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APPLICATION NARRATIVE

Project Name:

Meadow Brook Villas, Phase 2

Approval Request:

Design Review Approval For New Multifamily Apartments In An R-2 Zoning District

Location:

1306 N. Springbrook Road (off Coffey Lane)

Property Owner/Applicant:

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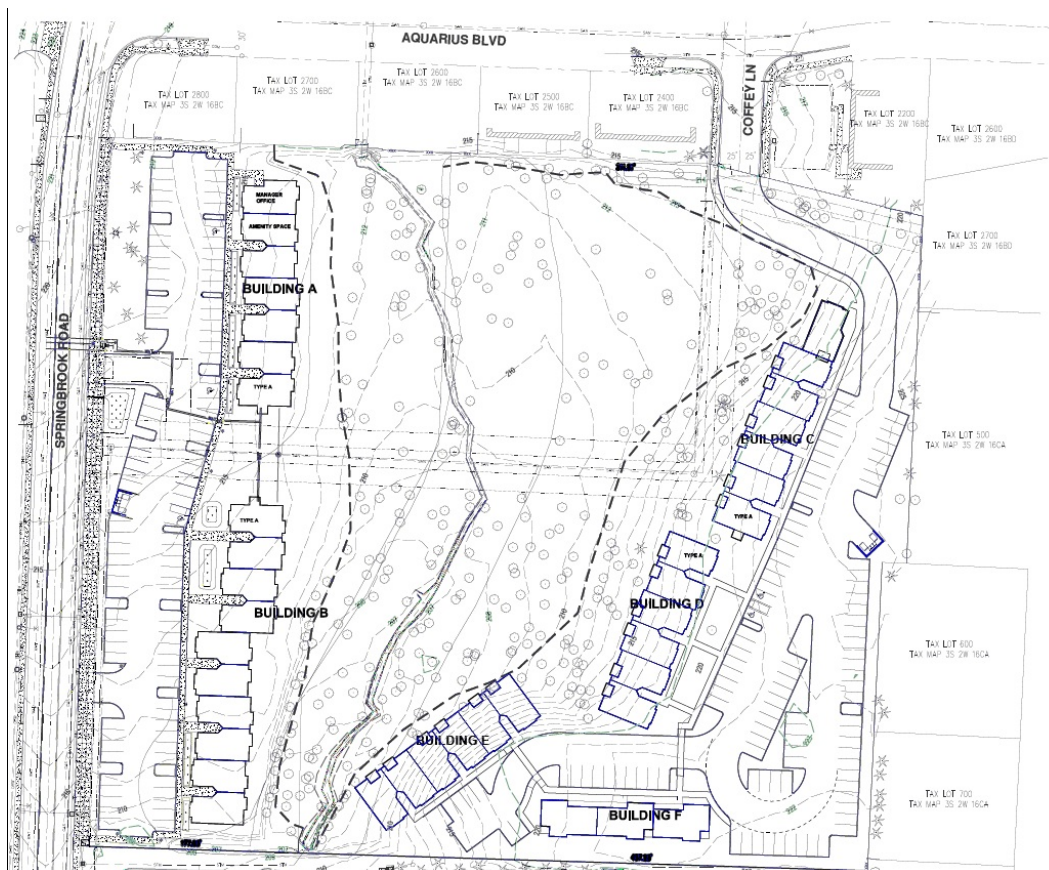
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I. APPLICATION SUMMARY

Applicant seeks approval for a 75–unit, two–bedroom apartment development on a 5.49–acre site in an R–2 zoning district located immediately east of the recently–approved Meadow Creek Apartments, “Phase 1,” a 45–apartment development on a 3.18–acre site at 1306 N. Springbrook Road. The City approved the latter development on October 29, 2018, file number DR218–0003. The current proposal bears the designation “Phase 2.”

The site lies immediately south of Aquarius Boulevard, and will have driveway access from Coffey Lane:



Roughly half the site — a large, irregularly-shaped triangle in the northwesterly portion of the site — sits within a wetland boundary. A stream corridor runs along the westerly side of the site, which effectively separates the site from the Meadow Creek Apartments to the west. The Meadow Creek Apartments also lie within the same wetland and stream corridor. The site thus labors under the same Stream Corridor Overlay applied to the Meadow Creek Apartments approval.

