

NOTICE OF DECISION
HERITAGE WAY NO. 3 SUBDIVISION PRELIMINARY PLAT – SUB221-0001

September 10, 2021

Ron Manning
PO Box 605
Newberg, OR 97132

Dear Mr. Manning,

The Newberg Community Development Director has approved the proposed tentative plan SUB221-0001 for a four (4) lot subdivision at the Heritage Way No. 3 site, tax lots R3218AB 01000, R3218AB 01100, & R3218AB 00906 subject to the conditions listed in the attached report. The decision will become final on September 25, 2021, unless an appeal is filed.

All persons entitled to notice or anyone providing written comments within 14 calendar days prior to the date of the decision may appeal this decision to the Newberg Planning Commission in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$550.20 to the Planning Division within 14 days of the date of this decision.

The deadline for filing an appeal is 4:30 pm on September 24, 2021.

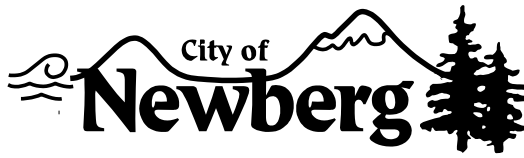
At the conclusion of the appeal period, please remove all notices from the site.

In order to fully complete the subdivision process, the applicant must meet all conditions of preliminary plat approval and file a Type I final subdivision plat application with the Planning Division. The final subdivision plat must be recorded within two years of the effective date noted above. If you are approaching the expiration date, please contact the Planning Division regarding extension opportunities.

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

Sincerely,

Keith Leonard, AICP, Associate Planner, City of Newberg



DECISION AND FINDINGS
HERITAGE MEADOWS NO. 3 SUBDIVISION PRELIMINARY PLAT

FILE NO: SUB221-0001

REQUEST: Subdivide a 21,685 square foot property into four lots for single-family homes

LOCATION: West side of N Heritage Way, north of Heritage Meadows, south of Josie's Meadows and east of Josie's Meadows-2.

TAX LOT: R3218AB 01000, R3218AB 01100, & R3218AB 00906

APPLICANT: Ron Manning

OWNER: Ron Manning

ZONE: R-2 (Medium Density Residential)

PLAN DISTRICT: MDR (Medium Density Residential)

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1. Application
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Section I: Application Information

- A. DESCRIPTION OF APPLICATION:** The applicant, Ron Manning, has requested a tentative plan approval for Heritage Meadows 3 Subdivision file number SUB221-0001. The applicant has proposed a 4-lot subdivision of Yamhill County Tax Lots R3218AB 01000, R3218AB 01100, & R3218AB 00906. Lot sizes will range from 4,030 square feet to 4,173 square feet, including the access easement. 5,241 square feet will be dedicated to the connection of Heritage Way. Access to the subdivided lot will be provided from Heritage Way, which has the functional classification- as a Local Residential Street Approximately 588 square feet of each lot will be dedicated for access and utility purposes. Two houses will have direct access to Heritage Way. Two additional houses will be constructed behind the two houses and accessed by a 12-foot-wide paver driveway located in a 20-foot-wide access and utility easement.



B. SITE INFORMATION:

1. Location: West of N Crater Lane, north of W Lynn Drive, south of W Mountainview Drive. Currently, N Heritage Way terminates both south and north at subject property.
2. Size: 21,685 square feet

3. Topography: The site lies at the top of a gentle rise, which slopes up to the east, with gradual slopes to the north and south and significant slope down to the west.
4. Current Land Uses: vacant
5. Natural Features: groundcover and trees along southeastern portion of eastern property.
6. Adjacent Land Uses:
 - a. North: Single-family homes
 - b. East: Undeveloped, future Heritage Way connection
 - c. South: Single-family homes, Newberg City limits
 - d. West: Single-family homes
7. Surrounding Zoning
 - a. North: R-2 (Medium Density Residential)
 - b. East: R-2 (Medium Density Residential)
 - c. South: R-2 (Medium Density Residential), UGB (Urban Growth Boundary)
 - d. West: R-2 (Medium Density Residential)
8. Access and Transportation: Access to the proposed development will be provided from the proposed street improvement connecting N Heritage Way from the north to the south of the subject property. N Heritage Way currently terminates north and south of the subject property, with the area adjacent to the site having incomplete street and frontage improvements. The applicant will construct 3/4 street improvements, connecting the current north and south ends of N Heritage Way east of the proposed subdivision. Two houses will have direct access to N Heritage Way upon completion of the street. Two additional houses will be constructed behind the other two houses with access being provided by a 12-foot-wide paver driveway located in a 20-foot-wide access and utility easement. An existing 10-foot-wide pedestrian easement with a 5-foot-wide sidewalk accesses the southwest of the site to N Legacy Drive and NE Chehalem Drive to the west, and future pedestrian access to N Crater Lane to the east.
9. Utilities:
 - a. Water: The City's GIS illustrates there is an existing 8-inch water line near the NE and SE corner of the subject property in N Heritage Way.

- b. Wastewater: The City's GIS illustrates an existing 8-inch public wastewater lines north of the NE corner and near the SE corner of the subject property in N Heritage Way.
- c. Stormwater: The City's GIS does not illustrates any storm sewer lines immediately adjacent to the property. Storm systems exist several hundred feet away north and south of the subject property in N Heritage Way.
- d. Overhead Lines: There are no overhead utilities serving the property or running parallel to the property frontage. Any new utility connections to the property will need to be undergrounded. See NMC 15.430.010 for exception provisions.

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

- 05/27/21: The Community Development Director deemed the application complete.
- 06/24/21: The applicant mailed notice to the property owners within 500 feet of the site.
- 06/24/21: The applicant posted notice on the site.
- 07/08/21: The 14-day public comment period ended.
- 08/27/21: The Community Development Director issued a decision on the application.

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

- 1. Ziplly Fiber: Reviewed; no conflict (Attachment 2).
- 2. TVF&R: Reviewed. Conditions incorporated into approval (Attachment 2).

E. PUBLIC COMMENTS: As of the writing of this report, the city has received one written comment on the application. The following summarizes the concerns and provides a response to the concerns. All public comments in their entirety are included in Attachment 3.

John Panighetti – Mr. Panighetti expressed concern about compatibility with the existing lot sizes along N Heritage Way, the extension of N Heritage Way matching the existing street layout, as well as maintaining N Heritage Way as a dead end to prevent through traffic.

Staff Response: City staff has forwarded Mr. Panighetti public comments to the applicant's representative and property owner. The applicant has demonstrated conformance with the City lot

dimensional standards, including minimum lot size and frontage standards listed in NMC 15.405. Two lots will have frontage along N Heritage Way, each lot will have 57-feet of frontage and a shared access for two lots without street frontage. The proposed street frontage is considered compatible with street frontage of the existing homes in the surrounding neighborhood. Adjacent homes have a similar street frontage width, which is about 50 feet. Regarding the N Heritage Way improvements, the applicant will be required to connect N Heritage Way, which currently ends at the north and south side of the subject property. This will include $\frac{3}{4}$ street improvements which will align with the current N Heritage Way alignment. The applicant has not requested any exception to the Street Standards in NMC 15.505.030. N Heritage Way is designated as a Local Residential Street in the TSP and the proposed use is single-family residential. The applicant has stated that the proposed 4-lot subdivision will only generate 10 trips per p.m. peak hour, which is below the threshold of 40 trips per p.m. peak hour trips that would require a traffic study.

F. ANALYSIS:

Parking: The preliminary plat illustrates 4 parking spaces per dwelling unit, with space for 2 off-street spaces on the individual paver driveways for each 2-car garage. NMC 15.440.030 requires 2 off-street parking spaces for each dwelling unit. With single family homes being planned on each lot, the applicant demonstrates they have enough room for the proposed off-street parking spaces.

N Heritage Way: N Heritage Way currently ends north and south of the subject property. As part of the subdivision construction, the applicant will connect the two ends of N Heritage Way that currently terminate north and south of the development site. The preliminary plat illustrates this connection, with a half-street improvement. N Heritage Way is a Local Residential Street, requiring a minimum of 54-feet of right-of-way. The lot abutting the development to the east, TL1109 (2119 N Crater Lane) is not part of the proposed subdivision. The applicant's narrative describes a proposal to construct a $\frac{3}{4}$ local residential street improvement connecting N Heritage Way to the existing street infrastructure to the north and south of the development site. Because the applicant's proposed development does not clearly illustrate adequate right-of-way dedication, the applicant will be required to dedicate right-of-way to construct a $\frac{3}{4}$ street improvement and will include the following elements: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5-foot planter, 0.5-foot curb, 24-foot minimum pavement, and 1-foot minimum from edge of pavement to right-of-way consistent with the City's standards. The roadway shall be built to match the existing curb and sidewalk alignment and configuration north and south of the subject property (no jog in alignment). The $\frac{3}{4}$ street improvement with less than 26-feet of paved width shall be signed as "No Parking" until the street is developed to the full width of a Local Residential Street.

**Section II: Findings –File SUB221-0001
Heritage Meadows No. 3 Subdivision**

II. Applicable Land Division Standards and Criteria, NMC 15.235

15.235.050 Preliminary plat approval criteria.

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of this chapter;

Finding: The application included all of the required submittal elements and followed the proper process and public notice requirements for a subdivision. This criterion is met.

2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;

Applicable provisions of NMC 15.400, Development Standards

15.405.010 Lot area – Lot areas per dwelling unit

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

2. In the R-2 and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 5,000 square feet.

Finding: The proposed subdivision is within the R-2 zoning district. The gross area of the development site is 21,685 square feet, but 5,241 square feet of that total is required to be dedicated to the public for the connection of N Heritage Way. This leaves 16,444 square feet for four lots. Approximately 588 square feet of each lot will be dedicated for access and utility easements. The proposed average lots size less utility easements will be 3,571 square feet. The area of each lot, excluding the access easement, are proposed to be:

Lot 9 3,585 square feet

Lot 11 3,643 square feet

Lot 10 3,539 square feet

Lot 12 3,517 square feet

This criterion is met because all lots are over the minimum lot size of 3,000 square feet for the R-2 zoning district and an average lot size of less than 5,000.

B. Lot or Development Site Area per Dwelling Unit.

2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit, except that there shall be a minimum of 3,000 square feet per duplex dwelling. In the R-2 and R-P districts, lots or development sites in excess

of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

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

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

Finding: The gross area of the subject property is 21,685 square feet. Based on one dwelling per 5,000 square foot lot area, at least four dwelling units would be permitted based on the gross area of the subject property. Four single family lots are proposed. The minimum proposed lot area is 4,030 square feet and the largest proposed lot area is 4,173 square feet which meet the minimum and maximum size requirements. The net development area determined by subtracting the access and utility easement is 3,517 square feet which meets the development site requirement of 3,000 square foot development site requirement.

With the easements and dedication removed from the lot areas, the minimum lot area will be 3,517 square feet and a maximum of 3,643 square feet, which meets the development requirement of 3,000 square feet lot area. The requirements of this section of the NMC are met because the proposed lots meet the minimum lot size of 3,000 square feet per dwelling unit.

15.405.020 Lot area exceptions.

Finding: The applicant is not requesting a lot area exception nor are any needed. This criterion is not applicable.

15.405.030 Lot Dimensions and Frontage

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

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

Finding: The proposed lots conform to the requirements of this code. Depth to width ratio requirements are not applicable because the proposed lots will be under 15,000 square feet.

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

Finding: The proposed lots conform to the minimum 3,000 square foot lot area requirement even after the street right-of-way dedication of N Heritage Way. This criterion is met.

D. Frontage.

- 1. No lot or development site shall have less than the following lot frontage standards:**
 - a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).**

Finding: The two easternmost lots (9 and 12) will have direct access to N Heritage Way, a public street, once the dedication and improvements connecting the street are constructed. The two westernmost lots (10 and 11) will have access to N Heritage Way via an access easement that is at least 20 feet wide. The access easement is not considered a private street as defined by the NMC 15.05.030, it is considered a shared driveway. This criterion is met.

- b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line, except that duplex lots in the R-3 zone shall have a minimum width of 25 feet at the front building line.**

Finding: All lots exceed the minimum 25-foot width at the front-building lines. Lots 10 and 11, which face Heritage Way, have a width of 57.55 feet. Lots 9 and 12 face the shared driveway. Lot 9 has a width of 70.74 feet and Lot 12 has a width of 70.04 feet. These criteria are met because all of the proposed lots meet the requirements of NMC 15.405.030(A), (B), (C) and (D).

15.405.040 Lot coverage and parking coverage requirements.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

- 1. Maximum Lot Coverage.**
 - b. R-2 and RP: 60 percent.**
- 2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.**
- 3. Combined Maximum Lot and Parking Coverage.**
 - b. R-2, R-3 and RP: 70 percent.**

Finding: This section of the NMC will be reviewed, if applicable, during the building permit review process. This section is not applicable at this stage of the subdivision review process because it is more appropriately reviewed during the building permit review process.

15.410.010 General yard regulations.

- A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.**
- B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.**
- C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.**

Finding: This section of the NMC will be reviewed, if applicable, during the building permit review process. This section is not applicable at this stage of the subdivision review process because it is more appropriately reviewed during the building permit review process.

15.410.060 Vision clearance setback.

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

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

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

Finding: The applicant's preliminary plot plan shows a 25-foot-long vision clearance triangle at the shared access entrance. The vision clearance area is illustrated to be free of obstructions. These criteria are met.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

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

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

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

Finding: Projecting building features compliance with NMC requirements will be checked as part of the building permit review process.

E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).

- 1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.*
- 2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:
 - a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family or duplex dwelling on a single lot.**

Finding: Compliance with this section of the NMC will be verified during the building permit review process.

Chapter 15.420 Landscaping and Outdoor Areas.

15.420.010 Required minimum standards.

B. Required Landscaped Area.

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.*

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.

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

Finding: Although the applicant illustrates a planter strip on the sheet titled “Preliminary Plat”, there were no detailed landscaping plans submitted for review. Compliance with the aforementioned requirements for street trees and planter strip ground cover will be checked during the building permit review process. This criterion will be met if all planter strip improvements meet City standards and are fully constructed, see conditions of approval in Section 15.420.020.

15.420.020 Landscaping and amenities in 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 NMC 15.420.010(B)(4).

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 NMC 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.

C. Maintenance. All landscapes shall be maintained for the duration of the planting to encourage health of plant material as well as public health and safety. All street trees and shrubs shall be pruned to maintain health and structure of the plant material for public safety purposes.

