construction easement for the sound wall.

The Crestview Crossing Homeowners Association shall be responsible for all costs and expenses related to the maintenance and general upkeep of the Sound Wall after completion. This maintenance obligation shall bind the owners and their respective successors in interest and shall be made a part of the easements and the Crestview Crossing CCRs. The owners shall grant the Applicant a temporary construction easement for the Sound Wall, which shall be as limited in scope as reasonably possible. This condition is not intended to eliminate any joint maintenance obligation created by prior agreement with adjacent property owners, which may benefit the Crestview Crossing Homeowners Association. The previous version of this jointly proposed condition of approval required the homeowners of lot 1803, 1804 and 1808 to responsible for the maintenance and upkeep associated with the sound wall. Because the City was not a party to the 2008 Development Agreement between

the applicant and the Oxberg Lakes HOA, it is inappropriate to propose modification of the aforementioned condition of approval that places financial burden for maintenance and general upkeep of the sound wall on property owners within Oxberg Lakes Estates subdivision. Additionally, the City has no authority to require property owners outside the City Limits to pay for the maintenance and upkeep of a wall that is required for a development within the City Limits. However, at the October 10, 2018 Planning Commission meeting the applicant and HOA worked out the aforementioned condition of approval that was agreeable to both parties and the Planning Commission approved the condition of approval. In a memo from the applicants attorney dated August 17, 2018, it was stated that a “Draft Maintenance Agreements for the Private Street and Stormwater Tracts. These items have been provided in lieu of CC&R's”. The applicant shall submit CC&Rs during an intermediate review step prior to Step 2 of the PUD review process for the City to review and require changes if needed because their proposed condition of approval refers to CC&Rs that, to date, the City has not received for review.

“Applicant shall begin construction of the Sound Wall after it has received all site design approvals, land use permits, entitlements and other permits required for the development, and has begun construction. If Applicant does not receive the aforementioned permits and entitlements it shall not be obligated to build the sound wall.” By the applicant stating that the Sound Wall doesn’t have to be completed on or before the date of the final lift of asphalt concrete within the Applicants’ development could result in neighboring residents putting up with noise, that may have been negated by the Sound Wall, for up to 15 years. This is a condition of approval that the Planning Commission should review and consider modification to address noise that could occur over what is potentially a 15 year construction project.

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

Finding: City staff engineers have evaluated 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 NDC. 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: The design and location of the buildings, roads and other uses has been done in a way to preserve a portion of wetlands located on the property. The applicant has provided a grading plan showing soil erosion mitigation measures that will be taken. According to the City’s GIS, there are no flood hazards within the confines of the subject property. In compliance with Resolution 2006-15, discussed earlier in this report, a condition of approval has been added requiring trees along the northern boundary to be preserved where possible to maintain a buffer between the proposed development and the Oxberg Lake subdivision. The applicant has submitted a revised Joint Permit Application (JPA) to the Oregon Department of State Lands (DSL) that matches the development that is currently being proposed to the City. The JPA is intended for filling and mitigating impacts to the wetlands. A referral for review of the current proposal was sent to the DSL but as of the date this report was drafted there has been no response. The City has no documentation of any State Planning Goal 5 resources located within the confines of the subject property including wildlife habitats, historic places, and aggregate (gravel) within the confines of the subject property.

This criterion is met.

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

Finding: City Staff Engineers have evaluated the application for adequate utility services and have found existing services to be adequate. The applicant has indicated they’ve worked with Tualatin Valley Fire & Rescue (TVF&R) and a letter was submitted as part of their application. TVF&R stated that no on-street parking is permitted on the private streets, it doesn’t appear that the applicant is proposing parallel parking on the private streets but they are illustrating several parking lots showing 90 degree parking. Sheet C230 of the plan set illustrates a fire access plan. No transportation facilities are located onsite or planned per the page 24 of the narrative submitted on August 23, 2018. The applicant stated that “if the opportunity arises in the future, public transportation facilities” could be provided. This criterion will be met with the adherence to the aforementioned condition of approval.

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

Finding: The applicant is proposing both active and passive open space recreational areas for use by the residents. The applicant has stated in their findings that “the proposed design includes a civic use park which has been envisioned to provide space for community events as well as a space for featured local vendors. A smaller neighborhood park is connected to the proposed development through a network of multi-use pathways, which provide pedestrian circulation and recreation throughout the site. The proposal includes multiple open spaces, most of which include a trail system. The multi-family housing has common outdoor living areas, as well as balconies and patios for some individual units. The single-family housing has outdoor living areas adjacent to the homes.” The single family homes will have onsite parking, the multifamily buildings have direct access to a parking lot, on-street parking is provided on the public streets and visitor parking lots off of the private streets are provided in several areas throughout the development. City staff concur with the applicants narrative and plans, which have shown that the proposed parking spaces, discussed in detail in a separate section of this report meets the city requirements. The applicants’ plan set illustrates a centrally located open space/park that will provide access via pathways. The required outdoor living area per unit of 10% will be reviewed for conformance with the NDC at the time of building permit review. A condition of approval has been added in a separate section, which requires units to be modified if they do not provide the minimum of 10% outdoor living area. This criterion will be met with the adherence to the conditions of approval.

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 has stated that the “...site has been designed to reflect the surrounding area and to provide a reasonable level of privacy for residents of the development and surrounding properties. Large lot single-family detached dwellings are proposed along the northern property line, separating this development from another large lot residential development, easing the transition from lower density to higher. The site is buffered from the residential developments to the west by the park that is adjacent to the site. The site as a whole is designed to provide safe and convenient access.” The proposed building elevation drawings illustrate peaked roofs and architectural feature not unlike the surrounding homes in abutting subdivisions. There are no structures proposed at this time. Engineers, planners, architects and landscape architects have worked as a development team to arrange units, provide landscaping and arrange streets in a pattern that considers the surrounding area. There will be sufficient buffering, with conditions of approval, for the surrounding neighborhoods either through like sized lots, additional vegetative buffers or separation by distance from the smaller lots and multifamily lot. The access to the site will be from E Crestview Drive from the north and E Portland Road from the south. Building scale refers to building elements and details as they proportionally relate to each other and to humans. The height of the proposed buildings meets the requirements of the NDC and should relate well to human scale. The bulk of the proposed

development is greater than surrounding developments within the city due to the reduced size of the proposed lots and reduced setbacks. However, as discussed in other sections of this report, the applicant has not maxed out their density allowance so even though the proposed density is greater than surrounding older subdivisions additional units could have been proposed causing an even greater impact to surrounding properties. The landscaping and screening is adequate for most of the surrounding lots with the exception of 1812 Leo Lane, tax lot 12100, located in Spring Meadow subdivision. The property in Spring Meadow subdivision will abut proposed lots 245 through 248. As conditioned elsewhere in this report, a vegetative buffer will be required along the entire property line of 1812 Leo Lane because lots 245 through 248 are a great deal smaller or more dense and out of character with the lots within the Spring Meadow subdivision. It should be pointed out that the surrounding subdivisions were developed before the adoption of the current development code, when larger lots and lower density was common. In NUAMC Resolution 2006-15 the Newberg Urban Area Management Commission lists a condition of approval that states a tree buffer along the north property line would be required (Attachment 6). The applicants' submittal does not show any trees along the north property line being preserved or any new trees planned to be planted. As conditioned earlier in the report and in compliance with Resolution 2006-15, the applicant shall retain as many mature trees as possible along the northern border of Yamhill County Tax lots 13800 and 1100 and supplement the tree buffer with new trees where necessary to provide a contiguous vegetative buffer. The applicant has provided site development plans that illustrate the location and distribution of recreation space, parking, roads, access and other uses such as a centrally located park as part of a preserved wetland. The proposed plans provide adequate recreation space, the required 10% outdoor living space per Section 15.240.020 (N) will also be checked during the building permit review process. As discussed in other sections of this report, the applicant has provided a sufficient number of parking spaces. Staff engineers have reviewed all private and public roads and access. City engineers have found the roads and access meets City requirements and standards except where conditioned. Conditions of approval have been provided to assure compliance with the NDC. Through the PUD process the applicant is asking for an increase in combined lot and parking coverage of 70% in the R-2 zone district. The current NDC does not have a maximum lot coverage for C-2 zoned property. The applicant is proposing a number of residential lot within the C-2 zone, which allows for residential land use with a conditional use permit. The applicant has applied for a conditional use permit for constructing residential uses within the C-2 zone. Lot and parking coverage is checked during the building permit review process. The applicant has stated that they are confident that the 70% coverage allowance will be adequate for meeting the requirements of the NDC.

The applicant has provided the following suggested conditions of approval for the sound wall. "The Applicant shall construct a pre-cast concrete wall approximately six (6) feet in height along the south boundary of tax lots 1803, 1804 and 1808 where they abut the north boundary of tax lot 13800 (the "Sound Wall"). The exact location and length of the Sound Wall shall be determined by Applicant in compliance with applicable plans approved by the City of Newberg, or any other governmental agency having jurisdiction. The design style of the Sound Wall and its construction type shall be consistent with "Conceptual Noise Barrier Exhibit" attached hereto. [Exhibit C to the 2008 agreement] Alternatively, if that Exhibit cannot be located, the design style and construction type of

the Sound Wall shall be as reasonably agreed by the Applicant and the benefitted property owner or owners.”

City staff do not concur with the exact wording of the proposed condition of approval because said condition does not address the sound wall along tax lot 1100. The sound wall was a condition of approval in annexation Order 2008-0013, which is applicable to tax lot 1100 and not tax lot 13800. The applicant and Oxberg Lakes Estates HOA have jointly agreed to a sound wall along only tax lot 13800. The text of the applicants’ and Oxberg Lakes Estates is primarily taken from the 2008 DA, which the City was not a party to. The jointly proposed conditions of approval did not address a sound wall on tax lot 1100. However, Order 2008-0013 specifically states “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 Gueldner property”. The Gueldner property is tax lot 13800 where the applicant and Oxberg Lakes Estates HOA have jointly proposed a sound wall along the northern property line. Therefore, per Order 2008-0013 a sound wall is to be constructed along the entire northern property line along tax lots 13800 and 1100. City staff propose that the wall be extended along the entire northern boundary of both tax lots 13800 and 1100. The Applicant shall construct a pre-cast concrete wall approximately six (6) feet in height along the south boundary of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and a westerly portion of tax lot 1815 where they abut the north boundary of tax lots 13800 and 1100 (the "Sound Wall"). The exact location and length of the Sound Wall shall be determined by Applicant in compliance with applicable plans approved by the City of Newberg, or any other governmental agency having jurisdiction. The design style of the Sound Wall and its construction type shall be consistent with "Conceptual Noise Barrier Exhibit" attached hereto. [Exhibit C to the 2008 agreement] Alternatively, if that Exhibit cannot be located, the design style and construction type of the Sound Wall shall be as reasonably agreed by the Applicant and the benefitted property owner or owners.

“The Applicant shall construct and install the Sound Wall in such a manner as to preserve, to the best of Applicant's ability, those trees with trunks greater than twelve (12) inches DBH that are located near the south boundary of tax lots 1803, 1804 and 1808.”

City staff do not concur with the proposed condition of approval as jointly drafted by the applicant and Oxberg Lakes Estates HOA. City staff proposed the following modified condition of approval to address the entire northern property line of tax lots 13800 and 1100. The Applicant shall construct and install the Sound Wall in such a manner as to preserve, to the best of Applicant's ability, those trees with trunks greater than twelve (12) inches DBH that are located near the south boundary of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and a westerly portion of tax lot 1815.