II. DESIGN REVIEW APPROVAL CRITERIA

Newberg Development Code (hereafter simply “NDC”) § 15.220.020(A)(2) prescribes a Type II Design Review Approval for this proposal (*viz.*, any “new development” not identified in NDC § 15.220.020(A)(1)). Applicant has submitted all of the materials prescribed by NDC § 15.220.030(B)(1)–(14).

[In the following discussion, all references to “NMC” in the Newberg Development Code appear instead as “NDC.”]

A. Type II Design Review Approval Criteria NDC § 15.220.050(B)

1. “Design Compatibility” NDC § 15.220.050(B)(1)

“The proposed design review request [shall] incorporate an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This [requirement] shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.”

Applicant’s Response To NDC § 15.220.050(B)(1):

The Newberg Development Code furnishes no specific definition of “compatible.” In its recent approval of the Meadow Creek Apartments (file no. DR2018–0003), the City inferentially defined “compatibility” as used in NDC § 15.220.050(B)(1) in a mirror-image context as follows:

“Finding: The proposed three-story apartment structures are designed in a *clean and modern style*. The surrounding uses were built over many years and incorporate a *variety of architectural styles*. The planned structures are *harmonious with the street-level location* and are intended to be compatible with

current and future surrounding uses. The three units subject to Stream Corridor variance are also designed in a clean and modern style and are compatible with the surrounding neighborhood.”

October 29, 2018, “Decision And Findings” in DR2018–0003, at 4 (emphasis added).

The quoted finding necessarily takes into account the elements of “building architecture, materials, colors, roof design, landscape design, and signage” referenced in the second sentence in NDC § 15.220.050(B)(1).

Thus, the City has impliedly defined the term “compatible” as used in NDC § 15.220.050(B)(1) in the context of multifamily dwellings in an R–2 zoning district as implicating the presence of three elements:

- ◆ a “clean and modern style”
- ◆ surrounding uses that “incorporate a variety of architectural styles”
- ◆ “harmonious with the street–level location”

With those elements in mind, as well as the fact that the adjacent, and similar, Meadow Creek Apartments development fulfills the “compatible” requirement in NDC § 15.220.050(B)(1), as previously approved by the City.

2. “Parking and On–Site Circulation”
NDC § 15.220.050(B)(2)

The first sentence in NDC § 15.220.050(B)(2) references the parking requirements in NDC § 15.440.010:

“Parking areas shall meet the requirements of NDC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NDC 15.440.010.”

Applicant’s Response To NDC § 15.220.050(B)(2) (first sentence):

This narrative addresses NDC § 15.440.010 beginning at page 23.

The second sentence in NDC § 15.220.050(B)(2) separately mandates:

“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.”

Applicant’s Response To NDC § 15.220.050(B)(2) (second sentence):

Essentially, Phase 2 will be accessing the public streets with a minimal impact on the functioning of the public street, because they will be entering and exiting on a single driveway cul-de-sac, they will be constructing.

3. “Setbacks and General Requirements”
NDC § 15.220.050(B)(3)

“The proposal shall comply with NDC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NDC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.”

Applicant’s Response To NDC § 15.220.050(B)(3):

This narrative addresses pertinent provisions in NDC Chapters 15.405, 15.410, and 15.415 beginning at pages 12, 13, and 14, respectively.

4. “Landscaping Requirements”
NDC § 15.220.050(B)(4)

“The proposal shall comply with NDC 15.420.010 dealing with landscape requirements and landscape screening.”

Applicant’s Response To NDC § 15.220.050(B)(4):

This narrative addresses NDC § 15.420.010 beginning at page 16.

5. “Signs”
NDC § 15.220.050(B)(5)

“Signs shall comply with NDC 15.435.010 *et seq.* dealing with signs.”

Applicant’s Response To NDC § 15.220.050(B)(5):

This narrative addresses NDC § 15.435.010, *et seq.*, beginning at page 23.

