



TYPE III APPLICATION - 2018
(QUASI-JUDICIAL REVIEW)

File #: MISC 319-0001

TYPES - PLEASE CHECK ONE:

- Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT: Andrew Tull, 3J Consulting, Inc.
ADDRESS: 5075 SW Griffith Drive, Suite 150 Beaverton, Or 97005
EMAIL ADDRESS: Andrew.tull@3j-consulting.com
PHONE: 503-545-1907 MOBILE: FAX:
OWNER (if different from above): CG Commercial LLC & VPCF Crestview LLC PHONE: 503-730-8620
ADDRESS: 5285 Meadows Drive, Suite 171 Lake Oswego, Oregon 97035
ENGINEER/SURVEYOR: Aaron Murphy, PE, 3J Consulting, Inc. PHONE: 720-220-3915
ADDRESS: 5075 SW Griffith Drive, Suite 150 Beaverton, Or 97005

GENERAL INFORMATION:

PROJECT NAME: Crestview Crossing PROJECT LOCATION: 4505 E Portland Road
PROJECT DESCRIPTION/USE: Minor Modification to Condition of Approval
MAP/TAX LOT NO. (i.e. 3200AB-400): 3s2w16 lots 13800 & 1100 ZONE: R1,R2,C2 SITE SIZE: 33.13 SQ. FT. ACRE
COMP PLAN DESIGNATION: COM, MDR, LDR TOPOGRAPHY: Gentle
CURRENT USE: Vacant
SURROUNDING USES:
NORTH: Residential County Subdivision SOUTH: Providence Hospital
EAST: Undeveloped Land WEST: Residential Subdivision

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexation p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) p. 19
Conditional Use Permit p. 21
Historic Landmark Modification/Alteration p. 23
Planned Unit Development p.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Applicant Signature: Andrew Tull
Date: 1-18-2019

Owner Signature: Jeff Smith
Date: 1-16-19

Andrew Tull
Print Name

JEFF SMITH
Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

BEFORE THE NEWBERG PLANNING COMMISSION:

A PROPOSAL TO AMEND A CONDITION OF APPROVAL ASSOCIATED WITH THE CRESTVIEW CROSSING PLANNED UNIT DEVELOPMENT TO ALLOW FOR THE CONSTRUCTION OF THE SITE AS ORIGINALLY PROPOSED

APPLICANT:

JT SMITH COMPANIES
5285 SW MEADOWS ROAD #171
LAKE OSWEGO, OREGON 97035

APPLICANT'S REPRESENTATIVE:

3J CONSULTING, INC
5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OR 97005
CONTACT: ANDREW TULL
PHONE: (503) 545-1907

RECEIVED
FEB 19 2019

Initial: _____

P.C. review copy

1. INTRODUCTION.

JT Smith Companies requests two (2) amendments to the conditions of approval which were issued for the Crestview Crossing Planned Unit Development (PUD18-0001) and Conditional Use Permit (CUP18-0004).

The Newberg Planning Commission approved the Crestview Crossing Planned Unit Development and Conditional Use Permit on October 11, 2018. As part of that decision, the Applicant was conditioned to provide five (5) foot wide sidewalks along both sides of the proposed private street network (Condition of Approval #65). The Applicant was also conditioned to install directional ADA curb ramps at the corners of all public/private street intersections (Condition of Approval #21). The Applicant believes the proposed development's pedestrian network as shown in the attached Pedestrian Circulation Exhibit (dated February 14, 2019) sufficiently considers pedestrian and vehicular circulation. The Applicant proposes to alter the language of the original conditions to remove the need for the installation of additional sidewalks. The Applicant seeks to further clarify that the private street network will use a driveway styled approach to the public streets.

This application requests a series of minor amendments to conditions of approval #65 and #21 from the original decision. This application, if approved, will allow for the use of private streets and private service drives throughout the site to be constructed as proposed by the design team in the Pedestrian Circulation Exhibit (February 14, 2019). The flexibility provided through the use of private streets and service drives (as defined in Section 15.05.030 of the Newberg Development Code) provides for a deliberately crafted pedestrian and vehicular access network throughout the site while also providing an abundance of parking for the proposed homes. The proposed design separates pedestrian walkways from areas which are likely to be frequently used for vehicular parking and maneuvering. Throughout the design, pedestrian accessibility and safety have been considered with the goal of reducing potential conflicts between pedestrians and vehicles. The approval of the modification to the conditions of approval will not substantially alter the previously approved plan.

This Type III Quasi-Judicial Application is subject to relevant approval criteria in the Newberg Development Code (NDC).

2. PROPOSED AMENDMENTS TO CONDITION OF APPROVAL #65 & #21

Text changes to Condition of Approval #65 are proposed below. The format of the proposed changes is a **strikeout/underline** (new language is underlined). The narrative following the amendment explains its justification.

Condition of Approval #65:

The Applicant shall follow City Engineer requirements for sidewalks along ~~both sides of~~ private streets to a 5-foot wide ADA accessible surface matching the applicant's ~~cross-sectional detail~~ Pedestrian Circulation Plan and Section Exhibits dated February 14, 2019 on Sheet C300. The private street width shall be measured from the back of the 12-inch mountable curb. The sidewalk shall be measured from the back of walk to the back of the 12-

inch mountable curb. The design of weep holes in the proposed rolled curb will be reviewed as part of the Public Improvement Permit, direct connection to the stormwater system may be required.

