



Community Development Department

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NOTICE OF DECISION

Edgewater Planned Unit Development (PUD18-0002)

January 11, 2019

West One Homes
Attn: Mr. Jason Phillips
PO Box 2938
Oregon, City, OR 97045

cc: Aaron Prince (via standard mail), Josh Wells (email)

Dear Mr. Phillips,

On January 10, 2019, the Newberg Planning Commission approved a preliminary plat for a 20 lot Planned Unit Development to allow single family residential home development on Yamhill County tax lot R3221BB-00700 subject to the conditions listed in the attached Order No. 2019-01. The Commission's decision will become effective on January 25, 2019 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 January 24, 2019.

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, AICP, Associate Planner



**AN ORDER APPROVING PUD18-0002 FOR THE EDGEWATER PUD AT 112 N
SPRINGBROOK ROAD, YAMHILL COUNTY TAX LOT NUMBER 3221BB 00700.**

RECITALS

1. West One Homes submitted an application for preliminary plan approval of a Planned Unit Development (PUD) for twenty (20) lots of residential use and three (3) tracts on Medium Density R-2 residentially zoned property at 112 N Springbrook Road with the Yamhill County Tax Lot number of 3216AC-13800.
2. After proper notice, the Newberg Planning Commission held a hearing on January 10, 2019 to consider the application, take public testimony and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. The PUD preliminary plan application PUD18-0002 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This Order shall be effective January 25, 2019 unless appealed prior to that date.
4. 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.

Adopted by the Newberg Planning Commission this 10th day of January, 2019.



Planning Commission Chair

ATTEST:



Planning Commission Secretary

List of Exhibits:

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

**Exhibit "A" to Planning Commission Order 2019-01
Findings –File PUD18-0002
Edgewater PUD**

I. 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 subject property is under joint ownership by Lawrence and Christie Anderson.

This criterion is met because the subject property is under joint ownership.

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: This application is being processed by a Type III procedure. The applicant has acknowledged that their application is in the first step of the PUD review process. There is an area of Stream Corridor (SC) subdistrict located on the eastern portion of the property. Additionally, there is a wetland located within the confines of the property. The proposed design of the PUD preserves these natural amenities by locating lots outside of the mapped Stream Corridor. The applicant has stated they have worked with the Chehalem Parks and Recreation District (CPRD) and will grant ownership of Tract C, which encompasses the Stream Corridor area. The CPRD will eventually locate a pathway within Tract C. There are single family residential developments to the north, south, east and west, which is the same land use proposed by the applicant. The proposed PUD will provide an attractive, safe, efficient and stable environment for its residents as well as surrounding property owners. The applicant is proposing two story homes, which are not unlike the built homes surrounding the subject property.

This criterion is met because the applicant has made an effort to preserve natural amenities, create an attractive, safe, efficient, stable environment that is compatible with surrounding residential land use.

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

Finding: Not applicable for the first step in the PUD review process. The applicant has acknowledged that there is a two-step process in the PUD review process.

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

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

Finding: This criterion is not applicable because the applicant is not requesting a phased PUD and has stated in their narrative that they will develop the project in one phase.

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

Finding: The applicants' narrative acknowledges the requirement of this section of the NDC.

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

Finding: The applicants' narrative acknowledges the requirement of this section of the NDC.

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:

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

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:

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

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 applicants' narrative states that "the property is zoned R-2 and is allowed 310 density points per acre minus the stream corridor tract, 3.89 acres – 1.31 acres = 2.58 acres. Maximum density is calculated as follows, 310 points per acre x 2.58 acres = 799.8 density points. The applicant is proposing to construct 9 new four-bedroom, 10 new three-bedroom, and retain 1 existing 3 bedroom single family homes. Therefore, the proposed number of density points is 35 (four bedroom) x 9 dwelling units + 28 (three bedroom) x 11 dwelling units = 623 density points (242/acre). Therefore, the proposed development is less dense than what is allowed in the code". City staff concur with the applicants' finding.

This criterion (density allowance) is met because the applicant has not exceeded the total allowed density provided for in the NDC.

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 home development for their project, which is a permitted use under this section of the NDC.

This criterion is met because the applicant is proposing single family home development which is a permitted use for PUDs.

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 applicants' narrative states that the property owner is utilizing "Westech Engineering, Inc., a civil and environmental engineering firm located in Salem, OR. W. Josh Wells, P.E. is an Oregon licensed engineer (#6491615) and is the professional coordinator for the project for preliminary design, design development, construction documents, and contract administration. W. Josh Wells, P.E. of Westech Engineering, Inc. is the project coordinator and is located out of Salem, OR." Suntel Design, Inc., located at 16865 Boones Ferry Road, Suite 103, Lake Oswego, Oregon 97035 has submitted the architectural plans for the proposed houses. The initial landscape plan was designed by Westech Engineering. The applicants' narrative states that "Westech plans to hire Laura A. Antonson, RLA of Laurus Design, LLC of Silverton, OR to complete the landscape design." The applicant has acknowledged the requirement to notify the City in writing of any design team changes. The applicants' narrative states that all final PUD plans will be signed and stamped by the following: W. Josh Wells, P.E., Westech Engineering, Inc. (Civil), Laura A. Antonson, RLA of Laurus Designs (Landscape)"

This criterion is met because the property owner is utilizing a licensed civil engineer, W. Josh Wells, P.E., to design the proposed Edgewater PUD and the narrative states an additional team member, Laura A. Antonson, RLA, will join the team during the step two of the PUD review process.

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

Finding: The applicant is proposing the following modifications under the allowances of this section of the NDC.