6. “Manufactured Dwelling, Mobile Home and RV Parks”
NDC § 15.220.050(B)(6)

[Not applicable]

7. “Zoning District Compliance”
NDC § 15.220.050(B)(7)

“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 NDC 15.305.010 through 15.336.020. . . .”

Applicant’s Response To NDC § 15.220.050(B)(7):

The site lies in an R–2 zoning district (Medium Density Residential). NDC § 15.305.020 authorizes multifamily residences in R–2 zoning districts as a “permitted” use.

8. “Subdistrict Compliance”
NDC § 15.220.050(B)(8)

“Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.”

Applicant’s Response To NDC § 15.220.050(B)(8):

Part of the site lies within a Stream Corridor Overlay, governed by NDC Chapter 15.342 (“Stream Corridor Overlay (SC) Subdistrict”). This narrative addresses NDC Chapter 15.342 beginning at page 28.

9. “Alternative Circulation, Roadway Frontage Improvements and Utility Improvements”
NDC § 15.220.050(B)(9)

“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.”

Applicant’s Response To NDC § 15.220.050(B)(9):

At the time of development of this parcel, provisions will be made to develop the adjacent street frontage to access the parcel in accordance with city street standards and the standards contained in the transportation plan. A cul-de-sac will be developed to the site. No through street improvements are identified.

10. “Traffic Study Improvements”
NDC § 15.220.050(B)(10)

“If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.”

Applicant’s Response To NDC § 15.220.050(B)(10):

NDC § 15.220.030(B)(14) separately addresses traffic studies:

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

Applicant’s Response To NDC § 15.220.050(B)(14):

A traffic study is submitted for this project because it generates in excess of 40 trips per p.m. peak hour.

B. Additional Multifamily Design Review Approval Criteria
NDC § 15.220.060

“As part of the site design review process, an applicant for a new multifamily 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 . . . multifamily projects with six or fewer units and at least 20 points are required for multifamily projects with seven or more units.”

1. “Site Design Elements”
NDC § 15.220.060(A)

“A. Site Design Elements.

- “1. Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of open space areas which can be consolidated into children’s play areas, gardens, and/or dog-walking areas (three points).
- “2. Preserve existing natural features, including topography, water features, and/or native vegetation (three points).
- “3. Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more ‘pedestrian-friendly’ environment (three points).
- “4. Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other ‘pedestrian-friendly’ amenities (three points).
- “5. Create ‘outdoor’ rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).

- “6. Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species (two points).
- “7. Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).
- “8. Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).
- “9. Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).
- “10. Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).
- “11. Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).
- “12. Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).

Applicant’s Response To NDC § 15.220.060(A):

To the maximum extent practicable, this project will incorporate all the elements found in this section and believe we will receive the maximum points allowable. This criterion will be met.

2. “Building Design Elements”
NDC § 15.220.060(B)

“B. Building Design Elements.

- “1. Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should

-
- have main entries which face the street rather than be oriented toward the interior (three points).
- “2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).
 - “3. Break up large buildings into bays by varying planes at least every 50 feet (three points).
 - “4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).
 - “5. Building Materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).
 - “6. Incorporate architectural elements of one of the city’s historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city’s cultural identity. Typical design elements which should be considered include, but are not limited to, ‘crippled hip’ roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).
 - “7. Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).
 - “8. Provide a front porch at every main entry as this is both compatible with the city’s historic building pattern and helps to create an attractive, ‘pedestrian-friendly’ streetscape (two points).
 - “9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points).”

Applicant’s Response To NDC § 15.220.060(B):

To the maximum extent practicable, this project will incorporate all the elements found in this section and believe it will receive the maximum points allowable. This criterion can be met.

III. NDC CHAPTERS REFERENCED AS PART OF THE DESIGN REVIEW APPROVAL CRITERIA

A. Lot Requirements
NDC Chapter 15.405

Density. Multifamily residences in R-2 zoning districts labor under the density limits prescribed by NDC § 15.405.010(B). The density limits prescribed by NDC § 15.405.010(B) mandate that, in an R-2 zone, “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.”

NDC § 15.342.120 provides density transfer allowances for property within any Stream Corridor Overlay, and prescribes the required calculations.

