

DEL BOCA  
VISTA  
A LIMITED LIABILITY COMPANY

RIVERRUN

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Subdivision Application

July 10, 2018

Re-Submitted August 3, 2018

# Development Application – Riverrun

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### DATA SHEET

Property Owner Weatherly Properties, LLC and Steven and Denise Wozniak

Applicant Del Boca Vista LLC  
PO Box 3189  
Newberg, OR 97132  
Phone: 971-706-2058

Property Description R323000400, R232000403 and R32300500  
Located at E. and W. Weatherly Way and E. Waterfront Street  
Newberg, OR 97132

Zoning: R-2

Lot Size: 23.16 ac

Proposal: 133 Lot Subdivision

Minimum Lot Size Per Code: 3,000sf

Proposed Lots Sizes: 2,191-31,773 sf lots

Average Lot Size: 3489 sf

Target Density: 9.0 units per acre

Proposed Density: 5.7 units/acre

Offsite Improvements: City of Newberg Right of Way  
ODOT Right of Way

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### PROJECT OVERVIEW

Del Boca Vista LLC is proposing a 133-lot subdivision for a detached single-family residential development. This subdivision will be known as Riverrun. This subdivision will occur on tax lots R323000400, R232000403 and R32300500 which are located at E. and W. Weatherly Way and E. Waterfront Street in Newberg, OR 97132. The property currently is primarily vacant land. Access to the new lots will be by public roads from E. and W. Weatherly Way and E. Waterfront Street that meet Public Works standards.

In addition to the residential lots, five tracts will be created.

TRACT	USE	OWNERSHIP
A	Open Space	Retained by the developer. Possible transfer to CPRD
B	Open Space	Retained by Wozniak's
C	Public Stormwater Facility	City of Newberg
D	Public Stormwater Facility	City of Newberg
E	Public Stormwater Facility	City of Newberg

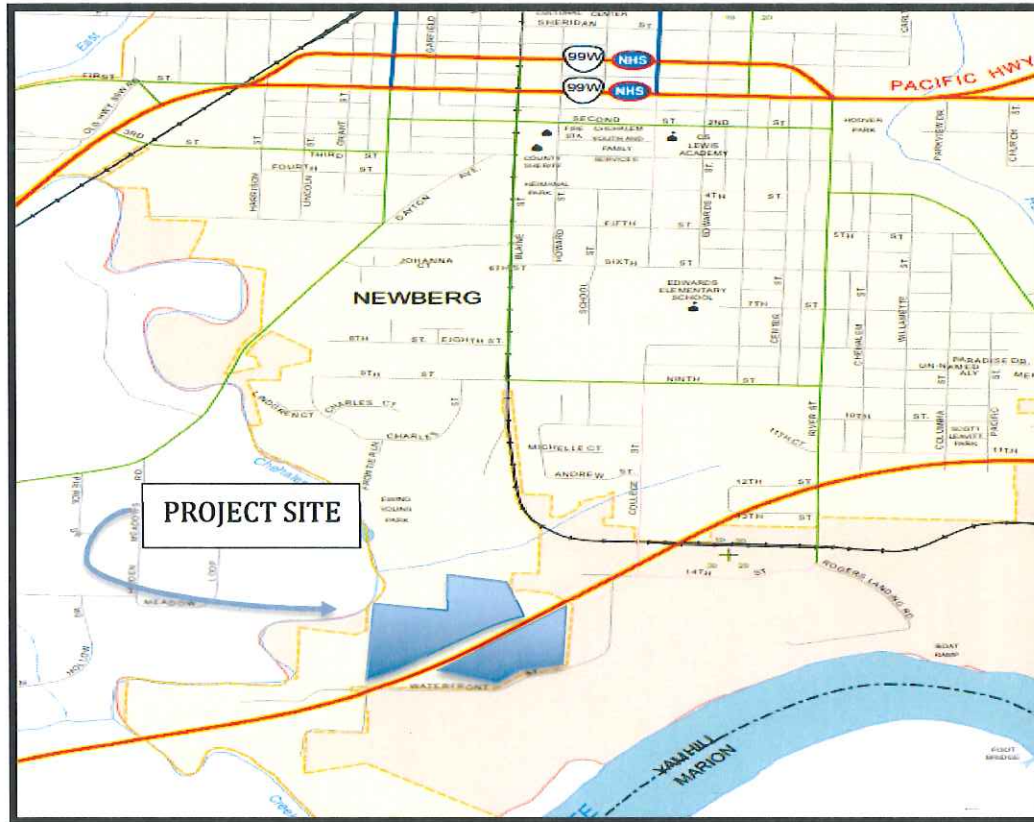
To allow for flexibility of market forces, the project has two phases: Phase 1 along E. and W. Weatherly Way with 91 lots and Phase 2 along E. Waterfront Street with 42 lots.

