



Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

NOTICE OF DECISION

The Flats at Rogers Landing – Design Review – DR218-0010

February 25, 2019

Mark Dane Planning, Inc.
Attn: Mark Dane
14631 SW Millikan Way, #6
Beaverton, OR 97003

Dear Mr. Dane,

The Newberg Community Development Director has approved the proposed design review DR218-0010 for The Flats at Rogers Landing located at 1109 S River Street, Tax Lot R3220CC 05400, subject to the conditions listed in the attached report. The decision will become effective on March 12, 2019 unless an appeal is filed.

You may appeal this decision to the Newberg Planning Commission within 14 calendar days of this decision in accordance with Newberg Development Code 15.100.170. 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 \$511.35 to the Planning Division within 14 days of the date of this decision.

The deadline for filing an appeal is 4:30 pm on March 11, 2019.

At the conclusion of the appeal period, please remove all notices from the site.

Design review approval is only valid for one year from the effective date above. If building or construction permits are not issued within this time period, then design review approval becomes null and void and no construction may take place. If design review approval on your project is approaching its expiration date, contact the Planning Division regarding extension opportunities.

Please note that final building plans submitted for building permit review must comply with the attached conditions. You must comply with all conditions required through the design review process before final occupancy will be granted.

If you have any questions, please contact me at 503-554-7744 or cheryl.caines@newbergoregon.gov.

Sincerely,

Cheryl Caines, Senior Planner



Community Development Department

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DECISION AND FINDINGS

The Flats at Rogers Landing – Design Review – DR218-0010

FILE NO: DR218-0010

REQUEST: Design review approval for a 45-unit multi-family development

LOCATION: 1109 S River Street

TAX LOT: R3220CC-05400

APPLICANT: RHW Enterprises, Inc.

OWNER: Carol Boyes

ZONE: R-3 High Density Residential

OVERLAYS: SC – Stream Corridor,

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Section I: Application Information

Section II: Findings

Section III: Conditions

Attachments:

1. Site Plan
2. Agency Comments
3. Public Comments
4. Application by reference

Section I: Application Information

- A. DESCRIPTION OF APPLICATION:** The applicant is proposing a 45 unit apartment complex within four buildings at 1109 S River Street. Proposed amenities include shared outdoor space, landscaping and resident and visitor parking.

The site is approximately 2 acres in size and is zoned R-3. There is a stream on the west end of the site; therefore the site has a Stream Corridor Overlay (SC) Subdistrict. No development is proposed within the stream corridor overlay. An existing single family home and outbuildings will be removed for construction of the apartments.

B. SITE INFORMATION:

1. Location: 1109 S River Street



2. Size: 2.13 acres
3. Topography: Flat
4. Current Land Uses: Single-family residence with accessory buildings – to be removed.
5. Natural Features:
- a. Trees along northern border of the subject property
 - b. Stream Corridor: The City has a designated stream corridor within the proposed property boundary.

6. Adjacent Land Uses:
 - a. North: Single and multi-family residences
 - b. East: Single-family residences
 - c. South: Single-family residences, Newberg-Dundee Bypass
 - d. West: Stream Corridor
7. Zoning: The following zoning districts about the subject property.
 - a. North: Medium Density (R-2) and High Density (R-3) Residential Zoning Districts
 - b. East: Medium Density Residential (R-2) Zoning District
 - c. South: Medium Density Residential (R-2) Zoning District
 - d. West: High Density Residential (R-3) Zoning District
8. Access and Transportation: Access to the apartments will occur via a driveway that accesses S River Street. S River Street is classified as a major collector in the City's Transportation System Plan.
9. Utilities :
 - a. Water: The City's GIS system shows there is a 6-inch public water line in S River Street and an existing ¾-inch copper service lateral to the property.
 - b. Wastewater: The City's GIS system shows there is a 12-inch public wastewater line in S River Street with an existing service lateral to the property.
 - c. Stormwater: The City's GIS system shows there is an existing 18-inch storm line located on the east side of S River Street.
 - d. Overhead Lines: There are overhead lines on the proposed development frontage. Existing lines shall be placed underground when they are relocated or when a Type II design review is proposed. See NMC 15.430.010 for exception provisions.

C. PROCESS: The Design Review request is a Type II application and follows the procedures in Newberg Development Code 15.100.030. Following a 14 day public comment period, the Community Development Director makes a decision on the application based on the criteria listed in the attached findings. The Director's decision is final unless appealed. Important dates related to this application are as follows:

1. 12/27/18: The Community Development Director deemed the application complete.

2. 1/31/19: The applicant mailed notice to the property owners within 500 feet of the site.
3. 1/31/19: The applicant posted notice on the site.
4. 2/14/19: The 14-day public comment period ended.
5. 2/25/19: The Community Development Director issued a decision on the application.

D. AGENCY COMMENTS: The application was routed to several public agencies for review and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following agency comments. Full comments are included in Attachment 2.

1. PGE: Reviewed, no conflict.
2. Tualatin Valley Fire & Rescue (TVF&R): Reviewed, commented that buildings exceeding 30 feet or three stories shall have at least two separate means of fire apparatus access. The applicant should contact TVF&R regarding this requirement. Ty Darby, Deputy Fire Marshal II, (503) 849-7516.
3. Waste Management: Reviewed, no conflict.
4. ODOT Rail: No comment on this development. Acknowledgement of the increased Average Daily Traffic (ADT) on S River Street with this development. This development will be added to a list of those in the surrounding area near the two rail crossings at S River Street and S College Street.
5. Newberg Police: There is a need for housing in Newberg and the Police support the proposed 45 unit complex. However, higher density developments generally have more calls for public safety services. The Newberg Dundee Police Department is concerned with continued and projected growth in population and inadequate growth within the Police department to accommodate increased needs.

E. PUBLIC COMMENTS: As of the writing of this report, the city has received two written public comments proposed multi-family development. These comments are summarized below. Copies of the full letters are included in Attachment 3.

1. Dalton: Two concerns were raised. The first is the lack of privacy for adjacent property owners. A privacy and noise barrier is requested along the entire length of the tax lot 5300 to the south. The second concern is with dislocated rats once existing structures are demolished. A request is made for the developer to be proactive in mitigating any existing rat population that may migrate to adjacent properties.

Response: The applicant's plans and narrative indicate that landscaping and fencing is proposed along both the northern and southern property line to meet code

requirements. This will provide a buffer and screening between the developments and address privacy issues. A copy of the letter has been passed on to the applicant to try to address the other concerns.

2. Shih: The proposed parking is not adequate. There should be at least two parking spaces for each unit plus 15 visitor spaces. There is also concern about how the additional units will impact water pressure and traffic for those already living in the area.

Response: Required parking is based upon the number of bedrooms within each unit. For example, a one bedroom unit requires 1 parking space, two bedroom units require 1.5 parking spaces, and three bedroom units require 2 parking spaces. Visitor parking is also required. The applicant currently does not meet the parking standard based on the mix of unit types proposed. Therefore, they are conditioned to either modify their plans or request an adjustment to the number required.

The City of Newberg has an existing 6-inch ductile iron water line that the applicant will be utilizing to provide water to the proposed development. The applicant will be required to work with the fire department (Tualatin Valley Fire and Rescue) to test the water line for adequate fire flows (gallons per minute and pounds per square inch requirements). If the fire flow testing is found to not meet standards, the applicant will be required to mitigate their development's impact.

The applicant is proposing a 45-unit apartment complex that is estimated to generate 26 PM peak hour trips based on the 9th Edition Institute of Transportation Engineers (ITE) Trip Generation Manual. Because the applicant's estimated PM peak hour trip is below the City's requirement for a traffic study, the applicant was not required to perform a traffic impact analysis. It's anticipated that the applicant's proposed development will have minimal traffic flow impacts to S River Street.

Section II: Findings –File DR218-0010 Design Review – Flats at Rogers Landing

A. Newberg Development Code 15.220.050 Site Design Review

15.220.050(B) Type II. *The following criteria are required to be met in order to approve a Type II design review request:*

1. Design compatibility. *The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.*

Finding: The site is in an area developed with a mix of single and multi-family development. Structures in the area vary in age, style and design. Buildings directly adjacent to the proposal are one-story

single family homes. The proposed buildings are designed with a clean, modern style. Color will be used to create individual identities for each building. Building materials include metal and wood-like siding with metal railings. Landscaping, fencing, and site design have also been used to ensure impacts from the taller structures will be minimized as landscaping matures. The materials and the style proposed is compatible to structures in the surrounding area. This criterion is met.