Applicant’s Response To NDC § 15.405.010(B):

MEADOW CREEK PHASE 2 DENSITY – AFTER ROW DEDICATION

Total Site: 5.49 Ac = ±239,293 Sf

Row Dedication: 8,024

Area in Stream Corridor: ±49,006 Sf

Area Outside Stream Corridor and Row: ±182,263 Sf

Expected Maximum Density: $(239,293 - 8,024)/3,000 = 77.09 = 77$ Units

Density Outside of Stream Corridor and Easement: $182,263/3,000 = 60.75 = 60$ Units

Maximum Allowed Increase in Density (15.342.120.b.3): 20%, $60.75 * 1.2 = 72.91$

Maximum Allowed Density: 77 Units

Proposed Units: 74 (Phase 2)

Frontage. NDC § 15.405.030(D)(1)(a) mandates that

“[e]ach 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.”

Applicant’s Response To NDC § 15.405.030(D):

This development site has frontage on a public street for a distance much greater than 25 feet with access to a public street, off of the cul-de-sac that will be constructed. The access driveway for the project is 26 feet wide. This criterion can be met.

Lot/Parking Coverage. NDC § 15.405.040 prescribes an R–2 zone–specific maximum lot coverage limit of 50%, a maximum parking coverage of 30%, and a combined maximum lot/-parking coverage limit of 60%. NDC § 15.405.040(B)(1)(b), (B)(2), and (B)(3)(a), respectively.

Applicant’s Response To NDC § 15.405.040:

The Phase 2 site contains 239,293 sf of area. The entire asphalt parking area contains 40,331 sf. The site to parking lot coverage ratio is 16.85%.

B. Yard Setback Requirements
NDC Chapter 15.410

NDC § 15.410.020(A)(1) mandates that “. . . R–2 districts shall have a front yard of not less than 15 feet,” and that “[s]aid yard shall be landscaped and maintained.”

Applicant’s Response To NDC § 15.410.020(A)(10):

There are no buildings fronting on the public right-of-way.

NDC § 15.410.020(A)(3) further mandates that

“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.”

Applicant’s Response To NDC § 15.410.020(A)(3):

There are no garage or carports contemplated with this application.

NDC § 15.410.030(A)(1) further mandates that

“[a]ll lots or development sites in the . . . R–2 district[] 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.”

Applicant’s Response To NDC § 15.410.030(A)(1):

There will be a side yard no less than the width of the easement.

NDC § 15.410.060(B) prescribes a “vision clearance triangle” of at least 25 feet “[a]t the intersection of a private drive and a street.”

Applicant’s Response To NDC § 15.410.060(B):

The “vision clearance triangle” of 25 feet at the intersection of the private drive and a street, is indicated on the site plan. This criterion can be met.

NDC § 15.410.060(D)(1) provides that

“In [a] 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.”

Applicant’s Response To NDC § 15.410.060(D)(1):

All side of the property without fences are to be fenced. This criterion can be met.

C. Building And Site Design Standards
NDC Chapter 15.415

1. “Building Height Limitation”
NDC § 15.415.020

NDC § 15.415.020(A)(1) limits the height of a “main building” in an R-2 zone to 30 feet, and the height of any “accessory building” to 16 feet.

E. Alternative Building Height Standard. As an alternative to the building height standards above, any project may elect to use the following standard (see Figure 24 in Appendix

A). To meet this standard:

1. Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and
2. Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.

Applicant’s Response To NDC § 15.415.020(A)(1)&(E)(1&2):

The height of a main buildings are at 28 feet to the eave. This meets the criteria for this section. There are no accessory buildings planned.

2. “Public Access Required”
NDC § 15.415.040

NDC § 15.415.040 mandates that

“[n]o 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,”

and that

“[n]o 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.”

Applicant’s Response To NDC § 15.415.040:

Public access will be constructed fronting this site. See the Site Plan in Exhibit A. This criterion can be met.

D. Landscaping And Outdoor Areas
NDC Chapter 15.420

1. “Required Minimum Standards”
NDC § 15.420.010

NDC § 15.420.010 prescribes the following landscaping requirements:

“A. Private and Shared Outdoor Recreation Areas in Residential Developments.

“1. Private Areas. Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.