The applicant is proposing to adjust the following code requirements:

1. NDC Section 15.405.030(D)(1)(b) limits the lot width at building setback line to 30 feet, the applicant is proposing 22 lot width at the building setback line for Lots 7 and 9.
2. NDC Section 15.405.030(D)(1)(a) limits lot public street frontage to 25 feet, the applicant is proposing a reduction to 16.2 for Lots 7 and 9 off of the cul-de-sac, and 23ft for Lots 13 and 14 that are accessed by way of the shared driveway on Tract A.
3. NDC Section 15.505.030(L) limits the maximum number of single family homes served by a cul-de-sac to 18, the applicant is proposing to increase this to 20.

The applicants' narrative states "as shown Exhibit 4 (C4.1 Fire Access Turnaround) there is pedestrian access to the site, sidewalks providing safe pedestrian access and a new cul-de-sac that provides safe vehicle and fire truck access, therefore these adjustments do not create a hazardous conditions for vehicular or pedestrian traffic." City staff have not identified any hazardous conditions for vehicular or pedestrian movement onto or within the proposed development.

This criterion is met because the requested flexibility to development code requirements are allowed under the NDC PUD regulations and it has been determined by City Staff that no hazardous conditions have been created by allowing the aforementioned requested flexibility.

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 subject property is zoned R-2. The applicant has provided a table within their narrative that states the proposed lot coverage will be 42% and the parking coverage will be 18%. Under Section 15.405.030(B)(1)(b) of the NDC, the maximum allowable lot coverage is 50%. Under Section 15.405.030(B)(2) the maximum parking coverage is 30%. The maximum combined lot and parking coverage allowed under Section 15.405.030(b)(3) is 60%.

This criterion is met because the applicants' proposal does not exceed the maximum allowable lot and parking coverages.

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: Exhibit 5 of the applicants' narrative illustrates the sun exposure plane associated with the proposed homes. The applicants' narrative states "per Appendix A, Figure 8 of NMC 15.05.030, northern exposure structures are subject to more stringent requirements. As such, Exhibit 5 uses the most constrained lot with northern exposure (the "Moreland" style home at lot 17) to document the proposed homes will meet height and sun exposure requirements. A Sun Exposure Diagram was also created for the home proposed at lot 8 which is directly south of the existing dwelling at 204 N Springbrook Road." After reviewing the applicants' diagrams it does not appear that either the future occupants of the Edgewater PUD or occupants of adjacent properties will be negatively impacted by building heights.

The criterion is met because neither the residents of the Edgewater PUD or occupants of adjacent properties will be negatively impacted by the proposed building heights.

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.

Finding: The applicant is proposing a limited residential street with a 28-foot wide public street and 6-foot wide sidewalks on each side of the street with a minimum of 44-feet of right-of-way. The proposed roadway will connect to the east side of N Springbrook Road and terminate in a cul-de-sac.

This criterion is met because the public streets and walkways will be constructed to City of Newberg specifications, dedicated to the City and there will be no negative impact to public health and safety.

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.

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 is not proposing any private streets therefore this section of the NDC is not applicable.

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

Finding: The applicant is proposing to dedicate right-of-way to provide for the public street, public utilities and sidewalks. The applicant has indicated dedicating an 8-foot public utility easement shown on the plans. Feedback from PGE indicated that a 10-foot public utility easement is normally required, but that an 8-foot public utility easement may be feasible throughout most or all of the subdivision. Because it's unclear if PGE will ultimately need a 10-foot or 8-foot utility easement, the applicant is required to coordinate with PGE and provide a public utility easement width that meets PGE requirements with a maximum public utility easement of 10-feet and a minimum public utility easement of 8-feet along all property frontages. The City of Newberg must be provided with documentation of the ultimate public utility easements coordinated and approved by PGE, prior to approval of the final plat.

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

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: The applicant is proposing that all on-site utilities to be located underground.

This criterion is met because all utilities will be installed underground.

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

Finding: The applicants' narrative states "as shown on Exhibit 3 and 4, each residence has outdoor living area in the form of front porch and a covered patio, and natural ground areas on each lot. Each residence has at least 21% of Usable Outdoor Living Area". The applicants' plan sheet, C4.2 Overall PUD Plan, illustrates the proposed houses footprint within each lot and shows that the outdoor living area will be at least 10 percent of the gross floor area of each unit. City Staff concur with the applicants' finding.

This criterion is met because each dwelling unit will have more than the required 10 percent of the gross floor area of each unit dedicated as usable outdoor living area.

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 applicants' narrative states "as shown on Exhibit 4 (Overall PUD Plan) the applicant proposes to preserve the West Fork Springbrook Creek stream corridor (Tract C) and surrounding trees (vegetation and natural features) located along the east side of lots 9, 10 and 11. In addition, as shown on Exhibit 4 – Overall PUD Plan, and Overall Grading & Drainage Plan, lots 9, 10, 11 and 13 are proposed to be day light basements that exit creekside which will substantially maintain the topography of the site." City staff concur with the applicants' finding. The applicant is required to follow State and Federal processes to delineate wetlands and apply for a Joint Permit Application (JPA) because there are wetlands within the confines of the subject property.

This criterion will be met with the adherence to the aforementioned condition of approval and because the applicant has demonstrated on their plan sheets that vegetation, topography and the stream corridor will remain substantially unaltered.

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: This criterion is met because the applicants' narrative acknowledges the requirement to complete the landscaping prior to occupancy, or as conditioned and that the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion of the landscaping.

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

Finding: This section of the NDC is not applicable because the applicant is not proposing a multifamily residential project.

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: The applicant has paid the required fee for a PUD review. Application material with sufficient information and a sufficient number of copies were provided to the city for referral reviews by other agencies and departments. The applicant has provided a Measure 49 waiver.

This criterion is met because the applicant has paid the required fee, submitted the required material for review of the project and a signed Measure 49 waiver.