“The Applicant shall provide the owners of tax lots 1803, 1804 and 1808 with copies of any proposed designs and drawings of the Sound Wall, and consider, in good faith, all timely comments Applicant receives from the owners with respect to the Sound Wall. However, the final design and specifications of the Sound Wall shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction. Applicant shall complete the construction and installation of the Sound Wall on or before the date of final lift of asphalt concrete within the

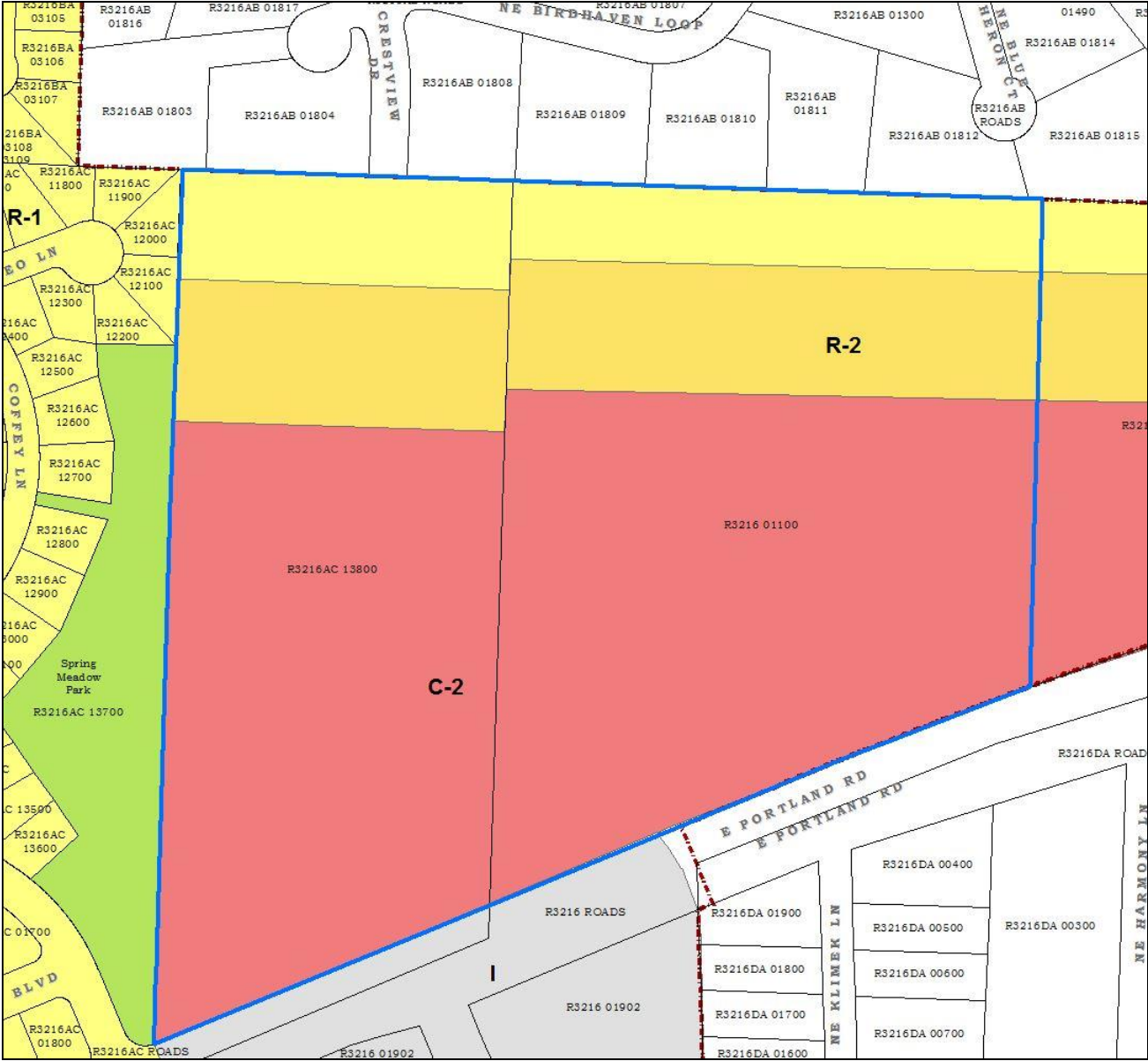
Applicant's development. The owners shall grant the Applicant a temporary construction easement for the sound wall."

City staff do not concur with the proposed condition of approval as jointly drafted by the applicant and Oxberg Lakes Estates HOA. By the applicant stating that the Sound Wall doesn't have to be completed on or before the date of the final lift of asphalt concrete could result in neighboring residents putting up with noise, that may have been negated by the Sound Wall, for up to 15 years. City staff proposed the following modified condition of approval to address the entire northern property line of tax lots 13800 and 1100. The Applicant shall provide the owners of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and 1815 with copies of any proposed designs and drawings of the Sound Wall, and consider, in good faith, all timely comments Applicant receives from the owners with respect to the Sound Wall. However, the final design and specifications of the Sound Wall shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction. Applicant shall complete the construction and installation of the Sound Wall at the same time as Phase 1 is constructed and completed within the Applicant's development. The owners shall grant the Applicant a temporary construction easement for the sound wall.

The Crestview Crossing Homeowners Association shall be responsible for all costs and expenses related to the maintenance and general upkeep of the Sound Wall after completion. This maintenance obligation shall bind the owners and their respective successors in interest and shall be made a part of the easements and the Crestview Crossing CCRs. The owners shall grant the Applicant a temporary construction easement for the Sound Wall, which shall be as limited in scope as reasonably possible. This condition is not intended to eliminate any joint maintenance obligation created by prior agreement with adjacent property owners, which may benefit the Crestview Crossing Homeowners Association. The previous version of this jointly proposed condition of approval required the homeowners of lot 1803, 1804 and 1808 to responsible for the maintenance and upkeep associated with the sound wall. Because the City was not a party to the 2008 Development Agreement between the applicant and the Oxberg Lakes HOA, it is inappropriate to propose modification of the aforementioned condition of approval that places financial burden for maintenance and general upkeep of the sound wall on property owners within Oxberg Lakes Estates subdivision. Additionally, the City has no authority to require property owners outside the City Limits to pay for the maintenance and upkeep of a wall that is required for a development within the City Limits. However, at the October 10, 2018 Planning Commission meeting the applicant and HOA worked out the aforementioned condition of approval that was agreeable to both parties and the Planning Commission approved the condition of approval. In a memo from the applicants attorney dated August 17, 2018, it was stated that a "Draft Maintenance Agreements for the Private Street and Stormwater Tracts. These items have been provided in lieu of CC&R's". The applicant shall submit CC&Rs during an intermediate review step prior to Step 2 of the PUD review process for the City to review and require changes if needed because their proposed condition of approval refers to CC&Rs that, to date, the City has not received for review.

"Applicant shall begin construction of the Sound Wall after it has received all site design approvals, land use permits, entitlements and other permits required for the development, and has begun construction. If Applicant does not receive the aforementioned permits and entitlements it shall not

be obligated to build the sound wall.” By the applicant stating that the Sound Wall doesn’t have to be completed on or before the date of the final lift of asphalt concrete within the Applicants’ development could result in neighboring residents putting up with noise, that may have been negated by the Sound Wall, for up to 15 years. This is a condition of approval that the Planning Commission should review and consider modification to address noise that could occur over what is potentially a 15 year construction project.



Tax Lot Numbers

The applicant has proposed the following condition of approval:

“In compliance with Resolution 2006-15, the Applicant shall retain as many mature trees as possible within ten feet (10’) of the north property boundary. Tree removal as necessary to construct the boundary wall and stormwater improvements is allowed. The Applicant shall supplement the tree buffer with new trees where necessary to provide a continuous vegetative buffer” (Attachment 9).

The applicant and the attorney representing the Oxberg Lakes Estates HOA have also offered the following condition of approval. “Applicant shall include a ten-foot (10') wide landscape buffer zone on the north edge of tax lot 13800 along the boundary shared with tax lots 1803, 1804 and 1808 (the "Landscape Buffer Zone"), and a 30-foot (30') setback (the "Setback Zone") between the Sound Wall and any buildings in any subdivision plats maps for tax lot 13800 submitted for approval to any governmental entity with jurisdiction over the Applicant’s development. The Landscape Buffer Zone and Setback Zone shall be recorded in the form of easements burdening and encumbering tax lot 13800 and future lots platted therefrom, and benefiting tax lots 1803, 1804 and 1808. The specific language of the easements shall be as reasonably agreed by the affected parties.”

City staff do not concur with the proposed condition of approval as jointly drafted by the applicant and Oxberg Lakes Estates HOA. City staff proposed the following modified condition of approval to address the entire northern property line of tax lots 13800 and 1100. Applicant shall include a ten-foot (10') wide landscape buffer zone on the north edge of tax lots 13800 and 1100 along the boundary shared with tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and 1815 (the "Landscape Buffer Zone"), and a 30-foot (30') setback (the "Setback Zone") between the Sound Wall and any buildings in any subdivision plats maps for tax lots 13800 and 1100 submitted for approval to any governmental entity with jurisdiction over the Applicant’s development. The Landscape Buffer Zone and Setback Zone shall be recorded in the form of easements burdening and encumbering tax lots 13800 and 1100 and future lots platted therefrom, and benefiting tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and 1815. The specific language of the easements shall be as reasonably agreed by the affected parties.

There are five additional homeowners who live further to the east of tax lots 1803, 1804 and 1808 who will be backing up to Crestview Crossing. Additionally, Ordinance 2008-2700 and Order 2008-0013 refer to a sound wall on tax lot 1100 and not 13800. These property owners are not being offered any additional buffering but the preservation of 12-inch BDH or greater trees along the north property line of the proposed Crestview Crossing development. City Staff suggest removal of the reference to just tax lots 1803, 1804 and 1808 and referring to just the “northern property line” so that the buffer would be extended along the entire proposed Crestview Crossing development.

The applicant and Oxberg Lakes Estates HOA have also proposed a jointly agreed to condition of approval pertaining to a landscape buffer and setback which states “Applicant shall include a ten-foot (10') wide landscape buffer zone on the north edge of tax lot 13800 along the boundary shared with tax lots 1803, 1804 and 1808 (the "Landscape Buffer Zone"), and a 30-foot (30') setback (the "Setback Zone") between the Sound Wall and any buildings in any subdivision plats maps for tax lot 13800 submitted for approval to any governmental entity with jurisdiction over the Applicant’s development. The Landscape Buffer Zone and Setback Zone shall be recorded in the form of easements burdening and encumbering tax lot 13800 and future lots platted therefrom, and benefiting tax lots 1803, 1804 and 1808. The specific language of the easements shall be as reasonably agreed by the affected parties.” The issue with this condition is that, according to Order 2008-0013 and Ordinance 2008-2700 the sound wall is supposed to be located on tax lot 1100 and not tax lot 13800. This criterion will be met with the adherence to the conditions of approval in Exhibit “B”.

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

Finding: Exhibit “B” lists conditions of approval that are necessary in order fulfill the purpose and provisions of these regulations within the NDC. 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 residential projects containing three or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the site design review process, an applicant for a new multifamily residential project must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for attached single-family projects of any size and smaller multifamily projects with six or fewer units and at least 20 points are required for multifamily projects with seven or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).

A. Site Design Elements.

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

10. Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).

11. Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).

12. Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).

B. Building Design Elements.

1. Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).

2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).

3. Break up large buildings into bays by varying planes at least every 50 feet (three points).

4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).

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

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

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

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

9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points). [Ord. 2763 § 1 (Exh. A § 8), 9-16-13; Ord. 2505, 2-1-99. Code 2001 § 151.195.]

Finding: The table below illustrates the possible points and points earned for site design and building design elements. This section of the NDC states that at least 14 points are required for attached single-family projects of any size and smaller multifamily projects with six or fewer units and at least 20 points are required for multifamily projects with seven or more units. This

Design Review	Possible Points	Points Earned
<i>Site Design Elements</i>		
Consolidate green space	3	3
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	3
Create "outdoor rooms"	2	02
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	0
Keep fences "neighborly"	1	0
Use entry accents	1	1
Use appropriate outdoor lighting	1	1
<i>Building Design Elements</i>		
Orient buildings toward the street	3	3
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	4 (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		33

multifamily design criteria listed in the NDC is met because the applicant has demonstrated they have obtained at least 33 combined points for site design and building design.

15.220.030 Site design review requirements.

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

Finding: A traffic study was submitted with the land use application for the Crestview Crossing

PUD dated August 2018. Based on the analysis, the 260 single-family homes and 48 apartment units within the Crestview Crossing PUD were evaluated and it was estimated to create 2,826 additional trips each day; 213 will occur in the AM peak hour (7am-9am) and 285 trips will occur in the PM peak hour (4pm-6pm). It should be noted that the applicant's narrative uses a different number of homes, as it states 18 single-family homes, 230 cottage homes, and 51 multi-family homes. This means that the traffic analysis over stated the number of single family homes (260 homes in TIA vs. 248 homes in the applicant's narrative) and understated the number of apartments (48 apartments in the TIA vs. 51 apartments in the applicant's narrative). Eight study intersections were evaluated to determine the impact on the adjacent transportation system.

The study identified the following recommendations to mitigate traffic impacts at the Providence Drive/E Crestview Drive/E Portland Road intersection from the development. No other traffic impacts were identified.