“2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any duplex or multifamily residential development, as follows:

“a. One- or two-bedroom units: 200 square feet per unit.

“b. Three- or more bedroom units: 300 square feet per unit.

“c. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.

“* * * * *”

Applicant’s Response To NDC § 15.420.010(A):

1. There are 74 2-bedroom units, each with a mostly covered back porch of 69 square feet, exceeding the 48 square foot requirement.

2. At 74 2-bedroom units, 14,800 square feet of usable outdoor space is required. The parking lot and buildings account for 62,000 square feet of coverage. The site minus the wetlands contains 141,240 square feet of area. Subtracting out 62,000 square feet of coverage leaves 79,240 square feet of usable outdoor space, or over 5 times the requirement. This criterion

can be met.

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

“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.

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

“g. All multifamily . . . 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.

“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).

“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:

Gallon cans	3 feet on center
4” containers	2 feet on center
2–1/4” containers	18” on center

Rooted cuttings 12” on center

- “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.
- “6. Required landscaping shall be continuously maintained.
- “7. Maximum height of tree species shall be considered when planting under overhead utility lines.

“* * * * *”

Applicant’s Response To NDC § 15.420.010(B):

Exhibit A, the site development plans indicate 115 parking spaces. 115 parking spaces requires 2,725 square feet of landscaping. The site contains well over 7,000 square feet of landscaping on the ends of parking aisles, far exceeding the per parking space landscaping requirement. All other elements of this section of the code are indicated in the Exhibit A Site Development Plans. This criterion can be met.

2. “Landscaping And Amenities In Public Rights–Of–Way”
NDC § 15.420.020

NDC § 15.420.020 prescribes the following additional landscaping requirements with respect to abutting public rights–of–way:

- “A. Pedestrian Space Landscaping. Pedestrian spaces shall include all sidewalks and medians used for pedestrian refuge. Spaces near sidewalks shall provide plant material for cooling and dust control, and street furniture for comfort and safety, such as benches, waste receptacles and pedestrian–scale lighting. These spaces should be designed for short–term as well as long–term use. Elements of pedestrian spaces shall not obstruct sightlines and shall adhere to any other required city safety measures. Medians used for pedestrian refuge shall be designed for short–term use only with plant material for cooling and dust control, and pedestrian–scale lighting. The design of these spaces shall facilitate safe pedestrian crossing with lighting and accent paving to delineate a safe

crossing zone visually clear to motorists and pedestrians alike.

- “1. Street trees planted in pedestrian spaces shall be planted according to NDC 15.420.010(B)(4).
- “2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.
 - “a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).
 - “b. Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures.
- “3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.
 - “a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.
 - “b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.
 - “c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).
 - “d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.
- “4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.

“* * * * *

- “5. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.”

Applicant’s Response To NDC § 15.420.020(A):

The amenities within this section can or will be met as required. Special consideration must be given for the northeast side of the cul-de-sac coming in, because of the contiguous wetlands. Plantings along the wetland may require special conditions if they impact the wetland. This criterion can be met.

- “B. Planting Strip Landscaping. All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on–street parking (see Appendix A, Figures 18 and 19).

- “1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one–half feet) shrubs and trees. Planting strips adjacent to frequently used on–street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on–street parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.

- “2. Street trees shall be provided in all planting strips as provided in NDC 15.420.010(B)(4).

“a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.

“b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.

- “3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one–half

feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.

- “a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.
- “b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).
- “c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.”

Applicant’s Response To NDC § 15.420.020(B):

The sidewalk in the cul-de-sac will be curb tight due to the adjacent wetland. Therefore, there are no planting strips. This criterion does not apply.

E. Signs
NDC Chapter 15.435

A monument sign will be placed on-site and will be the subject of a separate sign permit. No other signs are contemplated with this development.

F. Off-Street Parking, Bicycle Parking, And Private Walkways
NDC Chapter 15.440

1. “Required Off-Street Parking”
NDC § 15.440.010

NDC § 15.440.010 provides, in pertinent part:

- “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.

“* * * * *”

Applicant’s Response To NDC § 15.440.010(A):

The project is compliant with this section per Exhibit A. This criterion can be met.