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: The applicant has provided a Type III review application. As this report details, the proposed development is consistent with standards, plans, policies and ordinances adopted by the City of Newberg. In some cases conditions of approval are noted in order to address any deficiencies.

This criterion is met because the proposed development is consistent with standards, plans, policies and ordinances adopted by the city or is conditioned in order to be consistent with such requirements.

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: Sheet C4.2 illustrates the layout of the proposed PUD including house footprints on each lot. There is a multifamily development to the south and single family residential development to the east and north, this proposed PUD is compatible with the abutting properties and the surrounding neighborhood. The bulk of the PUD and building heights are not unlike the surrounding developments. City Staff have evaluated the proposed cul-de-sac and determined the public street meets City requirements. Tract C will be dedicated to the CPRD for the future establishment of the pathway and public access. Each lot has ample onsite parking.

This criterion is met by way of the design of the PUD and its compatibility with existing surrounding land use.

- 3. Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:**
- a. Public facility planning by the appropriate agencies; or**
 - b. A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project; or**
 - c. Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development; and**
- 4. The provisions and conditions of this code have been met; and**

Finding: City Staff have evaluated the Edgewater PUD and have found that adequate public services and facilities are available to serve the development. Referrals were sent out for review by outside agencies as well as internal City of Newberg departments, no issues were by any of the reviewers that could not be addressed with conditions of approval. Comments from referral reviewers have been incorporated into this report. As demonstrated throughout these findings, the provisions and conditions of this code have been met.

These criteria are met as demonstrated through the applicants' submittal and the evaluation by City Staff of the applicants' submittal.

- 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 major natural feature, stream corridor and wetland, found within the confines of the subject property have been placed within proposed Tract C and will ensure preservation of natural features and prevent soil erosion and flood hazards. No buildings will be built on Tract C.

This criterion is met because the design of the PUD and placement of houses will ensure preservation of natural features and prevent soil erosion and flood hazards.

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

Finding: TVF&R, Newberg Dundee Police Department, City Engineers, ODOT and ODA have all evaluated the proposed PUD and found that the on-site provisions for utility services and emergency vehicular access are adequate. TVF&R has noted in their review letter that they will approve an access road of 12 feet in width for up to 3 lots, Lots 12, 13 and 14, on a shared driveway. There are no public transportation facilities planned for the proposed Edgewater PUD.

This criterion is met because the proposed development has been reviewed by various agencies and internal City of Newberg Departments, which have determined that there are adequate on-site provisions for utilities and emergency vehicle access.

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 proposed 20 lot PUD will provide recreational opportunities for residents of the proposed development and for others outside of the subject property. Tract C, Sheet C4.2 Overall Site Plan, illustrates where the stream corridor is located. The City received a supplemental drawing from the applicant, which depicts adjusted lot lines for Lots 9, 10 and 11 (Attachment 1). CPRD requested that the aforementioned lot lines be moved to the edge of the Stream Corridor so that Tract C would encompass the entirety of Tract C (Attachment 1). Each lot will have at least 21% of their property that could be used for outdoor living. Tract C is approximately 57,034 (not including adjusted lot lines for Lots 9, 10 and 11). There will be a public access easement over Tract A or the driveway used to access Lots 12, 13 and 14, which will provide access across Tract B and Tract C. Each lot will provide at least 3 parking spaces (Attachment 1, see sheet C4.2 of the applicants' plan sheets).

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

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

Finding: Sheet C4.2 illustrates the layout of the proposed PUD including house footprints on each lot. There is a multifamily development to the south and single family residential development to the east and north, this proposed PUD is compatible with existing land uses on the abutting properties and the surrounding neighborhood. The bulk of the PUD and building heights are not unlike the surrounding developments. City Staff have evaluated the proposed cul-de-sac and determined the public street, N Springbrook Road, meets City requirements. Tract C will be dedicated to CPRD for the future establishment of the pathway and public access. Each lot has ample onsite parking.

This criterion is met because the proposed PUDs buildings, structures and uses are arranged, designed and constructed not unlike existing surrounding land use.

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

Finding: Exhibit "B", Conditions of Approval, can be found in the next section of this report. With the implementation of the conditions the proposed PUD will fulfill the purpose and provisions of these regulation, therefore, this criterion is met.

15.220.030 Site design review requirements.

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

Finding: The applicant is proposing a 20-lot single family residential development. The ITE Trip Code for Single-Family Detached Housing is No. 210. The weekday PM Peak Hour average trip rate for Single-Family Detached Housing is 1.0. The applicants' development is anticipated to create 20 PM Peak Hour trips, which is below the 40 trips per pm peak hour. A traffic study is required when there are more than 40 trips per pm peak hour generated by a given land use. Therefore a traffic study is not required.

This criteria does not apply because the proposed project does meet the threshold of over 40 trips per p.m. peak hour.

15.305.020 Zoning use table – Use districts.

Finding: The subject property is zoned R-2 Medium Density Residential. Table 15.305.020

lists single family residential as a use permitted by right.

This criterion is met because Table 15.305.020 lists single family residential as a use by right in the R-2 Zoning District.

Chapter 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT

15.342.020 Where these regulations apply.

The regulations of this chapter apply to the portion of any lot or development site which is within an SC overlay subdistrict. Unless specifically exempted by NMC 15.342.040, these regulations apply to the following:

- A. New structures, additions, accessory structures, decks, addition of concrete or other impervious surfaces;**
- B. Any action requiring a development permit by this code;**
- C. Changing of topography by filling or grading;**
- D. Installation or expansion of utilities including but not limited to phone, cable TV, electrical, wastewater, storm drain, water or other utilities;**
- E. Installation of pathways, bridges, or other physical improvements which alter the lands within the stream corridor overlay subdistrict.**

Finding: The applicants' narrative states that "as shown on Exhibit 4 (C6.0 Overall Grading & Drainage Plan) the development proposes the storm drain utility to be extended into the Stream Corridor in the form of a rip rap outfall to the creek. The drawing attached to the applicants' email, dated December 11, 2018, illustrates Lots 9, 10, 11 and 13 eastern lot line will be adjusted to match the Stream Corridor line. Tract C will contain the entire mapped stream corridor area.