	Median		Pedestrian Space	Planting Strip		
	Central Business District/Urban Application	Low Density Application		Frequent On-Street Parking	Infrequent On-Street Parking	Without On-Street Parking
Plant Material	Trees, shrubs and ground cover		Trees, shrubs and ground cover (where applicable)	Trees in tree wells with grates	Trees and ground cover	Trees, shrubs and ground cover
Tree and Shrub Arrangement	Single row of trees planted in triangular pattern, equally spaced, shrubs as desired	Single row of trees planted in triangular pattern, arranged in clusters, shrubs as desired	Refer to median or planting strip specifications as applicable	Single row of trees planted in linear pattern, equally spaced	Refer to tree specifications for median as applicable, ground cover as desired	Refer to tree specifications for median as applicable, ground cover as desired
Tree Form	Columnar to round tree canopy	Round to broad tree canopy	Refer to median or planting strip specifications as applicable	Refer to median recommendations as applicable	Refer to median recommendations as applicable	Refer to median recommendations as applicable
Examples of Recommended Tree Species	Bradford Flowering Pear (Pyrus calleryana "Bradford"), Flowering Cherry (Prunus serrulata, several varieties), Red Sunset Maple (Acer rubrum), Londona Plana (Platanus acerifolia)	Flowering Cherry (Prunus serrulata, several varieties), Flowering Dogwood (Cornus species, several varieties), Hawthorn (Crataegus species, several varieties), Red Sunset Maple (Acer rubrum), Red Oak (Quercus rubra)	Refer to median or planting strip specifications as applicable	Refer to median recommendations as applicable, lowest tree limb height of 10 feet	Refer to median recommendations as applicable, lowest limb height of 10 feet	Refer to median recommendations as applicable, lowest limb height of 10 feet
Shrub and Ground Cover Characteristics (i.e., environmental tolerance, mature size)	Pollutant and reflected heat tolerant	Pollutant and reflected heat tolerant	2.5 feet maximum height, pollutant and reflected heat tolerant	Not applicable	2.5 feet maximum height, pollutant and reflected heat tolerant	2.5 feet maximum height, pollutant and reflected heat tolerant
Examples of Recommended Shrub Species	Lonicera japonica (Privet Honeysuckle), Sargent Juniper (Juniperus sargentii), Cotoneaster (Cotoneaster, various varieties), Winter Creeper (Euonymus fortunei)	Lonicera japonica (Privet Honeysuckle), Sargent Juniper (Juniperus sargentii), Cotoneaster (Cotoneaster, various varieties), Winter Creeper (Euonymus fortunei)	Sargent Juniper (Juniperus sargentii), Cotoneaster (Cotoneaster, low varieties), Winter Creeper (Euonymus fortunei)	Not applicable	Sargent Juniper (Juniperus sargentii), Cotoneaster (Cotoneaster, prostrate varieties)	Sargent Juniper (Juniperus sargentii), Cotoneaster (Cotoneaster, various varieties), Winter Creeper (Euonymus fortunei)

Finding: As previously noted, the applicant did not provide detailed information pertaining to the species of street trees and ground cover that will be planted within the required planter strip. The applicant’s sheet titled “Preliminary Plat” illustrates a planter strip but does not provide details of what will be planted. Because the applicant did not provide enough details regarding the required planter strip, with the final plat submittal, the applicant shall provide a landscaping plan for the planter strip along N Heritage Way that meets the requirements of NMC 15.420.010(B)(4) and 15.420.020(A) and (B). All required landscaping shall be completed prior to an occupancy permit being issued for the lots adjacent to the required planter strips. Compliance with the aforementioned requirements for street trees and planter strip ground cover will be checked during the building permit review process. Please make sure that all locations and species of street trees and ground cover are clearly identified on the site plan that is required as part of the building permit review application submittal.

15.430.010 Underground utility installation.

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

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

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

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

Finding: The applicant’s narrative indicates that all utilities will be installed in accordance with all applicable provisions of this section of the NMC. Existing utility lines are located underground. This requirement is met because all new utility lines will be installed underground.

Chapter 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways

15.440.030 Parking Space Required

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

Finding: The applicant’s narrative states that the future houses located on Lots 10 and 11 will have a two-car garage accessed from N Heritage Way, and Lots 9 and 12 will be accessed from a 20-foot-wide access easement. The plot plan illustrates enough area for two cars in the driveways accessing the garage, providing a total of four spaces per single family home dwelling. Parking requirements will also be reviewed during the building permit review process for compliance with City requirements. This section of the NMC is met.

15.440.060 Parking area and service drive improvements.

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

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

- 1. Attached or detached single-family or two-family: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.**

Finding: This section of the NMC will be reviewed for compliance during the building permit review process when detailed building construction plans are reviewed.

15.440.075 Residential garage standards.

A. Single-car garages for residential uses shall have a minimum inside width of 10 feet by 20 feet.

B. Two-car garages for residential uses shall have a minimum inside width of 20 feet by 20 feet.

C. Three-car garages for residential uses shall have a minimum inside width of 30 feet by 20 feet.

Finding: This section of the NMC will be reviewed for compliance during the building permit review process when detailed building construction plans are reviewed.

15.235.050(A) Preliminary plat approval criteria (continued).

3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;

Chapter 15.505 Public Improvements Standards

15.505.020 Applicability.

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

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

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

Finding: The applicant's preliminary plans indicate a 1/2 street improvement. The narrative describes a 3/4 street improvement. These criteria will be met if all improvements necessary to serve the development meet City standards and are fully constructed, see conditions of approval in Section 15.505.030.

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

Finding: The applicant's proposed plan illustrates an extension of an 8-inch water line from the northern section of N Heritage Way to the southern section of N Heritage Way. The alignment is within the adjacent private property and will require a public utility easement. The applicant's preliminary plans include a note to obtain a water easement from the adjoining property owner. This criterion will be met if all improvements necessary to service the development meet City standards and are fully constructed, see conditions of approval in Section 15.505.040(D).

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

Finding: Preliminary plans illustrate the applicant connecting wastewater service for the proposed lots to an existing 8-inch gravity sewer in the southern section of N Heritage Way. This criterion will be met if all wastewater improvements necessary to service the development meet City standards and are fully constructed, see conditions of approval in Section 15.505.040(E).

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

Finding: The applicant is proposing to treat and detain stormwater from the public right-of-way with two curb side infiltration swales. Rain gardens and porous pavers are proposed to keep runoff onsite. This criterion will be met if all stormwater improvements necessary to service the development meet City standards and are fully constructed, see conditions of approval in Section 15.505.050.

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

Finding: The applicant's preliminary plans indicate the need to obtain an 8-foot-wide water utility easement on the adjacent property, TL1109 to the east that is under separate ownership. This easement should be a public utility easement and should be 15-feet-wide. This criterion will be met if all easements necessary to service the development meet City standards and are fully constructed, see conditions of approval in Section 15.505.040(F).

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

15.505.030 Street standards.

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

- 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.***
- 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.***
- 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.***
- 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.***
- 5. Developments outside the city that tie into or take access from city streets.***

C. Layout of Streets, Alleys, Bikeways, and Walkways. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.

D. Construction of New Streets. Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining

property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:

- 1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and*
- 2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.*

Finding: N Heritage Way is classified as a Local Residential Street per the Transportation System Plan and Public Works Design and Construction Standards. Local Residential Streets require a minimum of 54-feet of right-of-way. The lot abutting the development to the east, TL1109, is not part of the proposed subdivision. The applicant's narrative describes a proposal to construct a $\frac{3}{4}$ local residential street improvement connecting N Heritage Way to the existing street infrastructure to the north and south. The plans show an improvement labeled as a half street improvement. A $\frac{3}{4}$ street improvement consists of:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 24-foot minimum pavement (26-foot minimum for parking on one side)
- 1-foot minimum from edge of pavement to right-of-way

This criterion will be met if all street improvements necessary to service the development meet City standards and are fully constructed. See conditions of approval in Section 15.505.030(E).

E. Improvements to Existing Streets.

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

Finding: N Heritage Way is a Local Residential Street. Per the Transportation System Plan and Public Works Design and Construction Standards, Local Residential Streets require a minimum of 54-feet of right-of-way and are comprised of the following:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 7-foot parking lane
- 9-foot drive lane
- 9-foot drive lane
- 7-foot parking lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The applicant's narrative and plans indicate 37-feet of proposed right-of-way. N Heritage Way, north and south of the development site, has 55 feet of existing right-of-way. A ¾ street improvement within 37-feet of right-of-way consists of:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5-foot planter
- 0.5-foot curb
- 24-foot minimum pavement
- 1-foot minimum from edge of pavement to right-of-way

The plans do not clearly show adequate right-of-way to construct a ¾ street improvement meeting City standards and match into existing conditions north and south of the project site. Because the applicant's proposed development does not clearly show adequate right-of-way dedication, the applicant will be required to dedicate right-of-way to construct a ¾ street improvement consistent with the City's standards. The roadway shall be built to match the existing curb and sidewalk alignment and configuration north and south of the subject property (no jog in alignment).

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

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

Finding: A local residential street requires a minimum of 54-feet of right-of-way and is comprised of the following:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 7-foot parking lane
- 9-foot drive lane
- 9-foot drive lane
- 7-foot parking lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The applicant's narrative and plans indicate 37-feet of proposed right-of-way. N Heritage Way north and south of the development site has 55 feet of existing right-of-way. A ¾ street improvement within 37-feet of right-of-way consists of:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5-foot planter
- 0.5-foot curb
- 24-foot minimum pavement
- 1-foot minimum from edge of pavement to right-of-way

The plans do not clearly show adequate right-of-way to construct a ¾ street improvement meeting City standards and match into existing conditions north and south of the project site. Because the applicant's proposed development does not clearly show adequate right-of-way dedication, the applicant will be required to dedicate right-of-way to construct a ¾ street improvement inclusive of the following elements: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5-foot planter, 0.5-foot curb, 24-foot minimum pavement with no parking allowed, and 1-foot minimum from edge of pavement to right-of-way consistent with the City's standards. The roadway shall be built to match the existing curb and sidewalk alignment and configuration north and south of the subject property (no jog in alignment). The ¾ street improvement with less than 26-feet of paved width shall be signed as "No Parking" until the street is developed to the full width of a Local Residential Street.

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

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

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

Finding: The proposed street improvements will serve the 4 proposed tax lots and provide for connectivity by completing part of N Heritage Way between W Mountainview Drive and W Lynn Drive. This criterion is met.

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

<i>Type of Street</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes</i>	<i>Median Type</i>	<i>Striped Bike Lane (Both Sides)</i>	<i>On-Street Parking</i>
Arterial Streets						
<i>Expressway**</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>
<i>Major arterial</i>	<i>95 – 100 feet</i>	<i>74 feet</i>	<i>4 lanes</i>	<i>TWLTL or median*</i>	<i>Yes</i>	<i>No*</i>
<i>Minor arterial</i>	<i>69 – 80 feet</i>	<i>48 feet</i>	<i>2 lanes</i>	<i>TWLTL or median*</i>	<i>Yes</i>	<i>No*</i>
Collectors						
<i>Major</i>	<i>57 – 80 feet</i>	<i>36 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>Yes</i>	<i>No*</i>
<i>Minor</i>	<i>61 – 65 feet</i>	<i>40 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>Yes*</i>	<i>Yes*</i>
Local Streets						
<i>Local residential</i>	<i>54 – 60 feet</i>	<i>32 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>

Table 15.505.030(G) Street Design Standards

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

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

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

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

Finding: N Heritage Way is classified as a local residential street in the City’s Transportation System Plan. This criterion does not apply.

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

Finding: N Heritage Way is classified as a local residential street in the City’s Transportation System Plan. No bike lanes are required. This criterion does not apply.

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

Finding: N Heritage Way is classified as a local residential street in the City’s Transportation System Plan. The applicant is proposing a ¾ street improvement. Because of the limited pavement width

constructed as part of the ¾ street improvement, the applicant will be required to install “No Parking” signage on N Heritage Way where the pavement width is less than 26-feet.

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

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

Finding: N Heritage Way is classified as a local residential street in the City’s Transportation System Plan. This criterion is not applicable.

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

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

Finding: There are no limited residential streets proposed as part of this project. These criteria do not apply.

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

Finding: The submitted narrative describes a 5-foot sidewalk. The plans show a proposed sidewalk and planter strip configuration. The plans match the existing sidewalk and planter strip configuration both north and south of the development. This requirement is met.

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

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

Finding: The submitted plans show a proposed sidewalk and planter strip configuration. The applicant is showing matching the existing sidewalk and planter strip configuration both north and south of the development. A condition of approval is provided in NMC 15.420.020 is provided to ensure compliance

with NMC requirements. This requirement will be met with the adherence to the condition of approval provided for in NMC15.420.020 of these findings.

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

Finding: This criterion is not applicable because the applicant is not requesting a slope easement nor is one required.

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

Finding: The applicant is not proposing modifications to the street standards. This criterion does not apply.

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

Finding: The applicant is not proposing a conditional use permit nor is one required for the proposed subdivision. This criterion does not apply.

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

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

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

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

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

Finding: This criterion is not applicable because the fire marshal is not requiring a temporary turnaround. This criterion is not applicable.

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

Finding: This criterion is not applicable because the surrounding topography is predominately flat.

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

Finding: This criterion is not applicable because the surrounding properties are already developed. There are no possible future street extensions in the area of this project. This criterion does not apply.

L. Cul-de-Sacs.

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

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

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

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

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

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

3. Cul-de-sacs shall not serve more than 18 single-family dwellings.

Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

Finding: These criteria are not applicable because no cul-de-sacs are planned for the proposed subdivision.

M. Street Names and Street Signs. *Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.*

Finding: The applicant is proposing a street improvement that connects approximately 150-feet of N Heritage Way, to the existing roadway north and south of the development. This criterion is met.

N. Platting Standards for Alleys.

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

Finding: These criteria are not applicable because the applicant is not proposing alleys as part of their subdivision proposal.

O. Platting Standards for Blocks.

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

<i>Zone(s)</i>	<i>Maximum Block Length</i>	<i>Maximum Block Perimeter</i>
<i>R-2, R-3, RP, I</i>	<i>1,200 feet</i>	<i>3,000 feet</i>

3. Exceptions.

- a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.*

b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.

c. Blocks in excess of the above standards are allowed

where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.

d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.

e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.

f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

Finding: A condition of approval for the Josie's Meadows 2 Subdivision Plat required a pedestrian path along the southern edge of Madison's Garden 1 (Josie's Meadow 2) in order to meet block length and block perimeter standards. The Findings stated that the pedestrian path could be extended to N Crater Lane if lots to the east subdivide. The proposed Heritage Meadows 3 is east of Madison's Garden 1 (Josie's Meadow 2). The applicant's plans show the referenced pedestrian path as existing and extending into the SW portion of proposed Lot 10. As part of the approval for this project, as part of the public improvement permit the applicant will complete the extension of the pedestrian path from Madison's Garden 1 to Heritage Way, completing the connection from to Heritage Way as part of the connections to Crater Lane. This will require moving the proposed rain garden within the alignment to make room for the pedestrian path easement and 5-foot-wide sidewalk. This Criterion will be met with the adherence to the aforementioned condition of approval.

P. Private Streets. *New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).*

Finding: This criterion is not applicable because no private streets are being proposed as part of the proposed subdivision.

Q. Traffic Calming.

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

a. Serpentine alignment.

b. Curb extensions.

c. Traffic diverters/circles.

d. Raised medians and landscaping.

e. Other methods shown effective through engineering studies.

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

Finding: These criteria are not applicable because the proposed subdivision is too small to warrant traffic calming.

R. Vehicular Access Standards.

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

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

Table 15.505.R. Access Spacing Standards

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

¹ *“Urban” refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).*

Table 15.505.R. Access Spacing Standards

Roadway Functional Classification	Area ¹	Minimum Public Street Intersection Spacing (Feet) ²	Driveway Setback from Intersecting Street ³
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“CBD” refers to intersections within the central business district (C-3 zone).