- The new north leg of the Providence Drive/E Crestview Drive/E Portland Road intersection should be configured as a four-lane section with one northbound lane and three southbound lanes (left turn lane, through movement, and right turn lane). At least 250-feet of southbound left-turn lane storage and 150-feet of southbound right-turn lane storage should be provided to accommodate the 95th percentile queue lengths.
- The existing south leg of the Providence Drive/E Crestview Drive/E Portland Road intersection should be restriped to a four-lane section with one southbound lane, and three northbound lanes (left turn lane, through movement, and right turn lane).
 - Based on the 95th percentile queuing analysis:
 - A westbound right turn lane should be constructed with at least 300-feet of storage
 - A eastbound left turn lane should be striped to provide at least 150-feet of storage
 - The signal phasing of the Providence Drive/E Crestview Drive/E Portland Road intersection should be operated with permissive left turn movements on the north and south approaches with fully protected left turn movements on the east and west approaches.

The applicant submitted a supplemental traffic memo which is titled the "Five Party Agreement Transportation Considerations," dated August 15, 2018. This document outlines the transportation elements of the original Five Party Agreement from 2006, and addresses concerns raised by residents about the agreement.

Of concern is whether the alignment, intersection treatments, and cross-sectional elements being proposed in the Crestview Crossing PUD are consistent with the Five Party Agreement. The conceptual alignment from the original Five Party Agreement shows a roundabout approximately 380 feet north of E Portland Road with a traffic circle approximately 850-feet north of the roundabout, just south of Robin Ct.

After the Five Party agreement was executed, traffic circles were installed at Birdhaven Loop and

Robin Court.

The proposed alignment shows a roundabout approximately 590-feet north of E Portland Road with the existing traffic circle at Robin Court located approximately 910-feet north of the roundabout.

The difference between the roundabout and traffic circle spacing between the Five Party Agreement conceptual alignment, and the proposed PUD alignment is approximately 60-feet (850-feet vs. 910-feet) and will not impact travel speeds between the two traffic control devices.

Additionally it should be noted that a two-way side-street stop controlled intersection is being proposed between the roundabout and the existing traffic circle on Crestview Drive.

The City has determined that the information provided in the memo dated August 15, 2018, shows the proposed street alignments in the Crestview Crossing PUD is in compliance with the Five Party Agreement.

Because the applicant has submitted a TIA that meets City requirements and City Staff have found the supplemental memorandum adequately addressing the Five Party Agreement this criterion is met.

15.305.020 Zoning use table – Use districts.

Finding: The applicant is proposing single family and multifamily residential development within the R-1, R-2 and C-2 zone districts. The single family units are proposed for the R-1 and R-2 zoned areas, these uses are permitted within said zoning districts. The multifamily units will be developed within the C-2 area, which are permitted as a conditional use. The applicant has requested a conditional use for development of multifamily units within the C-2 zone district. Additionally, proposed lot 250 will be developed with commercial uses, which are permitted within the C-2 zone district. City staff has recommended approval of the conditional use permit for development of 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.

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. However, the proposed path of the Bypass has since been revised and is proposed to be located adjacent to the frontage of the subject property. The applicant is proposing a mixture of single family, multifamily and commercial development on residentially and commercially zoned property. The applicant has applied for Conditional Use approval for the residential development in the C-2 zone 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.

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 1-18) that will be located within the confines of lots along the northern property line of the subject property. This criterion is met.

D. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 15), 9-16-13; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.610.] Penalty: See NMC 15.05.120.

Finding: The current PUD application will subdivide lots, lot 250 is proposed for commercial use. It is anticipated that uses on this lot will require more than 20 off-street parking spaces and have designated employee parking. When development plans are submitted for commercial lot 250 a staff review will verify that at least one preferential carpool/vanpool parking space(s) will be provided and located close to the building entrance. Lot 250 will still have to be reviewed through the Design Review process to verify that the proposed parking meets the requirements of the NDC. This criterion will be verified to have been met through the Design Review process after the applicant submits an application for review.

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 NDC.

B. Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings 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.

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: The applicant has proposed groups of three or more parking spaces within the subject property. The applicant has indicated that both front loading and back loading spaces are proposed for the development. There are several parking areas that may require backward movement onto the private streets. Private streets are not public streets. The applicant is not proposing any gates as part of the project. Sheet C215 illustrates services drives of 24 to 26 feet in width for multifamily 249.

This criterion is met because the applicant has demonstrated compliance with Section 15.440.020(B and C).

15.440.030 Parking spaces required.

A. Use	B. Minimum Parking Spaces Required
Residential Types	
Dwelling, multifamily and multiple single-family dwellings on a single lot Studio or one-bedroom unit Two-bedroom unit Three- and four-bedroom unit Five- or more bedroom unit <ul style="list-style-type: none"> • Unassigned spaces • Visitor spaces • On-street parking credit 	1 per dwelling unit 1.5 per dwelling unit 2 per dwelling unit 0.75 spaces per bedroom 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 development. The location shall be approved by the director. 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. On-street parking spaces may be counted toward

A. Use	B. Minimum Parking Spaces Required
<ul style="list-style-type: none"> • Available transit service 	<p>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> <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 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>
Commercial neighborhood district (C-1)	1 for each dwelling
Dwelling, single-family or two-family	2 for each dwelling unit on a single lot
Fraternities, sororities, cooperatives and dormitories	1 for each three occupants for which sleeping facilities are provided
Hotels, motels, motor hotels, etc.	1 for each guest room
Rooming or boarding houses	1 for each guest room
Special needs housing	1 space per 3 beds or actual parking needs as demonstrated through a parking analysis.
Institutional Types	
Churches, clubs, lodges	1 for every 4 fixed seats or every 8 feet of bench length or every 28 sq. ft. where no permanent seats or benches are maintained – in main auditorium (sanctuary or place of worship)
Continuing care retirement community not including nursing	1 space per living unit

A. Use	B. Minimum Parking Spaces Required
care	
Day care facility	5 spaces per each 1,000 gross sq. ft.
Hospitals (including accessory retail wholly contained within a hospital building)	2 spaces for each 1,000 gross sq. ft.
Libraries, museums, art galleries	1 for each 250 sq. ft. of gross floor area
Medical/dental offices and laboratories	3.5 spaces for each 1,000 gross sq. ft.
Nursing homes, homes for the aged, group care homes, asylums, etc.	1 for each 3 beds
Schools	Colleges – “commuter” type, 1 for every full-time equivalent student (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1))**
Schools	Colleges – “resident” type, 1 for every 3 full-time equivalent students (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1))**
Schools	Elementary or junior high, 1-1/2 for each teaching station plus 4 for every classroom, or 1 for every 42 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area
Schools	High schools, 1-1/2 for each teaching station, plus 8 for every classroom, or 1 for every 28 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area
Schools	Colleges – commercial or business, 1 for every 3 classroom seats (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1))**
Welfare or correctional institutions	1 for each 5 beds
Commercial Types	
Barber and beauty shops	1 for each 75 sq. ft. of gross floor area
Bowling alleys	6 for each bowling lane
Establishments or enterprises of a recreational or an entertainment nature:	
Establishments for the sale and	1 for each 75 sq. ft. of gross floor area

A. Use	B. Minimum Parking Spaces Required
consumption on the premises of food and beverages with a drive-up window	
Establishments for the sale and consumption on the premises of food and beverages without a drive-up window	1 for each 100 sq. ft. of gross floor area
Participating type, e.g., skating rinks, dance halls	1 for each 75 sq. ft. of gross floor area
Spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly	1 parking space for each 4 seats
Office buildings, business and professional offices	1 for every 400 sq. ft. of gross floor area
Pharmacies	1 for each 150 sq. ft. of gross floor area
Retail establishments, except as otherwise specified herein	1 for each 300 sq. ft. of gross floor area
Retail stores handling bulky merchandise, household furniture, or appliance repair	1 for each 600 sq. ft. of gross floor area
Industrial Types	
Except as specifically mentioned herein, industrial uses listed as permitted in the M districts: M-1, M-2, M-3, and M-4	1 for each 500 sq. ft. of gross floor area
Aircraft storage hangars up to 3,600 sq. ft. each enclosed hangar area	None (parking occurs in hangar)
Aircraft storage hangars over 3,600 sq. ft. each enclosed hangar area	1 for every 700 sq. ft. of hangar area over 3,600 sq. ft.
Aircraft hangars intended for repair and maintenance operations	1 for each 5,000 sq. ft. of hangar, plus 1 for each 500 sq. ft. of shop area, plus 1 for each 400 sq. ft. of office area
Laboratories and research facilities	1 for each 300 sq. ft. of gross floor area

A. Use	B. Minimum Parking Spaces Required
Machinery or equipment	1 for each 400 sq. ft. of gross sales floor area
Wholesale and storage operations	1 for each 700 sq. ft. of gross floor area

Notes:

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

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

1. ***[Ord. 2763 § 1 (Exh. A § 16), 9-16-13; Ord. 2730^l § 1 (Exh. A (13)), 10-18-10; Ord. 2720 § 1(19), 11-2-09; Ord. 2710 § 1, 3-2-09; Ord. 2647, 6-5-06; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.612.]***

Penalty: See NMC 15.05.120.

Findings: The applicant has stated “all single family development will have parking on the individual lots with at least 2 parking spaces provided on each lot, one within the garage and one within the driveway provided for each single family lot. The 248 single family lots will require a total of 496 spaces based on 2 spaces required per single family unit. ” For the 51 multifamily units the applicant is proposing 27 one bedroom and 24 two bedroom units. The required parking for the one bedroom units is 27 spaces, two bedroom 36 spaces and 11 visitor spaces for a total of 74 parking spaces. The applicant is proposing the following parking spaces:

- Multifamily – 87 spaces, 4 ADA
- Public Street – 73 parallel on street spaces
- Private Street lots – 85 spaces
- R-1 onsite parking – 72 spaces
- 17’ Front load parking – 46 spaces
- 17’ rear load parking - 219 spaces
- 21’ front load spaces – 111 spaces
- 21’ rear load spaces – 268 spaces
- 25’ front load spaces – 52 spaces
- 25’ rear load spaces – 68 spaces

The parking space requirements for commercial lot 250 will be evaluated when a development application submitted.

Because the applicant is proposing 1,085 parking spaces and the NDC requires 570 parking spaces, the parking space requirements are met.

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.

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.

C. All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

D. All parking areas, including service drives, except those required in conjunction with single-family or two-family dwellings, shall 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.

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

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

1. Attached or detached single-family or two-family: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.

2. Three- or four-family: parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (see Appendix A, Figure 12).

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.

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

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. [Ord. 2810 § 2

(Exhs. B, C), 12-19-16; Ord. 2730 § 1 (Exh. A (14)), 10-18-10; Ord. 2628, 1-3-06; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.615.]

Findings: Both the narrative and site plans submitted by the applicant indicate that the development will be constructed in compliance with City of Newberg requirements. The parking lot areas do not encroach on public streets, with the exception of on-street parallel parking, which has been designed to meet City requirements. The applicant has stated they will provide parking bumpers for the multifamily lot but it’s not clear from the plans, Sheet 215, where parking bumpers will be located. Because it is not clear from the applicants’ drawings where the parking bumpers for the parking lots will be located, the applicant must submit drawings that clearly illustrate parking bumper locations during “Step Two” of the Planned Unit Development review process. There are several parking lots located throughout the development that illustrate more than 7 contiguous parking spots in a row without a landscape island breaking up the contiguous parking. Because Section 15.420.010 (B) (h) requires a landscaping island for every seven (7) parking spots, the applicant shall provide landscaping islands that meet requirements of said section of the NDC. All parking areas will be required to be landscaped in an effort to provide screening. The single family homes will provide parking within garages, outside of the front yard setback, and on the driveway approach. The applicant has not proposed any reduced sized parking stalls. Although the applicant is providing 12 units of affordable housing units, the affordable housing component is a small part of the project and there has been no information submitted stating during which phase these units will be developed. No transit facilities are proposed as part of this project. These criteria are met.

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. [Ord. 2564, 4-15-02; Ord. 2518, 9-21-99. Code 2001 § 151.625.1.]