Offsite improvements consist of a sanitary sewer (Phase 1) and storm line (Phase 2) which will be located in public rights-of-way under the jurisdiction of Newberg, Yamhill County or ODOT. Any special permits or easements required from these agencies will be obtained prior to construction.

There are areas of stream corridor, wetlands and floodways within the project boundary. No improvements are proposed within these identified areas, so no special permits are required to construct the subdivision.

The only improvements anticipated to be outside of Newberg city limits is a short length of stormwater line from Phase 2 to the receiving channel.

## PUBLIC SERVICES



### Sanitary Sewer

All of the public sanitary sewer lines will flow by gravity to the Andrew Street pump station located at Andrew Street and S. College St. intersection. Some lots near the stream corridor may need to have individual grinder pumps to discharge to the public system and the public line will need to be very shallow.

The sanitary sewer line for Phase 2 will be installed by boring below the new ODOT By-pass. Conversations with ODOT indicate that this alignment can be approved. A permit will be obtained from ODOT.

Sanitary sewer laterals for lots 59 through 85 will be located on the B Street frontage, while the front of the homes will be on E Weatherly Way to provide as much on-street parking as possible, see the discussion below regarding Transportation.

Refer to the attached Sanitary Sewer Service Memo in Exhibit C for a more detailed analysis of the proposed sewer system.

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### **Water Supply**

All of the proposed lots will be served by municipal water. The water mainline will be extended from the existing system located in S. College Street down E. Weatherly Way. A bore under the Highway will extend water to Phase 2 of the project.

Refer to the attached Water Service Memo in Exhibit D for a more detailed analysis of the proposed water system.

Water service lines and meters for lots 59 through 85 will be located on the B Street frontage, while the front of the homes will be on E Weatherly Way to aid in parking, see the discussion below regarding Transportation.

### **Storm Drainage**

Because of the topography, storm water runoff from the site will be collected and treated with three detention/water quality facilities. Phase 1 will discharge into a velocity reducing and flow distribution system outside of the stream corridor. Phase 2 will be discharged through a storm line along the ODOT right-of-way and discharge into a velocity reducing and flow distribution system outside of the stream corridor. The appropriate approvals and easements will be obtained from ODOT.

Refer to Exhibit E for the preliminary stormwater report for runoff and sizing calculations.

An environmental assessment of the site was completed by David Evans and Associates the results of which are that there are no wetlands or sensitive areas on the project that will be impacted by site grading and construction of improvements as part of Phase 1 and 2. Refer to Exhibit F for the Environmental Due Diligence, Natural Resources Risk assessment report.

### **Transportation**

All of the new streets will be designed to local/residential standards. E. and W. Weatherly Way is fully improved so no changes are proposed. Jurisdiction of E Waterfront Street along Phase 2 appears to be Yamhill County, so frontage improvements will be designed to city standards and constructed by permit through the County.

A transportation impact analysis for the anticipated traffic generation has been completed. Refer to Exhibit G for the complete report. The study area and specific intersections was developed and reviewed with City engineering staff prior to collection of data and analysis. In summary, the analysis determines that the study area intersections will not exceed their applicable mobility targets through 2038 as a result of the traffic generation of the proposed development.

The off-street parking requirement is two spaces per lot. This will be provided by a driveway and garage space on each lot. The narrow lot layout can, in some cases, limit on-street parking. To enhance off-street parking opportunities, the row of lots along E.

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Weatherly Way (Lots 59-85) will be oriented with garages onto E. Weatherly Way thereby providing a long uninterrupted stretch of frontage on Street B for off street parking. Refer to Exhibit L for a detail memo on this item.

### SUBDIVISION CRITERIA

#### 1. FUTURE USE

Approval does not impede the future best use of the property under the same ownership as the full extent of the property is being developed to its maximum extent practicable.