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

² *Measured centerline to centerline.*

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

Finding: There are no access spacing standards for local streets. These criteria do not apply.

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

a. For a duplex dwelling more than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 22 feet of lot frontage separating each driveway approach.

Finding: The applicant’s proposed development will have only one street frontage. If duplex development is proposed, then “a” above will apply. This criterion does not apply based on the information provided for preliminary plat review.

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

Finding: The applicant’s proposed development has only one frontage. This criterion does not apply.

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

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

Finding: These criteria are not applicable because that applicant is not proposing alleys as part of their application.

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

Finding: These criteria are not applicable because the applicant is not proposing closure of existing accesses.

7. Shared Driveways.

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

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

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

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

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

Finding: The applicant's preliminary plans show a 20-foot-wide shared driveway approach providing access to Lots 10 and 11. The applicant has not indicated the need for a shared access agreement in addition to the proposed easement. Because a shared access agreement and easement documentation have not been recorded, the applicant will be required to obtain and record a shared driveway approach, access, and maintenance agreement for the proposed shared driveway serving Lot 10 and Lot 11 prior to final plat approval. The criterion will be met if the aforementioned condition of approval is adhered to.

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

Finding: This proposal does not include properties fronting arterial or collector streets. This criterion does not apply.

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

Finding: The applicant's project is not located proximate to ODOT or Yamhill County right-of-way. This criterion is not applicable.

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

a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.

b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.

c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.

11. *Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.*

Finding: The applicant is not proposing any exceptions nor are any required. These criteria are not applicable.

S. Public Walkways.

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.

2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.

3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.

4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.

5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.

6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.

7. Lighting may be required for public walkways in excess of 250 feet in length.

8. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

Finding: The approval for SUB2-06-002 Madison's Garden 1 & 4 (Josie's Meadows 2 Subdivision Plat) included a condition of approval requiring a pedestrian path along the southern edge of Madison's Garden 1 (Josie's Meadow 2). The stated intent of the pedestrian path was to meet block length and

block perimeter standards. The Findings stated that the pedestrian path could be extended to N Crater Lane if lots to the east subdivide. The proposed Heritage Meadows 3 is east of Madison's Garden 1 (Josie's Meadow 2).

The pedestrian path referenced for Madison's Garden 1 (Josie's Meadow 2) is shown on the applicant's plans extending into proposed lot 10. As part of the approval, the applicant will extend the pedestrian path to N Heritage Way from the southwest corner of the subdivision, completing the pedestrian path which was conditioned as part SUB2-06-002.

T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

Finding: The applicant preliminary plat illustrates a curb side planter as part of the half-street improvements on N Heritage Way. Because street trees are a requirement of development, with the final plat submittal, the applicant shall provide a landscaping plan for the planter strip along N Heritage Way that meets the requirements of NMC 15.420.010(B)(4) and 15.420.020(A) and (B). All required landscaping shall be completed prior to an occupancy permit being issued for the lots adjacent to the required planter strips.

This criterion will be met with the adherence to the aforementioned condition of approval.

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

Finding: The applicant's proposal does not adequately address the City's street lighting requirement. Because street lighting is a requirement of development, the applicant will be required to show via a lighting analysis that the existing street lighting meets City standards or provide additional street lighting along the development frontage on N Heritage Way that is compliant with the City's Public Works Design and Construction Standards. Street lighting will be required on the west side of N Heritage Way along the development frontage.

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

V. Transit Improvements.

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

1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not

deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.

2. A transit passenger landing pad accessible to disabled persons.

3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.

Finding: These criteria are not applicable because no transit improvements are being proposed for this application.

15.505.040 Public utility standards.

C. General Standards.

1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.

2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.

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.

Finding: The applicant's plans illustrate a public waterline connection to the existing 8-inch water line in N Heritage Way north and south of the proposed development. Because construction plans have not yet been submitted and it is unclear if fire flows have been verified, the applicant will be required to verify that adequate fire flow exists and is required to submit construction plans and obtain a Public Improvement Permit to install the proposed public water system pursuant to the requirements of the

City's Public Works Design and Construction Standards. The applicant shall install an 8-inch public water line as part of the development and connect to the existing waterlines in N Heritage Way north and south of the development and install the necessary fire hydrants to serve the development per the Fire District requirements and the City's fire hydrant spacing requirements.

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

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

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

Finding: Exhibit C of the submitted title report indicates an easement for a private septic drain field. Because the City prohibits all septic tank systems and on-site sewage systems within the City, the applicant will need to confirm that any septic tank systems or on-site sewage systems within the development site are abandoned or removed per Yamhill County standards and provide documentation of abandonment or removal to the City prior to issuance of the final plat.

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

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

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

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

5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.

6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgement of the city, cannot be feasibly served otherwise.

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

Finding: The applicant's plans illustrate a connection to and extension of the existing sewer main in N Heritage Way south of the proposed development. The proposed sewer main is being extended to the north to serve the proposed 4-lot subdivision. The applicant's plans illustrate the sewer main extension terminating in a manhole approximately 90-feet north of the southern property line. However, the sewer main extension will need to be extended to the north beyond the proposed 90-feet to accommodate future development on TL1109. The applicant's plan shows the 4-lot subdivision being served by one private lateral connection to a proposed manhole. The City does not allow for "party lines" and each lot is required to be served by its own wastewater service lateral per NMC13.10.070(K).

Because the applicant has proposed a wastewater system that does not meet the requirements of the City's Public Works Design and Construction Standards, the applicant will be required to submit construction plans and obtain a Public Improvement Permit to extend the existing wastewater main from the southern property boundary to the north to serve both the proposed development and future development on TL1109. The termination of the sewer main must occur at a manhole and each tax lot shall be served by an individual service lateral pursuant to the development code and requirements of the City's Public Works Design and Construction Standards.

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

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

Finding: The applicant has submitted preliminary drawings that show utility easements. Because utility easements are required in order to service the proposed subdivision, the applicant will be required to submit and record documents that include necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

- 1) 10-foot public utility easements along all public street frontages.
- 2) 15-foot public utility easement over the center of the public water line, which as noted on the applicant's preliminary plans will encroach into TL1109. No other utilities can be running parallel to and collocated within the public waterline easement.
- 3) Private utility easement(s) for the private wastewater and water service lines to be installed to proposed lots 10 and 11.
- 4) Maintain and protect all existing utilities easements encumbered on the property.

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

15.505.050 Stormwater system standards.

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

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

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

Finding: The applicant's narrative, preliminary plans and stormwater report indicate the applicant will be installing stormwater facilities to manage both public and private stormwater. Because the applicant has not provided detailed construction plans or a final stormwater report, the applicant will be required to provide detailed construction plans and a final stormwater report that addresses requirements outlined in the Public Works Design and Construction Standards for both the private on-site stormwater and the public stormwater resulting from the ¾ street improvement. A final stormwater report is required prior to issuance of the public improvement permit as noted by the applicant.

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

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

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

Finding: The applicant's plans do not illustrate site disturbance of greater than one acre. Because the applicant has not provided documentation of an erosion and sedimentation control permit for the development site, the applicant will be required to obtain a City issued Erosion and Sedimentation Control Permit as part of a Public Improvement Permit application.

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

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

Finding: The applicant’s narrative and preliminary plans show the applicant will be installing infiltration stormwater facilities to address quality and quantity of stormwater runoff from the development. A stormwater final report will need to be submitted with the Public Improvement Permit and will be completely reviewed at that time. Because the applicant has not submitted a final stormwater report or construction plans, the applicant is required to submit a final stormwater report and construction plans meeting the City’s Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Public Improvement Permit that addresses both the private on-site stormwater and the public stormwater resulting from the ¾ street improvement. Infiltration tests results will be required to be submitted with the stormwater report. The applicant will also need to provide Operations and Maintenance Manuals for the new public stormwater facilities, and Private Stormwater Maintenance Agreements for the proposed private stormwater facilities including the proposed raingardens and proposed paver driveways. The public stormwater facilities shall be constructed and operational prior to street paving, and the private stormwater facilities shall be constructed and functioning prior to building permits being issued.

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

15.235.050(A) Preliminary plat approval criteria (continued).

4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

Finding: The proposed plat name of the subdivision is the third plat by the same applicant in this area and adjoins the plat of “Heritage Meadows”. The name is “Heritage Meadows No. 3” is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92. The applicant provided an email from the Yamhill County surveyor that reserves the subdivision name. This criterion is met.

5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

Finding: The proposed streets, utility, and stormwater improvements comply with adopted master plans and design standards, as conditioned in Section III.

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;

Finding: There is a proposed shared-access drive serving Lots 10 and 11. The applicant’s narrative indicates the intent to file and record a shared driveway maintenance agreement and rain garden maintenance at the time of final plat review. Because there are private common areas and improvements

that will require access and maintenance over time, as part of the Public Improvement Permit the applicant shall provide an access easements and rain garden maintenance agreements shall be recorded for all private stormwater facilities. As conditioned elsewhere in this report, the applicant shall provide record an access and maintenance agreement for the shared driveway. This criterion will be met with the adherence to the aforementioned condition of approval.

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

Finding: Based on the applicant's submittal, the proposed subdivision does not appear to require state or federal permits. However, public utility infrastructure improvements—not limited to street improvements, water, wastewater, and stormwater—may require completed permits from partner agencies to authorize different work tasks. Issuance of these permits will be required prior to the City of Newberg issuing a Public Improvement Permit.

8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

Finding: This provision can be met through the submission and review of subdivision plans. The required improvements will be made prior to final plat approval. Conditions of approval are listed in Section III attached hereto.

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.

Section III: Conditions of Approval – File SUB221-0001 Heritage Way No. 3 Subdivision

- A. The applicant is conditioned to complete construction (i.e. required public improvements, utilities, streets) for the subdivision phase within two years of the preliminary plat approval.

The applicant is conditioned to record the final plat within the subdivision approval period. The applicant must provide the following information for review and approval prior to construction of any improvements:

1. Access easements and maintenance agreements shall be recorded for the shared driveway as part of the final platting process.
2. Construction plans must be submitted for all infrastructure, per the requirements below.
3. Future construction will be reviewed for compliance with all applicable lot and parking coverage requirements during the building permit review process.

General Requirements for the Public Improvement Permit:

The Public Works Design and Construction Standards require that the applicant submit engineered construction plans for review and approval of all utilities, public street improvements, and any new public streets being constructed. Please note that additional Engineering Department plan review application and fees apply for review of plans. Submit any required easements for review and approval and record approved easements. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved and all necessary permits have been obtained.

1. Public utility infrastructure improvements not limited to street improvements, public walkways, water, wastewater, and stormwater will require permits from partner agencies to authorize different work tasks. All other agency permitting will be required prior to the City of Newberg issuing a Public Improvement Permit.

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

1. Street Trees

- a. With the final plat submittal, the applicant shall provide a landscaping plan for the planter strip along N Heritage Way that meets the requirements of NMC 15.420.010(B)(4) and 15.420.020(A) and (B). All required landscaping shall be completed prior to an occupancy permit being issued for the lots adjacent to the required planter strips.

2. Streets, Pedestrian Walkways, Shared Driveway and Street Lighting

- a.** The applicant will be required to dedicate right-of-way to construct a $\frac{3}{4}$ street improvement consistent with the City's standards. The roadway shall be built to match the existing curb and sidewalk alignment and configuration north and south of the subject property (no jog in alignment).
- b.** The applicant will be required to dedicate right-of-way to construct a $\frac{3}{4}$ street improvement inclusive of the following elements: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5-foot planter, 0.5-foot curb, 24-foot minimum pavement with no parking allowed, and 1-foot minimum from edge of pavement to right-of-way consistent with the City's standards. The roadway shall be built to match the existing curb and sidewalk alignment and configuration north and south of the subject property (no jog in alignment). The $\frac{3}{4}$ street improvement with less than 26-feet of paved width shall be signed as "No Parking" until the street is developed to the full width of a Local Residential Street.
- c.** The applicant will be required to install "No Parking" signage on N Heritage Way where the pavement width is less than 26-feet.
- d.** As part of the public improvement permit the applicant will complete the extension of the pedestrian path from Madison's Garden 1 to Heritage Way, completing the connection from to Heritage Way as part of the connections to Crater Lane. This will require moving the proposed rain garden within the alignment to make room for the pedestrian path easement and 5-foot-wide sidewalk.
- e.** The applicant will be required to obtain and record a shared driveway approach, access, and maintenance agreement for the proposed shared driveway serving Lot 10 and Lot 11 prior to final plat approval.
- f.** The applicant will be required to show via a lighting analysis that the existing street lighting meets City standards or provide additional street lighting along the development frontage on N Heritage Way that is compliant with the City's Public Works Design and Construction Standards. Street lighting will be required on the west side of N Heritage Way along the development frontage.

3. Water

- a.** The applicant will be required to verify that adequate fire flow exists and is required to submit construction plans and obtain a Public Improvement Permit to install the proposed public water system pursuant to the requirements of the City's Public Works Design and Construction Standards. The applicant shall install an 8-inch public water line as part of the development and connect to the existing waterlines in N Heritage Way north and south of the development and install the

necessary fire hydrants to serve the development per the Fire District requirements and the City's fire hydrant spacing requirements.

4. Miscellaneous Permits

- a. The applicant will need to confirm that any septic tank systems or on-site sewage systems within the development site are abandoned or removed per Yamhill County standards and provide documentation of abandonment or removal to the City prior to issuance of the final plat.
- b. The applicant will be required to obtain a City issued Erosion and Sedimentation Control Permit as part of a Public Improvement Permit application.

5. Wastewater

- a. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to extend the existing wastewater main from the southern property boundary to the north to serve both the proposed development and future development on TL1109. The termination of the sewer main must occur at a manhole and each tax lot shall be served by an individual service lateral pursuant to the development code and requirements of the City's Public Works Design and Construction Standards.

6. Easements

- a. The applicant will be required to submit and record documents that include necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:
 - i. 10-foot public utility easements along all public street frontages.
 - ii. 15-foot public utility easement over the center of the public water line, which as noted on the applicant's preliminary plans will encroach into TL1109. No other utilities can be running parallel to and collocated within the public waterline easement.
 - iii. Private utility easement(s) for the private wastewater and water service lines to be installed to proposed lots 10 and 11.
 - iv. Maintain and protect all existing utilities easements encumbered on the property.

7. Stormwater

- a. The applicant will be required to provide detailed construction plans and a final stormwater report that addresses requirements outlined in the Public Works Design and Construction Standards for both the private on-site stormwater and the

public stormwater resulting from the ¾ street improvement. A final stormwater report is required prior to issuance of the public improvement permit as noted by the applicant.

- b. The applicant is required to submit a final stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Public Improvement Permit that addresses both the private on-site stormwater and the public stormwater resulting from the ¾ street improvement. Infiltration tests results will be required to be submitted with the stormwater report. The applicant will also need to provide Operations and Maintenance Manuals for the new public stormwater facilities, and Private Stormwater Maintenance Agreements for the proposed private stormwater facilities including the proposed raingardens and proposed paver driveways. The public stormwater facilities shall be constructed and operational prior to street paving, and the private stormwater facilities shall be constructed and functioning prior to building permits being issued.
- c. As part of the Public Improvement Permit the applicant shall provide an access easements and rain garden maintenance agreements shall be recorded for all private stormwater facilities.