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>
<i>New commercial, industrial, office, and institutional developments, including additions that total 4,000 square feet or more</i>	<i>One bicycle parking space for every 10,000 square feet of gross floor area. In C-4 districts, two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided,</i>

<i>Use</i>	<i>Minimum Number of Bicycle Parking Spaces Required</i>
	<i>whichever is greater</i>
<i>Transit transfer stations and park and ride lots</i>	<i>One bicycle parking space for every 20 vehicle parking spaces</i>
<i>Parks</i>	<i>Two bicycle parking spaces within 50 feet of each developed play-ground, ball field, or shelter</i>

Finding: The applicant is proposing 51 multifamily units as part of the project, which requires 13 bicycle parking spaces. Site development sheet C215 illustrates 14 bicycle parking spots and bicycle parking loops will accommodate two bikes. Lot 249 has been planned for multifamily units. Lot 249 must go through the Design Review process as required by the NDC.

This section of the NDC is met because the applicant is proposing 14 bicycle parking spaces.

15.440.110 Design.

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

A. **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.

[Ord. 2518, 9-21-99. Code 2001 § 151.625.3.]

Finding: The applicant is proposing to provide secured loop like bicycle parking spots. Sheet C215 of the plan set illustrates loops that are approximately 3 feet in lengths. However, subsection “B” requires spaces to be 6 feet long and two and one-half feet wide. It was unclear from the drawings if the aforementioned dimensional requirements were met. The bicycle parking spots are located in front of the apartment buildings within the required 50 feet of a building entrance. The bicycle parking spaces will be located on private property within lot 249. The applicant shall install bicycle parking loops and spaces that are at least six feet long and two and one-half feet wide.

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

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.

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

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.

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

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

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. [Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.3.]

Finding: The applicant is proposing private walkways throughout the PUD, which connect multi-family residential units to E Portland Road, are located throughout the wetland/natural areas, and connect to Spring Meadow Park to the west. In the narrative the applicant has indicated that “walkways will be a minimum of 4-feet in width and will be constructed of Portland cement concrete. Crosswalks will be provided on the site to delineate the shift from public streets to private streets. Crosswalks will be painted/clearly striped in conformance with these requirements.” The applicant did not indicate in the narrative that private walkways will meet the applicable building code and Americans with Disabilities Act requirements, or that private walkways are connecting each main pedestrian building entrance to each abutting public street and to each other. Because the applicant is not addressing all private walkway design requirements, the applicant will be required to meet the applicable building code and Americans with Disabilities Act requirements for private walkways, and develop a plan where private walkways are connecting each main pedestrian building entrance to each abutting public street and to each other.

These criteria will be met if the aforementioned conditions of approval are met.

IV. Chapter 15.505 PUBLIC IMPROVEMENTS STANDARDS

5.505.010 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. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

15.505.020 Applicability.

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

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

Finding: The preliminary plans show an extension of E Crestview Drive (Major Collector) to the south connecting to E Portland Road (Major Arterial). Frontage improvements along E Portland Road are also shown. Internal to the PUD, Public Street B is designated as a minor collector, and Public Street C and Public Street D are designated as local streets. Additionally, Private Streets A-L provide circulation and property access throughout the PUD. Other public improvements not limited to water, non-potable water, wastewater and stormwater infrastructure are also included in the applicant's plans. These improvements requiring city approval shall comply with the City's Public Works Design and Construction Standards. A number of these improvements also require approval from other agencies. Because permitting was not discussed in detail in the applicants' narrative, public utility infrastructure improvements not limited to street improvements, public walkways, water, non-potable water, wastewater, and stormwater will require completed permits from partner agencies to authorize different work tasks. Issuance of required permits for wetland delineation/mitigation, construction, etc. not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.

This criterion will be met if the conditions of approval are adhered to.

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

Finding: The preliminary plans show an extension of E Crestview Drive to the south connecting to E Portland Road. Frontage improvements along E Portland Road are also shown. Internal to the PUD, Public Street B is designated as a minor collector, and Public Street C and Public Street D are designated as local streets. Additionally, Private Streets A-L provide circulation and property access throughout the PUD.

This criteria will be met if all street improvements necessary to serve the development are constructed.

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: There is an existing 10-inch public water line on E Portland Road which is available for extension to the north to serve the development. There is an existing 8-inch public water line on E Crestview Drive which is available for extension to the south to serve the development.

There is an existing 8-inch non-potable water line on E Portland Road east of the development near NE Harmony Lane that is available for extension to the north to serve the development.

Preliminary plans show both public and private streets having water lines, and public streets having non-potable water lines. This criterion is met.

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

Finding: There is an existing 24-inch public wastewater line approximately 700-feet south of E Portland Road which is available for extension to the north to serve the Crestview Crossing PUD. Preliminary plans show both public and private streets having wastewater lines. This criterion is met.

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

Finding: Preliminary plans show stormwater drainage for the development connecting to proposed Tract B, Tract C, and Tract E stormwater facilities. Additionally, plans show connection to the existing 15-inch stormwater pipe to the north and the 24-inch public stormwater line that connections under E Portland Road. This criterion is met.
This criterion is met.

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

Finding: The applicant has submitted preliminary plans that indicate some utility easements. All public utilities shall be located within a public utility easement or right-of-way. The applicant has not submitted construction plans, but it's anticipated that they should be able to meet City requirements in regards to utility easements.

This criterion is met.

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

15.505.030 Street standards.

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

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

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

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

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

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

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

Finding: The applicant is proposing to extend E Crestview Drive, a major collector, from its northwestern terminus to E Portland Road. The applicant has proposed a cross-section on sheet C200 that varies and does not match the City’s cross-section for a major collector roadway which requires a minimum of 60-feet of right of way:

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

* A 5.0-foot planter will be constructed between the E Crestview Drive/Public Street B intersection and the E Crestview Drive/E Portland Road intersection to allow for a proposed retaining wall on the west side of E Crestview Drive to be located outside of the public right-of-way.

Because the applicant has not shown E Crestview Drive matching a major collector standard, the E Crestview Drive roadway 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, 6-foot bike lane, 12-foot travel lane, 12-foot travel lane, 6-foot bike 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 60-feet) to construct E Crestview Drive, to construct a roundabout meeting FHWA Standards at the E Crestview Drive/Public Street B intersection, and to construct improvements related to modifying the traffic signal at the E Crestview Drive/Providence Drive/E Portland Road intersection meeting City of Newberg, Yamhill County, and Oregon Department of Transportation requirements.

*A 5.0-foot planter will be constructed between the E Crestview Drive/Public Street B intersection and the E Crestview Drive/E Portland Road intersection to allow for a proposed retaining wall on the west side of E Crestview Drive to be located outside of the public right-of-way.

The applicant has proposed to add the following sentence to the condition of approval:

“Improvements related to the upsizing of Crestview Dr to collector standards shall be eligible for SDC credits” (Attachment 9).

Staff does not concur with the applicants proposed sentence being added to the condition of approval. See the explanation of the City’s System Development Charge Procedures Guide in the Analysis section of this report.

Because the applicant has not submitted construction documents for the public improvement permit plan review and additionally has not submitted documentation following the System Development Charge Procedures Guide – Procedure 7B, the City cannot determine if the aforementioned condition is eligible for SDC credits. In order for the City staff to determine if SDC credits can be granted, the applicant at the construction document review/public improvement permit stage shall follow Procedure 7B in the System Development Charge Procedures Guide and work with City staff to make a final determination on SDC credit eligibility. A System Development Charge Credit Applicant Form can be found in the City’s System Development Charge Procedures Guide.

The applicant is showing Public Street B designated as a minor collector running east-west through the PUD. The applicant has proposed a cross-section on sheet C200 that does not clearly articulate the dedication of roadway space. The following cross-section meets the City’s standard for a minor collector and requires 64-feet of right of way:

- 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

Because the applicant has not clearly indicated that allocation of space in the public right-of-way for Public Street B, the Public Street B 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 Public Street B.

The applicant is showing Public Street C and Public Street D designated as local residential streets. The applicant has proposed a cross-section on sheet C200 that does not match the City’s Transportation System Plan based on a local road functional classification. The following cross-section meets the City’s standard for a local residential street and requires 56-feet of right of way:

- 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

Because that applicant has proposed a roadway cross-section that does not match the City’s Transportation System Plan for a local road, the applicant shall revise plans to show Public Street C and Public Street D consisting 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 the listed streets.

The criterion will be met if the aforementioned conditions of approval are adhered to.

E. Improvements to Existing Streets.

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

Finding: E Portland Road is designated as a major arterial and is an ODOT owned facility that borders the southern edge of the property. The applicant is proposing to construct frontage improvements along their property frontage and is showing a dedication 4.5-feet of right-of-way just east of the E Crestview Drive/E Portland Road intersection in order to construct a right-turn lane. The following cross-section meets the City’s standard for a major arterial street and requires 98-feet of right of way:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 6-foot bike lane
- 12-foot travel lane
- 12-foot travel lane
- 14-foot TWLTL travel lane
- 12-foot travel lane
- 12-foot travel lane

- 6-foot bike lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

As noted in the applicants traffic study a westbound right-turn lane is needed at the E Crestview Drive/E Portland Road intersection. Based on the submitted plans, it is unclear if 4.5-feet is all of the right-of-way that will be required by the Oregon Department of Transportation for the right turn lane construction. Because right-of-way dedication will need to be verified through the detailed design process which is unknown at this time, the applicant will be required to dedicated additional right-of-way on E Portland Road necessary to meet requirements set forth by the Oregon Department of Transportation to meet Highway Design Manual standards to construct the westbound right-turn lane.

The applicant has proposed to add the following sentence to the condition of approval:

“The widening improvement for the turn lane shall be eligible for partial SDC credits to the extent that lane capacity exceeds project trip distribution” (Attachment 9).

Staff does not concur with the applicants proposed sentence being added to the condition of approval. See the explanation of the City’s System Development Charge Procedures Guide in the Analysis section of this report.

Because the applicant has not submitted construction documents for the public improvement permit plan review and additionally has not submitted documentation following the System Development Charge Procedures Guide – Procedure 7B, the City cannot determine if the aforementioned condition is eligible for SDC credits. In order for the City staff to determine if SDC credits can be granted, the applicant at the construction document review/public improvement permit stage shall follow Procedure 7B in the System Development Charge Procedures Guide and work with City staff to make a final determination on SDC credit eligibility. A System Development Charge Credit Applicant Form can be found in the City’s System Development Charge Procedures Guide.

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

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

3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with

the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.

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: A traffic study was submitted with the land use application for the Crestview Crossing PUD dated June 2018. Based on the analysis, the 260 single-family homes and 48 apartment units within the Crestview Crossing PUD were evaluated and it was estimated to create 2,826 additional trips each day; 213 will occur in the AM peak hour (7am-9am) and 285 trips will occur in the PM peak hour (4pm-6pm). This means that the traffic analysis over stated the number of single family homes (260 homes in TIA vs. 248 homes in the applicant's narrative) and understated the number of apartments (48 apartments in the TIA vs. 51 apartments in the applicant's narrative). Eight study intersections were evaluated to determine the impact on the adjacent transportation system.

The traffic study identified the following recommendations to mitigate traffic impacts of the proposed development at the Providence Drive/E Crestview Drive/E Portland Road intersection, and the applicant shall construct and be fiscally responsible for these roadway improvements:

- The new north leg of the intersection should be configured as a four-lane section with one northbound lane and three southbound lanes (left turn lane, through movement, and right turn lane). At least 250-feet of southbound left-turn lane storage and 150-feet of southbound right-turn lane storage should be provided to accommodate the 95th percentile queue lengths.
- The existing south leg of the intersection should be restriped to a four-lane section with one southbound lane, and three northbound lanes (left turn lane, through movement, and right turn lane).
- Based on the 95th percentile queuing analysis:
 - A westbound right turn lane should be constructed with at least 300-feet of storage
 - A eastbound left turn lane should be striped to provide at least 150-feet of storage
- The signal phasing of the intersection should be operated with permissive left turn movements on the north and south approaches with fully protected left turn movements on the east and west approaches.

Oregon Department of Transportation

The Oregon Department of Transportation (ODOT) has reviewed the traffic study and provided comments. Because it has not been determined if the applicant has addressed all of ODOT's traffic

study requirements, the comments on the traffic study identified by ODOT shall be adequately addressed and approved by ODOT as noted in the memo dated July 19, 2018 signed by Dan Fricke, Region 2 Senior Planner.