2. “Parking Area And Service Drive Design”
NDC § 15.440.020

NDC § 15.440.020 provides, in pertinent part:

- “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.
- “B. Groups of three or more parking spaces . . . 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.
- “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.

“* * * * *”

Applicant’s Response To NDC § 15.44.020:

The project exceeds the minimum as prescribed by this section. One Bicycle parking spaces are required per 4 units. Given that there are 74 units, 19 bicycle parking spaces must be provided. The 2-way service drive is 26 feet wide. No gates are proposed at this time. This criterion can be met.

3. “Parking Spaces Required”
NDC § 15.440.030

NDC § 15.440.030 prescribes a minimum of 1.5 parking spaces per two-bedroom apartment unit.

For an apartment development with more than 10 parking spaces, NDC § 15.440.030 further prescribes (1) unassigned parking spaces that total at least 15% of the total required parking spaces, and (2) 0.2 visitor parking spaces per apartment unit.

Applicant’s Response To NDC § 15.440.030:

Visitor spaces are shown in Exhibit A. This criterion can be met.

4. “Parking Area And Service Drive Improvements”
NDC § 15.440.060

NDC § 15.440.060 provides, in pertinent part:

“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.
- “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.
- “C. All parking areas . . . shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.
- “D. All parking areas, including service drives, . . . shall be screened in accordance with NDC 15.420.010(B).

- “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.
- “F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.
- “G. Parking areas for residential uses shall not be located in a required front yard . . . [.]
- “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. . . .

“* * * * *”

Applicant’s Response To NDC § 15.440.060:

The project exceeds the minimum as prescribed by this section. The 2-way service drive is 26 feet wide. A parking lot lighting plan is a part of this submittal. These criterion can be met.

5. “Parking Tables And Diagrams”
NDC § 15.440.070

NDC § 15.440.070 prescribes the minimum dimensions of parking areas.

Applicant’s Response To NDC § 15.440.070:

All parking spaces are 9 foot wide and 18 feet deep, meeting the standard. This criterion can be met.

6. “Bicycle Parking” – “Facility Requirements” And “Design”
NDC §§ 15.440.100 and 15.440.110

NDC § 15.440.100 prescribes a minimum of one bicycle parking space per four dwelling units.

NDC § 15.440.110 separately prescribes bicycle parking design parameters:

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

Applicant’s Response To NDC §§ 15.440.100 and 15.440.110:

The project meets the minimum as prescribed by this section. One Bicycle parking spaces are required per 4 dwelling units. Given that there are 74 dwelling units, 19 bicycle parking spaces must be provided. This criterion can be met.

7. “Private Walkways” – “Where Required” And “Private Walkway Design”
NDC §§ 15.440.130 and 15.440.140

NDC § 15.440.130 mandates that “[p]rivate walkways shall be constructed as part of any development requiring Type II design review[.]”

NDC § 15.440.140 separately provides, in pertinent part:

- “A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.
- “B. Required private walkways shall be a minimum of four feet wide.
- “C. Required private walkways shall be constructed of portland cement concrete or brick.
- “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.

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

“* * * * .”

Applicant’s Response To NDC §§ 15.440.130 and 15.440.140:

