

September 24, 2018

Revised Conditions

Condition A.2 require trees retention along the north edge of the site, in the same location where a privacy wall and stormwater improvements are planned. These items inherently conflict. As written, the condition is subjective, and therefore confusing. We request a change to A.2 as follows.

A.2 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.

Condition B.1 requires the private street sidewalks to be five feet wide as shown on the cross section detail on sheet C300. We propose the following clarification:

B.1 The Applicant shall follow the city engineer requirement for sidewalks along private streets to be 5-feet wide, with a 12 inch wide, six inch high mountable curb. The private street width shall be measured from the back of the 12 in curb.

Condition B.7 requires the Crestview Dr. extension to be built to collector street standards, which will provide capacity for the northeast area of the city. It is TSP Project E14 and a "qualified public improvement" under NMC 13.050.130, and SDC creditable. The condition should be revised to add a sentence to the end, as follows.

B.7 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. Improvements related to the upsizing of Crestview Dr to collector standards shall be eligible for SDC credits.

Condition B.11 is for widening of Portland Road, a major arterial, where it meets a collector street, Crestview Dr. As noted in the TSP, this improvement adds capacity to the transportation system, and is TSP Project S36. Because it adds surplus capacity to the transportation system beyond what is required for Crestview Crossing, it is eligible for partial SDC credits. The condition should be revised to add a sentence to the end, as follows.

B.11 The Applicant will be required to dedicate 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 widening improvement for the turn lane shall be eligible for partial SDC credits to the extent that lane capacity exceeds project trip distribution.

Condition B.16 requires a 6 foot bike lane along Portland Rd, a major arterial. As noted in the TSP, this improvement adds capacity to the transportation system, and is TSP Project S36. The capacity increase is SDC creditable. The condition should be revised to add a sentence to the end, as follows.

B.16 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 bike lane improvement shall be eligible for SDC credits.

Condition B.17 is for center turn lanes at the Crestview Dr. and Portland Rd intersection. This capacity upgrade exceeds what is necessary for Crestview Crossing and thus is SDC creditable. The condition should be revised to add a sentence to the end, as follows.

B.17 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. 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.

Condition B.29 is for extension of the city's non-potable water system. This public improvement will provide extra capacity for the system, and is a "qualified public improvement" under NMC 13.050.130 and SDC creditable. The condition should be revised to add a sentence confirming SDC creditability, as follows.

B.29 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. 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.

Condition B.31 regards the Fernwood Road pump station and other off-site sanitary sewer infrastructure that will increase capacity for service of other properties in the future. The improvements include Wastewater Master Plan Project C3.c and thus are a "qualified public improvement" under NMC 13.050.130 and SDC creditable. The condition should be revised to add a sentence confirming SDC creditability, as follows.

B.31 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. 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.

Condition B.32 requires extension of sanitary sewer mains to the east property boundary, with manholes on the boundary. However, the eastern edge of the site is located at a natural high-point that separates the two properties and is identified as a sanitary sewer basin boundary, and therefore the properties to the east may not connect to the sewer on this site. See Figure 28-Collection System CIP in the 2018 Wastewater Master Plan. This may obviate extension of sanitary sewers to the eastern property line (and their manholes). So if the final design is consistent with the master plan, the City Engineer should have the option to approve the sewer plans without extensions that would cross the basin boundary, and we propose a new phrase at the end of the condition to give the City Engineer that discretion, so the condition will read as follows.

B.32 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.

Condition B.38 requires permanent maintenance access via a paved road within 10 feet of stormwater facility structures within the stormwater tracts. The site design allows storm control manholes, where maintenance primarily occurs, to be located within 10-feet of paved access. The condition can be changed to:

B.38 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.

Condition D1 allows just one year to achieve final plan submittal. Due to the scale and phasing of Crestview Crossing, this condition should be revised to 3 years.

New Conditions

Traffic Calming

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.

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]

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.

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.

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 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.

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.

Landscape Buffer and Setback

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.

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 "Storm Water 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 Water 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 of 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.

No Through Trucks

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.