ODOT has identified the following Roadway Improvements and Signal Modifications at the Providence Drive/Crestview Drive/OR 99W intersection:

Roadway Improvements:

The following roadway improvements have been identified

- Installation of a westbound right-turn deceleration lane on OR 99W approaching Crestview Drive
- At the northeast corner of the OR 99W/Crestview Drive intersection, the sidewalk will need to connect to the highway shoulder with an “End of Walk” ADA compliant connection (ODOT Standard Drawing RD 754).
- The crosswalk on the east leg of the intersection (across OR 99W) must be reinstalled along with appropriate modifications to the traffic signal (signal modifications are addressed in more detail below)
- The required roadway and signal improvements will trigger the need to assess all curb ramps and push buttons at OR 99W/Crestview Drive. Any non-compliant curb ramps shall be remediated to meet State ADA standards.

Prior to the issuance of the first grading or building permit, the applicant shall submit plans and specifications for all improvements/construction within ODOT right-of-way for review and approval by ODOT District 3 and issuance of a permit to construct within ODOT right-of-way. ODOT shall certify that all construction activities have been completed pursuant to the approved plans and specifications prior to the issuance of the first certificate of use and occupancy, or the city’s equivalent.

Signal Modifications:

It is likely that the entire signal installation will need to be replaced to accommodate the Crestview Drive leg being added to the existing intersection. The following is a list of the minimum modifications that are anticipated to be necessary:

- The existing signal poles on the north side of the intersection will need to be replaced to accommodate the new Crestview Drive
- A new mast arm will be needed in the southwest quadrant of the intersection to signalize the new Crestview Drive leg.
- New pedestrian signal and push-button pedestal for the pedestrian crossing on the east leg of the intersection.
- New detection will be needed depending on how new ADA ramps affect crosswalk locations (note that Region 2 is using radar detection)

Prior to issuance of the first grading or building permit, the applicant shall submit signal modification plans for the review of the ODOT Region 2 Traffic Engineer and the review and approval of the State Traffic Engineer. ODOT shall certify that all required signal modifications have been completed and the signal operational prior to the issuance of the first certificate of use and occupancy, or the city's equivalent.

Annexation Orders & Conditions of Approvals

Order No. 2007-0002 Tax Lot 3216AC-13800 (west – “Gueldner Property”) and Order No. 2008-0013 Tax Lot 3216-1100 (east – “Gish Property”) were both annexed into the City of Newberg and represent properties that are now being developed as part of the Crestview Crossing PUD. As part of the annexation process for the two properties, conditions of approval were established. Each property had the following condition of approval issued in regards to transportation improvements:

- *Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.*

The findings leading up to the condition state that *“The City of Newberg has already identified this intersection [Springbrook Rd/Hwy 99W] as one that needs improvement, however, and has charged recent developments in the area with impact fees based on the number of trips they added to the intersection. The fees could be used for street improvements that would improve the performance of the intersection, whether those improvements were directly at the intersection or were for a nearby street (such as the future completion of Hayes Street) that would reduce the number of trips at the Springbrook 99W intersection.”*

It should be noted that the intersection of Springbrook Road/Hwy 99W was improved as part of the recent Newberg-Dundee Bypass Phase 1 Project. Since the Bypass preceded the development of Tax Lot 3216AC-13800 and Tax Lot 3216-1100, no monies/impact fees were paid into the improvement of the Springbrook Rd/Hwy 99W intersection.

However, the City's Transportation System Plan does identify the need to signalize the intersection of N Springbrook Road/Haworth Avenue and to add left turn lanes on Haworth. This project is directly adjacent to the intersection of Springbrook Road/Hwy 99W, and would help to improve the performance of both the N Springbrook Road/Haworth Avenue intersection and the Springbrook Road/Hwy 99W intersection.

The City has developed a Traffic Impact Fee to be consistent with the Conditions of Approval for the annexation of Tax Lot 3216AC-13800 and Tax Lot 3216-1100. Project I09 in the City's Transportation System Plan identifies the need to install a traffic signal at the N Springbrook Road/Haworth Avenue intersection at the cost of \$400,000. The applicant was required to do a traffic study for their development which was dated August 2018, and indicates that trips added to the project intersection as a direct result of the development are as follows: 21 AM peak hour trips and 12 PM peak hour trips (Figure 9). The total trips through the intersection during the peak hours are as follows: 774 AM peak hour trips and 1253 PM peak hour trips (Figure 10).

The greatest volume impact at the N Springbrook Road/Haworth Avenue intersection occurs during the AM peak period. Because the applicant has not satisfied the conditions of approval for the annexation of Tax Lot 3216AC-13800 and Tax Lot 3216-1100, the applicant is required to pay the following Traffic Impact Fee to the City of Newberg to meet Order No. 2007-0002 and Order No. 2008-0013 conditions of approval:

(21 AM Peak Hour Trips resulting from the development)/(774 AM Peak Hour Total Trips through the intersection) = 0.0271 proportional trips through the intersection

(0.0271 proportional trips through the intersection)*(\$400,000 intersection project cost estimate) = **\$10,840 Traffic Impact Fee – AM Peak Hour**

This criterion will be met if the conditions of approval are 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>
Collectors						
<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>
Local Streets						
<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>

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>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.*

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

Finding: The submitted plans show 12-foot travel lanes on E Portland Road (major arterial), E Crestview Drive (major collector), and Public Street B (minor collector). 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 space available for a 6-foot bike lane on E Crestview Drive, and Public Street B. The applicant is showing the westbound bike lane on E Portland Road as 5-foot wide, this does not meet the City’s standard. Because the applicant’s proposal does not meet the City’s standard, the applicant is required to install a 6-foot bike lane along E Portland Road to match the City’s Transportation System Plan cross-section.

The applicant has proposed to add the following sentence to the condition of approval:

“The bike lane improvement shall be eligible for SDC credits.” (Attachment 9).

Staff does not concur with the applicants sentence being added to the proposed condition of approval. See the explanation of the City’s System Development Charge Procedures Guide found in the Analysis section of this report.

Because the applicant has not submitted construction documents for the public improvement permit plan review and additionally has not submitted documentation following the System Development Charge Procedures Guide – Procedure 7B, the City cannot determine if the aforementioned condition is eligible for SDC credits. In order for the City staff to determine if SDC credits can be granted, the applicant at the construction document review/public improvement permit stage shall follow Procedure 7B in the System Development Charge Procedures Guide and work with City staff to make a final determination on SDC credit eligibility. A System Development Charge Credit Applicant Form can be found in the City’s System Development Charge Procedures Guide.

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

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

Finding: The submitted plans show space for an 8-foot on-street parking lane on Public Street B, which is classified as a minor collector. The applicant is not proposing on-street parking along E Crestview Drive. 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: The applicant’s preliminary plans show a southbound and northbound left turn lane at the E Crestview Drive/E Portland Road intersection. Because the applicant’s submitted plans do not indicate the width of center turn lanes, the City will require the southbound and northbound center turn lanes at the E Crestview Drive/E Portland Road intersection to be a minimum of 12-feet wide.

The applicant has proposed to add the following sentence to the condition of approval:

“The turn lanes for this intersection of a collector with an arterial shall be eligible for SDC credits to the extent that lane capacity exceeds project trip distribution.” (Attachment 9).

Staff does not concur with the applicants proposed sentence being added to the condition of approval. See the explanation of the City’s System Development Charge Procedures Guide located in the Analysis section of this report.

Because the applicant has not submitted construction documents for the public improvement permit plan review and additionally has not submitted documentation following the System Development Charge Procedures Guide – Procedure 7B, the City cannot determine if the aforementioned condition is eligible for SDC credits. In order for the City staff to determine if SDC credits can be granted, the applicant at the construction document review/public improvement permit stage shall follow Procedure 7B in the System Development Charge Procedures Guide and work with City staff to make a final determination on SDC credit eligibility. A System Development Charge Credit Applicant Form can be found in the City’s System Development Charge Procedures Guide.

This criterion will be met if the conditions of approval are adhered to.

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 sidewalks along both sides of E Crestview Drive, Public Street B, Public Street C, and Public Street D. 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 E Portland Road. Because the applicant's plans do not clearly show directional ADA curb ramps which are integral to the sidewalk, the applicant will be required to install directional ADA curb ramps at the corners of all public street/public street intersection locations, and at public street/private street intersection locations. The final design of all roads within the PUD will be reviewed and approved as part of the Public Improvement Permit.

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

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 planter strips on E Portland Road, E Crestview Drive, Public Street B, Public Street C, and Public Street D. Planter strips are not provided on private streets. The planter strips on public streets are required to be 5.5-feet wide except where noted on the west side of E Crestview Drive between the E Crestview Drive/Public Street B intersection and the E Crestview Drive/E Portland Road intersection. Where a planter strip is not provided, the public sidewalk is required to be 6-feet wide.

These criteria will be met if the conditions of approval are adhered to.

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: Preliminary plans indicate that the applicant will be able to meet requirements of the Public Works Design and Construction Standards. Because final plans have not been developed to review if all the City's Public Works Design and Construction Standards have been met, the final design of E Portland Road, E Crestview Drive, Public Street B, Public Street C, and Public Street D will need to comply with City's Public Works Design and Construction Standards and applicable ODOT standards. 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.

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

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 submitted a Traffic Calming memo dated October 3, 2018. The intent of the memo is to address 15.505.030(H)(1)(d) and justify the reduction in travel lane widths using pavement markings as a traffic calming measure. The Traffic Calming memo is addressed under NMC 15.505.030(Q) in this document and provides justification for the proposed cross-section which maintains the curb-to-curb width for a major collector roadway (36-feet), but reduces the travel lane width from 12-feet to 10-feet, and provides a 2-foot buffer for the 6-foot bike lane. The traffic calming measure proposed is to reduce travel speeds and meet the intent of the 5-Party Agreement. 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: Preliminary plans show Public Street B and Public Street C with east-west alignments with the potential to extend further to the east. This criterion is met.

M. Street Names and Street Signs. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not

unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.

Finding: The applicant’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 with the adherence to the aforementioned condition of approval.

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.*

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.*

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

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 applicants' plans illustrate block lengths and perimeters that conform to this section of the NDC.

These criteria have been met.

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.

The Traffic Calming section of the Development Code was not previously included in the staff report and has been added to address the applicant's two newly proposed conditions. These conditions if agreed with and recommended by staff will be added to the end of the existing conditions so that the existing numbering used for conditions remains. Staff believes this will provide the most clarity given the complexity of multiple submitted documents.

Traffic Calming – Cross-Sectional Modifications

The applicant in agreement with the Oxberg Lake Homeowners Association proposed the following condition of approval dated September 24, 2018:

“Crestview Dr. from the north end of the roundabout taper to the north site boundary shall be designed with 10 foot wide lanes, and a ladder crosswalk at the stop-controlled intersection.”

A Traffic Calming Memo memo dated September 27, 2018 supporting this condition was then received by the City from the applicant. It should be noted that the agreed upon condition between the applicant and the Oxberg Lake Homeowners Association did not include representation by Newberg Staff or Tualatin Valley Fire & Rescue. Upon receiving the memo, staff contacted both the applicant and Oxberg Lake Homeowners Association to inform them that the agreed upon condition was not acceptable to the City. Reducing the curb-to-curb lane width by 4-feet did not meet the City's Development Code for a major collector street and staff expressed concerns that Tualatin Valley Fire & Rescue would need to also be involved in the discussion and would ultimately need to agree to any reduction in travel lane width.

An updated Traffic Calming Memo and revised condition was received from the applicant dated October 3, 2018, and with a final modification from the Oxberg Lake development received on October 4, 2018. Both City Staff and Tualatin Valley Fire & Rescue were involved in the discussions leading up to the revised memo.

The applicant proposed the following revised condition of approval listed below with modifications from the Oxberg Lake development to include raised pavement markings on northbound and southbound inside lane lines and along the center lane lines:

“Crestview Dr. from the north end of the roundabout taper to the north site boundary shall be designed with 10 foot wide travel lanes, a two foot bike buffer, and a six foot bike lane, and a ladder crosswalk at the stop controlled intersection with raised reflectors place with standard spacing upon the inward-facing line of the buffer strips and on the centerline of Crestview between the Crestview Crossing roundabout and the northern property line.”

The revised Traffic Calming Memo dated October 3, 2018 addressed existing and proposed traffic calming design treatments for Crestview Drive and is also intended to address NMC 15.505.030(H) which allows for the modification of travel lane widths via pavement markings. The memo is in response to the 5-Party Agreement which includes the following language as part of the agreement,

“4. The proposed design of Crestview Drive Major Collector will be posted as “no through trucks” and be designed to encourage a 25mph speed limit.”