Adjoining land will not be adversely affected. The surrounding uses are: To the North: agricultural; to the South: agricultural to the East: agricultural; and to the West: agricultural.

#### 2. APPLICABLE SUBDIVISION CRITERIA

##### **15.235.030 Preliminary plat approval process.**

E. Phased Subdivision. The city may approve a phased subdivision, provided the applicant proposes a phasing schedule that meets all of the following criteria:

1. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than one year;
2. Public facilities shall be constructed in conjunction with or prior to each phase;
3. The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;
4. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary subdivision plat application; and
5. Modifications to the phasing schedule or phasing elements will be processed in accordance with subsection (D) of this section.

**RESPONSE:** The project is proposed in two phases to allow for construction to occur in an efficient manner in concert with market forces. Phase 1 will be

constructed in the first year with all of the necessary public facilities. Phase 2 will connect to the Phase 1 public facilities and completed soon after Phase 1.

#### 15.235.040 PRELIMINARY Plat Submission Requirements

##### A General Submission Requirements.

2. Traffic Analysis. A traffic analysis shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. A traffic analysis may be required for projects below the 40 trips per p.m. peak hour threshold when the development's location or traffic characteristics could affect traffic safety, access management, street capacity or a known traffic problem or deficiency. The traffic analysis shall be scoped in conjunction with the city and any other applicable roadway authority.

**RESPONSE: A Traffic Impact Analysis report has been completed and is attached to this application as Exhibit G.**

3. Public Utilities Analysis. The public facilities analysis shall be scoped with the city and shall address the impact of the proposed development on the public wastewater and water systems. The analysis shall identify any mitigation or improvements necessary to the public facilities to adequately serve the development per city standards under adopted ordinances and master plans.

**RESPONSE: An analysis has been performed and no offsite improvements are needed downstream of this development.**

4. Stormwater Analysis. The stormwater analysis shall address the criteria listed in Chapter 13.25 NMC.

**RESPONSE: A Stormwater Analysis report has been completed and is attached to this application as Exhibit E.**

5. Wetland Delineation Approved by the Department of State Lands (DSL). An approved wetland delineation shall be submitted for any property listed in the National Wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.

**RESPONSE: An environmental assessment of the site was completed by David Evans and Associates the results of which are that there are no wetlands or sensitive areas of the project that will be impacted by site grading and construction of improvements as part of Phase 1 and 2. Refer to Exhibit F for the Environmental Due Diligence, Natural Resources Risk assessment report.**

6. Future Streets Concept Plan. The future streets concept shall show all existing subdivisions, streets, and unsubdivided land surrounding the subject property and show



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how proposed streets may be extended to connect with existing streets. At a minimum, the plan shall depict future street connections for land within 400 feet of the subject property

**RESPONSE: Phase 1 is surrounded by stream corridor, public streets and ODOT drainage facility such that there are no opportunity for street extensions. Phase 2 is bordered by ODOT and street right-of-way on three sides. One undeveloped parcel on the east property line of Phase 2 could be further subdivided, if annexed to the city. It has ample access to existing public right-of-way so there in no need to provide a street connection between to the two properties.**

### **B. Preliminary Plat Information**

3. Proposed Development. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:

- a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Easements. Location, width and purpose of all proposed easements;
- c. Lots and private tracts (e.g., private open space, common area, or street) with approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;
- d. Proposed uses of the property, including all existing structures to remain, areas proposed to be dedicated as public right-of-way or preserved as open space for the purpose of stormwater management, recreation, or other use;
- e. Proposed grading;
- f. Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;
- g. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;
- h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;

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- i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;
- j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;
- k. Evidence of compliance with applicable overlay zones; and
- l. Evidence of contact with the applicable road authority for proposed new street connections.

**RESPONSE: All of the criteria a through l are addressed with the attached preliminary design plans. The proposed road connections are within the City jurisdiction and a pre-application meeting was held.**

### **15.235.050 Preliminary plat approval criteria.**

A. Approval Criteria. By means of a Type II procedure for a subdivision, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

- 1. The land division application shall conform to the requirements of this chapter;
- 2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;

**RESPONSE: Refer to responses to applicable code requirements below.**

- 3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;

**RESPONSE: Refer to responses to applicable code requirements below.**

- 4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

**RESPONSE: The proposed plat name of the subdivision is Riverrun and was approved by Marty Glass from Yamhill County Surveyors. See attached email as Exhibit H.**