2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

FINDING: This criterion is met because the requirement of Sections 15.440.010 have been met outright or will be met with the implementation of the conditions of approval as demonstrated below.

Article I Off-Street Parking Requirements

15.440.010 Required off-street parking.

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

Finding: The applicants' property is zoned R-3 and they're proposing off-street parking. The subject property is owned by the applicant.

B. Off-street parking is not required in the C-3 district, except for:

- 1. Dwelling units meeting the requirements noted in NMC 15.305.020.**
- 2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.**

C. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.

Finding: These standards are not applicable because the subject property is zoned R-3 and not C-3 or C-4.

D. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

Finding: The proposal is for multi-family development; therefore this standard does not apply.

15.440.020 Parking area and service drive design.

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

Finding: The applicants' narrative states that preliminary plans meet the minimum standards for parking space and drive aisle layout. Sheet C4 of the preliminary plans show compliance with the dimensional standards set forth in NMC 15.440.070." These standards are met.

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

Finding: Sheet C4 of the applicant's plans illustrates that the parking lot is designed for on-site maneuvering with no movement required within a public street or alley. The two-way access drive to S River Street will be 26 feet wide. A private sidewalk will provide pedestrian access from the units and parking lot to a new public sidewalk to be constructed on S River Street. The service drive and parking spaces are situated to facilitate the flow of traffic. This standard is met.

C. Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.
D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, if required, and is approved by the fire marshal, planning director, and public works director.

Finding: These criteria are not applicable because there are no gates being proposed and the subject property is zoning R-3 and not AI or AR.

15.440.030 Parking spaces required

<i>Use</i>	<i>Minimum Parking Spaces Required</i>	<i>Minimum For Project</i>
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Residential Types		
Multi-family on a single lot		
Studio or one bedroom unit	1 per dwelling unit (3 units proposed)	3 spaces
Two bedroom unit	1.5 per dwelling unit (39 units proposed)	58.5 spaces
Three and Four bedroom unit	2 per dwelling unit (3 units proposed)	6 spaces
Unassigned Spaces	If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the director.	
Visitor Spaces	If a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit.	9 spaces
Total		76.5 spaces or 77 spaces rounded up

Finding: Required parking for multi-family development is based on the number of bedrooms in each unit. The proposed multi-family development includes three – 1 bedroom units, thirty-nine – 2 bedroom units, and three – 3 bedroom units. Based on the table in NMC 15.440.030 the minimum number of spaces required is 77. The applicant’s narrative states that 75 spaces are proposed based on forty-two – 2 bedroom units and three – 1 bedroom units. The site plan (Sheet C4) also shows 75 spaces. Because the proposal does not meet the minimum parking requirement, the applicant shall modify the unit breakdown, modify the site plan, or request a Type I parking adjustment per 15.210.020(C) to meet the minimum number of parking spaces required. The modified plans or adjustment shall be submitted to the Planning Division for review and approval prior to the issuance of building permits. With adherence to the aforementioned condition, the standard will be met.

15.440.040 Parking requirements for uses not specified.

Finding: These standards are not applicable because the parking requirement for the proposed building is specified in Section 15.440.030.

15.440.050 Common facilities for mixed uses.

Finding: These standards are not applicable because the applicants’ proposal is for a 45-unit multi-family development and not a mixed use development.

15.440.060 Parking area and service drive improvements.

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

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

Finding: Sheet C4 of the proposed plans note the parking lot and access will be constructed of heavy duty paving (aggregate concrete with aggregate base material). Stormwater will not drain over the public sidewalk or onto abutting public or private property per sheet C6 and the preliminary stormwater report. This standard is met.

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

Finding: The proposed parking area will not encroach on S River Street. Landscaping is proposed between the proposed public sidewalk on S River Street and the parking area. This standard is met.

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

Finding: Sheet C4 of the applicant's plan sheets illustrates curbing and landscaping will be utilized to prevent cars from encroaching on abutting private and public property. This standard is met.

D. All parking areas, including service drives, except those required in conjunction with single-family or two-family dwellings, shall be screened in accordance with NMC 15.420.010(B).

Finding: The applicant has provided a landscape plan (Sheet L1) with parking area and service drive screening. As noted in the section of this report that addresses NMC 15.420.010(B), the applicant has not fully satisfied the minimum landscaping requirements, specifically landscaping within the front yard setback and parking lot landscaping areas. This standard will be met by compliance with the conditions of approval outlined in section 15.420.010(B) of this report.

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

Finding: The proposed parking area lies on the south side of the site, which is adjacent to residential uses. Wall lights are proposed on the buildings to illuminate the parking lot. These buildings are located on the northern portion of the site. Light levels at the property line do not exceed the .5 foot-candles allowed per NMC 15.425.040. This standard is met.

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

Finding: The applicants' narrative states that preliminary plans meet the minimum standards for parking space and drive aisle layout. Sheet C4 of the preliminary plans show compliance with the minimum standards set forth in the tables and diagrams of NMC 15.440.070. This standard is met.

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

- 1. Attached or detached single-family or two-family: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.***
- 2. Three- or four-family: parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (see Appendix A, Figure 12).***

Finding: Landscaping is proposed within the 12 foot front yard setback along S River Street (Sheet C4). Because parking is proposed within the required front yard, the applicant shall submit a revised plan to the Planning Division for review and approval that shows no parking within the required front yard or request a Type I setback adjustment per NMC 15.210.02(A). With adherence to the aforementioned condition, the standard will be met.

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

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

Finding: These standards are not applicable to the proposal because a reduction in the size of parking stalls is not requested and does not include affordable housing.

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

Finding: This criterion is not applicable because the applicant is not proposing transit-related facilities or uses.

15.220.050(B) Type II Site Design Review Criteria (continued)

3. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

Finding: The site is zoned High Density Residential (R-3) and has a stream corridor overlay (SC) along the western boundary. This criterion is met because the requirement of Sections 15.415.010 through 15.415.060, 15.405.010 through 15.405.060 and 15.410.010 through 15.410.070 have been met outright or will be met with the implementation of the conditions of approval as demonstrated below.

15.415 Building & Site Design Standards

15.415.020 Building height limitation.

A. Residential.

- 1. In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:
 - a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.***
 - b. Aircraft hangars in the AR district may be the same height as the main building.******
- 2. In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.***
- 3. Single-family dwellings permitted in commercial or industrial districts shall not exceed 30 feet in height.***

Finding: The subject property is zoned R-3 and abuts R-2 and R-3 zoned properties to the north, south, and west. The site abuts S River Street to the east. Therefore the maximum building height is 45 feet. The applicant's narrative states that the alternative building height standard is being utilized to satisfy the requirement; however, the architectural elevation plans show buildings less than 38 feet in height. The building height limitation is met.

15.415.030 Building height exemptions.

Roof structures and architectural features for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts,

TV antennas, steeples and similar structures may be erected above the height limits prescribed in this code; provided, that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the airport overlay subdistrict.

Finding: No projecting roof structures or architectural features are proposed above the building height limitation. The applicant is not requesting an exemption to the building height requirements (45 foot maximum) because the proposed buildings are less than 38 feet in height. This exemption does not apply to the proposal.

15.415.040 Public access required.

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under MC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city.

Finding: The proposed structure is being built on a site that directly abuts and has access to S River Street, a public street. The site plans illustrate one ingress/egress access point. In a letter dated January 24, 2019 TVF&R stated “buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. Please contact our office regarding this requirement”. The applicant shall satisfy the specifications related to buildings in excess of 30 feet or three stories as outlined in TVF&Rs letter (item #2) dated January 24, 2019. Contact: Ty Darby, Deputy Fire Marshal II, (503) 849-7516. This letter is found in Attachment 2.

With adherence to the aforementioned condition, the standard shall be met.

15.415.050 Rules and exceptions governing single-family attached dwellings.

Finding: The standards for single-family attached dwellings do not apply because the proposal is for a 45 unit multi-family development.

15.415.060 Home occupation.

Finding: The standards for home occupations do not apply because home occupations have not been requested. The proposal is for a 45 unit multi-family development.

15.405.010 Lot area – Lot areas per dwelling unit.

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

- 1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.**
- 2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.**
- 3. In the AI, AR, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.**
- 4. In the M-1, M-2 and M-3 districts, each lot or development site shall have a minimum area of 20,000 square feet.**
- 5. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.**
- 6. Within the commercial zoning district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.**

Finding: The subject property is zoned R-3. The proposal is for a new multi-family project and does not include the creation of new lots. This standard is not applicable.