The applicant has provided documentation of the existing traffic calming on Crestview Drive which consists of the mini roundabouts (traffic calming circles) located at and Robin Court and Birdhaven Loop. A travel speed analysis shows how the western mini roundabout at Birdhaven Loop reduces travel speeds from 30 miles per hour to 22 miles per hour for eastbound travel. It is expected that when Crestview Drive is extended to the south, the mini roundabout at Robin Court should have the same effect for northbound travel.

The applicant is also proposing additional traffic calming measures that are consistent with the City’s Transportation System Plan, *Table 4: Traffic Calming Measures by Street Functional Classification*. Because Crestview Drive is a major collector roadway, only some of the traffic calming measures listed in the table are appropriate given the roadway functional classification and design configuration. In order to encourage slower travel speeds along the corridor, the applicant is proposing street trees in the landscaping strip, residential lot lines to be placed against the edge of the Collector right-of-way and crosswalk pavement markings at key intersections along the roadway. Additionally the applicant is proposing narrowing travel lanes through pavement marking striping.

The narrower travel lanes consist of the following 36-foot roadway curb-to-curb cross-section: 6-foot bike lane, 2-foot buffer, 10-foot travel lane, 10-foot travel lane, 2-foot buffer, 6-foot bike lane as shown in Exhibit 6 of the applicant’s Traffic Calming memo. Staff believes this cross-section is in alignment with the City’s Transportation System Plan and Development Code. It maintains the overall 36-foot curb-to-curb travel lane width required for a major collector by Table 15.505.030(G), and after discussion with Tualatin Valley Fire & Rescue it meets their lane width expectations for a major collector roadway and should not compromise emergency response activities. This narrowed travel lane width will only occur on Crestview Drive from the north end of the roundabout taper at the Crestview Drive/Public Street B intersection to the northern site boundary between the Crestview Crossing Development and the Oxberg Lake development. The taper needed to transition from the proposed cross-section to the existing cross-section at the northern property line will need to occur on the Crestview Crossing Development property.

Because of the existing 5-Party Agreement which indicates Crestview Drive should be designed to encourage a 25 miles per hour speed limit staff has reviewed the applicant’s Traffic Calming memo, proposed traffic calming measures, and proposed conditions. Staff is in agreement with the proposed condition from October 4, 2018 to meet the intent of the 5-Party Agreement, but believes more clarity is needed in the applicant’s proposed condition to clearly define the beginning and end of the narrow travel lane section and location of raised/profiled pavement markings, and to require a taper of proposed striping to existing striping at the northern property line. Because the applicant has

provided a condition that is not completely clear in regards to defining the beginning and end of the narrow travel lane section and the location of raised pavement markers, and requiring a taper of proposed striping to existing striping at the northern property line, the applicant shall install narrowed travel lane widths consisting of a curb-to-curb cross-section of 36-feet: 6-foot bike lane, 2-foot buffer, 10-foot travel lane, 10-foot travel lane, 2-foot buffer, 6-foot bike lane with retroreflective thermoplastic Method “A” Extruded Surface Installed Profiled pavement markings on the northbound and southbound inside travel lane lines and the center lane lines on Crestview Drive from the north end of the roundabout taper at the Crestview Drive/Public Street B intersection to the northern site boundary between the Crestview Crossing Development and the Oxberg Lake development, include a taper at the northern property line on the Crestview Crossing development to transition the proposed pavement markings into the existing pavement markings, and install a ladder crosswalk on the north and south legs of the Crestview Drive/Public Street C intersection, a side-street stop controlled intersection.

Traffic Calming – “No Through Trucks”

The applicant in agreement with the Oxberg Lake development has proposed the following condition of approval:

“Applicant shall install “No Through Trucks” signs on northbound Crestview Drive to the specifications of the City Engineer, including but not limited to one at the common property line.”

Staff does not concur with the applicant’s proposed condition of approval. Staff has several concerns regarding the enforceability of the “No Through Trucks” sign. The Manual on Uniform Traffic Control Devices (MUTCD) has a “NO TRUCKS” sign R5-2 (image of a truck, with a red circle and cross-through), which allows for an optional sign with the words “NO TRUCKS.” The support for the sign is to give notice to road users that State or local statutes or ordinances exclude designated types of traffic from using particular roadways or facilities. Staff is unaware of any local statutes that would warrant the installation of the proposed sign. Furthermore staff has reached out to the ODOT Motor Carrier Transportation Division and the ODOT Traffic Division and it was indicated that ODOT does not have roadway jurisdiction on local roads and would therefore not have authority to authorize the installation of a “NO TRUCKS” sign or enforce a “NO TRUCKS” sign. However, at the October 11, 2018 Planning Commission meeting, the Planning Commission determined that the 5-Party Agreement which required the installation of a “No Through Trucks” sign was valid and would be a deterrent for truck traffic driving north on E Crestview Drive. Because the Planning Commission determined that the signs would serve as a deterrent for truck traffic driving north from E Portland Road on E Crestview Drive through the proposed development, past the Oxberg Lakes Subdivision and would meet the requirements of the 5-Party Agreement, the applicant shall install “No Through Trucks” signs on northbound Crestview Drive to the specifications of the City Engineer, including but not limited to one at the common property line.

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

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>
<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’s plans show a driveway for Private Street G east of E Crestview Drive (major collector). The plans provided show that Private Street G does not meet spacing requirements from a Public Street intersection. Because the applicant is not meeting street spacing

standards, the Private Street G driveway setback is to be a minimum of 150-feet from E Crestview Drive per Table 15.505.R Access Spacing Standards. Setbacks are measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the applicant can provide supplemental materials that meet the exception requirements in 15.505(R)(10) and 15.505(R)(11), the City could determine that a proposed alternative design is acceptable.

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

Finding: Several lots within the applicant's Planned Unit Development have frontages along more than one public/private street, driveway locations are not being shown. 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 with the adherence to the aforementioned condition of approval.

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

Finding: The applicant's plans show that Lot 249 has just over 400-feet of frontage along Public Street B (minor collector). Lot 249 has two driveways shown and the distance between the driveways is at least 100-feet.

This criterion 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 is proposing private streets and has not identified private access locations. Because access locations have not been identified, if a property has frontage on a private street and other frontages are on collector or arterial streets, access shall be taken from the private street only.

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

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.*

7. Shared Driveways.

a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

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

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

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

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

Finding: The applicant is not proposing shared driveways as part of this development. This requirement is not applicable.

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.*

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's narrative briefly discusses topographic site constraints due to wetlands and the block platting pattern in regards to access spacing standards for Private Street G. Because enough information has not been presented to determine if a access spacing standard exception is met, the applicant shall provide additional information to demonstrate the need for the Private Street G access spacing standard exception addressing applicable criteria in sections 15.505(R)(10) and 15.505(R)(11).

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

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.

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: Preliminary plans show street trees along public streets within the development. E Crestview Drive is classified a major collector, Public Street B is a minor collector, and Public Street C and Public Street D are local streets. It is unclear from the applicant's submittal if they are meeting the street tree requirement. Because it's unclear that the applicant is meeting the street tree requirement, the applicant will be required to provide street trees along all public streets that are compliant with 15.420.010(B)(4)(a).

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

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: Preliminary plans show street lighting on both public and private streets. Because it's unclear if the applicant is meeting street lighting standards, the applicant will be required to submit construction plans that include street lighting needed to meet the specifications and standards of the City's Public Works Design and Construction Standards.

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

15.505.040 Public utility standards.

C. General Standards.

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

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

Finding: The applicant's narrative indicates that they plan to follow the City of Newberg Design and Construction Standards and ODOT construction standards for all public improvements depending on jurisdiction and will acquire the necessary permits to build those improvements. Because the applicant has not obtained all necessary permits for construction, the issuance of required permits not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit. Permits not limited to a Joint Permit Application (JPA) for wetland mitigation will be required. These criteria will be met with the adherence to the aforementioned condition of approval.

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

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

2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.

Finding: The applicant will be utilizing the existing water lines in E Crestview Drive and E Portland Road to provide public water lines through the PUD. The applicant will be utilizing the existing non-potable water line in E Portland Road to provide non-potable water lines through the PUD. The applicant has not submitted fire flow calculations. Because the applicant has not submitted fire flow calculations, the applicant will be required to submit fire flow calculations to show that the existing and proposed service is adequate prior to the issuance of the Public Improvement Permit.

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

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

Finding: Preliminary plans indicate that Public Street B and Public Street C will continue east beyond the proposed development in the future. The applicant's plans do not take into account future extension beyond the development to serve adjacent properties. Because the applicant's plans do not take into account future street extensions beyond the development, a blow off assembly on the water lines at the eastern end of Street B and Street C will be required which allows for future extension beyond the development site. This criterion will be met with the adherence to the aforementioned condition of approval.

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: Preliminary plans indicate that the applicant will be able to meet requirements of the Public Works Design and Construction Standards. Submitted plans show water mains in both public and private streets, but do not show a water main size, the City's standard is an 8-inch minimum water main. The applicant is also showing non-potable water lines in public streets. Fire hydrants will need to be located to meet the Fire Code requirements.

Because construction plans have not yet been submitted and reviewed to determine if this requirement is met, the applicant will need to submit construction plans and obtain a Public Improvement Permit to install the water system and non-potable water system pursuant to the requirements of the City's Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Non-potable water lines are required in public streets and may be required in private streets to provide non-potable water to any landscaping area maintained by the PUD.

The applicant has proposed to add the following sentence to the condition of approval:

"Improvements related to the upsizing of the non-potable water system beyond the irrigation requirements for public right-of-way irrigation within Crestview Crossing shall be eligible for SDC credits" (Attachment 9).

Staff does not concur with the applicants sentence being added to the proposed condition of approval. See the explanation of the City's System Development Charge Procedures Guide in the Analysis section of this report.

Because the applicant has not submitted construction documents for the public improvement permit plan review and additionally has not submitted documentation following the System Development

Charge Procedures Guide – Procedure 7B, the City cannot determine if the aforementioned condition is eligible for SDC credits. In order for the City staff to determine if SDC credits can be granted, the applicant at the construction document review/public improvement permit stage shall follow Procedure 7B in the System Development Charge Procedures design review or the public Guide and work with City staff to make a final determination on SDC credit eligibility. A System Development Charge Credit Applicant Form can be found in the City’s System Development Charge Procedures Guide.

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

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 an existing home located on the property and the applicant did not address if a septic system exists. Because it’s possible that a septic system is present on the property and the applicant has not addressed this issue, the applicant is required to abandon or remove the septic system 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.

Finding: Preliminary plans indicate that the applicant will be able to meet requirements of the Public Works Design and Construction Standards. Submitted plans show sewer mains in both public and private streets, but do not show a sewer main size, the City’s standard is a minimum 8-inch sewer main. Service laterals for waste water service is to be provided to each lot; single residential service

laterals require a 4-inch pipe with cleanout, and split residential service laterals require a 6-inch pipe with cleanout. Plans also show a connection to the existing sewer main approximately 700-feet south of E Portland Road. The applicant has not adequately addressed capacity of the proposed wastewater line extension for the purpose of the development.

Order No. 2008-0013 Tax Lot 3216-1100 was annexed into the City of Newberg and represents a property that is now being developed as part of the Crestview Crossing PUD. As part of the annexation process, conditions of approval were established. The following condition of approval was issued in regards to sewer capacity improvements:

- *Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow.*

Because the applicant has not adequately addressed capacity needs of the proposed wastewater line extension, the applicant will be required to conduct a sewer sizing analysis that includes the upstream basin, verify the capacity of the Fernwood Road sanitary sewer pump and upsize if necessary, evaluate downstream impacts, submit construction plans, and obtain a Public Improvement Permit to install the wastewater system pursuant to the requirements of the City's Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

The applicant has proposed to add the following sentence to the condition of approval:

“Any improvements related to the upsizing of infrastructure to the Fernwood Road facilities which exceed the capacity required for Crestview Crossing shall be eligible for SDC credits” (Attachment 9).

Staff does not concur with the applicants proposed sentence being added to the condition of approval. See the explanation of the City's System Development Charge Procedures Guide in the Analysis section of this report.

Because the applicant has not submitted construction documents for the public improvement permit plan review and additionally has not submitted documentation following the System Development Charge Procedures Guide – Procedure 7B, the City cannot determine if the aforementioned condition is eligible for SDC credits. In order for the City staff to determine if SDC credits can be granted, the applicant at the construction document review/public improvement permit stage shall follow Procedure 7B in the System Development Charge Procedures Guide and work with City staff to make a final determination on SDC credit eligibility. A System Development Charge Credit Applicant Form can be found in the City's System Development Charge Procedures Guide.

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

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.