B. The applicant must complete the following prior to final plat approval.

- 1. **Substantially Complete the Construction Improvements:** Prior to final plat approval, the applicant must substantially complete the construction improvements and secure for inspection with the Engineering Division (503-537-1273). In addition to those items listed below, the inspector will also be looking for completion of items such as sidewalks, street signs, streetlights, and fire hydrants.

ORS455.174 defines substantial completion as the completion of the:

- a. Water supply system;
- b. Fire hydrant system;
- c. Sewage disposal system;
- d. Storm water drainage system;
- e. Curbs;
- f. Demarcating of street signs acceptable for emergency responders; and
- g. Roads necessary for access by emergency vehicles.

C. Final plat submission requirements and approval criteria: In accordance with NDC 15.235.070, final plats require review and approval by the director prior to recording with Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:

- 1. Submission Requirements:

The applicant shall submit the final plat within two years, or as otherwise provided for in NMC 15.235.030. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

- a. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary paper copies of the plat are acceptable for review at the time of final plat application.
 - b. Written response to any conditions of approval assigned to the land division.
 - c. A title report for the property, current within six months of the final plat application date.
 - d. Copies of any required dedications, easements, or other documents.
 - e. Copies of all homeowner's agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner's association, including but not limited to a draft homeowner's association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
 - f. Copies of any required maintenance agreements for common property.
 - g. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.
 - h. A completed Security and Improvement Agreement if the improvements are not substantially complete prior to the final plat.
 - i. Any other item required by the city to meet the conditions of approval assigned to the land division.
2. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval
- D.** Filing and recording: In accordance with NDC 15.235.080, a new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot. The final plat filing and recording requirements are as follows:
1. Filing Plat with County. Within 60 days of the city approval of the final plat, the applicant shall submit the final plat to Yamhill County for signatures of county officials as required by ORS Chapter 92.

2. Proof of Recording. Upon final recording with the county, the applicant shall submit to the city a paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
3. Prerequisites to Recording the Plat.
 - a. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;

No plat shall be recorded until the county surveyor approves it in the manner provided by ORS Chapter 92.

E. Development Notes:

1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
2. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
3. **Frontier:** The developer must coordinate trench/conduit requirements with Frontier. Contact the Engineering Division, Frontier, at 541-269-3375.
4. **Addresses:** The Planning Division will assign addresses for the new subdivision. Planning Division staff will send out notice of the new addresses after they receive a recorded copy of the final subdivision plat.
5. **Building Official:** a) Verify that all soil meets minimum 1500 PSF bearing capacity, and b) verify no construction in floodplain or provide construction documents accommodating floodplain requirements.

Attachment 1: Agency Comments



City of Newberg
414 E. First Street
P.O. Box 970
Newberg, OR 97132



City Manager
(503) 537-1207
(503) 537-5013 Fax

Community Development Department - Planning Division
P.O. Box 970 - 414 E. First Street - Newberg, Oregon 97132 - (503) 537-1240 - Fax (503) 537-1272

REFERRAL TO: Ziplly Fiber, Attn: Engineering

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to 06/15/2021. Please refer questions and comments to Keith Leonard.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Ron Manning

REQUEST: Tentative Plan Approval for a four lot single family subdivision

SITE ADDRESS:

LOCATION: On the West side of Heritage Way, North of Heritage Meadows, South of Josie's Meadows and East of Josie's Meadows-2.

TAX LOT: R3218AB 00906, 01000,01100

FILE NO: SUB221-0001

ZONE: MDR

HEARING DATE:

-
- Reviewed; no conflict.
 - Reviewed; recommend denial for the following reasons:
 - Require additional information to review. (Please list information required)
 - Meeting requested.
 - Comments. (Attach additional pages as needed)

Reviewed By: SCOTT ALBERT
ZIPLY FIBER

6/4/21
Date:



August 18, 2021

City of Newberg
Keith Leonard
414 E. First St.
Newberg, OR 97132

Re: SUB221-0001, Heritage Meadows 3 Subdivision, Newberg, OR 97132

Dear Keith,

Thank you for the opportunity to review the proposed site plan surrounding the above-named development project. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval:

1. **FIREFIGHTING WATER SUPPLY FOR INDIVIDUAL ONE- AND TWO-FAMILY DWELLINGS:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)
2. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)
3. **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where the most remote portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)

If you have questions or need further clarification or would like to discuss any alternate methods and/or materials, please feel free to contact me at **(503)259-1409**.

Sincerely,

Ty Darby
Deputy Fire Marshal II

Attachment 2: Public Comments

RECEIVED

JUN 28 2021

Initial: _____

June 21, 2021

City of Newberg
Community Development
PO Box 970
Newberg, OR 97132


Re: File No. SUB221-0001

I called to discuss my questions with the Planning Division but never received a call back. I am unable to come to City Hall to review the information about this proposed new development in our neighborhood, as I am out of town. Please consider the following comments regarding the proposed new development to maintain the look and feel of the existing neighborhood:

1. Create three new lots to match the 3 adjacent lots on Legacy Dr. and existing lots' sizes on Heritage Way / Legacy Dr. (c. 4,800 -5,200 square feet)
2. Extend Heritage Way to match the existing roadway, improvements, sidewalks and streetscape
3. Maintain a dead end on Heritage Way to avoid through traffic on our quiet street

I realize that some of these might be covered by the proposal in your office, but as I mentioned previously, I have no way to discuss with staff or review in person at this time.

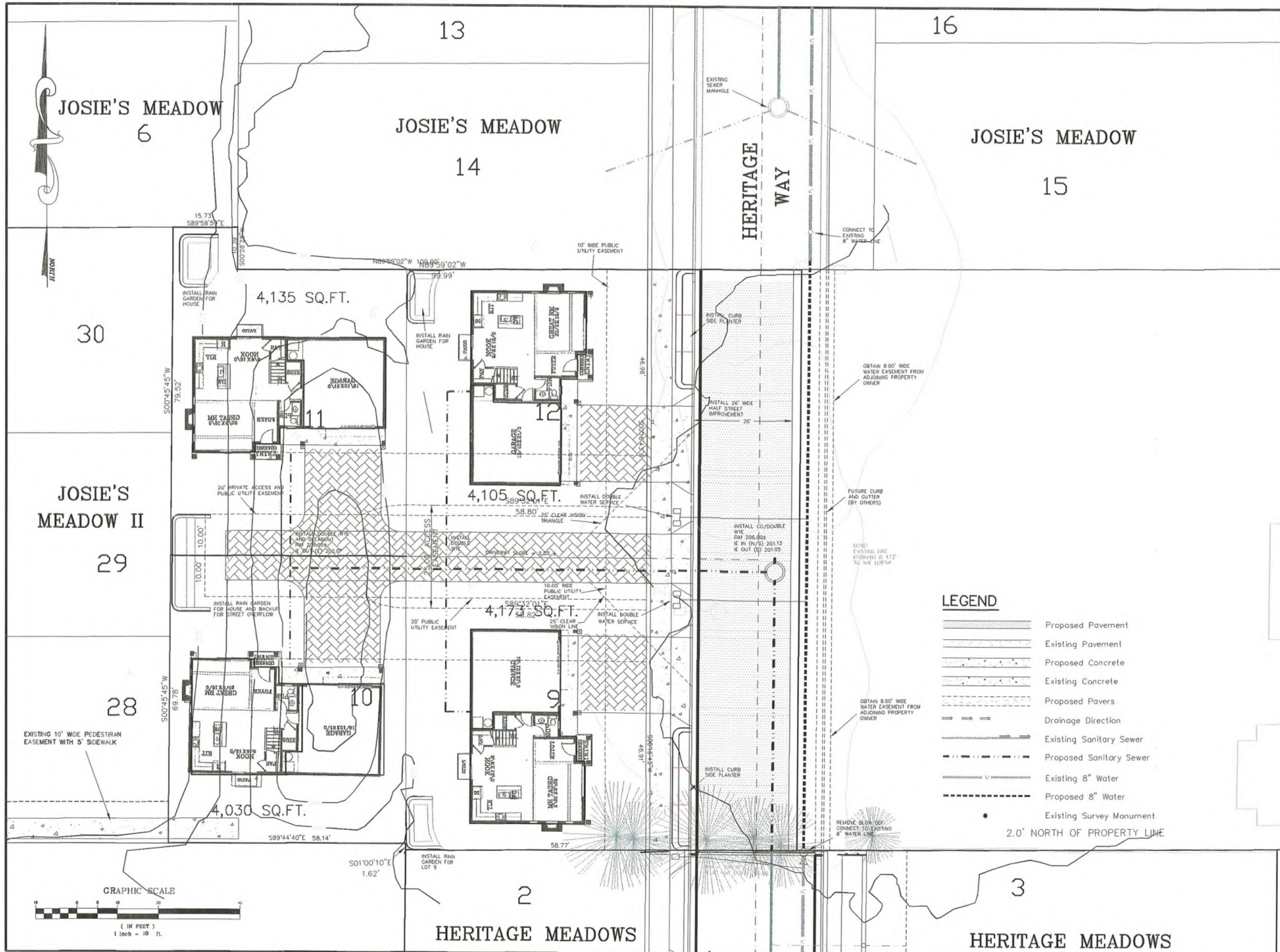
Thanks for your consideration,



John Panighetti
Homeowner
2214 Heritage Way

408-656-4219

Attachment 3: Preliminary Plat Site Plan



PRELIMINARY PLAT
HERITAGE MEADOWS NO. 3
 Located in the Northwest Quarter of the Northeast Quarter of Section 18
 Township 3 South, Range 2 West of the Willamette Meridian
 City of Newberg, Yamhill County, Oregon

Prepared for:
 Ron Manning
 P. O. Box 605
 Newberg, Oregon 97132
 Phone: (503) 662-4050
 Mobile: (503) 793-7222

W.O. No. 1525
 Design: [Signature]
 Drawn: [Signature]
 Date: 14 May 2021
 Dwg: 1525CNTL.DWG

Sheet
 1 of 1

No.	Description/Date

LEONARD A. FIDELL, P.E., P.L.S.
 601 Piedmont Drive, Newberg, Oregon 97132
 Phone: (503) 538-5725
 Mobile: (503) 791-4138
 LAF@lafidell.com
 Consulting Civil Engineer - Land Surveyor - W.E.C.E.
 RENEWAL DATE: 12/31/2022

LEGEND

	Proposed Pavement
	Existing Pavement
	Proposed Concrete
	Existing Concrete
	Proposed Pavers
	Drainage Direction
	Existing Sanitary Sewer
	Proposed Sanitary Sewer
	Existing 8" Water
	Proposed 8" Water
	Existing Survey Monument

2.0' NORTH OF PROPERTY LINE

Attachment 4: Application



TYPE II APPLICATION (LAND USE) -- 2020

File #: SUB221-0001

TYPES - PLEASE CHECK ONE:

- Design review
- Tentative Plan for Partition
- Tentative Plan for Subdivision

- Type II Major Modification
- Variance
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: RON MANNING
 ADDRESS: PO BOX 605 NEWBERG OR 97132
 EMAIL ADDRESS: RON@LONEOAKBOULDERS.COM
 PHONE: _____ MOBILE: 503-793-7222 FAX: _____
 OWNER (if different from above): _____ PHONE: _____
 ADDRESS: _____
 ENGINEER/SURVEYOR: LEONARD RYDELL PHONE: 503-538-5700
 ADDRESS: 601 E PINCHURST NEWBERG OR 97132

GENERAL INFORMATION:

PROJECT NAME: Heritage meadows NO. 3 PROJECT LOCATION: Heritage BETWEEN LYNALIN and MOUNTAINVIEW
 PROJECT VALUATION: _____
 PROJECT DESCRIPTION/USE: D-4 LOT SUBDIVISION
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3218 AB - 966 - 1000 - 1100 ZONE: R-2 SITE SIZE 21685 SQ. FT. ACRE
 COMP PLAN DESIGNATION: R-2 TOPOGRAPHY: FLAT
 CURRENT USE: VACANT
 SURROUNDING USES:
 NORTH: R-2 SOUTH: R-2
 EAST: R-2 WEST: R-2

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:

Design Reviewp. 12
 Partition Tentative Platp. 14
 Subdivision Tentative Platp. 17
 Variance Checklistp. 20

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.

[Signature] 10/18/2020
 Applicant Signature Date

[Signature] 10/18/2020
 Owner Signature Date

RON MANNING
 Print Name

RON MANNING
 Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists

RECEIVED

JAN 08 2021
Page 1

Initial: _____



First American

First American Title Insurance Company

775 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Ron Manning
PO Box 605
Newberg, OR 97132
Phone:
Fax:

Date Prepared : November 17, 2020
Effective Date : 8:00 A.M on November 12, 2020
Order No. : 1039-3610331
Subdivision :

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

EXHIBIT "A"
(Land Description Map Tax and Account)

Parcel 1:

All that portion of Parcel 1 of Partition Plat 1994-28 recorded June 13, 1994 in Film 3, Page 487, Plat Records of Yamhill County, State of Oregon.

EXCEPTING that portion platted as JOSIE'S MEADOW II, in the City of Newberg, Yamhill County, State of Oregon.

Parcel 2:

A portion of Parcel 1 of Partition Plat 1994-23, a partition recorded May 27, 1994 in Film 3, Page 480, Yamhill County Plat Records, located in the Northwest Quarter of the Northeast Quarter of Section 18, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more fully described based on said Partition 1994-23, as follows:

Beginning at a 5/8 inch iron rebar at the Southwest corner of Parcel 1 of said Partition 1994-23; thence North 00°53'07" East 1.68 feet along the West line of said Parcel 1 of said Partition 1994-23 to a 5/8 inch iron rebar at the Southeast corner of Parcel 1 of Partition 1994-28, a partition recorded June 13, 1994 in Film 3, Page 487, Yamhill County Plat Records; thence North 00°53'07" East 139.16 feet along the West line of said Parcel 1 of Partition 1994-23 and the East line of Partition 1994-28 to the North line of said Parcel 1 of Partition 1994-23 and the South line of JOSIE'S MEADOW, a subdivision recorded August 18, 2005, by Instrument No. 2005-17987, Yamhill County Plat Records; thence North 90°00'00" East along the North line of said Parcel 1 of Partition 1994-23 and the South line of JOSIE'S MEADOW, 94.80 feet to a point; thence South 00°29'22" West 140.83 feet to a point on the South line of said Parcel 1 of Partition 1994-23, said point being on the North end of the Heritage Way right of way as platted by HERITAGE MEADOWS, a subdivision recorded January 10, 2014, Instrument No. 2014-00280, Yamhill County Deed Records; thence South 90°00'00" West along the South line of said parcel 1 and the North line of said HERITAGE MEADOWS, 95.77 feet to the Point of Beginning.

Parcel 3:

TRACT B, JOSIE'S MEADOW, in the City of Newberg, Yamhill County, State of Oregon.