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5. The proposed streets, utilities, and stormwater facilities conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

**RESPONSE: Refer to the attached preliminary plan set (Exhibit B) and responses to appropriate code provisions below which demonstrate compliance with this code provision.**

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;

**RESPONSE: These provisions will be met with the submission of subdivision plans.**

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

**RESPONSE: An ODOT permit will be required for the placement of water and sanitary sewer lines in ODOT right-of-way. Phone conversations with ODOT staff indicate that these facilities can be permitted. ODOT Heavy Rail Section reports that they do not have jurisdiction of utilities so that no special permitting is required. A call to the rail line owner has not yet been returned.**

8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

**RESPONSE: Final conditions from Yamhill County are not yet known. Based on past experience, Yamhill County will defer to the City for street improvement requirements and will require a County Public Works permit prior to start of work.**

**15.342.030. Stream Corridor Overlay Subdistrict.**

**RESPONSE: No work is proposed to occur within the identified stream corridor, so provisions of this code section do not apply.**

**15.342.120 Density transfer.**

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For residential development proposals on lands which contain the SC overlay subdistrict, a transfer of density shall be permitted within the development proposal site. The following formula shall be used to calculate the density that shall be permitted for allowed residential use on the property:

A. Step 1. Calculate expected maximum density. The expected maximum density (EMD) is calculated by multiplying the acreage of the property by the density permitted within the Newberg comprehensive plan.

B. Step 2. The density that shall be permitted on the property shall be equal to the EMD obtained in Step 1, provided:

1. The density credit can only be transferred to that portion of the development site that is not located within the designated stream corridor; and
2. The minimum lot size required for residential dwellings, in the base zone, shall not be reduced by more than 20 percent; and
3. The maximum dwelling units per net acre of buildable land, outside the SC boundary, shall not be increased by more than 20 percent; and
4. The types of residential uses and other applicable standards permitted in the zone shall remain the same; and
5. All other uses shall comply with applicable standards and criteria of the Newberg development code.

**RESPONSE: Not applicable.**

### **15.352.030 The riverfront plan general provisions.**

B. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the RF overlay subdistrict shall be the same as those uses permitted in the base zoning districts.

**RESPONSE: The base zoning district is R2 and the proposed use is R2 level single family residential development.**

C. Street, Bike Path, and Pedestrian Walkway Standards. All development improvements shall comply with standards contained in the circulation and transportation element of the Newberg riverfront master plan.

**RESPONSE: These provisions will be met with the submission of subdivision plans.**

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D. View Corridors. Designated key views shall be protected. Key views include the view from the top of the bluff on parcel 12 as noted in Figure 2 of the riverfront master plan, the view from the top of the bluff south of Fourteenth Street generally between College and River Streets, and the view from the riverbank near the barge tie-up facility. These key views shall be protected as follows:

1. Any development on parcel 12 as noted in Figure 2 of the riverfront master plan shall provide a public viewing area accessible from Fourteenth Street that allows views from the top of the bluff to the river. Any viewing area at this location may be connected to the public esplanade or the Fourteenth Street public sidewalk.
2. Development along the bluff on parcels 14, 15, and 16 as noted in Figure 2 of the riverfront master plan shall protect views of the river by providing a public esplanade with a public walkway easement. Standards for the esplanade are identified in the circulation and transportation element.
3. Development in the vicinity of the barge tie-up facility shall protect views of the river by providing a public viewing area near the bank of the river. A public viewing area in this location may be combined with the Willamette Greenway Trail that will run through this location.
4. Additional important views may be identified through the land use approval process. Additional views identified through the land use process may be protected through conditions of approval.

**RESPONSE: Not applicable.**

E. Significant Tree Grove. The area containing the significant tree grove located north of Fourteenth Street and between College and River Streets shall be preserved.

**RESPONSE: Not applicable.**

F. Visual/Noise Buffer. A visual/noise buffer shall be developed along River Street in such a manner as to:

1. Promote the protection of SP Newsprint, or current owner of paper mill, from uses that may complain against or otherwise hinder the operation of this important industrial facility due to visual and noise impacts; and
2. Enhance the vitality and qualities of the land uses within the Newberg riverfront;

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3. Hardscape designs such as sound walls and similar barriers should only be located on the east side of River Street. Buffers located on the west side of River Street shall be designed in such a manner as to serve as a gateway to invite and attract people into the riverfront area.