These criteria are applicable because the applicant is proposing the storm drain utility to be extended into the Stream Corridor in the form of a rip rap outfall to the creek.

15.342.040 Activities exempt from these regulations.

The following public or private uses and activities are exempt from the regulations of this chapter:

- A. Emergency procedures or emergency activities undertaken by public or private parties which are necessary for the protection of public health, safety and welfare.**
- B. Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of the ordinance codified in these regulations.**
- C. Alterations of buildings or accessory structures which do not increase building coverage.**
- D. The expansion of an existing structure, building, improvements, or accessory structures, provided the expansion is located completely outside of**

the stream corridor delineation boundary. E. The following agricultural activities lawfully in existence as of December 4, 1996:

1. Mowing of hay, grass or grain crops.

2. Tilling, discing, planting, seeding, harvesting and related activities for pasture, trees, food crops or business crops; provided, that no additional lands within the stream corridor boundary are converted to these uses.

F. Operation, maintenance and repair of existing irrigation, drainage ditches, ponds, wastewater facilities, stormwater detention or retention facilities, and water treatment facilities.

G. Normal and routine maintenance of existing streets and utilities.

H. Normal and routine maintenance of any public improvement or public recreational area.

I. Measures to remove or abate hazards and nuisances including but not limited to removal of fallen, hazardous or diseased trees.

J. Roadway and related improvements associated with a final alignment of the Newberg bypass road project.

K. Maintenance and repair of existing railroad trackage and related improvements.

Finding: The applicants' narrative states that "the applicant does not propose any activities within the stream corridor that qualify as exempt." However, there may be a need to perform normal and routine maintenance on the proposed storm drain line that will extend into the Stream Corridor.

This criterion is met and may be utilized in the future for normal and routine maintenance of the storm drain or future pathway within the Stream Corridor if qualified as an exempt activity.

15.342.050 Activities requiring a Type I process.

The following uses shall be processed as a Type I decision and shall be approved by the director upon submittal of a plan indicating compliance with the accompanying criteria and the restoration standards indicated in NMC 15.342.060.

D. Bicycle and pedestrian paths; provided, that the area is restored pursuant to NMC 15.342.060.

E. Temporary construction access associated with authorized Type I uses. The disturbed area associated with temporary construction access shall be restored pursuant to NMC 15.342.060.

Finding: The applicant has stated that the CPRD will be accepting ownership of Tract C for an eventual pathway. A Type I application and review will be required for the construction of any pathway, bicycle or pedestrian paths within the Stream Corridor because Section 15.342.050(D)(E) requires said review.

This criterion will be required to be met if and when any pedestrian or bicycle pathways are constructed within the Stream Corridor and with the adherence to the aforementioned condition of approval.

15.342.070 Activities requiring a Type II process.

The installation, construction or relocation of the following improvements shall be processed as a Type II decision. The proposal shall be accompanied by a plan as identified in NMC 15.342.080 and conform to the mitigation standards contained in NMC 15.342.090.

A. Public or private street crossings, sidewalks, pathways, and other transportation improvements that generally cross the stream corridor in a perpendicular manner.

B. Bridges and other transportation improvements that bridge the wetland area.

G. Temporary construction access associated with authorized Type II uses. The disturbed area associated with temporary construction access shall be restored pursuant to NMC 15.342.090.

H. Grading and fill for recreational uses and activities, which shall include revegetation, and which do not involve the construction of structures or impervious surfaces.

I. Public parks.

J. Stream corridor enhancement activities which are reasonably expected to enhance stream corridor resource values and generally follow the restoration standards in NMC 15.342.060.

Finding: As previously mentioned in this report, the CPRD will be assuming ownership of Tract C for eventually establishing a pathway within the Stream Corridor. The actual location and orientation relative to the stream is unknown. If a pathway is constructed that fits the description of activities described in Section 15.342.070(A), (B), (G), (H), (I) or (J) then a Type II permit application must be submitted to the City of Newberg for review because activities described in the aforementioned Sections of the NDC requires a Type II review process.

This criterion will be required to be met if a pedestrian or bicycle pathway that meets the criteria of this Section of the NDC is proposed to be constructed.

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: Sheet C4.2 illustrates 3 parking spots within each proposed lot. Parking will be on lots that are owned by the property owners.

This criterion is met because the applicant has demonstrated on Sheet C4.2 that there is adequate parking within the confines of each proposed lot.

15.440.030 Parking spaces required.

Use	Minimum Parking Spaces Required
Residential Types	
Dwelling, single-family or two-family	2 for each dwelling unit on a single lot

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.***

Findings: The applicant is proposing single-family dwelling units, which will require 2 parking spots for each dwelling unit on a single lot. Each proposed lot will provide at least three parking spots as illustrated on sheet C4.2 of the applicants' plan sheets.

This criterion is met because the applicant has demonstrated compliance with Section 15.440.030 of the NDC.

Chapter 15.505 PUBLIC IMPROVEMENTS STANDARDS

15.505.010 Purpose.

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

15.505.020 Applicability.

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

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

Finding: The preliminary plans show the installation of a new public limited residential street. Other public improvements not limited to water, wastewater, and stormwater infrastructure are also included in the applicants' plans. Improvements requiring City approval shall comply with the City's Public Works Design and Construction Standards. Some improvements may 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, 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 aforementioned condition of approval is 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 and narrative indicate the applicant will be installing a limited residential street with 44-feet of right-of-way, 28-foot wide curb-to-curb driving surface and 6-foot wide curb tight sidewalks.