EXCEPTING that portion platted as JOSIE'S MEADOW II, in the City of Newberg, Yamhill County, State of Oregon.

Map No.: R3218AB 01000, R3218AB 01100 and R3218AB 00906
Tax Account No.: 41500, 41519 and 531754

EXHIBIT "B"
(Vesting)

Ron Manning

EXHIBIT "C"
(Liens and Encumbrances)

1. City liens, if any, of the City of Newberg.
(Affects All Parcels)

The following Exceptions affects Parcel 1:

2. Taxes for the year 2020-2021
Tax Amount \$ 1,090.98
Unpaid Balance: \$ 1,090.98, plus interest and penalties, if any
Code No.: 29.0
Map & Tax Lot No.: R3218AB 01000
Property ID No.: 41500
3. Covenant of Waiver of Rights and Remedies and the terms and conditions thereof:
Between: Marc Willcuts, Pres. of Coyote Homes, Inc.
And: City of Newberg
Recording Information: November 30, 2005 as Instrument No. 200526993, Deed
and Mortgage Records

The following Exceptions affects Parcel 2:

4. Taxes for the year 2020-2021
Tax Amount \$ 1,835.34
Unpaid Balance: \$ 1,835.34, plus interest and penalties, if any.
Code No.: 29.0
Map & Tax Lot No.: R3218AB 01100
Property ID No.: 41519
5. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
6. Restrictions shown on the recorded plat/partition.
7. Easement, including terms and provisions contained therein:
Recording Information: August 18, 2005 as Instrument No. 200517988, Deed
and Mortgage Records
In Favor of: David L. Hancock and Elizabeth A. Hancock
For: Maintenance, repairs, and improvements
8. Covenant of Waiver of Rights and Remedies and the terms and conditions thereof:
Between: Elizabeth A. Hancock
And: City of Newberg
Recording Information: November 30, 2005 as Instrument No. 200526994, Deed
and Mortgage Records

9. Easement, including terms and provisions contained therein:
Recording Information: January 27, 2016 as Instrument No. 201601107, Deed
and Mortgage Records
In Favor of: Larry G. Zimmerman & Connie L. Zimmerman
For: private septic drain field

The following Exceptions affects Parcel 3:

10. Taxes for the year 2020-2021
Tax Amount \$ 3.98
Unpaid Balance: \$ 3.98, plus interest and penalties, if any.
Code No.: 29.0
Map & Tax Lot No.: R3218AB 00906
Property ID No.: 531754
11. Subdivision Compliance Agreement and the terms and conditions thereof:
Between: City of Newberg
And: Coyote Homes, Inc.
Recording Information: August 18, 2005 as Instrument No. 200517989, Deed and
Mortgage Records

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
 - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
 - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

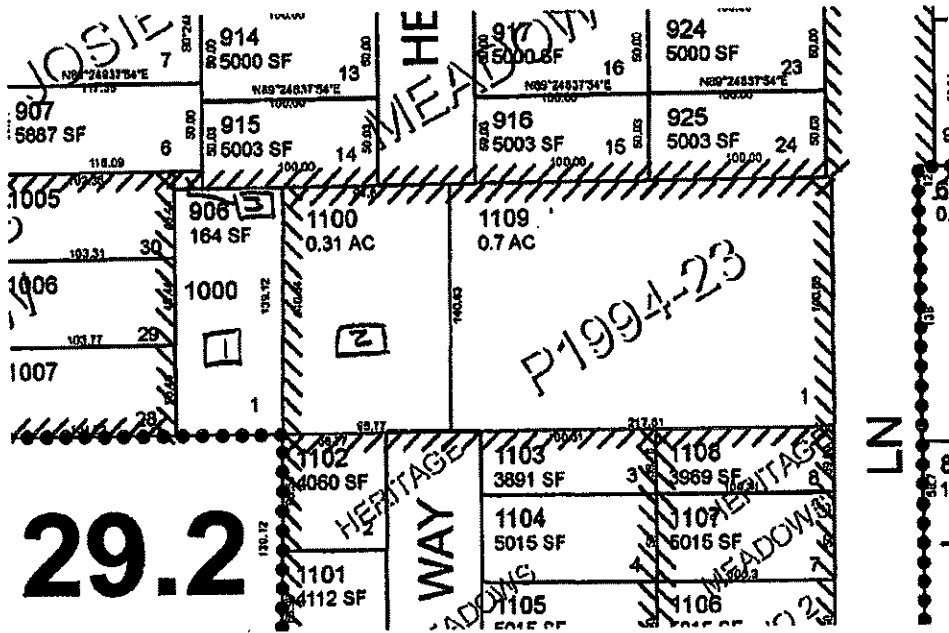
3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.



First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey

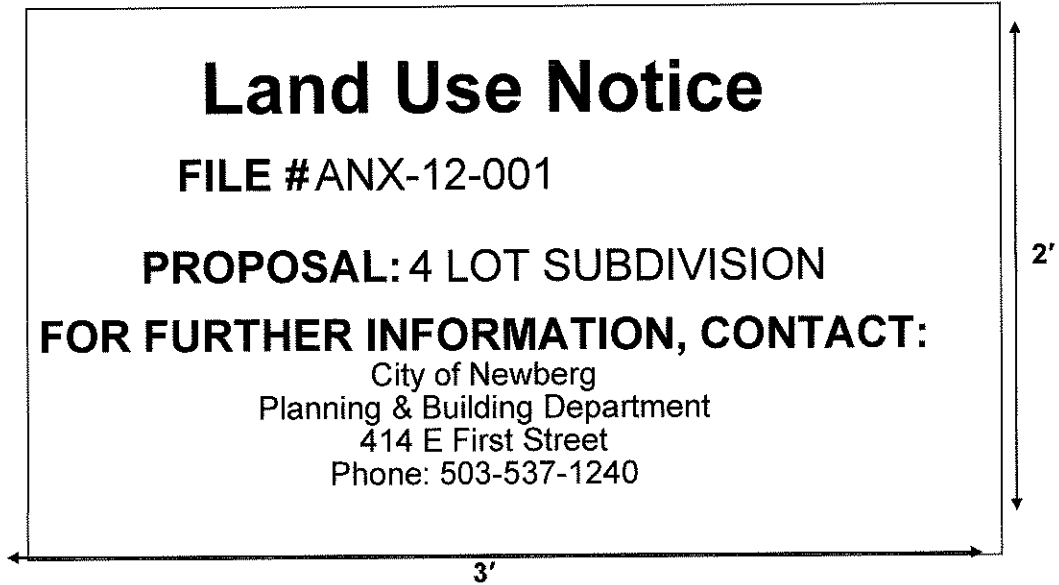


First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Order No. 1039-3610331

R3207CD 09300	Heidi & Kenneth Guffey	2318 N Heritage Way	Newberg	OR	97132	2318 N Heritage Way	Newberg	OR
R3207CD 11000	Braden & Ashlee Walker	2317 N Crater Ln	Newberg	OR	97132	2317 N Crater Ln	Newberg	OR
R3218AB 00900	William & Mary Jones	2217 N Legacy Dr	Newberg	OR	97132	2217 N Legacy Dr	Newberg	OR
R3218AB 00919	Rebecca Ferraro	2164 N Heritage Way	Newberg	OR	97132	2164 N Heritage Way	Newberg	OR
R3218AB 00911	Megan Russell & Nickolas Trejo	2215 N Heritage Way	Newberg	OR	97132	2215 N Heritage Way	Newberg	OR
R3218AB 00515	Douglas & Julie Harnar	901 N Brutscher St STE 201	Newberg	OR	97132	No Site Address	Newberg	OR
R3218AB 00505	R Paul & Cindy Gibson	241 W Melody Ct	Newberg	OR	97132	241 W Melody Ct	Newberg	OR
R3218AB 00506	Mark & Mary Bartlett	2200 N Crater Ln	Newberg	OR	97132	2200 N Crater Ln	Newberg	OR
R3218AB 00504	Russell & Courtney Grant	11902 SW Windmill Dr	Beaverton	OR	97008	221 W Melody Ct	Newberg	OR
R3218AB 00910	Timothy Minks	2214 N Legacy Dr	Newberg	OR	97132	2214 N Legacy Dr	Newberg	OR
R3218AB 00901	Sarah & Min Choi	2167 N Legacy Dr	Newberg	OR	97132	2167 N Legacy Dr	Newberg	OR
R3218AB 00925	Peter & Kinga Soni	2135 N Crater Ln	Newberg	OR	97132	2135 N Crater Ln	Newberg	OR
R3218AB 00909	Rafaela & Carmen Tanase	2164 N Legacy Dr	Newberg	OR	97132	2164 N Legacy Dr	Newberg	OR
R3218AB 00914	Nathan & Jana Voeller	2145 N Heritage Way	Newberg	OR	97132	2145 N Heritage Way	Newberg	OR
R3218AB 00916	Donald & Doreen Shine	2134 N Heritage Way	Newberg	OR	97132	2134 N Heritage Way	Newberg	OR
R3218AB 00912	Wingate Aviation Enterprises Llc	215 N Blaine St STE B	Newberg	OR	97132	2165 N Heritage Way	Newberg	OR
R3218AB 00917	Katia & Michael Hodges	2144 N Heritage Way	Newberg	OR	97132	2144 N Heritage Way	Newberg	OR
R3218AB 00920	John Panighetti & Wendy Squire	198 Loma Alta Ave	Los Gatos	CA	95030	2214 N Heritage Way	Newberg	OR
R3218AB 00924	Adrienne Bailey	2145 N Crater Ln	Newberg	OR	97132	2145 N Crater Ln	Newberg	OR
R3218AB 00904	Robert & Penny Bohall	2141 N Legacy Dr	Newberg	OR	97132	2141 N Legacy Dr	Newberg	OR
R3218AB 00923	Mitchell & Melissa Baughman	2155 N Crater Ln	Newberg	OR	97132	2155 N Crater Ln	Newberg	OR
R3218AB 00510	Alexander & Peter Keddie	222 W Melody Ct	Newberg	OR	97132	222 W Melody Ct	Newberg	OR
R3218AB 00915	Joel & Julie Theophanes	2135 N Heritage Way	Newberg	OR	97132	2135 N Heritage Way	Newberg	OR
R3218AB 00703	Loren & Cheryl Corum	2111 N Nugget Ln	Newberg	OR	97132	2111 N Nugget Ln	Newberg	OR
R3218AB 00508	David & Frances Hanselman	2140 N Crater Ln	Newberg	OR	97132	2140 N Crater Ln	Newberg	OR
R3218AB 00600	Eugene & Concejo Zirschky	2120 N Crater Ln	Newberg	OR	97132	2120 N Crater Ln	Newberg	OR
R3218AB 00704	Eugene & Rona Delay	2109 N Nugget Ln	Newberg	OR	97132	2109 N Nugget Ln	Newberg	OR
R3207DC 09700	St Peter Catholic Church Newberg Oregon	2315 N Main St	Newberg	OR	97132	2315 N Main St	Newberg	OR
R3218BA 00400	Kyle & Sylvia Kapphahn	2201 NE Chehalem Dr	Newberg	OR	97132	2201 NE Chehalem Dr	Newberg	OR
R3218AB 01000	Ron Manning	Po Box 605	Newberg	OR	97132	No Site Address	Newberg	OR
R3218AB 01209	Bruce & Linda Gillespie	2048 N Heritage Way	Newberg	OR	97132	2048 N Heritage Way	Newberg	OR
R3218AB 01106	Daniel & Libby Boyes	2103 N Crater Ln	Newberg	OR	97132	2103 N Crater Ln	Newberg	OR
R3218AB 01107	Allison McPlke	2107 N Crater Ln	Newberg	OR	97132	2107 N Crater Ln	Newberg	OR
R3218AB 00709	Jerry & Marilou Mcclellan	215 W Lynn Dr	Newberg	OR	97132	215 W Lynn Dr	Newberg	OR

R3218AB 01103	Mark & Kimberly Gayman	2110 N Heritage Way	Newberg	OR	97132	2110 N Heritage Way	Newberg	OR
R3218AB 01102	Brian Tower & Carla Hinrichs	2109 N Heritage Way	Newberg	OR	97132	2109 N Heritage Way	Newberg	OR
R3218AB 01109	Larry & Connie Zimmerman	2119 N Crater Ln	Newberg	OR	97132	2119 N Crater Ln	Newberg	OR
R3218AB 00705	Philip & Katherine Bonner	2107 N Nugget Ln	Newberg	OR	97132	2107 N Nugget Ln	Newberg	OR
R3218AB 01101	Teresa Braus	2105 N Heritage Way	Newberg	OR	97132	2105 N Heritage Way	Newberg	OR
R3218AB 01007	Corey & Kaitlin Proctor	2114 N Legacy Dr	Newberg	OR	97132	2114 N Legacy Dr	Newberg	OR
R3218AB 01205	Derik Stone	347 W Lynn Dr	Newberg	OR	97132	347 W Lynn Dr	Newberg	OR
R3218AB 01202	Peter & Darla Petrillo	2017 N Crater Ln	Newberg	OR	97132	2017 N Crater Ln	Newberg	OR
R3218AB 00800	Eugene & Concejo Zirschky	2120 N Crater Ln	Newberg	OR	97132	2106 N Crater Ln	Newberg	OR
R3218AB 00706	Rodney Kimmell	2101 N Nugget Ln	Newberg	OR	97132	2101 N Nugget Ln	Newberg	OR
R3218AB 01004	Cam & Maria Henderer	2117 N Legacy Dr	Newberg	OR	97132	2117 N Legacy Dr	Newberg	OR
R3218AB 01100	Ron Manning	Po Box 605	Newberg	OR	97132	2119 N Crater Ln	Newberg	OR
R3218AB 01210	Shelley Hughes	2049 N Heritage Way	Newberg	OR	97132	2049 N Heritage Way	Newberg	OR
R3218AB 01105	Rebecca Boerio	2102 N Heritage Way	Newberg	OR	97132	2102 N Heritage Way	Newberg	OR
R3218AB 01104	Heinrich & Joy Weyer	2106 N Heritage Way	Newberg	OR	97132	2106 N Heritage Way	Newberg	OR
R3218AB 01200	Phoebe Robinson	2045 N Crater Ln	Newberg	OR	97132	2045 N Crater Ln	Newberg	OR
R3218AB 01600	Joseph Ladd & Merrie Fitzgerald-Ladd	421 W Columbia Dr	Newberg	OR	97132	421 W Columbia Dr	Newberg	OR
R3218AB 00708	Ralph & Brenda Thorp	2005 N Nugget Ln	Newberg	OR	97132	2005 N Nugget Ln	Newberg	OR
R3218AB 01001	Lee & Colleen Johnson	2116 NE Chehalem Dr	Newberg	OR	97132	2116 NE Chehalem Dr	Newberg	OR
R3218AB 01726	Keith Ellis	1931 N Daniel Dr	Newberg	OR	97132	1931 N Daniel Dr	Newberg	OR
R3218BA 00401	Matt & Shannon Mccaw	2201 NE Chehalem Dr	Newberg	OR	97132	No Site Address	Newberg	OR
R3218AB 01108	Ryan Jones & Jeni Halter	2111 N Crater Ln	Newberg	OR	97132	2111 N Crater Ln	Newberg	OR
R3218BA 00301	Equity Trust Company & Fbo Gibbons Cindy L Ira 56	9163 Broadacres Rd NE	Aurora	OR	97002	2013 NE Chehalem Dr	Newberg	OR
R3218AB 00710	Danielle & Patrick Isaac	2010 N Crater Ln	Newberg	OR	97132	2010 N Crater Ln	Newberg	OR
R3218AB 00707	Jered & Angela Brown	2009 N Nugget Ln	Newberg	OR	97132	2009 N Nugget Ln	Newberg	OR
R3218AB 01500	Carl Ehry	505 W Columbia Dr	Newberg	OR	97132	505 W Columbia Dr	Newberg	OR
R3218AB 01201	Robert & Shana Beckman	2031 N Crater Ln	Newberg	OR	97132	2031 N Crater Ln	Newberg	OR
R3218AB 01401	Trevor & Jackl Snyder	2008 NE Chehalem Dr	Newberg	OR	97132	2008 NE Chehalem Dr	Newberg	OR
R3218AB 01400	David & Kristine Nelson	2080 NE Chehalem Dr	Newberg	OR	97132	2080 NE Chehalem Dr	Newberg	OR
R3218AB 01212	Laurie Stoddard	2021 N Heritage Way	Newberg	OR	97132	2021 N Heritage Way	Newberg	OR
R3218AB 01213	Coyote Homes Inc	21700 NE Whitehorse Dr	Dundee	OR	97115	No Site Address	Newberg	OR
R3218AB 01211	Joshua & Miklyn Perdue	2035 N Heritage Way	Newberg	OR	97132	2035 N Heritage Way	Newberg	OR
R3218AB 01206	Scott & Misako Murphy	357 W Lynn Dr	Newberg	OR	97132	357 W Lynn Dr	Newberg	OR
R3218AB 01204	Richard Hunnicutt & Hannah Porter	337 W Lynn Dr	Newberg	OR	97132	337 W Lynn Dr	Newberg	OR