B. Lot or Development Site Area per Dwelling Unit.

- 1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit.**
- 2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.**
- 3. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit. Lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 2,500 square feet lot area.**

Finding: The subject property is zoned R-3 (High Density Residential). After subtracting the area within the stream corridor, the site has a net size of 79,733 square feet, which is greater than 15,000. The maximum density allowed on the site is 1 unit per 1,500 square feet, or 53 units. Because the site includes a stream corridor, a density transfer of eight additional units is allowed per NMC 15.342.120. This brings the maximum density to 61 units. The minimum density allowed on the site is 1 unit per 2,500 square feet, or 31 units. Forty-five (45) units are proposed, which is above the minimum density and below the maximum density. The site area per dwelling unit standards are met.

C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density

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

Finding: The subject property has a stream corridor overlay on the western portion of the site. This area was subtracted to calculate lot area. This standard is met.

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

Finding: The subject property is zoned R-3. The proposal is for a new multi-family project and does not include the creation of new lots. This standard is not applicable.

15.405.020 Lot area exceptions.

The following shall be exceptions to the required lot areas:

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

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

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

Finding: The subject property is zoned R-3. The proposal is for a new multi-family project and does not include the creation of new lots. These standards are not applicable.

15.405.030 Lot dimensions and frontage.

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

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

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

D. Frontage.

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

a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through

an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).

2. The above standards apply with the following exceptions:

- a. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.***
- b. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.***
- c. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts.***

Finding: The subject property is zoned R-3. The proposal is for a new multi-family project on an existing parcel and does not include the creation of new lots. Standards A-D are not applicable.

15.410.010 General yard regulations.

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

Finding: Neither the applicants' narrative or plan sheets indicate that any yard or open space will be utilized for any other building. This standard is met.

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

Finding: This standard is met because no yard or open space on adjoining property is being used to provide any required yard or open space for another lot or development site.

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

Finding: This standard is met because the front yard of the proposed building is not proposed for public or private parking.

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

Finding: This standard is not applicable due to the proposed building or existing buildings being contained wholly within the confines of their own tax lot.

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

Finding: This standard is not applicable because no dwellings are being proposed for this nonresidential project.

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

Finding: The subject property is zoned R-3 so therefore this section of the NDC is not applicable.

G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel. [Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.550.]

Finding: The subject property is zoned R-3 so therefore this section of the NDC is not applicable.

15.410.020 Front yard setback.

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

- 1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.**
- 2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.**
- 3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.**

Finding: The site is located in the R-3 zone. Sheet C4 of the applicant's plans shows a 12 foot front yard setback. The landscape plan (L1) shows landscaping between the buildings/parking lot and front property line on S River Street. However, the setback for the parking lot is only 10 feet. Because parking is proposed within the required front yard, the applicant shall submit a revised plan to the Planning Division for review and approval that shows no parking within the required front yard or request a Type I setback adjustment per NMC 15.210.02(A). With adherence to the aforementioned condition, the standard will be met.

15.410.030 Interior yard setback.

A. Residential.

- 1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded**

adjacent to a side lot line, there shall be a side yard no less than the width of the easement.

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

Finding: The site is located in the R-3 zone, therefore a five foot interior yard setback is required. A 12.3 foot or greater setback is shown on Sheet C4. This standard is met.

15.410.040 Setback and yard restrictions as to schools, churches, public buildings.

A. Building Setback. No buildings shall be erected, used or maintained for a school, church or public or semi-public building or use, institution or similar use under the regulations of this code unless such building is removed at least 25 feet from every boundary line of any property included in any residential district.

B. Required Yard. No required front or interior yard of the lot on which such building or use is located shall be used for play or parking purposes.

Finding: These standards are not applicable because the proposal is for a multi-family building and not a school, church, or public building.

15.410.050 Special setback requirements to planned rights-of-way.

A. Yard Requirements for Property Abutting Partial or Future Street Rights-of-Way.

1. Except as provided in subsection (A)(2) of this section, no building shall be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the yards provided and maintained in connection with such building have a width and/or depth needed to complete the street width plus the width and/or depths of the yards required on the lot by this code.

2. Where a comprehensive plan street design or a future street plan exists, the placement of buildings and the establishment of yards where required by this code shall relate to the future street boundaries as determined by said plans.

Finding: The site is located on S River Street, which is classified as a major collector in the Newberg Transportation System Plan (TSP). The existing right-of-way for S River Street is adequate and additional dedication or setbacks is not required with this proposal. These standards do not apply.

15.410.060 Vision clearance setback.

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.

Finding: The site is not located at the intersection of two streets. This standard does not apply.

B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.

C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.

Finding: The applicants' narrative states that the development plans show vision clearance triangles at the intersection of the access drive and S River Street; however, these are not shown. Prior to building permit issuance the applicant shall submit a revised site plan to the Planning Division for review and approval demonstrating how the vision clearance requirements of 15.410.060(B) & (C) are met. The vision clearance requirements will be met with adherence to the aforementioned condition.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

A. Depressed Areas. In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.

Finding: This criterion is not applicable because there are no depressed areas that involve intrusions or projections into required yards.

B. Accessory Buildings. In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.

Finding: This criterion is not applicable because there are no accessory buildings proposed for the subject property.

C. Projecting Building Features. The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:

- 1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.***
- 2. Chimneys and fireplaces, provided they do not exceed eight feet in width.***
- 3. Porches, platforms or landings which do not extend above the level of the first floor of the building.***
- 4. Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).***

Finding: The applicant's site plan and narrative do not indicate that there are any planned intrusions into the required front or interior yards. This standard is not applicable to the proposal.

D. Fences and Walls.

1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:

a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.

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

Finding: The applicant's landscape plan (L1) shows landscaping around the site perimeter. No fencing is proposed on the applicant's plans. However, the narrative states that the applicant is proposing fencing to help satisfy the multi-family requirements of NMC 15.220.060. The applicant shall show the location and a detail of proposed fencing on the building plans matching that outlined in the narrative (3 feet high along S River Street and 6 feet high on the northern and southern property lines, good neighbor style, and not within stream corridor overlay and vision clearance areas). The fence requirements will be met with adherence to the aforementioned condition.

E. Parking and Service Drives

1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.

Finding: An accessway is proposed in the front yard to connect the site to S River Street. This is permitted, therefore this standard is met.

2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:

a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family or two-family dwelling on a single lot.

b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.

c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley,

provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).

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

Finding: Parking is proposed within the 12 foot front yard setback on S River Street. No parking is proposed within the interior, five foot setback. Because parking is proposed within the required front yard, the applicant shall submit a revised plan to the Planning Division for review and approval that shows no parking within the required front yard or request a Type I setback adjustment per NMC 15.210.02(A).

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

Finding: This standard is not applicable because the subject property is zoned R-3, which is not a commercial or industrial district.

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

Finding: This standard is not applicable because the subject property is zoned R-3 and is not zoned as I or Institutional.

F. Public Telephone Booths and Public Transit Shelters. Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.

Finding: This criterion is not applicable because the applicant is not proposing any public telephone booths or public transit shelters.

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

Finding: This criterion is not applicable because there are no hangars being proposed and the subject property is not within the AR Airport Residential District.

15.220.050(B) Type II Site Design Review Criteria (continued)

4. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

Finding: This criterion is met because the requirement of Section 15.420.010 have been met outright or will be met with the implementation of the conditions of approval as demonstrated below.

15.420.010 Required minimum standards.

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family dwellings:

- 1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of "softening" the buildings and making the development "green" with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.**

Finding: Sheet L1 of the applicant's plans illustrates how the minimum 15% landscaping requirement is satisfied. The applicant has proposed 15,133 square feet of landscaping which is 19% of the site (79,733 square feet excluding the stream corridor). The site is not within the C-3, C-4, M-4 zones or AI district, therefore the additional standards do not apply to the proposal. The minimum landscape area standard is met.

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

Finding: All areas outside the stream corridor and not otherwise improved are landscaped. This standard is met.

- 3. The following landscape requirements shall apply to the parking and loading areas:
a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.**

Finding: The applicant's narrative states that the plans show landscaping for parking and loading areas in conformance with the code. There are 75 spaces in the proposed parking lot, which would require a total of a minimum of 1,875 square feet of landscaping within the parking area. Sheet L1 provides information on the parking lot landscaping. Calculations on this plan indicate that 1,945.7 square feet of landscaping is required within the parking area. However, the landscape island to the east of the

accessible parking spaces does not show landscaping. If this area is not landscaped, the applicant does not meet the standard. Therefore, the applicant is required to submit a revised landscape plan for to the Planning Division for review and approval that satisfies the parking lot landscaping requirements of 15.420.010(B)(3).

