



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

Crestview Crossing Planned Unit Development MISC319-0001 Modification to Conditions of Approval No. 65 and No. 21 from Conditions of Approval for File No. PUD18-0001/CUP18-0004

March 15, 2019

3J Consulting, Inc.
Attn: Andrew Tull
5075 SW Griffith Dr., Suite 150
Beaverton, OR 97005

cc: GC Commercial, LLC and VPCF Crstview, LLC. – property owner
All who submitted public comments: Russell and Lisa Thomas, Ronny Bernier

On March 14, 2019, the Newberg Planning Commission approved modifications to conditions of approval No. 65 and No. 21 that were originally part of the approval for the Crestview Crossing Planned Unit Development PUD18-0001/CUP18-0004. The subject property is located on Yamhill County tax lots R3230-00403 and R3230-00500, subject to the conditions of approval listed in the attached Order No. 2019-04 and previously approved Order No. 2018-0010. The Commission's decision will become effective on March 29, 2019 unless an appeal is filed.

An affected party may appeal the Commission's decision to the City Council within 14 calendar days of the Commission's written decision in accordance with Newberg Development Code 15.100.170. Affected parties include the applicant, any party entitled to receive notice of the hearing, anyone providing writing or oral comments at the hearing, and anyone providing written comments prior to the close of the hearing. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$1,086.75 to the Planning Division.

The deadline for filing an appeal is 4:30 pm on March 28, 2018.

In order to fully complete the Planned Unit Development (PUD) process, the applicant must meet all conditions of preliminary PUD approval and file a final PUD plat application with the Planning Division. The final PUD plats must be recorded within the time limitations outlined in the staff report and conditions of approval. If you are approaching the expiration date, please contact the Planning Division regarding extension opportunities.

If you have any questions; please contact me at 503-537-1215 or keith.leonard@newbergoregon.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Keith Leonard".

Keith Leonard, AICP, Associate Planner



PLANNING COMMISSION ORDER 2019-04

**AN ORDER APPROVING MISC319-0001 FOR THE CRESTVIEW CROSSING
PLANNED UNIT DEVELOPMENT, 4505 E PORTLAND ROAD (YAMHILL
COUNTY TAX LOT 3216-01100) AND ON YAMHILL COUNTY TAX LOT
3216AC-13800, TO MODIFY CONDITIONS OF APPROVAL 65 AND 21.**

RECITALS

1. On October 11, 2018, the Newberg Planning Commission approved a preliminary plat for a phased, 250 lot Planned Unit Development (PUD) and Conditional Use Permit (CUP), City of Newberg File No. PUD18-0001/CUP18-0004, to allow residential use in a C-2 Community Commercial zoning district on Yamhill County tax lots R3230-00403 and R3230-00500, subject to the conditions of approval associated with Order No. 2018-10.
2. On January 18, 2019, Andrew Tull, from 3J Consulting, LLC., submitted an application for modifications to approved Conditions of Approval No. 65 and 21 to the previously approved sidewalks associated with the Crestview Crossing PUD/CUP.
3. After proper notice, the Newberg Planning Commission held a hearing on March 14, 2019, to consider the application. The Commission considered testimony and deliberated.

The Newberg Planning Commission orders as follows:

1. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings in Exhibit "A".
2. Application MISC319-0001 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
3. The proposed modifications, MISC319-0001, to previously approved Crestview Crossing PUD/CUP conditions of approval No. 65 and 21 are hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
4. This order shall be effective March 29, 2019 unless appealed prior to that date.
5. This order shall expire one year after the effective date above if the applicant does not apply for final plan approval by that time, unless an extension is granted per Newberg Development Code 15.240.020.

Adopted by the Newberg Planning Commission this 14th day of March, 2019.



Planning Commission Chair

ATTEST:



Planning Commission Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions

**Exhibit "A" to Planning Commission Order 2019-04
Findings –File MISC319-0001
Crestview Crossing PUD Conditions of Approval 65 and 21**

**I. Applicable Planned Unit Development Criteria: Newberg Development Code
15.240**

15.240.020 General provisions.

L. Dedication, Improvement and Maintenance of Public Thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:

1. Streets and Walkways. Including, but not limited to, those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.

2. Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.

a. An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC 15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.

i. A plan for managing on-street parking, maintenance and financing of maintenance of the private street, including a draft reserve study showing that the future homeowners association can financially maintain the private street;

ii. A plan demonstrating that on- and off-street parking shall be sufficient for the expected parking needs and applicable codes;

iii. Proposed conditions, covenants and restrictions that include a requirement that the homeowners association shall be established in perpetuity and shall continually employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions;

iv. Evidence that the private street is of sufficient width and construction to

satisfy requirements of the fire marshal and city engineer; and

Finding: On October 11, 2018 the Planning Commission adopted Condition of Approval (CoA) #65 as part of Planning Commission Order 2018-10 (Attachment 4):

65. The applicant shall follow City Engineer requirements for sidewalks along both sides of private streets to be a 5-foot wide ADA accessible surface matching the applicant's cross-sectional detail on sheet C300. The private street width shall be measured from the back of the 12-inch mountable curb. The sidewalk shall be measure 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 has proposed a modification to CoA #65.