This criterion will be met if all improvements necessary to serve the development are completed, see conditions in Section 15.505.030.

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

Finding: The preliminary plans show a connection to an existing water line stub from N Springbrook Road and an extension of a public water line through the development.

This criterion will be met if all water improvements necessary to service the development are completed, see conditions in Section 15.505.040(D).

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

Finding: The preliminary plans show a connection to an existing sewer line stub from N Springbrook Road and an extension of a public sewer line through the development.

This criterion will be met if all wastewater improvements necessary to service the development are completed, see conditions in Section 15.505.040(E).

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

Finding: The applicants' narrative states that they will be creating a public stormwater tract to treat new impervious surface areas created by the development. The stormwater facility will then drain into the West Fork of Springbrook Creek.

This criterion will be met if all stormwater improvements necessary to service the development are completed, see conditions in Section 15.505.050.

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

Finding: The applicants' narrative states that all public utilities are to be constructed in the new street right-of-way or in Tract A. Tract A is a private driveway to be co-owned by lots 13, 14, and 15 that will have a public access easement over the entire tract. Tract B will be dedicated to the City and will contain the public stormwater facility.

This criteria will be met if all easements necessary to service the development are completed, see conditions in Section 15.505.040(F).

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards.

Finding: This criterion will be verified to have been met during the building permit review process.

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 construct a new limited residential street. The applicant has proposed the following cross-section, which requires a minimum of 44-feet of right-of-way:

- 1-foot from back of sidewalk to right-of-way
- 6-foot sidewalk
- 0.5-foot curb
- 28-foot curb-to-curb with parking allowed on one side of the street
- 0.5-foot curb
- 6-foot sidewalk
- 1-foot from back of sidewalk to right-of-way

The applicants' proposed roadway cross-section meets the City's Standard for a limited residential street.

These criteria are met because City Staff have evaluated the proposed roadway cross-section and have determined that the limited residential street meets City Standards.

E. Improvements to Existing Streets.

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

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

Finding: The applicant is not proposing any improvements to existing streets and City Staff are not requiring any improvements to existing streets, therefore, these criteria are not applicable.

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

Finding: The applicants' property is not located on a street scheduled for future reconstruction, therefore a fee in lieu for improvements is not applicable.

This criterion does not apply because the applicants' property is not located on a public street scheduled for future reconstruction.

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

Finding: There are no improvements related to impacts identified as part of this proposed action, therefore, this criterion does not apply.

G. Street Width and Design Standards.

1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total 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

Type of Street	Right-of-Way Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
Arterial Streets						
Expressway**	ODOT	ODOT	ODOT	ODOT	ODOT	ODOT
Major arterial	95 – 100 feet	74 feet	4 lanes	TWLTL or median*	Yes	No*
Minor arterial	69 – 80 feet	48 feet	2 lanes	TWLTL or median*	Yes	No*
Collectors						
Major	57 – 80 feet	36 feet	2 lanes	None*	Yes	No*
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
Local Streets						
Local residential	54 – 60 feet	32 feet	2 lanes	None	No	Yes
Limited residential, parking both sides	44 – 50 feet	28 feet	2 lanes	None	No	Yes
Limited residential, parking one side	40 – 46 feet	26 feet	2 lanes	None	No	One side
Local commercial/ industrial	55 – 65 feet	34 feet	2 lanes	None*	No*	Yes*

* 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 applicant is proposing a new limited residential street, therefore, this criterion does not apply.

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

Finding: The applicant is proposing a new limited residential street which does not require bike lanes, therefore, this criterion does not apply.

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

Finding: The applicant is proposing a limited residential street, which is not classified as a collector or arterial. It appears the applicant can achieve a minimum 8-foot parking lane.

This criterion is applicable because the proposed limited residential street is not a collector or arterial. However, the applicant can achieve a minimum 8-foot parking lane within the proposed development.

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

Finding: There are no center turn lanes proposed as part of this project, therefore, this criterion does not apply.

6. Limited Residential Streets. Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:

- a. The requirements of the fire chief shall be followed.**
- b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.**
- c. Use for through streets or looped streets is preferred over cul-de-sac streets.**
- d. Use for short blocks (under 400 feet) is preferred over longer blocks.**
- e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.**
- f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.**

Finding: The applicant is proposing to construct a limited residential street consisting of a 28-foot curb-to-curb roadway width, with 6-foot curb tight sidewalks, and 44-feet of right-of-way. The applicant has received approval for the emergency access and turnaround they

proposed to the Tualatin Valley Fire & Rescue (TVF&R) Fire Marshall. The estimated traffic volume on the street is low and with 20 single-family residential units is expected to create approximately 200 trips per day. The proposed limited residential street is 400-feet long and terminates in a cul-de-sac. The total number of residences accessing the street will be 20 single-family residential homes. Parking is to be provided on one side of the limited residential street only as dictated by TVF&R.

These criteria are met because the proposed limited residential street meets the requirements of TVF&R, the traffic volumes are low, the cul-de-sac is not greater than 400 feet in length and on-street parking will be limited to one side of the street.

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

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 applicant is proposing 6-foot wide curb tight sidewalks on both sides of the limited residential street with no planter strip. The applicant also shows on their plans tying into the existing ODOT sidewalks and ADA ramps along the eastside of N Springbrook Road. Because it's unclear how the proposed sidewalk is tying into the existing sidewalk and how ADA requirements are being met, the applicant will be required to provide for a continuous ADA accessible sidewalk that connects to the existing sidewalk along the east side of N Springbrook Road.

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

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

Finding: The applicant is not proposing a slope easement because there is not a slope that will affect the stability of the proposed street, therefore, this criterion does not apply.