**RESPONSE: Not applicable as to F.1 and 3. Regarding F.2, the proposed plan meets the land uses identified in the Newberg riverfront and is compatible with neighboring uses.**

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

### **15.352.050 Residential design standards.**

In addition to the development standards of the base zone, the following standards shall apply:

#### A. Single-Family Dwellings.

1. For single-family dwellings, including manufactured homes on individual lots, at least two of the following design features must be provided on the street-facing facade:

- a. Covered front porch at least six feet in width and length.
- b. Eaves (minimum 12-inch overhang).
- c. Bay or bow windows.
- d. Dormers.
- e. Window shutters.
- f. Cupolas.
- g. Horizontal lap siding.

**RESPONSE: The development of the individual lots will meet this criterion.**

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

B. Attached and Multifamily Dwellings. The intent of the standards is to provide for multifamily development of a smaller-scale character that is compatible with the vision

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contained in the riverfront master plan. The standards are intended to require larger developments to be compatible with single-family detached housing by requiring the building to have a massing and appearance that are consistent with a single-family house or townhouse.

**RESPONSE: Not applicable.**

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

**RESPONSE: Not applicable.**

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

**RESPONSE: The development of the individual lots will meet this criterion**

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

**RESPONSE: The development of the individual lots will meet this criterion.**

4. For multifamily dwellings and all nonresidential structures in residential districts, at least two of the following design features must be provided:

a. Covered front porch at least six feet in width and length for each individual unit that faces a public street. If a covered front porch is provided to serve two or more units, the porch must provide not less than 30 square feet of area for each unit served within a single building and have a minimum width of six feet.

b. Eaves (minimum 12-inch overhang).

c. Bay or bow windows.

d. Dormers.

e. Window shutters.

f. Cupolas.

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g. Horizontal lap siding.

**RESPONSE: Not applicable.**

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

**RESPONSE: The development of the individual lots will meet this criterion.**

C. Standards for Garage Doors and Parking in Residential Zones.

1. Garage Location. All residential structures shall have a pedestrian entrance facing the street. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

- a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.
- b. The front of the garage can be no closer to the front lot line than the front facade of the house.
- c. Individual garage doors may be no more than 90 square feet in area.
- d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.

**RESPONSE: The development of the individual lots will meet this criterion.**

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

**RESPONSE: The development of the individual lots will meet this criterion.**

3. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials. [Ord. 2747 § 1 (Exh. A § 12), 9-6-11; Ord. 2564, 4-15-02. Code 2001 § 151.527.5.]

**RESPONSE: Not applicable.**



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### 15.405 LOT REQUIREMENTS

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

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code (only applicable sections are cited below):

2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

B. Lot or Development Site Area per Dwelling Unit.

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

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

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

#### RESPONSE:

Lot Number	Lot Size (SF)	Lot Number	Lot Size (SF)	Lot Number	Lot Size (SF)
1	5361	47	3670	93	3106
2	3000	48	3161	94	3000
3	3000	49	3015	95	3000
4	3000	50	3000	96	3000
5	3000	51	3000	97	3000
6	3000	52	3000	98	3000

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7	3000	53	3000	99	4244
8	3000	54	3010	100	4106
9	3000	55	3168	101	3366
10	3000	56	3110	102	8623
11	3000	57	2753	103	4162
12	3000	58	5277	104	3000
13	3039	59	4122	105	3000
14	2781	60	3000	106	3000
15	5362	61	3000	107	3000
16	4781	62	3000	108	3000
17	4169	63	3000	109	3000
18	4123	64	3037	110	3000
19	2680	65	3315	111	3000
20	2872	66	3315	112	3000
21	3000	67	3044	113	3000
22	3000	68	3000	114	3000
23	3000	69	3000	115	3000
24	3000	70	3000	116	3000
25	3000	71	3000	117	3000
26	3000	72	3000	118	3000
27	4161	73	3000	119	3000
28	3001	74	3000	120	4160
29	3001	75	3047	121	5772
30	4400	76	3140	122	3043
31	3109	77	3140	123	3732
32	3047	78	3140	124	2745
33	2880	79	3140	125	2656
34	2377	80	3083	126	2537
35	2191	81	3000	127	2600
36	5122	82	3000	128	2536
37	5111	83	3000	129	2682
38	3272	84	3000	130	2191
39	2586	85	4122	131	2421
40	2502	86	5361	132	2651
41	5125	87	3000	133	4011
42	2449	88	3000		
43	2895	89	3006		
44	3000	90	3000		
45	3000	91	31773		
46	4100	92	3203		
				<b>Average</b>	<b>3489</b>
				<b>Total</b>	<b>463993</b>

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The table above demonstrates that the proposed lot areas meet the code standard when taking into account lot size averaging.