R3218AB 01203	Linda & Nelson Hara	327 W Lynn Dr	Newberg	OR	97132	327 W Lynn Dr	Newberg	OR
R3218AB 01207	Bryce Kurtz	2020 N Heritage Way	Newberg	OR	97132	2020 N Heritage Way	Newberg	OR
R3218AB 01208	Scott & Carrie Fowles	2034 N Heritage Way	Newberg	OR	97132	2034 N Heritage Way	Newberg	OR
R3218AB 01800	Colin & Amy Sorensen	308 Lynn Dr	Newberg	OR	97132	308 Lynn Dr	Newberg	OR
R3218AB 01727	Amy & Brennen Wood	1941 N Daniel Dr	Newberg	OR	97132	1941 N Daniel Dr	Newberg	OR
R3218AB 01703	Grant & Katherine Burns	420 N Meridian St # 6025	Newberg	OR	97132	1940 N Daniel Dr	Newberg	OR



Notice must be white with black letters, and must be landscape orientation, as shown above.
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.



Community Development Department

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

WE WANT YOUR COMMENTS ON A PROPOSED NEW DEVELOPMENT IN YOUR NEIGHBORHOOD

A property owner in your neighborhood submitted an application to the City of Newberg to subdivide a parcel of land from 1 lot to 4 separate lots. You are invited to take part in the City's review of this project by sending in your written comments. You also may request that the Planning Commission hold a hearing on the application. The applicable criteria used to make a decision on this application for preliminary subdivision plan approval are found in Newberg Development Code 15.235.050(A).

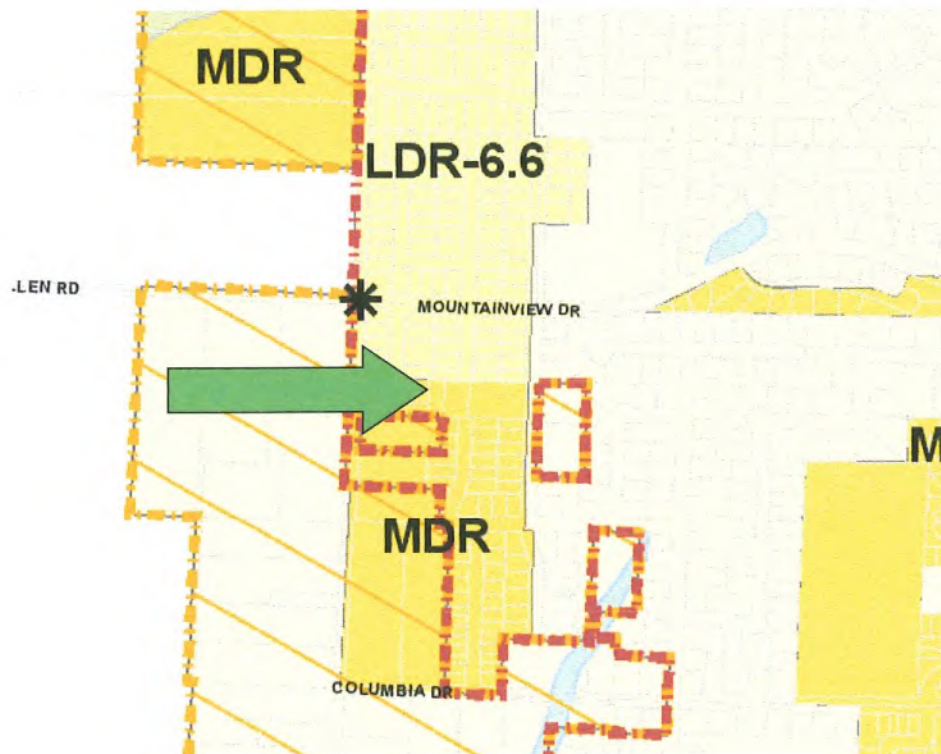
The development would include 4 lots.

APPLICANT: RON MANNING
TELEPHONE: 503-662-4050

PROPERTY OWNER: RON MANNING

LOCATION: HERITAGE WAY, Newberg, Oregon

TAX LOT NUMBER: 3218AB-906, 1000 & 1100





LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625

LARydell@Teleport.com

(503) 538-5700

18 May 2021

City of Newberg
P. O. Box 970
Newberg, Oregon 97132

Attn: Keith Leonard

Re: "HERITAGE MEADOWS NO. 3" - Submission

Dear Keith,

Attached, per your e-mail request, are two copies of the revised submission for "HERITAGE MEADOWS NO. 3".

This second application is being submitted as the planning code change with new requirements and numbering since "HERITAGE MEADOWS NO. 2" was submitted.

Should you have any questions or comments, or need additional information, please feel free to contact me.

Thank you.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S., W.R.E.

LAR/lar

encl: as stated

cc: Ron Manning



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 E. PINEHURST DRIVE, NEWBERG, OREGON 97132-1625
(503) 538-5700 Mobile (503) 781-4138
LARydell@Teleport.com

SUBDIVISION APPLICATION

HERITAGE MEADOWS NO. 3

A Proposed 4 Lot Single Family Subdivision

City of Newberg

Yamhill County, Oregon

17 May 2021

PREPARED FOR:

Ron Manning
P. O. Box 605
Newberg, Oregon 97132
Phone: (503) 662-4050
Fax: (503) 662-4694
E-Mail: Ron@LoneOakBuilders.com



RENEWAL DATE 12/31/2022

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EXHIBITS

- Tax Map 3 - 2 - 19BA
- Newberg Comprehensive Plan Map
- Newberg Zoning Map
- Title Report
- Tentative Plan (Google)
- Tentative Plan (Map)
- Heritage Way Plan and Profile

APPLICANT AND SITE INFORMATION

DATE: 13 May 2021

APPLICANT/OWNER: Ron Manning
P. O. Box 605
Newberg, Oregon 97132
Phone: (503) 662-4050
Cell: (503) 793-72222
E-Mail: Ron@loneoakbuilders.com

ENGINEER/SURVEYOR: Leonard A. Rydell, P.E., P. L. S., W. R. E.
601 E. Pinehurst Drive
Newberg, OR 97132-1625
Phone: 503-538-5700
E-Mail: larydell@teleport.com

REQUEST: Tentative Plan Approval for a Four Lot Single Family Subdivision

LEGAL DESCRIPTION: See Exhibits for Legal Description

TAX LOTS Tax Lots 906, 1000 and 1100, Map No. 3-2-18AB

COMPREHENSIVE PLAN: Medium Density Residential (MDR)

ZONING: Medium Density Residential (R-2)

SIZE: 21,685 sq, ft, (0.4978 Acres)

LOCATION: On the West Side of Heritage Way, North of "HERITAGE MEADOWS", South of "JOSIE'S MEADOWS" and East of "JOSIE'S MEADOWS-2".

SPECIFIC REQUESTS: Tentative Plan Subdivision Approval for a 4 Lot Single Family Subdivision

INTRODUCTION & BACKGROUND

The applicant purchased a parcel of land fronting the future connection of Heritage Lane between "HERITAGE MEADOWS" and "JOSIES MEADOWS". The property was annexed into the City of Newberg by a vote of the people of Newberg in November 2012.

A total of four lots is proposed for the property. The property is vacant but has a few fir and fruit trees on it. The property apparently has been used as a fill and excavation site for the development of "JOSIE'S MEADOWS NO. 2". The property is identified as Tax Lots 906, 1000 and 1100 of Map No. 3-2-18AB. The legal descriptions are metes and bounds descriptions.

The property to the North and South is zoned R-2, Medium Density Residential. Property to the Southwest is located in Yamhill County and has not yet been annexed into the City of Newberg. The neighborhood is predominantly single family residential.

There are no houses on the property.

The property to the North, South and West is zoned R-2, Medium Density Residential. Property to the West is located in Yamhill County. The neighborhood is predominantly single family residential.

Two houses will have direct access to Heritage Way. Two additional houses will be constructed behind the two houses, and accessed by a 12-foot wide paver driveway located in a 20-foot wide access and utility easement.

Chapter 15.100.030 Type II Procedure.

- A. *Type II development actions shall be decided by the director.*
- B. *Type II actions include, but are not limited to:*
 - 1. *Site design review.*
 - 2. *Variances.*
 - 3. *Manufactured dwelling parks and mobile home parks.*
 - 4. *Partitions.*
 - 5. *Subdivisions, except for subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).*

Finding: This application is a Type II, subdivision application for a four lot subdivision and the applicant will provide notice (mailing notices and posting two signs) and comply with all other requirements of Chapter 15.100, Land Use Processes and Procedures.

15.235.040 Preliminary plat submission requirements.

Applications for preliminary plat approval shall contain all of the following information:

A. General Submission Requirements.

1. *Information required for a Type II application.*
2. *Traffic Analysis. A traffic analysis shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. A traffic analysis may be required for projects below the 40 trips per p.m. peak hour threshold when the development's location or traffic characteristics could affect traffic safety, access management, street capacity or a known traffic problem or deficiency. The traffic analysis shall be scoped in conjunction with the city and any other applicable roadway authority.*

Finding: This project is only four lots. At ten trips per day, total traffic for the project would be 40 trips. There are no know problems in the neighborhood, and the connection of the North and South ends of Heritage Way will help provide connectivity in the neighborhood.

3. *Public Utilities Analysis. The public facilities analysis shall be scoped with the city, and shall address the impact of the proposed development on the public wastewater and water systems. The analysis shall identify any mitigation or improvements necessary to the public facilities to adequately serve the development per city standards under adopted ordinances and master plans.*

Finding: This project is only four lots, and the individual impact to the City of Newberg utilities will be minimal. However, completion of the water line between the North and South existing lines will improve water flows in the surrounding area.

4. *Stormwater Analysis. The stormwater analysis shall address the criteria listed in Chapter 13.25 NMC.*

Finding: The project proposed to dispose of all increased runoff by the use of paver streets, paver driveways, curbside planters, swales and rain gardens. Infiltration testing will be performed to calculate actual infiltration rates to ensure storage capacity is adequate to ensure no increased storm water runoff.

5. *Wetland Delineation Approved by the Department of State Lands (DSL). An approved wetland delineation shall be submitted for any property listed in the National Wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.*

Finding: There are no known wetlands on the property due to it being at the high point of a slight rise with no known accumulations of water or no known drainage channels.

6. *Future Streets Concept Plan. The future streets concept shall show all existing subdivisions, streets, and unsubdivided land surrounding the subject property and show how proposed streets may be extended to connect with existing streets. At a minimum, the plan shall depict future street connections for land within 400 feet of the subject property.*

Finding: The surrounding property has fully developed except for the parcel to the East. That parcel will have access to Heritage Way and Crater Lane.

B. Preliminary Plat Information. *In addition to the general information described in subsection (A) of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities required by the director:*

1. *General Information.*

- a. *Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in Yamhill County;*

Finding: The name of the plat will be "HERITAGE MEADOWS NO. 3" as it will be the third subdivision platted by the owner. The plat adjoins the original plat of "HERITAGE MEADOWS".

- b. *Date, north arrow, and scale of drawing;*

Finding: The date, north arrow and scale of the drawing are shown.

- c. *Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;*

Finding: The surrounding property has fully developed except for the parcel to the East. That parcel will have access to Heritage Way and Crater Lane. The bearings and distances are shown based on plats and surveys of record surrounding the project.

- d. *Zoning of tract to be divided, including any overlay zones;*

Finding: The surrounding property has fully developed except for the parcel to the East. That parcel will have access to Heritage Way and Crater Lane.

- e. *A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and*

Finding: The Title Block of the Preliminary Plat has the name of the Applicant/Owner, and the Engineer/Surveyor.

- f. *Identification of the drawing as a "preliminary plat."*

Finding: The drawing has been labeled a "Preliminary Plat"

- 2. Existing Conditions. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on existing conditions of the site:
 - a. Streets. Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
 - b. Easements. Width, location and purpose of all existing easements of record on and abutting the site;
 - c. Public Utilities. Location and identity of all public utilities on and abutting the site. If water mains, stormwater mains, and wastewater mains are not on or abutting the site, indicate the direction and distance to the nearest utility line and show how utilities will be brought to standard;
 - d. Private Utilities. Location and identity of all private utilities serving the site, and whether the utilities are above or underground;
 - e. Existing Structures. Show all structures on the project site and adjacent abutting properties;
 - f. Ground elevations shown by contour lines at a minimum two-foot vertical interval for slopes up to 10 percent and five feet for slopes over 10 percent. Show elevations for the subject property and within 100 feet of the subject property. Such ground elevations shall be related to some established benchmark or other datum approved by the county surveyor; the city engineer may waive this standard for partitions when grades, on average, are less than six percent;
 - g. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

- h. Wetlands and stream corridors;
- i. *The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;*
- j. *North arrow and scale; and*
- k. *Other information, as deemed necessary by the director for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.*

Finding: The information listed is shown on the Preliminary Plat.