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

Finding: The applicant is proposing to construct a new public limited residential street. Because the applicant has not completed an intersection sight distance evaluation of proposed intersection, the applicant will be required to conduct and submit an intersection sight distance evaluation per Section 5.23 in the Public Works Design & Construction Standards.

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

11. The planning commission may approve modifications to street standards for the purpose of ingress or egress to a minimum of three and a maximum of six lots through a conditional use permit.

Finding: The applicant is not proposing a conditional use permit, therefore, this criterion is not applicable.

H. Modification of Street Right-of-Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:

- 1. The modification is necessary to provide design flexibility in instances where:**
 - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or**
 - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or**
 - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or**
 - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.**
- 2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.**

Finding: The applicant is proposing a limited residential street, and is not proposing further modifications to the street right-of-way or improvement width, therefore, these criteria do not apply.

I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary

turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

Finding: The applicant is not proposing a temporary turnaround, therefore, this criterion does not apply.

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

Finding: The applicant has given suitable recognition to surrounding topographical conditions in accordance with this code, therefore, this criterion is met.

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

Finding: The applicants' plan and narrative show there are no possible future street extensions as part of this project, therefore, this criterion does not apply.

L. Cul-de-Sacs.

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

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

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

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

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

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

3. Cul-de-sacs shall not serve more than 18 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

Finding: The applicant has indicated that adjacent lots to the north and south of the subject property are considerably smaller lots and not suitable for a subdivision. The existing adjacent lots have single family homes and are unlikely to be redeveloped. The proposed cul-de-sac does not exceed 400 feet in length. The applicants' narrative states that all buildings along the street will be installed with sprinkler systems. The applicant is proposing a 36-foot radius inside of the cul-de-sac, and are proposing no parking, a mountable curb, and curb-tight sidewalks. A mapped Stream Corridor encumbers the eastern portion of the lot making a road crossing impractical. The applicant has requested to increase the number of homes served by a cul-de-sac from 18 to 20, which is permissible under the PUD process as stated in Section 15.240.020(l).

These criteria are met because the Edgewater PUD meets the requirements for utilization of a cul-de-sac, proposed cul-de-sac does not exceed 400 feet in length, sprinkler systems will be utilized, through the PUD process the applicant has asked to increase the number of homes on a cul-de-sac from 18 to 20 and the proposed 36-foot cul-de-sac will prohibit parking on one side of the street.

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 has indicated that they have not yet selected a street name for their proposed limited residential street. Because a new street name has not yet been selected, the applicant will be required to select a street name, and install new street name signs at the intersection of their proposed limited residential street and N Springbrook Road.

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.**

Finding: This criterion does not apply because the applicant is not proposing any alleys.

O. Platting Standards for Blocks.

1. **Purpose. Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.**
2. **Maximum Block Length and Perimeter. The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.**

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

3. Exceptions.

- a. **If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.**
- b. **Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.**

- c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.**
- d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.**
- e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.**
- f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.**

Finding: These criteria do not apply because the applicant is not proposing blocks as part of their development project.

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: This criterion does not apply because the applicant is not proposing private streets.

Q. Traffic Calming.

1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:

- a. Serpentine alignment.**
- b. Curb extensions.**
- c. Traffic diverters/circles.**
- d. Raised medians and landscaping.**
- e. Other methods shown effective through engineering studies.**

2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.

Finding: These criteria do not apply because the applicant is not required to install any traffic calming and the applicant isn't proposing any traffic calming.

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

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

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 on adjoining streets, one driveway is allowed as far from the intersection as possible.*

Finding: The property has frontage on N Springbrook Road, which is part of the Salmon River Highway No. 39 (OR-18). The property is served by an approach to the highway at MP 60.49, which was improved and permitted as part of the ODOT OR18: Newberg-Dundee Bypass (Phase 1G). The proposal does not include any modifications to the existing approach on the highway and is not affecting current traffic conditions, therefore, ODOT has no objections to the proposal.

These criteria are met because the proposed limited residential street has obtained an access permit from the State of Oregon.

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

Finding: The applicant does not have more than one frontage to their property, therefore, this criterion is not applicable.

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

Finding: The applicant is not proposing more than one driveway per lot, therefore, this criterion does not apply.

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

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

Finding: The applicants' property does not have alley access, therefore, these criteria do not apply.

6. Closure of Existing Accesses. *Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.*

Finding: The applicant is not proposing to close an existing access, therefore, this criterion does not apply.

7. Shared Driveways.

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

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

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

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

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

Finding: The applicant has indicated that Tract A is to be co-owned by Lots 13, 14, and 15 with a public access easement over the tract. Tract A serves as a shared driveway to access Lots 13, 14, 15, and Tract B, which is where the stormwater facility is located. Because the applicant is proposing three residential lots accessing the shared driveway and requirements from the Fire Marshal have not been addressed along with additional parking requirements, the applicant will be required to follow all requirements as required by the Fire Marshall for the proposed shared driveway including but not limited to installing

“No Parking – Fire Lane” signage along the shared driveway, and provide plans which show adequate parking spaces for the proposed shared driveway as indicated in section 15.505.030(7)(e) are being met.

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

8. Frontage Streets and Alleys. The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

Finding: The applicants' project is not proposing frontage streets or alleys, therefore, this criterion 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.

Finding: The applicants' property abuts N Springbrook Road, which is under the jurisdiction of the Oregon Department of Transportation (ODOT). Any new service connections for water and sewer, or improvements to the existing driveway/sidewalk within ODOT right-of-way will require an access permit. The applicants' narrative does not address the need for any access permits. Because the applicants' plans and narrative do not address the need for possible access permits to enter ODOT right-of-way, the applicant will be required to obtain any necessary ODOT permitting to perform work within the ODOT right-of-way.