With adherence to the aforementioned condition this standard will be met.

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

Finding: Sheet L1 shows a 10 foot landscape strip along the S River Street frontage. However, the required front yard in the R-3 zone is 12 feet. No parking is proposed within the interior, five foot setback. Because parking is proposed within the required front yard, the applicant shall submit a revised plan to the Planning Division for review and approval that shows no parking within the required front yard or request a Type I setback adjustment per NMC 15.210.02(A).

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

Finding: The subject property is adjacent to S River Street. The landscape area between the proposed parking lot and the street has a mix of trees and shrubs as shown on Sheet L1. This landscaping will provide partial screening from the street. This standard is met.

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

Finding: The proposed parking lot is located mostly along the southern property line with a portion abutting the northern property line. Both of these property lines are interior lot lines. Sheet L1 shows landscape strips at least five feet wide with a mix of trees and shrubs adjacent to the parking lot. This standard is met.

e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

Finding: Sheet L1 of the applicant's submittal illustrates landscape islands uniformly distributed within the parking lot. Each island is defined by a .5 foot curb. This standard is met.

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

Finding: The proposed landscape islands are at least 5 feet wide as depicted on Sheet L1. This standard is met.

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

Finding: Proposed parking areas for the multifamily project that abut residential (R-2 zoning) districts to the north and south will be enclosed with landscape plantings as shown on Sheet L1. No fencing is proposed on the applicant's plans. However, the narrative states that the applicant is proposing fencing to help satisfy the multifamily requirements of NMC 15.220.060. Because fencing was not shown on the plans, the applicant shall show the location and a detail of proposed fencing on the building plans matching that outlined in the narrative (3 feet high along S River Street and 6 feet high on the northern and southern property lines, good neighbor style, and not within stream corridor overlay and vision clearance areas). The site obscuring fence requirements will be met with adherence to the aforementioned condition.

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

- i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).***
- ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).***

Finding: Sheet L1 of the applicant's plans show landscape islands within the parking lot. No more than seven parking spaces are grouped together without an island separation. Subsections i and ii do not apply because the applicant meets the requirement of subsection h. This standard is met.

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

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

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

c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.

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

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

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

Finding: The site is adjacent to S River Street, which is classified as a major collector in the Newberg Transportation System Plan. The applicant’s narrative indicates that street trees will be installed, and the trees are shown on Sheet L1. Two species of street tree are proposed (Raywood Ash and Big Leaf Maple). The ash is found on the Newberg Preferred Street Tree List but the maple is not. The trees are spaced between 35 and 40 feet on center as required for collector streets. Because one of the trees proposed is not found on the preferred street tree list, the applicant is required to provide a revised Landscape Plan to the Planning Division for review and approval prior to the issuance of building permits that shows street trees that are compliant with 15.420.010(B), including tree species.

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

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

Finding: Sheet L1 of the applicant's plans states that irrigation will be provided to cover all planted areas. This standard is met.

6. Required landscaping shall be continuously maintained.

Finding: The applicant's narrative states that landscaping will be maintained by future actions. This standard is met.

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

Finding: Existing overhead utility lines are conditioned to be placed underground in accordance with NMC 15.430.010. This standard does not apply because there will be no overhead utility lines.

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

Finding: This standard is not applicable because there is no site development master plan required for this application.

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

Finding: This criterion is not applicable because the subject property is zoned R-3.

C. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of

completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant.

Finding: The applicants' narrative states that landscaping will be installed prior to final occupancy or appropriate security will be provided per this subsection. This standard has been met.

Section 15.220.040(B) Type II Site Design Review Criteria (continued)

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

Finding: No signs are included in this review. Any signs for the site will require a separate sign permit application.

6. Manufactured Home, Mobile Home and RV Parks. Manufactured home, mobile home, and recreational vehicle parks shall also comply with the standards listed in NMC 15.445.050 et seq. in addition to the other criteria listed in this section.

Finding: The proposal is for a multi-family development and not a manufactured home, mobile home, or RV park. This criterion does not apply.

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.304.010 through 15.328.040. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

Finding: The site is zoned R-3 High Density Residential. Multi-family residential is a permitted use in the R-3 zone. This criterion is met.

8. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

Finding: A portion of the site (approximately 12,767 square feet) is within the Stream Corridor Overlay (SC) Subdistrict along the western boundary. Section 15.342 of the Newberg Municipal Code regulates development within the stream corridor. The proposal does not include any development within the stream corridor. Therefore, the proposal is exempt from the stream corridor requirements, and this criterion is met.

Section 15.220.040(B) continued

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be

accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

Finding: Street and sidewalk improvements are proposed along the abutting public street (S River Street). Surrounding sites are developed or inaccessible due to the stream corridor on-site. Access to adjacent properties is not required or possible. This criterion is not applicable.

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.

Finding: The applicant’s narrative indicates that the proposed 45-unit apartment complex is estimated to generate 26 PM peak hour trips based on the 9th Edition Trip Generation Handbook. Staff reviewed the ITE 10th Edition Trip Generation Handbook, to verify the trip count; the ITE Trip Code 220 “Multifamily Housing (Low-Rise)” has a trip rate of 0.67 trips per the PM Peak Hour Generator per Dwelling Unit. A 45-unit apartment complex would result in approximately 30 PM peak hour trips (45-units * 0.67 trips per PM Peak Hour Generator per unit = 30.15 trips). Thirty new PM peak hour trips is below the City’s threshold of 40 trips per p.m. peak hour, and thus does not require the applicant to perform a traffic study. This criterion is met.

B. Newberg Development Code – Additional Applicable Standards

15.220.060 Additional Requirements for Multifamily Residential Projects

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

Finding: The multi-unit residential project contains 45 units. The project therefore must score at least 20 points according to the guidelines. The table below shows the point values obtained (23 points). Therefore, requirements for multi-family projects are met.

<i>Design Review</i>	<i>Possible Points</i>	<i>Points</i>
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Site Design Elements		
<i>Consolidate green space</i>	3	3
<i>Preserve existing natural features</i>	3	2
<i>Use front setback to build a street edge</i>	3	3
<i>Place parking lots on sides or back of projects</i>	3	3
<i>Create "outdoor rooms"</i>	2	2
<i>Provide good quality landscaping</i>	2	2
<i>Landscape at edges of parking lots</i>	2	2
<i>Use street trees and vegetative screens</i>	1	1
<i>Use site furnishings to enhance open space</i>	1	
<i>Keep fences "neighborly"</i>	1	1
<i>Use entry accents</i>	1	
<i>Use appropriate outdoor lighting</i>	1	
Building Design Elements		
<i>Orient buildings toward the street</i>	3	
<i>Respect the scale and patterns of nearby buildings</i>	3	
<i>Break up large building planes into bays</i>	3	
<i>Provide variation in repeated units</i>	3	2

Building materials: a) wood or wood-like siding b) shingles on roof or upper portions c) brick at base of walls or chimneys d) wood or wood-like sash windows e) wood or wood-like trim	1 each	
Incorporate historical architectural elements	2	
Keep car shelters accessory to building	2	
Provide a front porch at every main entry	2	
Use slope roofs at a pitch of 3:12 or steeper	2	2
Total exceeds 20 points & meets criterion		Total =23

15.342.120 Density transfer.

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

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

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

1. The density credit can only be transferred to that portion of the development site that is not located within the designated stream corridor; and

2. The minimum lot size required for residential dwellings, in the base zone, shall not be reduced by more than 20 percent; and

3. The maximum dwelling units per net acre of buildable land, outside the SC boundary, shall not be increased by more than 20 percent; and

4. The types of residential uses and other applicable standards permitted in the zone shall remain the same; and

5. All other uses shall comply with applicable standards and criteria of the Newberg development code.

Finding: The site is approximately 92,500 square feet (including stream corridor) and has a maximum density of 61 units (92,500 divided by 1,500 square feet per unit). The maximum density for the site (excluding the stream corridor) is 53. The additional eight units from the stream corridor area could be transferred to the buildable portion of the site to allow a maximum of 61 units to be constructed on the site. However, the applicant is only proposing 45 units, which is below the maximum allowed for the site. These standards do not apply to the proposal.

15.425.040 Requirements.

A. General Requirements – All Zoning Districts.

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

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

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

Finding: Light fixtures will be LED wall lights installed at a height of 26.5 feet according to the applicant’s lighting plan (Sheet EL1). These fixtures are 15 feet or more above ground level and are considered high level fixtures. The plan shows that the requirement to not exceed one-half foot-candle at the property line. However, shielding is not addressed. Therefore, the applicant is required to submit documentation demonstrating how the shielding requirements of 15.425.040(B) are satisfied. With adherence to the aforementioned condition, the standard will be met.