The Applicant requests this amendment to Condition of Approval #65 to allow for the creation of private streets and service drives as shown within the Pedestrian Circulation Exhibit (dated February 14, 2019). The pedestrian network was designed to ensure that all single-family homes within the plan are served by a sidewalk which provides direct pedestrian access to each home's front door. The private streets and drives function more as alleys in many locations rather than as streets. The pedestrian circulation network and access location for each of the single-family homes within the development are shown on the attached exhibits (dated February 14, 2019).

Sidewalks along both sides of each private street and service drives were deliberately not proposed to discourage pedestrian use of areas where vehicles are likely to be parked or frequently maneuvering.

As a part of the revision to Condition of Approval #65 the Applicant is also requesting a modification to Condition of Approval #21 as shown below.

Condition of Approval #21:

The Applicant will be required to install directional ADA curb ramps at the corners of all public street/public street intersection locations, ~~and at public street/private street intersection locations~~. The final design of all roads within the PUD will be reviewed and approved as part of the Public Improvement Permit.

This modification will better reflect the nature of the private service drive/driveway interaction with the public street network as these access points function essentially as driveways. Driveways do not include ADA curbs ramps to cross the public street when they meet public streets. The proposed connections will meet all applicable ADA standards.

Photo 1 is an example of a development providing direct pedestrian access to each home's front door.



Photo 1: Front Doors and Private Walkways

Photo 2 is an example of the proposed interaction of the private service drive/driveway and a public street.



Photo 2: Private Service Drive/Driveway at Public Street

3. APPROVAL CRITERIA

C. Newberg Development Code
Chapter 15.100 LAND USE PROCESSES AND PROCEDURES
15.100.050 Type III procedure – Quasi-judicial hearing.

A. All Type III decisions shall be heard and decided by the planning commission. The planning commission’s decision shall be final unless the decision is appealed or the decision is a recommendation to the city council.

B. Type III actions include, but are not limited to:

- 3. Planned unit developments: This action is a final decision unless appealed.

C. Planning Commission Decisions and Recommendation Actions.

- 1. Planning Commission Decision. Development actions shall be decided by the planning



commission for those land use actions that require a Type III procedure and do not require the adoption of an ordinance. The decision shall be made after public notice and a public hearing is held in accordance with the requirements of NMC 15.100.090 et seq. A Type III decision may be appealed to the city council by a Type III affected party in accordance with NMC 15.100.160 et seq.

2. Planning Commission Recommendation to City Council. Land use actions that would require the adoption of an ordinance shall be referred to the city council by the planning commission together with the record and a recommendation. The recommendation shall be made after public notice and a public hearing is held in accordance with the requirements of NMC 15.100.090 et seq.

D. City Council Action. If a recommendation to the city council is required, the matter shall be reviewed by the city council as a new hearing. The final decision on these actions is made by the city council.

E. The applicant shall provide notice pursuant to NMC 15.100.200 et seq.

F. The hearing body may attach certain conditions necessary to ensure compliance with this code.

G. If the application is approved, the director shall issue a building permit when the applicant has complied with all of the conditions and other requirements of this code.

H. If a Type III application is denied, or if the applicant wishes to make substantive modifications to an approved application, the applicant may modify the application after the planning commission hearing and request a new planning commission hearing to consider the application. An application so modified shall be considered a new application for purposes of the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. The applicant shall acknowledge in writing that this is a new application for purposes of the 120-day rule. The city council shall establish a fee for such a reconsideration or modification by resolution. Application of this provision is limited to three times during a continuous calendar year.

**Applicant's
Finding:**

This application is for two (2) modifications to conditions of approval which were applied to a Planned Unit Development and a Conditional Use Permit. Because the Planned Unit Development and Conditional Use Permit were approved by the City's Planning Commission, modifications to the approved plan or the conditions of approval require consideration by the decision maker who rendered the initial decision. The Planning Commission rendered the original decision at a public hearing. A public hearing before the Planning Commission will be required to finalize a decision regarding the application for the amendments to the conditions of approval. This requirement can be met.

Chapter 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS

15.240.010 Purpose.

The city's planned unit development regulations are intended to:



- A. Encourage comprehensive planning in areas of sufficient size to provide developments at least equal in the quality of their environment to traditional lot-by-lot development and that are reasonably compatible with the surrounding area; and
- B. Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations; and
- C. Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types; and
- D. Provide for economy of shared services and facilities; and
- E. Implement the density requirements of the comprehensive plan and zoning districts through the allocation of the number of permitted dwelling units based on the number of bedrooms provided.

**Applicant's
Finding:**

The proposed allowance of private streets within PUDs is consistent with the overall purpose of the City's development regulations. Private streets function as driveways/alleys as described within the City Code's Definitions (Section 15.05.030 of the Newberg Development Code). Private streets and service drives within planned unit developments provide for flexibility of placement and clustering of buildings, greater use of open space and outdoor living areas, and the provision of circulation and parking facilities which relate to site and design considerations.

The proposed modifications to the conditions of approval will allow for the construction of the development plan as proposed by the Applicant's design team. The site plan and the proposed sidewalk network for the site will provide an excellent environment which will safely accommodate the needs of pedestrians and vehicles.

As shown within the February 14, 2019 Pedestrian Circulation Exhibit the proposed design of the site's proposed pedestrian network will achieve the goals of the City's Planned Unit Development Regulations.

5. Conclusion

Based on the evidence contained in this application, the proposed amendments to the Conditions of approval which were applied to the original Planned Unit Development and Conditional Use Permit can be approved. The Applicant has met all required procedural and application submission requirements and has provided facts and findings in support of the proposed amendments to Conditions of Approval #65 and #21. The applicant respectfully requests that the Planning Commission amend conditions of approval #65 and #21.