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

10. Exceptions. The director may allow exceptions to the access standards above in any of the following circumstances:

- a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.**
- b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.**
- c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.**

11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the

applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

Finding: The applicant is not proposing any exceptions, therefore, this criteria is not applicable.

S. Public Walkways.

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

Finding: The applicant is not proposing public walkways as part of their project. However, a future public walkway is proposed connecting the limited residential street to Tract C, which is proposed to be owned by the CPRD. The applicant is providing a 15-foot wide east-west access for a future public walkway so that Tract A and Tract C share a minimum of a 15-foot tract boundary, thereby eliminating the need for a 15-foot access easement across the stormwater tract, Tract B. Although the applicant is not proposing to construct a public walkway at this time, the requirements for a future public walkway can be reasonably met given that planning occurs between the applicant, City of Newberg, and CPRD.

These criteria are met because the applicant is not proposing public walkways but are providing a 15-foot east-west access easement for a future public walkway that may be developed in the future by the CPRD.

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: The applicants' narrative states that street trees have been installed along N Springbrook Road as part of the ODOT Newberg-Dundee Bypass Project, and that the applicant will be installing 21 street trees along their proposed limited residential street. Because it's unclear if the street tree criteria is being met, the applicant will be required to provide any necessary street trees in compliance with 15.420.010(B).

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

U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

Finding: The applicants' narrative and plans state that street lighting will be installed along the new limited residential street. However, the applicant has not addressed the need for street lighting at the newly created intersection of the proposed limited residential street and N Springbrook Road, or lighting needed along the east side of N Springbrook Road. Because the applicant has not addressed intersection street lighting requirements, or frontage lighting along N Springbrook Road, the applicant will be required to adequately light the following locations or show via a lighting analysis that the existing street lighting meets City standards. If existing street lighting does not meet City standards the applicant shall provide additional street lighting along the property frontage in compliance with the City's Public Works Design and Construction Standards.

Street lighting meeting City standards is required at the following locations:

- Street lighting will be required along the proposed unnamed limited residential street

- Street lighting will be required at the newly created intersection of the proposed unnamed limited residential street and N Springbrook Road
- Street lighting will be required on the east side of N Springbrook Road along the property frontage.

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

V. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:

- 1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.***
- 2. A transit passenger landing pad accessible to disabled persons.***
- 3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.***
- 4. Lighting at the transit facility.***

Finding: The applicant is not proposing transit improvements and the site is not adjacent to existing or planned transit facilities, therefore, these criteria do not apply.

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 has indicated that the proposed improvements are located within the 44-feet of right-of-way to be dedicated for the limited residential street or are within easements meeting the City's Public Works Design and Construction Standards. Additionally, the public utilities were designed with the intent to minimize soil and site disturbance as feasible. All construction of utilities will be coordinated with the City.

These criteria are met because the applicant has agreed to meet the City's Public Works Design and Construction Standards.

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 applicants' plans and narrative indicate that there is an existing water line in N Springbrook Road, and that an existing public 8-inch waterline was stubbed into the subject property during the construction of the Newberg-Dundee Bypass project. Water service is being shown to every lot. 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 met with the adherence to the aforementioned condition 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.

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

Finding: The applicants' plans and narrative indicate that there is an existing water line in N Springbrook Road, and that an existing public 8-inch waterline was stubbed into the subject property during the construction of the Newberg-Dundee Bypass project. Water service is being shown to every lot. Because the applicant has not submitted construction

plans, the applicant will be required to submit construction plans and obtain and Public Improvement Permit to install the water service laterals to the requirements of the City's Public Works Design and Construction Standards.

These criteria will be met if the aforementioned condition of approval is adhered to.

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

1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.

Finding: The applicants' narrative does not address if the existing home located on the property is served by a septic tank. Because it's unclear if the existing home located on the property is served by a septic tank, the applicant will be required to provide documentation that a septic system does not exist for the existing house on proposed Lot 12, or abandon and remove the existing system in accordance with Yamhill County standards and provide documentation of such abandonment/removal.

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

2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.

3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.

- 5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.**
- 6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.**
- 7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.**

Finding: Preliminary plans indicate that the applicant will be able to meet requirements of the Public Works Design and Construction Standards. The applicant has indicated that an existing 8-inch gravity wastewater service connects to the existing wastewater sewer in N Springbrook Road and is available to serve the development. Gravity wastewater service can be provided to all 20-lots within the development. Temporary wastewater facilities are not being proposed with this project. It is not anticipated that a future wastewater extension could be made from the proposed development. 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 wastewater service main and laterals pursuant to the requirements of the City's Public Works Design and Construction Standards.

These criteria will be met if the aforementioned condition of approval is adhered to.

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

Finding: The applicant has submitted a preliminary PUD development application and plans that show some utility easements. Because the applicant has not recorded all utility easements, the applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

- 1) 8-foot to 10-foot utility easements along all property frontages as coordinated with and approved by PGE. Stormwater facilities are not allowed to be co-located in public utility easements.
- 2) 15-foot utility easement for each public stormwater, sewer, and water lines where not located within the existing roadway right-of-way.

- 3) Public access and utility easement over Tract A for the purpose of serving Lots 13, 14, 15, a future public walkway and to provide access to the Tract B stormwater facility.
- 4) A public utility easement will be required over the proposed public stormwater line and outfall shown in Tract C, which flows into the west fork of Springbrook Creek.

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

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: The applicants' plans and narrative show a water quality and detention pond proposed along the eastern edge of the development near the existing stream corridor. The proposed water quality and detention pond in Tract B will outfall into the west fork of Springbrook Creek and serve all new impervious surface areas created as part of the PUD. Because the applicant has not provided construction plans or a final stormwater report, the applicant will be required provide detailed construction plans and a final stormwater report that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management.