B. Table of Shielding Requirements.

Fixture Lamp Type	Shielded
Low/high pressure sodium, mercury vapor, metal halide and fluorescent over 50 watts	Fully

Fixture Lamp Type	Shielded
Incandescent over 160 watts	Fully
Incandescent 160 watts or less	None
Fossil fuel	None
Any light source of 50 watts or less	None
Other sources	As approved by NMC 15.425.030

15.430.010 Underground utility installation.

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

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

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

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

Finding: The applicant’s narrative has indicated they will be in compliance with NMC 15.430.010. Because the applicant has not identified any exceptions which would allow them to leave existing utilities above ground, the applicant is required to place existing overhead utility lines underground along the S River Street property frontage.

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

Article I. Off-Street Parking Requirements (see previous sections in this report)

Article II. Bicycle Parking

15.440.100 Facility requirements.

Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.

Finding: Because 45 dwelling units are proposed, a minimum of 12 bicycle parking spaces are required. The applicant states in this section of the narrative that 14 bike parking spaces are being provided in the building stairwells; however no parking is shown on the plans. In a letter dated December 17, 2018 the applicant addresses this omission by stating that each apartment will have its own storage locker for bike parking. Therefore 45 spaces are provided. These storage areas are shown on the architectural plans for each building. This standard is met.

15.440.110 Design.

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

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

Finding: The proposed individual storage locker design has been approved by the Community Development Director. This standard is met.

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

Finding: The proposed storage lockers are seven feet tall, four feet wide, and 3 feet deep. Because these lockers are located on the private decks of each unit, they will not impede pedestrian travel. This standard is met.

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

Finding: The proposed lockers will be located within each dwelling and therefore within 50 feet of a building entrance. This modified design has been approved by the Community Development Director. This standard is met.

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

Finding: Required bicycle parking facilities will be located on-site and not in the public right-of-way. This standard does not apply.

Article III. Private Walkways

15.440.140 Private walkway design.

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

Finding: The applicant's narrative states that the proposed sidewalks are designed to meet the Americans with Disabilities Act requirements. This requirement will be verified to have been met during the building permit stage of review. This standard is met.

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

Finding: The applicant's site plan (Sheet C4) and narrative indicate that all private walkways will be five feet wide. This standard is met.

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

Finding: The applicant's site plan (Sheet C4) shows all private walkways to be constructed of cement. This standard is met.

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

Finding: The internal walkway system crosses the parking lot drive aisle west of Building B. The plans did not show how this crosswalk was to be marked in compliance with this code section. Therefore the applicant shall show a crosswalk that meets the requirements of 15.440.140(D) on the construction plans submitted to the building department. With adherence to the aforementioned condition, this standard will be met.

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

Finding: The applicant's site plan (Sheet C4) shows private walkways connecting each building entrance to each other and to the public sidewalk proposed on S River Street. This standard is met.

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

Finding: The review body is not requiring the on-site walks to connect to development on adjoining sites. This standard is not applicable.

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

Finding: The review body is not proposing to modify these requirements and the development provides adequate on-site pedestrian circulation. This standard is not applicable.

15.505 Public Improvements Standards

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.

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

Finding: The preliminary plans show a new driveway on S River Street. Other public improvements not limited to water, wastewater, and stormwater infrastructure are also included in the applicant's plans. These improvements requiring city approval shall comply with the City's Public Works Design and Construction Standards. Some improvements may require approval from other agencies. Because permitting was not discussed in detail in the applicant's narrative, public utility infrastructure improvements not limited to street improvements, water, wastewater, and stormwater may require completed permits from partner agencies to authorize different work tasks. Issuance of required permits are required prior to the City of Newberg issuing a Public Improvement Permit.

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

FINDING: The preliminary plans show the applicant will be installing a new driveway and frontage improvements along the property. This standard will be met if all improvements necessary to serve the development meet City standards and 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 in S River Street via a 1.5-inch meter. The applicant is also showing a new public fire hydrant. This standard will be met if all water improvements necessary to service the development meet City standards and 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 in S River Street. This standard will be met if all wastewater improvements necessary to service the development meet City standards and 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 preliminary plans show the applicant will be installing a public storm water flow through planter adjacent to S River Street to treat new impervious surfaces created in the public right-of-way. The applicant has also shown they will be installing an extended dry basin outfall stormwater facility to treat the new private impervious surface areas. The stormwater will then drain into a tributary to Chehalem Creek. This standard will be met if all stormwater improvements necessary to service the development meet City standards and 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 preliminary plans show a proposed 10-foot public utility easement along the property frontage on S River Street. This standard will be met if all easements necessary to service the development meet City standards and 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 standard will be met prior to any building permits being released.

15.505.030 Street 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 site is adjacent to an existing street (S River Street). These standards do not apply because the applicant is not proposing to build any new streets.

E. Improvements to Existing Streets.

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

Finding: S River Street is designated as a major collector. The applicant is proposing to install a new driveway approach and frontage improvements along the S River Street frontage. The following cross-section meets the City's standard for major collector streets and requires 60-feet of right-of-way:

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

The existing roadway cross-section does not meet the standards established in the City's Transportation System Plan. However, the applicant has indicated that the existing public right-of-way for S River Street is 60-feet which meets the required right-of-way based on the functional classification. This standard is met.

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: S River Street is designated as a major collector. The applicant is proposing to install a new driveway approach and frontage improvements along the S River Street frontage. The following cross-section meets the City's standard for major collector streets and requires 60-feet of right-of-way:

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

The applicant's plans show the existing condition does not meet the City's cross-sectional standard as shown above. The applicant's proposed cross-section on Sheet C-4 show widening the roadway along the property frontage to install a 12-foot travel lane, 6-foot bike lane, 0.5-foot curb, 5.5-foot planter strip, 5-foot sidewalk, and 1-foot from back of walk to the right-of-way. This standard is met.

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

Finding: The applicant's property is not located on a street scheduled for near-term future reconstruction and therefore a fee in lieu for improvements is not applicable. This standard does not apply.

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 relating to impacts identified as part of this proposed action. This standard 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*

Table 15.505.030(G) Street Design Standards

<i>Type of Street</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes</i>	<i>Median Type</i>	<i>Striped Bike Lane (Both Sides)</i>	<i>On-Street Parking</i>
Local Streets						
<i>Local residential</i>	<i>54 – 60 feet</i>	<i>32 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking both sides</i>	<i>44 – 50 feet</i>	<i>28 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking one side</i>	<i>40 – 46 feet</i>	<i>26 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>One side</i>
<i>Local commercial/ industrial</i>	<i>55 – 65 feet</i>	<i>34 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>No*</i>	<i>Yes*</i>

* *May be modified with approval of the director. Modification will change overall curb-to-curb and right-of-way width. Where a center turn lane is not required, a landscaped median shall be provided instead, with turning pockets as necessary to preserve roadway functions.*

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

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

Finding: S River Street is designated as a major collector. The applicant’s submitted plans show the applicant widening the roadway to install a 12-foot travel lane along the property frontage. This standard is met.

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

Finding: S River Street is designated as a major collector and requires a 6-foot bike lane. The applicant’s plans show the applicant widening the roadway to install a 12-foot travel and 6-foot bike lane along the property frontage. This standard is met.

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: There are no on-street parking lanes proposed as part of this project. This standard does not apply.

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. This standard 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 not proposing a limited residential street. This standard does not apply.

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

Finding: The applicant's plans show a 5-foot wide sidewalk along the property frontage. This standard is met.

8. Planter Strips. *Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:*

- a. Additional reinforcement is done to the sidewalk section at corners.*
- b. Sidewalk width is six feet.*

Finding: The applicant's plans show a 5.5-foot wide planter strip along the property frontage. This standard is met.

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

Finding: The topography of the subject property is primarily flat so there is no need for a slope easement. The applicant not proposing a slope easement. This standard is not applicable.

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 driveway. Because the applicant has not completed a driveway sight distance evaluation of proposed driveway, the applicant is required to conduct and submit a sight distance evaluation per Section 5.23 in the Public Works Design & Construction Standards. The standard 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. This standard does not apply.

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

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

Finding: The applicant is not proposing modifications to the street right-of-way or improvement width. This criteria does not apply.

I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated

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

Finding: The applicant is not proposing any temporary turnarounds. This standard 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 is not proposing or laying out any future streets. This standard does not apply.