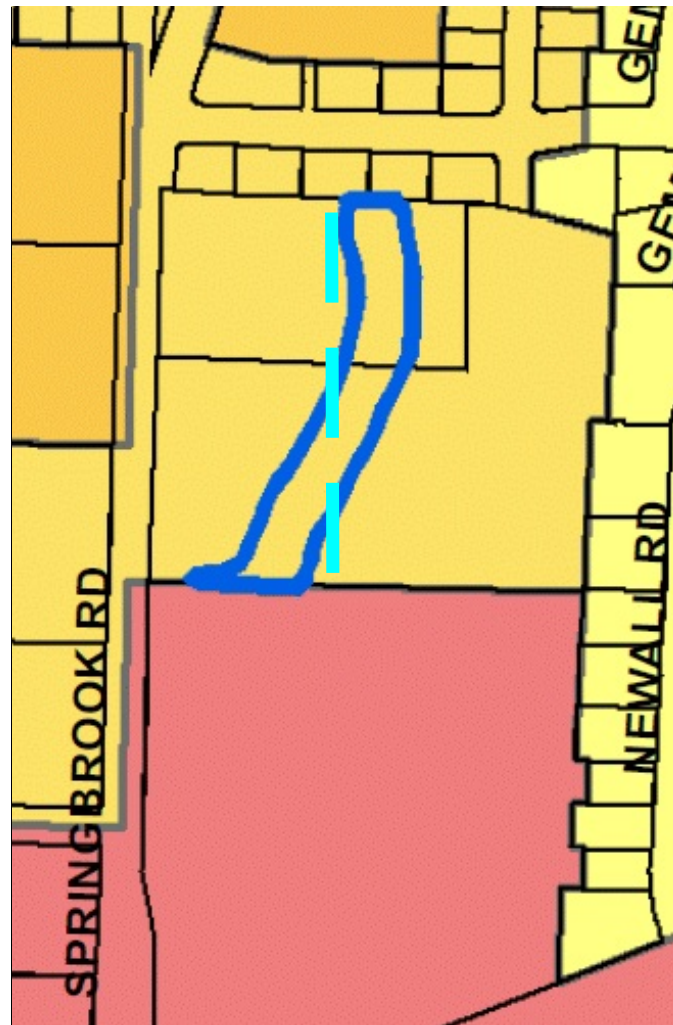
It is understood that all required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements; as required walkways exceed the minimum at 5 foot wide; crosswalks crossing service drives will be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings, and if painted striping is used, it must consist of thermoplastic striping or similar type of durable application; and private walkways will connect each main pedestrian building entrance to each abutting public street and to each other. These criterion can be met.

IV. OTHER NDC CHAPTERS NOT REFERENCED IN THE DESIGN REVIEW CRITERIA

A. Stream Corridor Overlay Subdistrict
NDC Chapter 15.342

1. Stream Corridor Impact Report
NDC § 15.342.100(A)

NDC Chapter 15.342 applies to the proposal. NDC § 15.342.020(B). The site lies to the east of the dashed line in this (approximated) zoning map depiction of the Stream Corridor Overlay:



NDC § 15.342.100(A) prescribes a Type III review process (“Except as provided in NCC 15.342.040, 15.342.050, and 15.342.070, uses and activities otherwise allowed under the applicable base zone regulations”).

Applicant’s Response To NDC § 15.342.100(A):

Applicant has submitted a Stream Corridor Impact Report, as required by NDC § 15.342.100(A). A Stream Corridor Variance at 1306 N. Springbrook Rd. MISC318-0002 was approved for this development in 2018. This criterion has been addressed.

2. Stream Corridor Review Criteria NDC § 15.342.140(B)

“The following standards shall apply to the issuance of permits requiring an SCIR, and the SCIR must demonstrate how these standards are met in a manner that meets the project purpose.

- “1. Where possible, the applicant shall avoid the impact altogether.
- “2. Impact on the stream corridor shall be minimized by limiting the degree or magnitude of the action, by using appropriate technology, or by taking affirmative steps to avoid, reduce or mitigate impacts.
- “3. The impacts to the stream corridor will be rectified by restoring, rehabilitating, or creating comparable resource values on the site or within the same stream corridor.
- “4. The remaining resource values on the stream corridor site shall be protected and enhanced, with consideration given to the following:
 - “a. Impacts to wildlife travel and migratory functions shall be maintained to the maximum extent possible; and
 - “b. Native vegetation shall be utilized for landscaping to the extent practicable; and
 - “c. The stream bed shall not be unnecessarily or detrimentally altered.
- “5. The fill shall primarily consist of natural materials such as earth or soil aggregate, including sand, gravel, rock, and concrete. Culverts, bridges, reinforced retaining walls, or other similar structures which require manmade structural materials shall be permitted.
- “6. The amount of fill used shall be the minimum required to practically achieve the project purpose.
- “7. If the fill or grading is within a designated floodway, the proposed action shall maintain the flood storage capacity of the site.
- “8. The proposed fill or grading shall not significantly increase existing hazardous conditions or create significant new hazardous conditions related to geology, hydrology, or soil erosion.
- “9. Stream turbidity shall not be significantly increased by any change in a watercourse that results from the fill. Measures shall be taken to minimize turbidity during construction.