- 3. *Proposed Development. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:*
 - a. *Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;*
 - b. *Easements. Location, width and purpose of all proposed easements;*
 - c. *Lots and private tracts (e.g., private open space, common area, or street) with approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;*
 - d. *Proposed uses of the property, including all existing structures to remain, areas proposed to be dedicated as public right-of-way or preserved as open space for the purpose of stormwater management, recreation, or other use;*
 - e. *Proposed grading;*
 - f. *Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;*
 - g. *Information demonstrating that proposed lots can reasonably be*

accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;

- h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;*
- i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;*
- j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;*
- k. Evidence of compliance with applicable overlay zones; and*
- l. Evidence of contact with the applicable road authority for proposed new street connections. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]*

Finding: Sufficient information is shown on the Preliminary Plat to show that the project will fit in with existing conditions, not require excessive grading, will retain most if not all storm water on site, and be similar to and will fit it with existing developments in the area.

15.235.050 Preliminary plat approval Criteria

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

- 1. The land division application shall conform to the requirements of this chapter;*

Finding: It is the intent of this application to conform to all of the requirements of this chapter.

- 2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;*

Finding: It is the intent of this application to conform to all of the requirements of this chapter, and the requirements of Section 15.400 are address later in this report.

- 3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater,*

and streets, shall conform to NMC Division 15.500, Public Improvement Standards;

Finding: It is the intent of this application to conform to all of the requirements of this chapter, and the requirements of Section 15.500 are address later in this report.

4. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

Finding: This plat is the third plat by the applicant in this area, and is adjoins the plat of "HERITAGE MEADOWS", so the name, as custom, is "HERITAGE MEADOWS NO. 3".

5. *The proposed streets, utilities, and storm water facilities conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*

Finding: The tentative plat shows the proposed street, water, sanitary sewer and storm drainage improvements and the necessary easements and street dedications to provide a public street to connect to the plat of "HERITAGE MEADOWS" ant the plat of "JOSIE'S MEADOW"

6. *All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;*

Finding: Lots 10 and 11 will be served by a common paver driveway and, if necessary, a common rain garden. A "Private Driveway and Rain Garden Maintenance Agreement" will be prepared for recording with the final plat to assign maintenance requirements and responsibilities.

7. *Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and*

Finding: No state and federal permits are required for this project.

8. *Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.*

Finding: No state and federal permits are known to be required for this project.

- B. *Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and*

regulations.

Finding: It is the intent of this application to conform to all City conditions, provisions of the code and other applicable ordinances and regulations.

Chapter 15.405 Lot Requirements

15.405.010 Lot area – Lot areas per dwelling unit.

- A. *In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:*
2. *In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.*

Finding: This project is a development site being platted as a subdivision to create four single family lots. The gross area of the development site is 21,685 square feet, but 5,241 square feet is required to be dedicated to the public for the connection of Heritage Way. This leaves 16,444 square feet for four lots, an average size of 4,111 square feet per lot. Approximately 588 square feet of each lot will be dedicated for access and utility purposes.

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

Finding: This project is a development site. The gross area of the development site is 21,685 square feet. Based on 5,000 square feet per dwelling, at least four dwelling units would be required based on the gross area. Four single family lots are proposed. The minimum lot area is 4,030 square feet and the largest lot area is 4,173 square feet which meet the minimum and maximum size requirements. The net development area determined by subtracting the access and utility easement is 3,517 square feet which meets the development site requirement of 3,000 square foot development site requirement.

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

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

Finding: This project is a development site, and the proposed plan meets the intent of the code even though the 5,241 square feet of road dedication can be subtracted from the area calculations. The area of each lot excluding the access easement is:

Lot 9	3,585 square feet	Lot 11	3,643 square feet
Lot 10	3,539 square feet	Lot 12	3,517 square feet

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

Finding: The proposed development meets the zoning requirements area requirements so lot size averaging is not necessary.

15.405.020 Lot area exceptions.

The following shall be exceptions to the required lot areas:

- A. Lots of record with less than the area required by this code.*
- B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.*
- C. Planned unit developments, provided they conform to requirements for planned unit development approval.*

Finding: All lots meet the area requirements and no lot area exceptions are requested or necessary.

15.405.030 Lot dimensions and frontage.

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

Finding: A proposed lots conform to the requirements of this code and no width exceptions are requested or necessary.

B. Depth to Width Ratio. Each lot and parcel shall have an average depth between

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

Finding: A proposed lots conform to the requirements of this code, but since lots are under 15,000 square feet, this code provision does not apply.

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

Finding: A proposed lots conform to the requirements of this code.

AREA CALCULATIONS (Square Feet)

AREA	STREET	LOT 9	LOT 10	LOT 11	LOT 12
Total	5,242	4,173	4,030	4,135	4,105
Easement		588	492	491	588
Net	5,242	3,585	3,539	3,643	3,517

D. Frontage.

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

a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2)

Finding: Lots 9 and 12 have direct access to Heritage Way. Lots 10 and 11 have a 25' wide access and utility easement across Lots 9 and 12 that has direct access to Heritage Way and a 25' wide access to the 25' wide access easements on Lots 9 and 12. The access is not a "Private Street" as defined by NMC 15.05.030 which states that a "Private street" means a private way which affords principal means of access to four or more lots (see also "service drive").

b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.

Finding: All lots exceed the 25 foot width requirement as follows:

Lot 9	70.74'
Lots 10 and 11	57.55'
Lot 12	70.04'

15.405.040 Lot coverage and parking coverage requirements.

- A. *Purpose. The lot coverage and parking coverage requirements below are intended to:*
1. *Limit the amount of impervious surface and storm drain runoff on residential lots.*
 2. *Provide open space and recreational space on the same lot for occupants of that lot.*
 3. *Limit the bulk of residential development to that appropriate in the applicable zone.*
- B. *Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.*
1. *Maximum Lot Coverage.*
 - b. *R-2 and RP: 50 percent.*
 2. *Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.*
 3. *Combined Maximum Lot and Parking Coverage.*
 - a. *R-1, R-2 and RP: 60 percent.*

Finding: The lot coverages of the proposed development are as follows. The proposed development conform to the requirements as shown by the following table

LOT COVERAGE CALCULATIONS (Square Feet)

AREA	STREET	LOT 9	LOT 10	LOT 11	LOT 12
House		1,150	1,150	1,150	1,150
Access		353	264	265	353
Paver DW		455	538	534	461
Yard		2,215	2,078	2,186	2,141
Totals	5,242	4,173	4,030	4,135	4,105
% Yard		53%	52%	53%	52%
% House		28%	29%	28%	28%

% Access	8%	7%	6%	9%
% Paver DW	11%	13%	13%	11%

15.410.020 Front yard setback

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

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.

Finding: All front yards will be a minimum of 15 feet and landscaped. Landscaping will be provided during the dwelling construction. Lots 9 and 12 will be setback 15' from the right-of-way line of Heritage Way, and Lots 10 and 11 will be setback 15' from the 20' wide access and public utility easement and 19' from the 12' wide paver driveway.

3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

Finding: Lots 9 and 12 that front Heritage Way conform to the street setback. Lots 10 and 11 do not front a street, but are setback 25 feet from the garage door to the edge of the common driveway which allows parking in the driveway. If the access easement is defined as an "alley", no setback is required.

15.410.030 Interior yard setback

A. Residential.

1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.

Finding: All interior yards are five feet or greater.

15.410.060 Vision clearance setback

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

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

Finding: This section does not apply to this project as there are no street intersections.

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

Finding: A clear vision triangle (25' legs) is shown on the site plan at the intersection of the private drive and Heritage Way.

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

Finding: A clear vision triangle (25' legs) is shown on the site plan at the intersection of the private drive and Heritage Way. As the area consists mostly of the private drive, a property line sidewalk in the public right of way, and adjacent driveways, a clear vision triangle relatively free of obstructions is provided.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

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

- A. *Depressed Areas. In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.*
- B. *Accessory Buildings. In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.*
- C. *Projecting Building Features. The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:*
1. *Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.*
 2. *Chimneys and fireplaces, provided they do not exceed eight feet in width.*
 3. *Porches, platforms or landings which do not extend above the level of the first floor of the building.*

4. *Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).*

Finding: As shown by the site plan, the present house plans proposed will have a chimney that may extend into the side yards. This extension is not anticipated to exceed two feet, and will comply with the ordinance requirement.

15.430.010 Underground utility installation.

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

Finding: All utilities (water, sewer, phone, TV and Internet) will be placed underground in a public utility easement.

15.440.030 Parking Spaces required

<u>Residential Types</u>	<u>Minimum Parking Spaces Required</u>
<i>Three- and four-bedroom unit</i>	<i>2 per dwelling unit</i>

Finding: Each propose residence will have a two car garage and a driveway in front of the garage which will provide 4 parking spaces per dwelling.

15.440.060 Parking area and service drive improvements

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

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

Finding: All access routes and driveways are proposed to be hard surfaced with concrete pavers.

- B. *All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the*

curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.

Finding: The proposed house plans and driveways will provide four parking spaces per dwelling unit and will not encroach on the 20 foot wide private access and public utility easement.

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

1. *Attached or detached single-family or two-family: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.*

Finding: The proposed house plans and driveways will provide four parking spaces per dwelling unit and will not encroach on the 20 foot wide private access and public utility easement. The driveways provides access to parking spaces in the garages.

Chapter 15.505 PUBLIC IMPROVEMENTS STANDARDS

15.505.030 Street standards.

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.*

Finding: The existing street right-of-way North and South of the project is 55 feet with an improvement width of 32 feet. Based on “*existing development patters*” and the property owned by the applicant-developer which allows a right-of-width of approximately 37 feet, only a 3/4 street with 24 feet of pavement and a curb and sidewalk on the West side are proposed to be constructed.

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

Finding: Since there is only room for a 3/4 street right-of-way, a 5-foot wide sidewalk will be constructed by the developer and builder on the West side of the right-of-way.

8. *Planter Strips. Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet.*

This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:

Finding: Planter strips are proposed. To provide water quality treatment and storm water infiltration/detention for the public street and sidewalk, 5-foot wide curbside planters between the sidewalk and back of curb are proposed. A shallow grassy swale is proposed for the East side of the new pavement.

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

Finding: Since the property is relatively level, slope easements will not be required.

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

Finding: The final street design will be in accordance with the City of Newberg Design Standards, and engineering plans will be submitted to the City of Newberg for approval prior to construction.

Public Works Design and Construction Standards - City of Newberg 2015

Section 4 Storm Drainage

4.0 General Design Requirements

The City's Public Works Design and Construction Standards define the requirements for development to treat and detain stormwater runoff. Stormwater is the runoff from impervious surfaces such as streets, roofs and parking lots that flows to storm drains, ditches and culverts, and then to the nearest river, stream or wetland. When it rains, stormwater runoff may pick up oil, sediment, bacteria, grease and chemicals that can pollute local waterways.

4.1 Performance Standards

All storm drain system designs shall make adequate provisions for collecting, treating, detaining and conveying all storm water runoff. The system shall accommodate all runoff from upstream tributary areas whether or not such areas are within the proposed development. The amount of runoff to be accommodated shall be based upon ultimate development of all upstream tributary areas. New or modified existing storm drain systems shall not adversely impact any inadequate downstream system. Utility infrastructure may not be placed within

one foot of a survey monument location noted on a subdivision or partition plat, per ORS 92.044 (7).

Storm drainage design shall comply with the required ESC Measures (see City of Newberg Erosion and Sediment Control Manual). The development area must include provisions to adequately control runoff from all public and private streets and the roof, footing, and area drains of residential, multi-family, commercial, or industrial buildings. The design must ensure future extension of the drainage system to the entire drainage basin in conformance with the adopted Storm Drainage Master Plans and these Public Works Design and Construction Standards. These provisions include:

- I. Surface and/or subsurface drainage, caused or affected by the alteration of the natural grade, removal of natural ground cover/vegetation, or placement of impervious surfaces, shall not be allowed to flow over adjacent public or private property in a volume, velocity or location materially different from that which existed before development occurred. Surface and/or subsurface drainage shall be managed, treated, and infiltrated or collected, and conveyed in an approved manner, to an approved point of discharge.*
- II. Surface water entering the subject property shall be received at the naturally occurring locations and surface water exiting the subject property shall be discharged at the natural locations with adequate flow control and energy dissipation, to prevent adverse impacts from flooding, erosion, or sedimentation.*
- III. Approved points of discharge for storm water may include but not be limited to a storm drain, existing open channel, creek, low impact development approach facility, detention pond, or retention pond, as approved by the City Engineer. Acceptance of suggested facilities will depend upon the prevailing site conditions, capacity of existing downstream facilities, and feasibility of alternate designs. Curb weep hole drainage systems shall only be utilized for single home developments.*
- IV. A drainage report with the required analysis of downstream system conditions is required with all plan submittals. Planning applications shall include a draft\ preliminary report.*
- V. When private property must be crossed in order to reach an approved point of disposal, it shall be the developer's responsibility to acquire a recorded public drainage easement on city form prior to commencement of construction. The drainage facility installed must be a closed conduit system. Temporary drainage ditch facilities, when approved, must be engineered to contain the storm water without causing erosion or other adverse effects to the public and/ or private property.*

- VI. *Drainage from roofs, footings, and downspouts may drain directly to a street through the curb under the following circumstances:*
- a. *The building pad ground elevation is at least 12 inches above the existing street curb.*
 - b. *The existing street is adequately crowned to avoid sheet flow across the street.*
 - c. *Storm water quantity and quality facility provisions have been satisfactorily addressed.*
 - d. *Springs/ sump pumps shall connect to a piping system, unless approved by the City Engineer.*

Finding: It is the intent of this application to conform to the requirements of this section. Storm water management will be via rain gardens on individual lots and curbside planters for the half street improvement.

4.5 Drainage Report

A final drainage report containing the information listed below shall be submitted at the time of initial construction plan review by the City. An abbreviated preliminary drainage report shall be prepared and submitted during the land use approval process that is an outline/draft form of the final report requirements listed below. The City may waive some or all of these report requirements for single-family residential partition projects and projects where post-development impervious surfaces constitute less than 25% of the parcel. In order to apply for a waiver, the applicant must submit a written request to the City and the applicant or applicant's Engineer must participate in a pre-design meeting to discuss the proposed project and its stormwater impacts prior to the land use approval process submittal.

Finding: A preliminary design of the storm water management is shown by the Tentative Plan. The "Preliminary Drainage Report is as follows:

Introduction

The site lies near the top of a gentle rise. There is gradual slope up to the East, gradual slopes down to the North and South and a significant slope down to the West.

There are no drainage facilities or drainage easements accessible to the project. Extension of storm drain piping to the site is a prohibited expense and disruption to surrounding developed neighborhoods. Therefore, all increased runoff has to either be retained on site at historic levels, or flow North or South down the street gutters.

There are no other options.

The applicant has significant experience developing zero runoff projects with the use of paver streets and rain gardens. The final design will be based on impervious areas, the City of Newberg Design Storm Events and measured infiltration rates.

Flow from the East: The site is bordered on the East by an undeveloped site and is near the crest of a rise, so if there any contributory runoff from the grassy lawn to the East, it will be intersected by a shallow swale along the edge of the new pavement. Roughly half of the contributory runoff from the East will run North with the other half running South.

Half Street Runoff: The site is at the crest of a small rise. Roughly half of the street will drain to the North, and half will drain to the South. Water Quality and Storm Water Detention will be provided by two curbside infiltration swales as shown on the tentative plat.