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: A multi-family development is proposed with an access connecting the private parking lot to S River Street. A stream on the western boundary of the site prevents connectivity to adjacent parcels to the west. Adjacent development does not have streets or walkways that stub to the development site. The applicant is not proposing future extension of streets or walkways. This standard 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 is not proposing a cul-de-sac. These standards do not apply.

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 is not constructing new streets or an improvement that would require street names or street signs. This standard does not apply.

N. Platting Standards for Alleys.

- 1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.***
- 2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.***
- 3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.***
- 4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.***
- 5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.***

Finding: The applicant is not proposing alleys. These standards do not apply.

O. Platting Standards for Blocks.

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

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

3. Exceptions.

- a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.**
- b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.**
- c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.**
- d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.**
- e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.**
- f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.**

Finding: The applicant is not proposing blocks. This standard does not apply.

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: The applicant is not proposing private streets. This standard does not apply.

Q. Traffic Calming.

- 1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:**
 - a. Serpentine alignment.**
 - b. Curb extensions.**
 - c. Traffic diverters/circles.**
 - d. Raised medians and landscaping.**
 - e. Other methods shown effective through engineering studies.**

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

Finding: The applicant is not proposing any traffic calming or required to utilize any traffic calming. These standards do not apply.

R. Vehicular Access Standards.

1. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

Table 15.505.R. Access Spacing Standards

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

Table 15.505.R. Access Spacing Standards

Roadway Functional Classification	Area¹	Minimum Public Street Intersection Spacing (Feet)²	Driveway Setback from Intersecting Street³
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¹ ***“Urban” refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).***

“CBD” refers to intersections within the central business district (C-3 zone).

“All” refers to all intersections within the Newberg urban growth boundary.

² ***Measured centerline to centerline.***

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

Finding: The proposed development is located on S River Street which is a major collector. Driveway setback spacing from intersecting streets is required to be a minimum of 150-feet which is measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. The applicant’s plans show the proposed driveway of the new development is located at approximately 142-feet which does not meet the criteria listed. However, the code states “if the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.” The applicant has positioned the proposed driveway as far south as possible on the proposed property while still allowing for on-site parking. This requirement is met.

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 subject property has a single frontage along S River Street. This standard does not apply.

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. This standard 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 applicant does not have frontage on an alley and an alley is not proposed. These standards 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 proposing to close the existing access to the property and reconstruct the access in a new location. The preliminary plans show the applicant replacing the existing access with curbing, sidewalks, and landscaping. This standard is met.

7. Shared Driveways.

- a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).**
- b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.**
- c. No more than four lots may access one shared driveway.**
- d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.**
- e. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.**

Finding: The applicant is not proposing shared driveways. These standards do not apply.

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

Finding: The applicant's project is not proposing frontage streets or alleys. This standard does not apply.

9. ODOT or Yamhill County Right-of-Way. *Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.*

Finding: The applicant is not proposing any improvements inclusive of ODOT or Yamhill County right-of-way. This standard does not apply.

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

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

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 to the access standards. Standards 10 and 11 do not apply.

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. These standards are not applicable.

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 site is adjacent to S River Street, which is classified as a major collector in the Newberg Transportation System Plan. The applicant's narrative indicates that street trees will be installed, and the trees are shown on Sheet L1. Two species of street tree are proposed (Raywood Ash and Big Leaf Maple). The ash is found on the Newberg Preferred Street Tree List but the maple is not. The trees are spaced between 35 and 40 feet on center as required for collector streets. Because one of the trees proposed is not found on the preferred street tree list, the applicant is required to provide a revised Landscape Plan to the Planning Division for review and approval prior to the issuance of building permits that shows trees that are compliant with 15.420.010(B), including tree species.

The standard 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 applicant's narrative indicates that street lighting will be installed, however street lighting is not shown on the preliminary plans. Because street lighting is not shown, the applicant is required to show via a lighting analysis that the existing street lighting meets City standards, or provide additional

street lighting along the property frontage that is compliant with the City's Public Works Design and Construction Standards.

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

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

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

Finding: The applicant is not proposing transit improvements and the site is not adjacent to existing or planned transit facilities. These standards do not apply.

15.505.040 Public utility standards.

A. Purpose. The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.

B. Applicability. This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.

C. General Standards.

- 1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.***
- 2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.***

Finding: The applicant has shown that the proposed improvements are located within the 60-foot of right-of-way for the major collector street 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. This standard is met.

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

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

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

Finding: The applicant's plans incorrectly indicate that there is an existing 12-inch water line in S River Street. The correct size of the existing water line in S River Street is 6-inches. Domestic water service is being shown to the development via a 1.5-inch water meter. The applicant is also showing an FDC, double check valve, public fire hydrant, and a 6-inch diameter fire water line. Because the applicant has not submitted fire flow calculations, the applicant is 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 standard will be verified to have been met with the adherence to the 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.

Finding: There are no future water extensions beyond the development that could serve adjacent properties. This standard does not apply.

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 applicant's plans show one new 1.5-inch water meter to serve the development. Because the applicant has not submitted construction plans, the applicant is required to submit construction plans and obtain and Public Improvement Permit to install the water service lateral and meter for the proposed development pursuant to the requirements of the City's Public Works Design and Construction Standards.

The standard 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 applicant's plans show an existing wastewater lateral to the property. It's believed the existing property was connected to public wastewater and that a septic tank does not exist on the property. This standard does not apply.

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 should be able to meet requirements of the Public Works Design and Construction Standards. The applicant is proposing to install a new manhole in the existing 12-inch wastewater line in S River Street. An 8-inch private service lateral will then be extended to the west to serve each apartment building. The applicant is also proposing to abandon the wastewater lateral that previously served the property. Because the applicant has not submitted construction plans, , the applicant is required to submit construction plans and obtain and Public Improvement Permit to install a new manhole, a new wastewater service lateral, and abandon the existing wastewater serve lateral pursuant to the requirements of the City's Public Works Design and Construction Standards.

The standard 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.

Finding: The applicant has submitted a design review that indicates a 10 foot public utility easement along the S River Street frontage. Because the applicant has not recorded all utility easements, the applicant is required to submit a recorded easement document 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) 10-foot utility easements along all public street frontages. Stormwater facilities are not allowed to be co-located in public utility easements.

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

15.505.050 Stormwater system standards.

A. Purpose. The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.

B. Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.

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

Finding: The preliminary plans show the applicant will be installing a public storm water flow through planter adjacent to S River Street to treat new impervious surfaces created in the public right-of-way. The applicant has also shown they'll be installing a private extended dry basin outfall stormwater facility to treat the new private impervious surface areas. The stormwater will then drain into a tributary to Chehalem Creek through an outfall. At this time no information has been provided about the outfall design to ensure that erosion does not occur within the stream corridor. Because the applicant has not provided construction plans or a final stormwater report, the applicant is required to provide detailed construction plans and a final stormwater report that addresses requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25

Stormwater Management, including the design of the private outfall to ensure erosion does not occur within the stream corridor.

The standard 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 applicant's narrative indicates a preliminary erosion and sedimentation control plan has been submitted, however this information is not provided in the preliminary plan set. The applicant's plans show disturbance of more than one acre, but the narrative does not address the need to obtain a 1200-C permit from DEQ. Because the applicant has not adequately addressed erosion and sedimentation control on the development site, the applicant is required to submit an erosion and sedimentation control plan, submit a copy of the 1200-C permit issued by DEQ, and submit a Final Stormwater report that matches the construction plans, stormwater system plans, and erosion control plans that comply with DEQ requirements and the City's Public Works Design and Construction Standards.

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

Finding: The preliminary plans show the applicant will be installing a public storm water flow through planter adjacent to S River Street to treat new impervious surfaces created in the public right-of-way. The applicant has also shown they'll be installing a private extended dry basin outfall stormwater facility to treat the new private impervious surface areas. The stormwater will then drain into a tributary to Chehalem Creek through an outfall. Construction plans for this stormwater systems have not yet been submitted. A stormwater final report will need to be submitted with the Public Improvement Permit and will be completely reviewed at that time. Because the applicant has not

submitted a final stormwater report or construction plans, the applicant is required to submit a final 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 Public Improvement Permit. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Stormwater facilities cannot be co-located in public utility easements. A private stormwater maintenance agreement with the City must also be recorded for the private stormwater facility located on the east side of the property.

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

CONCLUSION: Based on the above mentioned findings, the project meets the criteria required within the Newberg Development Code, subject to completion of the attached conditions.