Finding: Preliminary plans indicate Public Street B and Public Street C will continue east beyond the proposed development in the future. The applicant's plans do not address future street extensions. Because the applicant's plans do not take into account future street extensions beyond the development, a manhole will be required at the eastern end of the wastewater lines in both street B and street C which will allow for future extension beyond the development site.

The applicant has proposed the following condition of approval:

“A manhole will be required at the eastern end of the wastewater lines in both street B and street C which will allow for future extension beyond the development site or as directed by the City Engineer.”

Staff concurs with the proposed condition of approval allowing for flexibility in design with final approval by the City Engineer.

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

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

Finding: Preliminary plans indicate that the applicant will be able to meet requirements of the Public Works Design and Standards. Submitted plans show new sewer mains in both public and private streets throughout the PUD, minimum sewer mains are required to be 8-inches. Service laterals for waste water service is to be provided to each lot; single residential service laterals require a 4-inch pipe with cleanout, and split residential service laterals require a 6-inch pipe with cleanout. Because construction plans have not yet been submitted and reviewed to determine if this requirement is met, the applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the wastewater system pursuant to the requirements of the City's Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

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

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

Finding: The applicant has submitted preliminary plans that indicate some utility easements, however not all easements have been identified. 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 utility easements along all public street frontages, unless determined by the City Engineer as part of the Public Improvement Permit plan review to be not needed or not feasible due to site conditions.
- 2) 15-foot utility easements along all public stormwater, sewer, water, and non-potable water lines where not located within the existing 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 walkways within the PUD.

This criterion will be met with the adherence to all the conditions of approval.

15.505.050 Stormwater system standards.

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

Finding: Preliminary plans show that all on-site stormwater is collected into a storm main and conveyed into stormwater facilities located in Tract B, Tract C, and Tract E. The applicant's materials indicate that stormwater tracts/facilities will be privately maintained, but is it unclear if the facilities can be adequately accessed. Stormwater tracts located in areas of wetlands are to be mitigated, and the City will not accept wetlands in stormwater tracts. 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 and obtain a Public Improvement Permit to install the stormwater system improvements pursuant to the requirements of the City's Public Works Design and Construction Standards which should include the following:

- Turn templates for maintenance vehicles accessing stormwater facilities shall be provided to verify that adequate site access exists.

The applicant has proposed the following condition of approval:

"Permanent maintenance access via a paved road shall extend to within 10 feet of the center of all stormwater structures unless otherwise approved by the City Engineer."

Staff concurs with the applicants proposed condition of approval and would propose to add one clarifying statement that specifies "private stormwater structures" since the proposed stormwater structures are private and are not going to be owned and maintained by the City of Newberg.

Staff recommends the following condition to address both staff and the applicant's concerns:

Permanent maintenance access via a paved road shall extend to within 10 feet of the center of all private stormwater structures unless otherwise approved by the City Engineer.

- Any stormwater tract/facility treating private stormwater shall be owned and maintained by the PUD. Any stormwater tract/facility treating both public and private stormwater shall be owned and maintained by the PUD. Any stormwater tract/facility treating only public stormwater shall be owned and maintained by the City of Newberg.
- Preliminary plans show wetlands inside of stormwater tracts, because the City does not accept wetlands in stormwater tracks, the applicant will be required to remove any wetlands from stormwater tracts dedicated to the City.
- Public/private walkways when located adjacent to stormwater facilities must be located outside of the fenced stormwater facility and outside of maintenance access drives.
- A downstream analysis shall be completed, where the design Engineer visually investigates the downstream system for at least one-quarter mile downstream and report any observed deficiencies per Public Works Design and Construction Standards.
- All stormwater mains are required to cross streets at right angles perpendicular to the street.

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

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: Preliminary plans and a preliminary stormwater report for the proposed development have been submitted. This site is not currently paved. New impervious surfaces will be created and stormwater quality and quantity facilities will be required and the applicant has not obtained appropriate erosion control permitting. Because this project will disturb more than one acre and permitting has not been obtain, a 1200-C permit from DEQ will be required. The applicant will be required to submit a copy of the 1200-C permit from DEQ prior to issuance of a grading or public improvement permit.

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

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

Finding: Preliminary plans show that all on-site stormwater is collected and conveyed to on-site stormwater facilities. Construction plans for this stormwater systems have not yet been submitted. A stormwater final report will need to be submitted with the Public Improvement Permit and will be completely reviewed at that time. Because construction plans have not yet been submitted and reviewed to determine if this requirement has been met, the applicant will need to submit a stormwater report and construction plans meeting the City’s Public Works Design and Construction Standards and 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.

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

The applicant has proposed to add the following condition of approval:

“Storm Water Drainage System

Applicant shall construct a storm water and surface water drainage system on the southern edge of tax lots 1803, 1804, and 1808 where they abut tax lot 13800 (the “Stormwater Drainage System”).

Applicant shall provide the owners of tax lots 1803, 1804, and 1808 with copies of any proposed designs and drawings of the Storm Water Drainage System and consider, in good faith, all timely comments Applicant receives from the owners with respect to the Storm Water Drainage System. However, the final design and specifications of the Storm Drainage System shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction.

Applicant shall complete the construction and installation of the Storm Water Drainage System on or before the date installation of the Sound Wall begins. The owners of tax lots 1803, 1804, and 1808 shall grant Applicant temporary construction easements and encroachment easements for the Storm Water Drainage System, which shall be reasonable in scope and extent.

The owners of tax lots 1803, 1804, and 1808 and the Crestview Crossing Homeowners Association shall share in all costs and expenses related to the maintenance and general upkeep of the Storm Water Drainage System after completion. This maintenance obligation shall bind the owners and their respective successors in interest and shall be made a part of the easements and the Crestview Crossing CCRs.

Applicant shall begin construction on the Storm Water Drainage System after it has received all site design approvals, land use permits, entitlements and other permits required for the development, and has begun construction. If Applicant does not receive the aforementioned permits and entitlements it shall not be obligated to build the Storm Water Drainage System.”

Staff does not concur with the applicants proposed condition of approval. The following items are outside of the City’s jurisdictional authority to condition:

- The City of Newberg has no authority to condition that the owners of tax lots 1803, 1804, and 1808 grant temporary construction easements and encroachment easements reasonable in scope and extent. The City has no authority over property owners outside of the City limits and furthermore has no clear and objective criteria to determine the “reasonable scope and extent” of such temporary construction and encroachment easements.
- The City of Newberg has no authority to condition cost and expense sharing between third party agents or bind owners outside of the development to maintenance obligations.

Staff however, would like to acknowledge the original development agreement language and suggests that criteria/conditions beyond the language in the original development agreement be handled through a civil agreement between the applicant and the property owners affected. The original language from the Development Agreement executed on June 16, 2008 between GC Commercial, an Oregon Limited Liability Company (“GC”), and Terry Coss, Amelia Coss, Charles Alex Miller, Daniel Peek and Rebecca Peek the “Homeowners) is provided below:

3. Construction of the Storm Water Drainage System

a. GC shall construct and install, at its sole cost and expense a storm water and surface water drainage system on a portion of the Homeowners’ Parcels adjacent to the GC Development (the “Stormwater Drainage System”).

b. GC shall provide the Homeowners with copies of any proposed designs and drawings of the Storm Water Drainage System and consider, in good faith, all timely comments GC receives from the Homeowners with respect to the Storm Water Drainage System. However, the final design and specifications of the Storm Water Drainage System shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction.

C. GC shall complete the construction and installation of the Storm Water Drainage System on or before the date installation of the Sound Wall begins.

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

**Exhibit “B” to Planning Commission Order 2018-10
Conditions –File PUD18-0001/CUP18-0004
Crestview Crossing PUD**

A. Conditional Use Conditions of Approval

1. Prior to proposed lots 245 through 248 receiving a certificate of occupancy from the Building Department, a vegetative buffer must be established along the rear property line of said lot
2. In compliance with Resolution 2006-15, the applicant shall retain as many mature trees as possible along the northern border of Yamhill County Tax lots 13800 and 1100 and supplement the tree buffer with new trees where necessary to provide a contiguous vegetative buffer.
3. The applicant must provide an updated tree removal, tree preservation and tree planting plan that clearly illustrates the type, number and location of new trees, numbers of trees being preserved and the number of trees being removed. Said plan sheet will be required to be submitted before step two (Final Plans) Section 15.240.020(B)(2) commences.
4. In order to achieve compliance with the conditional use requirements of Newberg Development Code Section 15.225.060(A), and in light of the Source Water Assessment Report by the State of Oregon for the Oxberg Water System, prepared in April 2004, the applicant and Oxberg Lakes Estates Homeowners Association shall promptly enter into a Well Monitoring Agreement designed to protect Oxberg’s water supply from contamination, in a form agreed to by their respective engineers and legal counsel.

B. The applicant must provide the following information for review and approval prior to construction of any improvements:

Streets, Vehicle and Bicycle Parking, Sidewalks, Walkways and Street Trees

5. The applicant shall follow requirements outlined in a letter TVF&R provided on June 5, 2018 which indicated the following:
 - 20-26 feet road width – no parking on either side of roadway
6. The applicant must submit drawings that clearly illustrate parking bumper locations during “Step Two” of the Planned Unit Development review process.
7. Section 15.420.010 (B) (h) requires a landscaping island for every seven (7) parking spots, the applicant shall provide landscaping islands that meet requirements of said section of the NDC.
8. The applicant shall install bicycle parking loops and spaces that are at least six feet long and two and one-half feet wide.
9. The applicant will be required to meet the applicable building code and Americans with Disabilities Act requirements for private walkways, and develop a plan where private

walkways are connecting each main pedestrian building entrance to each abutting public street and to each other.

10. The E Crestview Drive roadway 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, 6-foot bike lane, 12-foot travel lane, 12-foot travel lane, 6-foot bike 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 60-feet) to construct E Crestview Drive, to construct a roundabout meeting FHWA Standards at the E Crestview Drive/Public Street B intersection, and to construct improvements related to modifying the traffic signal at the E Crestview Drive/Providence Drive/E Portland Road intersection meeting City of Newberg, Yamhill County, and Oregon Department of Transportation requirements.
11. * A 5.0-foot planter will be constructed between the E Crestview Drive/Public Street B intersection and the E Crestview Drive/E Portland Road intersection to allow for a proposed retaining wall on the west side of E Crestview Drive to be located outside of the public right-of-way.
12. The Public Street B 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 Public Street B.
13. The applicant shall revise plans to show Public Street C and Public Street D consisting 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 the listed streets.
14. The applicant will be required to dedicated additional right-of-way on E Portland Road necessary to meet requirements set forth by the Oregon Department of Transportation to meet Highway Design Manual standards to construct the westbound right-turn lane.
15. The comments on the traffic study identified by ODOT shall be adequately addressed and approved by ODOT as noted in the memo dated July 19, 2018 signed by Dan Fricke, Region 2 Senior Planner.
16. Prior to the issuance of the first grading or building permit, the applicant shall submit plans and specifications for all improvements/construction within ODOT right-of-way for review and approval by ODOT District 3 and issuance of a permit to construct within ODOT right-of-way. ODOT shall certify that all construction activities have been completed pursuant to the approved plans and specifications prior to the issuance of the first certificate of use and occupancy, or the city's equivalent.
17. Prior to issuance of the first grading or building permit, the applicant shall submit signal modification plans for the review of the ODOT Region 2 Traffic Engineer and the review and approval of the State Traffic Engineer. ODOT shall certify that all required signal

modifications have been completed and the signal operational prior to the issuance of the first certificate of use and occupancy, or the city's equivalent.