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

D. Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:

- 1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.***
- 2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.***
- 3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.***

Finding: The applicants' narrative indicates developing a 20-unit single family residential PUD. New impervious surface areas will be created and the applicant indicated they would install one large stormwater facility in Tract B to treat stormwater. Because the applicant did not discuss the need for an erosion and sedimentation control permit to construct the proposed development, the applicant will be required to obtain an erosion and sedimentation control permit at the time of Building Permit.

These criteria will be met if the aforementioned condition of approval is adhered to.

E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards.

Finding: The applicants' plans and narrative show a water quality and detention pond proposed along the eastern edge of the development near the existing stream corridor. The proposed water quality and detention pond in Tract B will outfall into the west fork of Springbrook Creek and serve all new impervious surface areas created as part of the PUD. Because the applicant has not submitted construction plans or a final stormwater report, the applicant will need to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Building Permit prior to installing the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

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

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 2019-01
Conditions – File PUD18-0002
EDGEWATER PUD**

- A. The applicant must complete the following prior to final plat approval.**
- 1. Substantially Complete the Construction Improvements:** In accordance with NDC 15.240.040, submit the final plan application. Prior to final plan approval for a given phase, the applicant must substantially complete the construction improvements and secure for them in accordance with city policy. Complete construction and call for a walk-through inspection with the Engineering Division (503-537-1273).
 - 2. Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
 - 3. Public Utility Easements:**
 - a. The applicant is required to coordinate with PGE and provide a public utility easement width that meets PGE requirements with a maximum public utility easement of 10-feet and a minimum public utility easement of 8-feet along all property frontages. The City of Newberg must be provided with documentation of the ultimate public utility easements coordinated and approved by PGE, prior to approval of the final plat.
 - 4. Required Permits:**
 - a. The applicant is required to follow State and Federal processes to delineate wetlands and apply for a Joint Permit Application (JPA).
 - b. A Type I application and review will be required for the construction of any pathway, bicycle or pedestrian paths within the Stream Corridor.
 - c. If a pathway is constructed that fits the description of activities described in Section 15.342.070(A), (B), (G), (H), (I) or (J) then a Type II permit application must be submitted to the City of Newberg for review.
 - d. Public utility infrastructure improvements not limited to street improvements, 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.
 - e. The applicant will be required to obtain an erosion and sedimentation control permit at the time of Building Permit.

5. Roads and Sidewalks:

- a. The applicant will be required to provide for a continuous ADA accessible sidewalk that connects to the existing sidewalk along the east side of N Springbrook Road.
- b. The applicant will be required to conduct and submit an intersection sight distance evaluation per Section 5.23 in the Public Works Design & Construction Standards.
- c. The applicant will be required to select a street name, and install new street name signs at the intersection of their proposed limited residential street and N Springbrook Road.
- d. The applicant will be required to follow all requirements as required by the Fire Marshall for the proposed shared driveway including but not limited to installing "No Parking – Fire Lane" signage along the shared driveway, and provide plans which show adequate parking spaces for the proposed shared driveway as indicated in section 15.505.030(7)(e) are being met.
- e. The applicant will be required to obtain any necessary ODOT permitting to perform work within the ODOT right-of-way.

6. Landscaping and Lighting:

- a. The applicant will be required to provide any necessary street trees in compliance with 15.420.010(B).
- b. The applicant will be required to adequately light the following locations or show via a lighting analysis that the existing street lighting meets City standards. If existing street lighting does not meet City standards the applicant shall provide additional street lighting along the property frontage in compliance with the City's Public Works Design and Construction Standards. Street lighting meeting City standards is required at the following locations:
 - i. Street lighting will be required along the proposed unnamed limited residential street
 - ii. Street lighting will be required at the newly created intersection of the proposed unnamed limited residential street and N Springbrook Road
 - iii. Street lighting will be required on the east side of N Springbrook Road along the property frontage.

7. Water:

- a. 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.
- b. The applicant will be required to submit construction plans and obtain and Public Improvement Permit to install the water service laterals to the

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requirements of the City's Public Works Design and Construction Standards.

8. Wastewater:

- a. The applicant will be required to provide documentation that a septic system does not exist for the existing house on proposed Lot 12, or abandon and remove the existing system in accordance with Yamhill County standards and provide documentation of such abandonment/removal.
- b. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the wastewater service main and laterals pursuant to the requirements of the City's Public Works Design and Construction Standards.

9. Easements:

- a. the applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:
 - i. 8-foot to 10-foot utility easements along all property frontages as coordinated with and approved by PGE. Stormwater facilities are not allowed to be co-located in public utility easements.
 - ii. 15-foot utility easement for each public stormwater, sewer, and water lines where not located within the existing roadway right-of-way.
 - iii. Public access and utility easement over Tract A for the purpose of serving Lots 13, 14, 15, a future public walkway and to provide access to the Tract B stormwater facility.
 - iv. A public utility easement will be required over the proposed public stormwater line and outfall shown in Tract C, which flows into the west fork of Springbrook Creek.

10. Stormwater:

- a. The applicant will be required provide detailed construction plans and a final stormwater report that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management.
- b. The applicant will need to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Building Permit prior to installing the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

11. 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.

12. 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 plat 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.

13. Final Mylar Copies of the Plat: Submit final mylar copies of the corrected final plat (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 PUD 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.

14. Required Signatures: According to NDC 15.235.180, approval of a final plat must be acknowledged and signed by the following:

- a. Community Development Director
- b. The County Assessor
- c. The County Surveyor
- d. The City Recorder

15. 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.

16. **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.

B. Development Notes:

13. **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.
14. **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.
15. **Frontier:** The developer must coordinate trench/conduit requirements with Frontier. Contact the Engineering Division, Frontier, at 541-269-3375.
16. **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.