Section III: Conditions of Approval
File DR18-0010
Design Review – The Flats at Rogers Landing

A. THE FOLLOWING MUST BE COMPLETED BEFORE THE CITY WILL ISSUE A BUILDING PERMIT:

1. Permit Submittal:

- a. Submit a building permit application and two (2) complete working drawing sets of the proposed project. Show all the features of the plan approved through design review, including but not limited to the following:
- ADD accessible route
 - Existing and proposed sewer, water, and storm sewer connections
 - Fire hydrant locations
 - Fire department connection (FDC)
 - Grading plan
 - Landscaping plan and method of irrigation
 - Lighting plan
 - O.S.S.C. Chapter 11 (ADA) requirements relating to access from the public way, parking spaces and signage
 - Parking lot design, including ADA compliant spaces
 - Structural details
 - Utility plan
- b. Public utility infrastructure improvements not limited to street improvements, water, wastewater, and stormwater may require completed permits from partner agencies to authorize different work tasks. Issuance of required permits are required prior to the City of Newberg issuing a Public Improvement Permit.

- 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. Off-Street Parking:

- a. The applicant shall modify the unit breakdown, modify the site plan, or request a Type I parking adjustment per 15.210.020(C) to meet the minimum number of parking spaces required. The modified plans or adjustment shall be submitted to the Planning Division for review and approval prior to the issuance of building permits.
- b. The applicant shall submit a revised plan to the Planning Division for review and approval that shows no parking within the required front yard or request a Type I setback adjustment per NMC 15.210.02(A).

- c. The applicant shall show a crosswalk that meets the requirements of 15.440.140(D) on the construction plans submitted to the building department.
4. **TVF&R**
 - a. The applicant shall satisfy the specifications related to buildings in excess of 30 feet or three stories as outlined in TVF&Rs letter (item #2) dated January 24, 2019. Contact: Ty Darby, Deputy Fire Marshal II, (503) 849-7516.
 5. **Vision Clearance:**
 - a. Prior to building permit issuance the applicant shall submit a revised site plan to the Planning Division for review and approval demonstrating how the vision clearance requirements of 15.410.060(B) & (C) are met.
 6. **Landscaping:**
 - a. The applicant shall show the location and a detail of proposed fencing on the building plans matching that outlined in the narrative (3 feet high along S River Street and 6 feet high on the northern and southern property lines, good neighbor style, and not within stream corridor overlay and vision clearance areas).
 - b. The applicant is required to submit a revised landscape plan for to the Planning Division for review and approval that satisfies the parking lot landscaping requirements of 15.420.010(B)(3).
 - c. The applicant is required to provide a revised Landscape Plan to the Planning Division for review and approval prior to the issuance of building permits that shows street trees that are compliant with 15.420.010(B), including tree species.
 7. **Signs:**
 - a. Any signs for the site will require a separate sign permit application.
 8. **Exterior Lighting:**
 - a. The applicant is required to submit documentation demonstrating how the shielding requirements of 15.425.040(B) are satisfied.
 9. **Underground Utilities:**
 - a. The applicant is required to place existing overhead utility lines underground along the S River Street property frontage.
 10. **Streets:**
 - a. The applicant is required to conduct and submit a sight distance evaluation per Section 5.23 in the Public Works Design & Construction Standards.
 - b. The applicant is required to show via a lighting analysis that the existing street lighting meets City standards, or provide additional street lighting along the property frontage that is compliant with the City's Public Works Design and Construction Standards.

11. **Water:**
 - a. The applicant is 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 is required to submit construction plans and obtain and Public Improvement Permit to install the water service lateral and meter for the proposed development pursuant to the requirements of the City's Public Works Design and Construction Standards.

12. **Sewer:**
 - a. The applicant is required to submit construction plans and obtain and Public Improvement Permit to install a new manhole, a new wastewater service lateral, and abandon the existing wastewater serve lateral pursuant to the requirements of the City's Public Works Design and Construction Standards.

13. **Utility Easements:**
 - a. the applicant is required to submit a recorded easement document 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. 10-foot utility easements along all public street frontages. Stormwater facilities are not allowed to be co-located in public utility easements.

14. **Stormwater:**
 - a. The applicant is required to provide detailed construction plans and a final stormwater report that addresses requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management, including the design of the private outfall to ensure erosion does not occur within the stream corridor.
 - b. The applicant is required to submit an erosion and sedimentation control plan, submit a copy of the 1200-C permit issued by DEQ, and submit a Final Stormwater report that matches the construction plans, stormwater system plans, and erosion control plans that comply with DEQ requirements and the City's Public Works Design and Construction Standards.
 - c. The applicant is required to submit a final 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 Public Improvement Permit. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Stormwater facilities cannot be co-located in public utility easements. A private stormwater maintenance agreement with the City must also be recorded for the private stormwater facility located on the east side of the property.

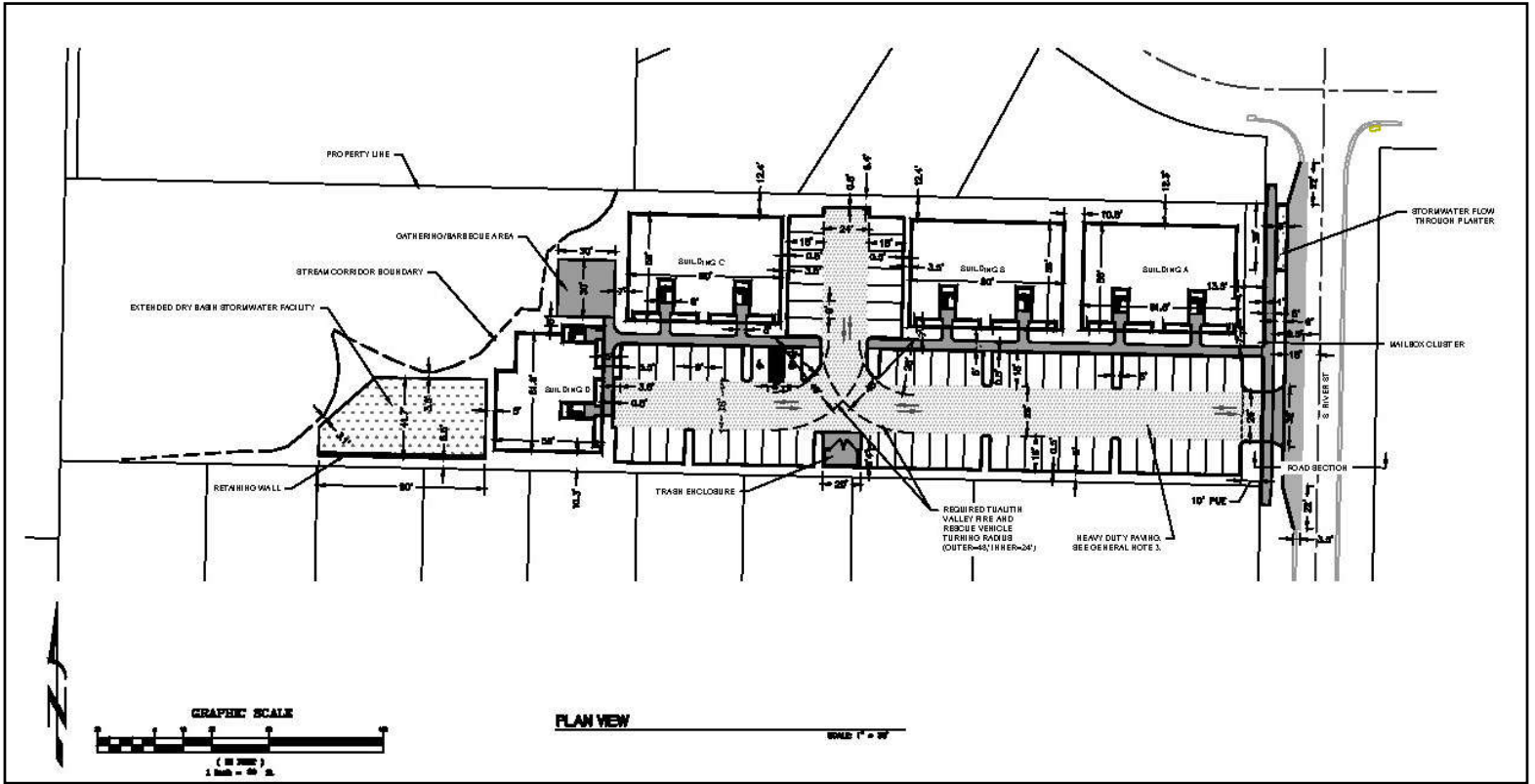
B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY

1. **Fire Department Requirements:** This project is subject to compliance with all Fire Department (TVF&R) standards relating to access and fire protection.
2. **Design Review Conditions:** Contact the Planning Division (503-537-1240) to verify that all design review conditions have been completed.
3. **Site Inspection:** Contact the Building Division (503-537-1240) for Building, Mechanical, Plumbing final, and Planning Complete inspections. Contact the Fire Department (503-537-1260) for Fire Safety final inspections. Contact Yamhill County (503-538-7302) for electrical final inspections.