- “10. The removal of trees over six inches in diameter shall be minimized to the extent possible to provide the necessary improvements authorized by this chapter.”

Applicant’s Response To NDC § 15.342.140(B):

A Stream Corridor Variance at 1306 N. Springbrook Rd. MISC318-0002 was approved for this development in 2018. The applicant’s request for a 6 month extension of the STREAM Corridor Variance at 1306 N. Springbrook Rd. MISC318-0002, in order to obtain a building permit was approved, with an extension date of May 23, 2020. These criterion are met.

B. Exterior Lighting
NDC Chapter 15.425

NDC § 15.425.040 prescribes the following:

“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.

“B. Table of Shielding Requirements.

“Fixture Lamp Type

Shielded

“Low/high pressure sodium, mercury vapor,
metal halide and fluorescent over 50 watts

Fully

“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 NDC

§ 15.425.030

“Note: ‘Incandescent’ includes tungsten–halogen (quartz) lamps.”

Applicant’s Response To NDC § 15.425.040:

A parking lot lighting plan is a part of this submittal. The apartment units will have down lighting to meet this criteria. These criterion can be met.

C. Underground Utility Installation
NDC Chapter 15.430

NDC § 15.430.010 provides:

- “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.”

Applicant’s Response To NDC § 15.430.010:

All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, will be placed underground. These criterion can be met.

D. Public Improvements Standards
NDC Chapter 15.505

1. Required Improvements
NDC § 15.505.020

NDC § 15.505.020 provides, in pertinent part:

- “. . . 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 NDC 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.
- “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 NDC.
- “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 NDC.
- “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 NDC.
- “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.

“* * * * *”

Applicant’s Response To NDC § 15.505.020:

It is understood that no development will be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance

with NDC 15.505.030(E). These criterion can be met.

2. Street Standards NDC § 15.505.030

NDC § 15.505.030 provides, in pertinent part:

- “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.
- “E. Improvements to Existing Streets.
- “1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.
 - “2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets

adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.

“3. In lieu of the street improvement requirements outlined in NDC 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.

“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.

“G. Street Width and Design Standards.

“1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

Table 15.505.030(G) Street Design Standards

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

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

** All standards shall be per ODOT expressway standards.

- “2. Motor Vehicle Travel Lanes. Collector and arterial streets shall have a minimum width of 12 feet.
- “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.
- “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.
- “5. Center Turn Lanes. Where a center turn lane is provided, it shall be a minimum of 12 feet wide.
- “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.
- “7. Sidewalks. Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.
- “8. Planter Strips. Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NDC 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.
- “9. Slope Easements. Slope easements shall be provided adjacent to the street where required to maintain the stability of the street.
- “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.

“* * * * *

- “H. Modification of Street Right–of–Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NDC, 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.

“* * * * *

“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.
- “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 NCC 15.420.010(B)(4).
- “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.”

Applicant’s Response To NDC § 15.505.030:

It is understood that no development will be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NDC 15.505.030(E), but for as exceptions are applied. Exhibit C6 indicates that an exception by the Public Works Department will be allowed for street width and location for the cul-de-sac, due to its proximity to the adjoining wetlands if the fire department is satisfied with the design. Exhibit C6 indicates the Tualatin Valley Fire Department is satisfied with the design. These criterion can be met.

3. Public Utility Standards NDC § 15.505.040

NDC § 15.505.040 provides, in pertinent part:

“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.

“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.

- “3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.
 - “4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.
- “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.
 - “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.
- “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.”

Applicant’s Response To NDC § 15.505.040:

The entirety of NDC § 15.505.040 can be accomplished by following the Public Works Standards. These criterion can be met.

4. Stormwater System Standards
NDC § 15.505.050

NDC § 15.505.050 provides, in pertinent part:

- “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.
- “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.
- “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.”

Applicant’s Response To NDC § 15.505.050:

The entirety of NDC § 15.505.050 can be accomplished by following the Public Works standards. These criterion can be met.