### **15.405.020 Lot area exceptions.**

The following shall be exceptions to the required lot areas:

- A. Lots of record with less than the area required by this code.
- B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.
- C. Planned unit developments, provided they conform to requirements for planned unit development approval.

**RESPONSE: Not applicable.**

### **15.405.030 Lot dimensions and frontage.**

- A. Width. Widths of lots shall conform to the standards of this code.
- B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.
- C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.
- D. Frontage.
  - 1. No lot or development site shall have less than the following lot frontage standards:
    - a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).
    - b. Each lot in an R-2 and R-3 zone shall have a minimum width of 25 feet at the front building line.
    - c. Each lot in an R-1 shall have a minimum width of 35 feet, and AI or RP zone shall have a minimum width of 50 feet at the front building line.

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

**RESPONSE: The proposed lot configuration meets all of the provisions of this code section for depth to width ratio, area, and minimum frontage at front building line.**

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

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

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

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

#### 1. Maximum Lot Coverage.

- a. R-1: 30 percent, or 40 percent if all structures on the lot are one-story.
- b. R-2 and RP: 50 percent.
- c. AR and R-3: 50 percent.

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

#### 3. Combined Maximum Lot and Parking Coverage.

- a. R-1, R-2 and RP: 60 percent.
- b. R-3: 70 percent.

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

**RESPONSE: The development of the individual lots will meet this criterion.**

### 15.410 YARD SETBACK REQUIREMENTS

#### 15.410.020 Front yard setback.

#### 15.410.030 Interior yard setback.

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- 15.410.040** Setback and yard restrictions as to schools, churches, public buildings.
- 15.410.050** Special setback requirements to planned rights-of-way.
- 15.410.060** Vision clearance setback.
- 15.410.070** Yard exceptions and permitted intrusions into required yard setbacks.

**RESPONSE:** These provisions will be met with the submission of subdivision plans.

### 15.415 BUILDING AND SITE DESIGN STANDARDS

- 15.415.010** Main buildings and uses as accessory buildings.
- 15.415.020** Building height limitation.
- 15.415.030** Building height exemptions.
- 15.415.040** Public access required.
- 15.415.050** Rules and exceptions governing single-family attached dwellings.

**RESPONSE:** These provisions will be met with the submission of subdivision plans.

### 15.420 LANDSCAPING AND OUTDOOR AREAS

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

**RESPONSE:** These provisions will be met with the submission of subdivision plans.

### 15.425 EXTERIOR LIGHTING

- 15.425.010** Purpose.
- 15.425.020** Applicability and exemptions.
- 15.425.030** Alternative materials and methods of construction, installation, or operation.
- 15.425.040** Requirements.

**RESPONSE:** These provisions will be met with the submission of subdivision plans.

### 15.430 UNDERGROUND UTILITY INSTALLATION

#### **15.430.010** Underground utility installation.

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

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

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

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

**RESPONSE: There are no existing overhead utility lines. The extension of any new franchise utilities will be constructed unground.**

### 15.435 SIGNS

**RESPONSE: No signs are proposed for this development.**

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

**RESPONSE: No bicycle parking or private walkways are proposed for this development. Off street parking requirements will meet the standard with the house development phase of construction. Also see Exhibit L for further demonstration of on-street parking opportunities and a street tree/driveway/utility option.**

### 15.505 PUBLIC IMPROVEMENTS STANDARDS

#### 15.505.030 Street standards.

#### D. Construction of New Streets

**RESPONSE: Full right-of-way dedication and street improvements are provided for all proposed streets in the subdivision**

#### E. Improvements to Existing Streets.

**RESPONSE: No improvements to W. 2<sup>nd</sup> Street and E. Weatherly Way as it is fully improved along the Phase 1 frontage. Half-street improvement to the north side of E. Waterfront Street is proposed along the Phase 2 frontage.**

#### G. Street Width and Design Standards.

**RESPONSE:** All new subdivision streets will be constructed to Local Residential street standards with a 55-foot right-of-way and 32-foot curb-to-curb paved width. This width falls within the 54-60 foot range permitted for local residential streets per Table 15.505.030(G).