C. DEVELOPMENT NOTES

1. Systems development charges (SDCs) will be collected when building permits are issued. For questions regarding SDCs please contact the Engineering Division.

Attachment 1: Site Plan



Attachment 2: Agency Comments



January 24, 2019

Cheryl Caines
City of Newberg
414 E. First St.
Newberg, OR 97132

**Re: The Flats at Rogers Landing, 1109 S. River Rd.,
Tax Lot I.D: R3220CC 05400**

Dear Cheryl,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

FIRE APPARATUS ACCESS:

- FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)
- ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL HEIGHT:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. (D104.1) **Please contact our office regarding this requirement.**
- AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2) **This has been satisfied.**
- AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the Fire Marshal. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4)
- NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space

above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

6. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
 1. 20-26 feet road width – no parking on either side of roadway
 2. 26-32 feet road width – parking is allowed on one side
 3. Greater than 32 feet road width – parking is not restricted**Note:** For specific widths and parking allowances, contact the local municipality.
7. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked “NO PARKING FIRE LANE” at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)
8. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)
9. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)
10. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1). Traffic calming measures linked here: <http://www.tvfr.com/DocumentCenter/View/1578>

FIREFIGHTING WATER SUPPLIES:

11. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration shall be determined in accordance with OFC Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi residual. (OFC B105.3)
Note: OFC B106, Limiting Fire-Flow is also enforced, except for the following:
 - The maximum needed fire flow shall be 3,000 GPM, measured at 20 psi residual pressure.
 - Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
12. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)
13. **WATER SUPPLY DURING CONSTRUCTION:** Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

FIRE HYDRANTS:

14. **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1)
 - This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.

- The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code.

15. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the Fire Marshal.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the Fire Marshal.
- Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Fire Marshal.

16. **PRIVATE FIRE HYDRANT IDENTIFICATION:** Private fire hydrants shall be painted red in color. Exception: Private fire hydrants within the City of Tualatin shall be yellow in color. (OFC 507)

17. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the Fire Marshal. (OFC C102.1)

18. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)

19. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)

20. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

21. **FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS:** FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13)

- Fire department connections (FDCs) shall normally be located remotely and outside of the fall-line of the building when required. FDCs may be mounted on the building they serve, when approved.
- FDCs shall be plumbed on the system side of the check valve when sprinklers are served by underground lines also serving private fire hydrants.

BUILDING ACCESS AND FIRE SERVICE FEATURES

22. **EMERGENCY RESPONDER RADIO COVERAGE:** In new buildings where the design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&R and Washington County Consolidated Communications Agency shall be provided. (OFC 510, Appendix F, and OSSC 915) <http://www.tvfr.com/DocumentCenter/View/1296>.

- Emergency responder radio system testing and/or system installation is required for this building. Please contact me (using my contact info below) for further information including an alternate means of compliance that is available. If the alternate method is preferred, it must be requested from TVF&R prior to issuance of building permit.

- Testing shall take place after the installation of all roofing systems; exterior walls, glazing and siding/cladding; and all permanent interior walls, partitions, ceilings, and glazing.
23. **KNOX BOX:** A Knox Box for building access may be required for structures and gates. See Appendix B for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1)
 24. **FIRE PROTECTION EQUIPMENT IDENTIFICATION:** Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1)
 25. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

If you have questions or need further clarification, please feel free to contact me at **(503)849-7516**.

Sincerely,



Ty Darby
Deputy Fire Marshal II

Cc: file

Cheryl Caines

From: MARTIN Carrie A <Carrie.A.MARTIN@odot.state.or.us>
Sent: Thursday, January 24, 2019 6:41 AM
To: Cheryl Caines
Subject: 1109 S River Road The Flats @ Rogers Landing comments - Newberg
Attachments: 201901240622.pdf

Hello Cheryl,

Thank you for the opportunity to comment on this development. ODOT Rail and Public Transit Division has no comments in regards to the development. We acknowledge the increased of ADT on S River Road with this additional development and will add this to the group of developments in the surrounding area near the two rail crossings at River and College that we met on this month.

Have a good day.

Carrie Martin
ODOT Rail and Public Transit Division
Crossing Compliance Specialist
503-986-6801



**Newberg-Dundee
Police Department**
P. O. Box 970
401 E. Third Street
Newberg, OR 97132
503-538-8321
Brian T. Casey
Chief of Police

January 16, 2019

Newberg Planning & Building Department
414 E. First Street
Newberg, Oregon 97132

Re: RHW Enterprises 45 Unit Apartment Complex

To Whom It May Concern,

Clearly, there's a need for affordable housing in Newberg and the police department supports the proposed 45 unit complex. However, as you likely know high density neighborhoods and or apartment complexes are commonly recognized as having higher calls for public safety services than do low density areas.

The Newberg-Dundee Police Department is increasingly concerned with the continued and projected growth in our community to include traffic, structures and population. Each of those three elements adds to our patrol, traffic enforcement and investigation responsibilities, however, we have not seen adequate growth within the police department to accommodate those increases.

The police department is not opposed to growth and community development as we understand, it's vital to support the City infrastructure. However, I am concerned that the quality of our community and livability will begin to regress if the police department staffing does not increase to accommodate the pending growth.

Thank you,

A handwritten signature in black ink, appearing to read "Brian Casey".

Brian Casey, Chief of Police
Newberg-Dundee Police Department

Attachment 3: Public Comments

RECEIVED

FEB 11 2019

Initial: _____

February 6, 2019

R Craig Dalton
3801 Coffey Lane
Newberg, OR 97132

File No. DR218-0010
City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

RE: Proposed development / File No. DR218-0010

To Whom It May Concern,

I am writing in response to the mailing I received regarding the above referenced development of a 45-unit apartment complex located at 1009 S River Rd, Newberg, OR. I own property adjacent to this property at 1009 E 12th St, Newberg, OR.

The concern that I have regarding this development is two-fold. First, I am concerned about the lack of privacy into the backyard of this property when the apartment complex is constructed. Currently, there is a pole building on the development site which spans the width of my property and, effectively, provides a privacy barrier from my backyard and the adjacent property. If this structure is removed, it stands that the privacy will be removed as well.

I would like to see a privacy barrier installed along this border to include a privacy fence spanning the width of my property as well as a live barrier, such as arborvitae, planted which will provide an additional privacy as well as noise barrier between my property and the proposed apartment complex.

Second, when the bypass was constructed by ODOT and the home and structures that were bordering my property were removed, it dislocated a rat population which then sought the next property. It caused an infestation of rats in my home which I was then forced to deal with.

Since the development property also includes outbuilding structures and the property has been vacant for some time, I suspect that demolition of this property will once again create infestation issues to migrate from the development site to my property. I would appreciate the owner of the development property site to be proactive in addressing this rodent migration and provide mitigation of same for my property.

R Craig Dalton

3801 Coffey Lane, Newberg, OR 97132

503-538-6504

Thank you for consideration of these concerns regarding the development of this property. If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "R. Craig Dalton". The signature is written in a cursive style with a large initial "R" and a stylized "Dalton".

R Craig Dalton

File No. OR 218-0010
City of Newberg
Planning & Building Department

Ping-Yi Shih
925 S River St Unit 5
Newberg, OR 97132

February 14, 2019

To whom it may concern,

My name is Ping-Yi Shih and resident at River Street and 9th Street in Newberg.

I am writing about the development of the apartments at 1109 S River St.

I think the number parking lots is not enough for the residents of the apartments. I feel there should have at least two parking lots for each unit, plus 15 visitors' parking lot. I recommend to build fewer units of apartments and increase the parking lots for the need of parking for the residents.

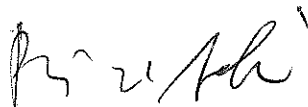
I am also concern about the usage of the families in the apartments will affect the water pressure of the neighborhood. It is the end of the water vessel and with so many families in the lot, the water supply will be affected, especially during the evening hours when people are home.

Another concern is about the traffic flow of River Street.

Overall, I suggest to decrease the number of the apartments to be built at the unit to be less than 20 families. The lot was a single family resident, and to increase to 20 families is a stretch for the neighborhood already!

Thanks for your time!

Sincerely,


Ping-Yi Shih