18. the applicant is required to pay the following Traffic Impact Fee to the City of Newberg to meet Order No. 2007-0002 and Order No. 2008-0013 conditions of approval:

$(21 \text{ AM Peak Hour Trips resulting from the development}) / (774 \text{ AM Peak Hour Total Trips through the intersection}) = 0.0271 \text{ proportional trips through the intersection}$

$(0.0271 \text{ proportional trips through the intersection}) * (\$400,000 \text{ intersection project cost estimate}) = \$10,840 \text{ Traffic Impact Fee – AM Peak Hour}$

19. The applicant is required to install a 6-foot bike lane along E Portland Road to match the City's Transportation System Plan cross-section.
20. The City will require the southbound and northbound center turn lanes at the E Crestview Drive/E Portland Drive intersection to be a minimum of 12-feet wide.
21. The applicant will be required to install directional ADA curb ramps at the corners of all public street/public street intersection locations, and at public street/private street intersection locations. The final design of all roads within the PUD will be reviewed and approved as part of the Public Improvement Permit.
22. The planter strips on public streets are required to be 5.5-feet wide except where noted on the west side of E Crestview Drive between the E Crestview Drive/Public Street B intersection and the E Crestview Drive/E Portland Road intersection. Where a planter strip is not provided, the public sidewalk is required to be 6-feet wide.
23. The final design of E Portland Road, E Crestview Drive, Public Street B, Public Street C, and Public Street D will need to comply with City's Public Works Design and Construction Standards and applicable ODOT standards. 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.
24. The applicant is required to install street name signs at all intersections within the development including those intersections with private streets.
25. The Private Street G driveway setback is to be a minimum of 150-feet from E Crestview Drive per Table 15.505.R Access Spacing Standards. Setbacks are measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the applicant can provide supplemental materials that meet the exception requirements in 15.505(R)(10) and 15.505(R)(11), the City could determine that a proposed alternative design is acceptable.
26. Access shall be taken from the street with the lesser functional classification, and private streets are designated as having the lowest functional classification.
27. If a property has frontage on a private street and other frontages are on collector or arterial streets, access shall be taken from the private street only.

28. The applicant shall provide additional information to demonstrate the need for the Private Street G access spacing standard exception addressing applicable criteria in sections 15.505(R)(10) and 15.505(R)(11).
29. The applicant will be required to provide street trees along all public streets that are compliant with 15.420.010(B)(4)(a).
30. The applicant will be required to submit construction plans that include street lighting needed to meet the specifications and standards of the City's Public Works Design and Construction Standards.

Water

31. A blow off assembly on the water lines at the eastern end of Street B and Street C will be required which allows for future extension beyond the development site.
32. The applicant will need to submit construction plans and obtain a Public Improvement Permit to install the water system and non-potable water system pursuant to the requirements of the City's Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Non-potable water lines are required in public streets and may be required in private streets to provide non-potable water to any landscaping area maintained by the PUD.

Wastewater

33. The applicant is required to abandon or remove the septic system in accordance with Yamhill County Standards. The applicant will need to provide a certification from Yamhill County of the septic system abandonment/removal.
34. The applicant will be required to conduct a sewer sizing analysis that includes the upstream basin, verify the capacity of the Fernwood Road sanitary sewer pump and upsize if necessary, evaluate downstream impacts, submit construction plans, and obtain a Public Improvement Permit to install the wastewater system pursuant to the requirements of the City's Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.
35. A manhole will be required at the eastern end of the wastewater lines in both street B and street C which will allow for future extension beyond the development site or as directed by City Engineer.
36. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the wastewater system pursuant to the requirements of the City's Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

Easements

37. 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:

- a. 10-foot utility easements along all public street frontages, unless determined by the City Engineer as part of the Public Improvement Permit plan review to be not needed or not feasible due to site conditions.
 - b. 15-foot utility easements along all public stormwater, sewer, water, and non-potable water lines where not located within the existing roadway right-of-way.
 - c. Public access easements for any private streets that are required to be used to access public infrastructure.
 - d. Public access easements for all private walkaways within the PUD.
38. The applicant is required to provide 10-foot public utility easements on public street frontages per PGEs review dated August 24, 2018. 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.

Stormwater

39. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the stormwater system improvements pursuant to the requirements of the City's Public Works Design and Construction Standards which should include the following:
40. Turn templates for maintenance vehicles accessing stormwater facilities shall be provided to verify that adequate site access exists.
41. Any stormwater tract/facility treating private stormwater shall be owned and maintained by the PUD. Any stormwater tract/facility treating both public and private stormwater shall be owned and maintained by the PUD. Any stormwater tract/facility treating only public stormwater shall be owned and maintained by the City of Newberg.
42. The applicant will be required to remove any wetlands from stormwater tracts dedicated to the City.
43. Public/private walkways when located adjacent to stormwater facilities must be located outside of the fenced stormwater facility and outside of maintenance access drives.
44. A downstream analysis shall be completed, where the design Engineer visually investigates the downstream system for at least one-quarter mile downstream and report any observed deficiencies per Public Works Design and Construction Standards.
45. All stormwater mains are required to cross streets at right angles perpendicular to the street.
46. The applicant will need to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and 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.

Permits Issuance and Timing

47. Public utility infrastructure improvements not limited to street improvements, public walkways, water, non-potable water, wastewater, and stormwater will require completed

permits from partner agencies to authorize different work tasks. Issuance of required permits for wetland delineation/mitigation, construction, etc. not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.

48. The issuance of required permits not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit. Permits not limited to a Joint Permit Application (JPA) for wetland mitigation will be required.
49. The applicant will be required to submit fire flow calculations to show that the existing and proposed service is adequate prior to the issuance of the Public Improvement Permit.
50. A 1200-C permit from DEQ will be required. The applicant will be required to submit a copy of the 1200-C permit from DEQ prior to issuance of a grading or public improvement permit.

Building Designs

51. The applicant shall clearly list all outdoor living area calculations on all single-family and multifamily building plans. If a single family or multifamily building plan does not meet said requirement then no building permit shall be granted until plans are revised to meet this section 15.240.020(N)_of NDC.

Home Owners Association

52. The Crestview HOA must provide an annual report that meets the requirements of NDC 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.

Intermediate Step between “Step 1” and “Step 2” of the PUD Process

53. Prior to modification of any site features or beginning “Step Two” of the review process (NDC Section 15.240.020.B.2.) the applicant shall provide a list of site features to be modified and supporting drawings illustrating before and after conditions for review by City Staff. “Step two” shall not commence until the applicant and city staff can agree on what site modifications are permissible under this section of the NDC.

Construction Plans:

54. Submit engineered construction plans for review and approval of all utilities and public street improvements meeting City of Newberg requirements.
55. Grading: Obtain a city grading permit prior to grading.

New Conditions of Approval for the Planning Commission meeting on 10/11/18

56. The applicant must provide estimates for the timing of completion for each phase of development during an interim step between step 1 and step 2 of the PUD review process
57. The Applicant shall construct a pre-cast concrete wall approximately six (6) feet in height

along the south boundary of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and a westerly portion of tax lot 1815 where they abut the north boundary of tax lots 13800 and 1100 (the "Sound Wall"). The exact location and length of the Sound Wall shall be determined by Applicant in compliance with applicable plans approved by the City of Newberg, or any other governmental agency having jurisdiction. The design style of the Sound Wall and its construction type shall be consistent with "Conceptual Noise Barrier Exhibit" attached hereto. [Exhibit C to the 2008 agreement] Alternatively, if that Exhibit cannot be located, the design style and construction type of the Sound Wall shall be as reasonably agreed by the Applicant and the benefitted property owner or owners.

58. The Applicant shall construct and install the Sound Wall in such a manner as to preserve, to the best of Applicant's ability, those trees with trunks greater than twelve (12) inches DBH that are located near the south boundary of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and a westerly portion of tax lot 1815.
59. The Applicant shall provide the owners of tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and 1815 with copies of any proposed designs and drawings of the Sound Wall, and consider, in good faith, all timely comments Applicant receives from the owners with respect to the Sound Wall. However, the final design and specifications of the Sound Wall shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction. Applicant shall complete the construction and installation of the Sound Wall at the same time as Phase 1 is constructed and completed within the Applicant's development. The owners shall grant the Applicant a temporary construction easement for the sound wall.
60. The Crestview Crossing Homeowners Association shall be responsible for all costs and expenses related to the maintenance and general upkeep of the Sound Wall after completion. This maintenance obligation shall bind the owners and their respective successors in interest and shall be made a part of the easements and the Crestview Crossing CCRs. The owners shall grant the Applicant a temporary construction easement for the Sound Wall, which shall be as limited in scope as reasonably possible. This condition is not intended to eliminate any joint maintenance obligation created by prior agreement with adjacent property owners, which may benefit the Crestview Crossing Homeowners Association.
61. The applicant shall submit CC&Rs during an intermediate review step prior to Step 2 of the PUD review process for the City to review and require changes if needed.
62. Applicant shall begin construction of the Sound Wall after it has received all site design approvals, land use permits, entitlements and other permits required for the development, and has begun construction. If Applicant does not receive the aforementioned permits and entitlements it shall not be obligated to build the sound wall.
63. In compliance with Resolution 2006-15, the Applicant shall retain as many mature trees as possible within ten feet (10') of the north property boundary. Tree removal as necessary to construct the boundary wall and stormwater improvements is allowed. The Applicant shall supplement the tree buffer with new trees where necessary to provide a continuous vegetative buffer.

64. Applicant shall include a ten-foot (10') wide landscape buffer zone on the north edge of tax lots 13800 and 1100 along the boundary shared with tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and 1815 (the "Landscape Buffer Zone"), and a 30-foot (30') setback (the "Setback Zone") between the Sound Wall and any buildings in any subdivision plats maps for tax lots 13800 and 1100 submitted for approval to any governmental entity with jurisdiction over the Applicant's development. The Landscape Buffer Zone and Setback Zone shall be recorded in the form of easements burdening and encumbering tax lots 13800 and 1100 and future lots platted therefrom, and benefiting tax lots 1803, 1804, 1808, 1809, 1810, 1811, 1812 and 1815. The specific language of the easements shall be as reasonably agreed by the affected parties.
65. 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 C300. The private street width shall be measured from the back of the 12-inch mountable curb. The sidewalk shall be measure from the back of walk to the back of the 12-inch mountable curb. The design of weep holes in the proposed rolled curb will be reviewed as part of the Public Improvement Permit, direct connection to the stormwater system may be required.
66. In order for the City staff to determine if SDC credits can be granted, the applicant at the construction document review/public improvement permit stage shall follow Procedure 7B in the System Development Charge Procedures Guide and work with City staff to make a final determination on SDC credit eligibility. A System Development Charge Credit Applicant Form can be found in the City's System Development Charge Procedures Guide.
67. Permanent maintenance access via a paved road shall extend to within 10 feet of the center of all private stormwater structures unless otherwise approved by the City Engineer.
68. The applicant shall install narrowed travel lane widths consisting of a curb-to-curb cross-section of 36-feet: 6-foot bike lane, 2-foot buffer, 10-foot travel lane, 10-foot travel lane, 2-foot buffer, 6-foot bike lane with retroreflective thermoplastic Method "A" Extruded Surface Installed Profiled pavement markings on the northbound and southbound inside travel lane lines and the center lane lines on Crestview Drive from the north end of the roundabout taper at the Crestview Drive/Public Street B intersection to the northern site boundary between the Crestview Crossing Development and the Oxberg Lake development, include a taper at the northern property line on the Crestview Crossing development to transition the proposed pavement markings into the existing pavement markings, and install a ladder crosswalk on the north and south legs of the Crestview Drive/Public Street C intersection, a side-street stop controlled intersection.
69. The applicant shall install "No Through Trucks" signs on northbound Crestview Drive to the specifications of the City Engineer, including but not limited to one at the common property line.

C. The applicant must complete the following prior to final plat approval.

70. **Substantially Complete the Construction Improvements:** 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)

D. Final Plan Consideration: In accordance with NDC 15.240.040, submit the following for City review of the final plan application. Construction improvements should be substantially complete at this point.

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.

1. Application Materials:

- a. 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.
- b. A current title report (within 6 months old) for the property. Include copies of all existing easements and CC&Rs that pertain to the property.
- c. A written response to these Conditions of Approval that specifies how each condition has been met.
- d. Two blue-line copies of the final partition plats for preliminary review by the City Engineering Division. Engineering will make red-line comments on these sheets for your surveyor/engineer to correct prior to printing final Mylar copies.
- e. Any other documents required for review.

2. Documents Required: Provide the following documents for review and approval:

- a. A bond for street tree planting in an amount to be approved by the Planning Division.

3. Final Mylar Copies of the Partition Plats: Submit final mylar copies of the corrected final partition plats (after red-line corrections have been made).

- a. Three sets (one original and two copies), 18 inches by 24 inches in size, of the final partition plans drawn in black India ink in clear and legible form. Original plats shall be in substantial conformity to the approved tentative plan and shall conform to the Yamhill County Surveyor's specifications and requirements.
4. **Required Signatures:** According to NDC 15.235.180, approval of a final plat must be acknowledged and signed by the following:
 - a. Planning and Building Director
 - b. The County Assessor
 - c. The County Surveyor
 - d. The City Recorder
5. **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.
6. **Copy returned to the City:** Return an exact mylar 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.

E. 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. **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.