**K. Future Extension of Streets.**

**RESPONSE:** For both Phase 1 and Phase 2 subdivision elements the location of stream corridor, state highway or existing streets precludes the need or ability to consider future extensions. All adjacent developable property has adequate access to public right-of-way.

**L. Cul-de-Sacs.**

1. Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.

a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.

c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.

d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.

**RESPONSE:** The site conditions in the proposed subdivision make alternate street connections impracticable because of the constraints of the topography and the stream corridor along the north side Phase 1.

2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).

**RESPONSE:** The two proposed cul-de-sacs are less than 400 feet long.

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

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Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

**RESPONSE: The cul-de-sac for Street A serves 20 lots, exceeding the 18-lot maximum. A variance is being requested to allow for the additional two lots.**

### O. Platting Standards for Blocks.

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

2. Maximum Block Length and Perimeter. The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

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

**RESPONSE: Block length is not exceeded. Block perimeter standard met except for Block 2 at 3246 feet. Refer to Exhibit K for maps. See response below for exception criteria.**

#### 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.

**RESPONSE: Provisions a-b are not applicable.**



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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.

**RESPONSE:** See plan submittal identifying the use of public walkways where practical given the existing neighboring parcels, steep topography and stream corridor location, the block sizes are as small as possible. These site constraints restrict the street and walkway location and design. Applicant proposes the most practical design working with the limitations set forth while limiting the impacts to the stream corridor.

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.

**RESPONSE:** Code provisions D-F do not apply.

### 7. Shared Driveways.

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

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

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

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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.

**RESPONSE: There are two instances where shared driveways are proposed (Phase 1 lots 56-58, and Phase 2 lots 100-102). In each case there are fewer than four lots sharing a driveway and an appropriate access easement will be recorded.**

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

**RESPONSE: These provisions will be met with the submission of subdivision plans.**

**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.

**RESPONSE: These provisions will be met with the submission of subdivision plans.**

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

**RESPONSE: These provisions will be met with the submission of subdivision plans.**

### **15.505.050 Stormwater system standards**

**RESPONSE: A Stormwater Analysis report has been completed and is attached to this application as Exhibit E. These provisions will be met with the submission of subdivision plans.**

### **VARIANCE, CUL-DE-SAC NUMBER OF HOMES SERVED**

#### **15.505.030 L. Cul-de-Sacs.**

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1. Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.

a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.

c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.

d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.

**RESPONSE: The proposed subdivision contains a cul-de-sac because the physical site constraints of the stream corridor, bypass and neighboring existing development prevent other street connections from being made.**

2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).

**RESPONSE: The proposed cul-de-sac length meets the length restriction.**

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

Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

**RESPONSE: The proposed cul-de-sac serves 20 single family dwellings.**

### **15.215.040 Type II variance criteria.**

The Type II procedure shall be used to process a variance request. The hearing body shall grant the variance if the following criteria are satisfied:

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A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.

**RESPONSE: A strict or literal interpretation of this Code Section would create an impractical difficulty due to the site constraints of natural obstructions and stream corridor restrictions.**

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

**RESPONSE: The bypass essentially divides this property into two separate sides of the development. This fact, in conjunction with the stream corridor, creates an exceptional circumstance wherein strictly applying the cul-de-sac number of homes served would render that section of the property impracticable to develop without restricting the development rights.**

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

**RESPONSE: The variance of the proposed cul-de-sac number of homes served allows for the development of this property in a practical manner as other property generally would be allowed to develop. A strict or literal interpretation would make it impracticable to develop the R-2 zoned property.**

D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

**RESPONSE: Other properties in the R-2 zoning district are afforded the same opportunity to maximize density according to the code standards for this zone. Granting this variance does not constitute a special privilege for the applicant but rather equalizes the development rights such that they are consistent with all R-2 zoned properties.**

E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

**RESPONSE: The proposed cul-de-sac number of homes served are not a detriment to the public health, safety or welfare nor materially injurious to properties in the vicinity.**

**SUMMARY**

The Applicant has presented evidence to demonstrate with all applicable approval criteria for the requested subdivision and respectfully requests approval of the application.