On February 19, 2019, as part of the modification request to aforementioned previously approved CoA, the applicant submitted additional information clarifying pedestrian circulation within this PUD. The additional information included a narrative, plan view and cross section exhibits showing the overall pedestrian circulation plan and cross sections details for the various private streets. The definition for "private street" in NMC Section 15.05.030 references the definition for "service drive", which is defined as a vehicular access which provides ingress and egress from a driveway approach to an improved parking space(s). The applicants' additional information states "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".

The applicants' additional information explains that the pedestrian network within the PUD 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 additional information shows that, within this PUD, the private streets are service drives that in some locations function more as alleys than as streets. All of the private streets shown on the exhibit dated February 14, 2019 provide vehicular access to parking spaces or garages. Preliminary plans submitted with the PUD application and the applicants' Pedestrian Circulation Plan dated February 14, 2019, show concrete aprons/driveway approaches at the connection to public streets.

Locations of marked crosswalks on the applicants' Pedestrian Circulation Plan dated February 14, 2019 were not evaluated at this time. Determination of marked crosswalk locations for public streets within the PUD will be part of the public improvement permit plan review process.

The applicants' proposed text changes to Condition of Approval #65 are proposed below. The format of the proposed changes is a strikethrough/underline (new language is underlined):

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.

Staff has found that the additional information provided for the private streets adequately clarifies the pedestrian circulation plan and is acceptable to provide adequate circulation through the site. Staff recommends the following modified Condition of Approval #65:

In order to provide safe and adequate pedestrian circulation within the Crestview Crossing PUD the proposed CoA #65 must be modified to read as the applicant shall follow City Engineer requirements for sidewalks along private streets to be a 5-foot wide ADA accessible surface matching the applicant's Pedestrian Circulation Plan and Section Exhibits dated February 14, 2019. 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.

15.505.030 Street standards.

A. Purpose. The purpose of this section is to:

- 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.**
- 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, "adequate access" means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.**
- 3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, "adequate area" means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.**

B. Applicability. The provisions of this section apply to:

- 1. The creation, dedication, and/or construction of all public streets, bike**

facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.

G. Street Width and Design Standards.

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

Finding: On October 11, 2018 the Planning Commission adopted the following Condition of Approval #21 as part of Planning Commission Order 2018-10:

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.

The applicant has proposed a modification to Condition of Approval #21:

The applicants' proposed text changes to Condition of Approval #21 are proposed below. The format of the proposed changes is a **strikethrough/underline** (new language is underlined):

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.

On February 19, 2019, as part of the modification request to aforementioned previously approved CoA, the applicant submitted additional information clarifying pedestrian circulation and the private street network within this PUD. The additional information included a narrative, plan view and cross section exhibits showing the overall pedestrian circulation plan and cross sections details for the private streets. The definition for "private street" in NMC Section 15.05.030 references the definition for "service drive", which is defined as a vehicular access which provides ingress and egress from a driveway approach to an improved parking space(s). The additional information shows that, within this PUD, the private streets are service drives. All of the private streets shown on the exhibit dated February 14, 2019 provide vehicular access to parking spaces or garages.

The applicants' additional information explains and shows that the private streets will have driveway approaches at the connections to public streets. The applicant states in the submitted material that "Driveways do not include ADA curbs ramps to cross the public street when they meet public streets" and "The proposed connections will meet all applicable ADA standards".

Staff has found that the additional information provided for the private streets adequately clarifies that private street driveway approaches at connections to public streets typically do

not include curb ramps. Staff recommends the following modified CoA #21 to address the applicants' request and to clarify that private street driveway connections to public streets are to meet all applicable ADA standards:

In order to provide safe and adequate pedestrian circulation within the Crestview Crossing PUD the proposed CoA #21 must be modified to read as, the applicant will be required to install directional ADA curb ramps at the corners of all public street/public street intersection locations. The final design of all roads within the PUD will be reviewed and approved as part of the Public Improvement Permit. The private street driveway connections to public streets shall meet all applicable ADA standards.

Conclusion: Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code, subject to completion of the attached conditions found in Exhibit "B".

**Exhibit "B" to Planning Commission Order 2019-04
Conditions –File MISC319-0001
Crestview Crossing PUD**

A. The applicant must provide the following information for review and approval prior to construction of any improvements:

1. Sidewalks

- a. (CoA #65) - The applicant shall follow City Engineer requirements for sidewalks along private streets to be a 5-foot wide ADA accessible surface matching the applicant's Pedestrian Circulation Plan and Section Exhibits dated February 14, 2019. 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.
- b. (CoA #21) - The applicant will be required to install directional ADA curb ramps at the corners of all public street/public street intersection locations. The final design of all roads within the PUD will be reviewed and approved as part of the Public Improvement Permit. The private street driveway connections to public streets shall meet all applicable ADA standards.

**Exhibit “A” to Planning Commission Order 2019-04
Findings –File MISC319-0001
Crestview Crossing PUD Conditions of Approval 65 and 21**

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Conclusion: Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code, subject to completion of the attached conditions found in Exhibit "B".

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