Paver Driveways and Lots 10-11 Access: The driveways and access are proposed to be pavers over drain rock which will allow all rainfall to infiltrate.

Roof Drainage: Roof and gutter drainage will be collected by rain drains and discharged into a rain garden. If additional infiltration areas are needed, water from the rain gardens can be piped into the paver drain rocks. To prevent sediment buildup in the paver rock, the outlet to the drain rock will be trapped.

Tentative locations of rain gardens are shown on the site. Base on test results and a detailed topography survey, the sizes and locations may be modified.

As stated in the Newberg construction standards, "*A final drainage report containing the information listed below shall be submitted at the time of initial construction plan review by the City.*" This report will include infiltration testing and design calculations showing that post development runoff will not exceed pre-development runoff onto adjoining properties.

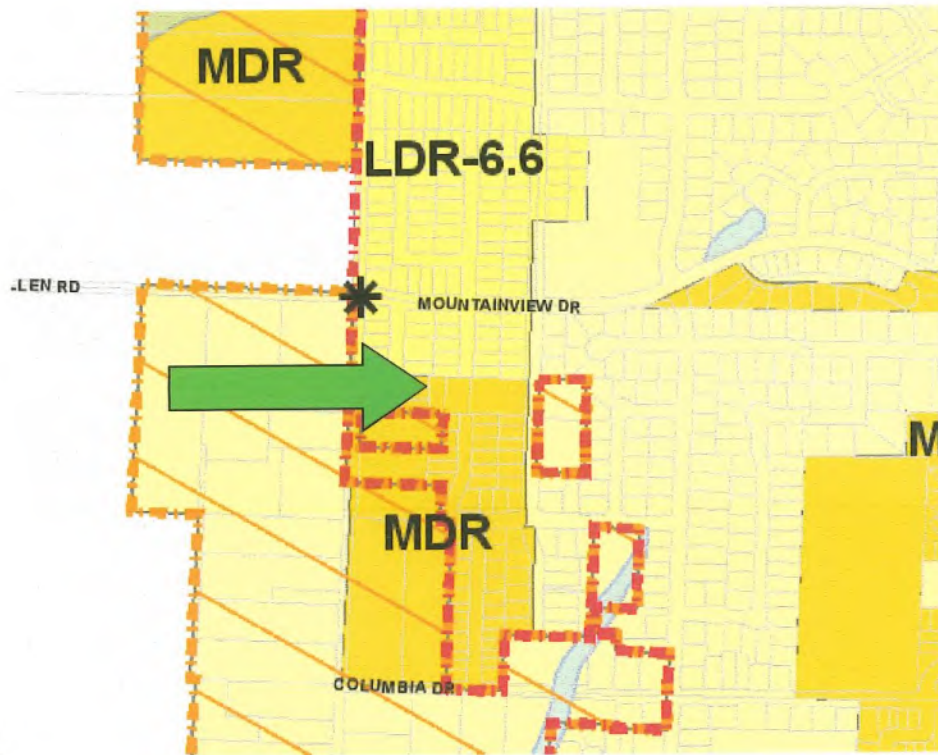
Conclusion

This development is an urban infill site that can be developed in accordance with the affordable housing and density goals of the R-2 site zoning, and will require retention of additional runoff on site through the use of rain gardens and pavers.

The applicant feels that there is a market for additional housing in the Newberg market conditions

Newberg's Development Code allows and encourages a variety of ways to achieve those goals and allows "development site" approach to lot sizes and densities.

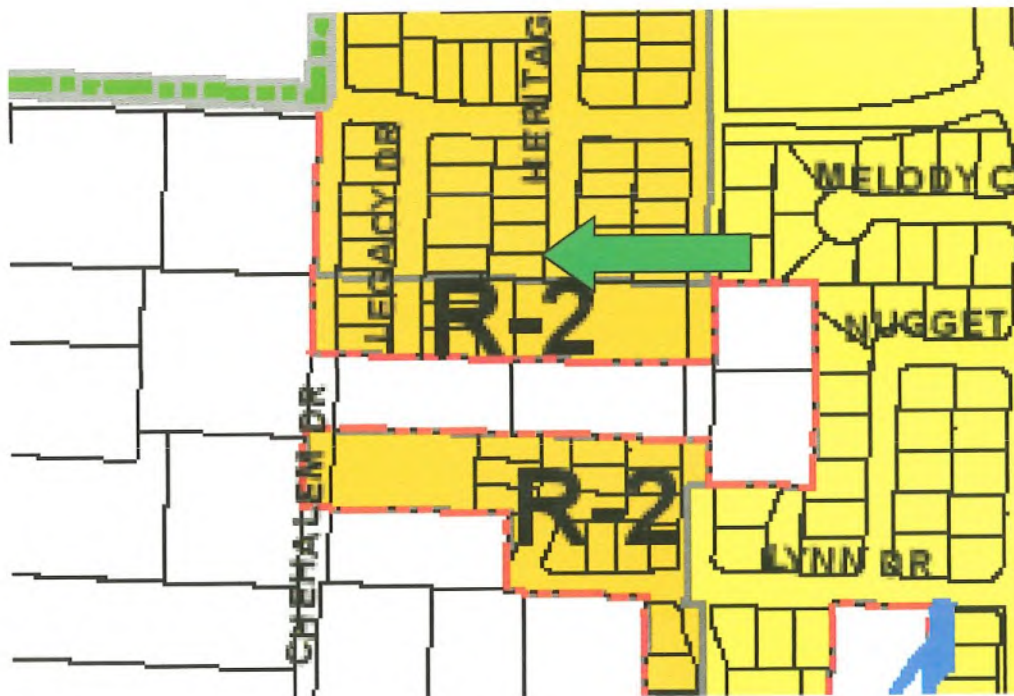
Approval of Tentative Plat for a 4 lots consisting for four single family lots as submitted under a Type II review is hereby requested.



NEWB

ERG

COMPREHENSIVE PLAN

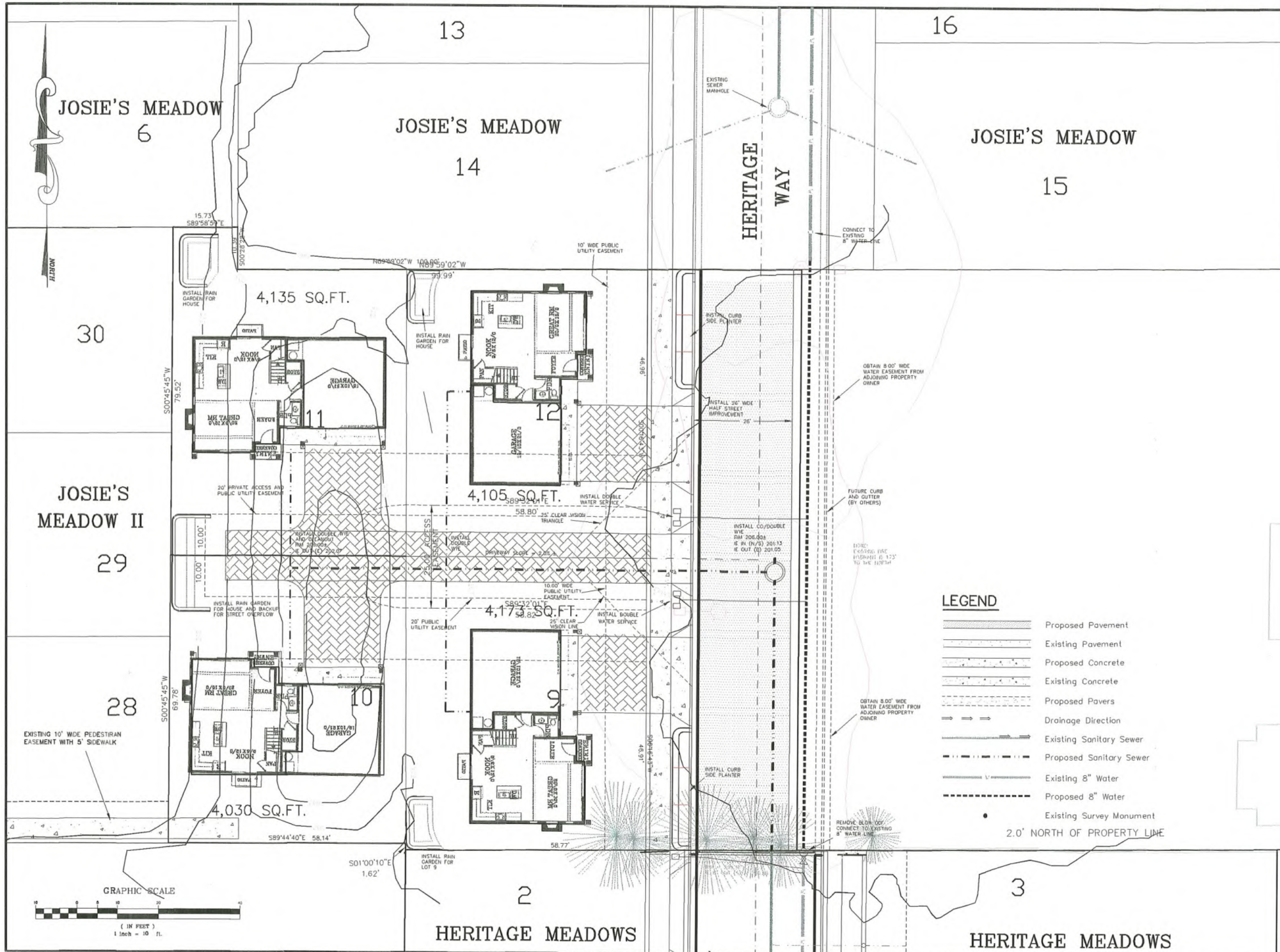


NEWBERG ZONING MAP

Interactive Planning Map



City of Newberg, Oregon Metro, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | City of Newberg, Oregon Metro, Geoterra | Oregon Geospatial Enterprise Office, Hazards FIT | Originally created by Jan Wolf 2007-present | City of Newberg Planning Department | Jan Wolf | City of Newberg GIS



PRELIMINARY PLAT
HERITAGE MEADOWS NO. 3
 Located in the Northwest Quarter of the Northeast Quarter of Section 18
 Township 3 South, Range 2 West of the Willamette Meridian
 City of Newberg, Yamhill County, Oregon

Prepared for:
 Ron Manning
 P. O. Box 605
 Newberg, Oregon 97132
 Phone: (503) 662-4050
 Mobile: (503) 793-7222

W.O. No. 1525
 Design: [Signature]
 Drawn: [Signature]
 Date: 14 May 2021
 Dwg: 1525CNTL.DWG

Sheet
 1 of 1

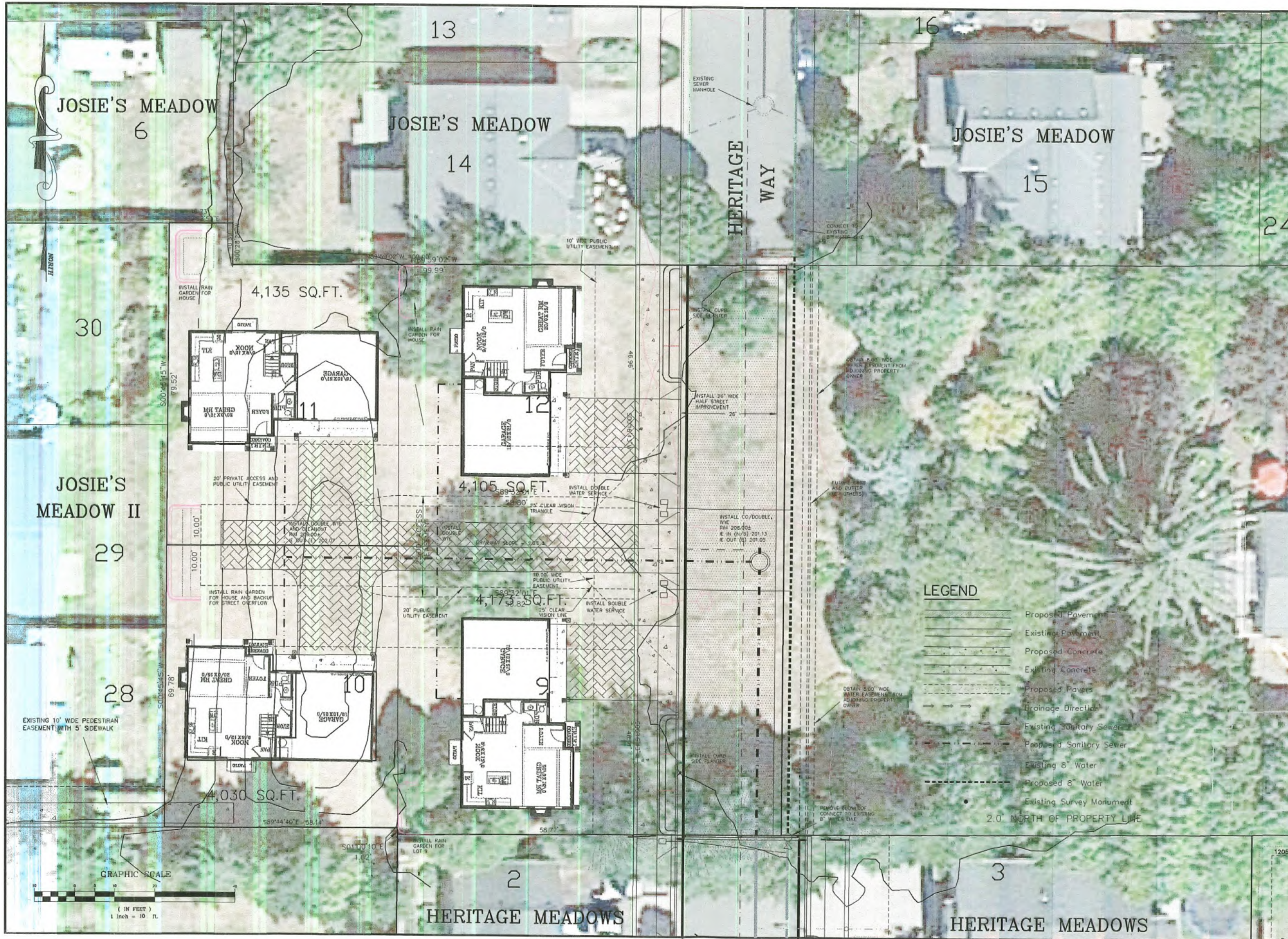
No.	Description/Date

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 Fax: (503) 538-5738
 Mobile: (503) 791-4138
 LAF@lafidell.com
 Consulting Civil Engineer - Land Surveyor - W.E.C.E.
 RENEWAL DATE: 12/31/2022

LEGEND

	Proposed Pavement
	Existing Pavement
	Proposed Concrete
	Existing Concrete
	Proposed Pavers
	Drainage Direction
	Existing Sanitary Sewer
	Proposed Sanitary Sewer
	Existing 8" Water
	Proposed 8" Water
	Existing Survey Monument

2.0' NORTH OF PROPERTY LINE



LEONARD A. RYDELL, P.E., P.L.S.
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 1 of 1

No.	Description/Date

LEGEND

- Proposed Pavement
- Existing Pavement
- Proposed Concrete
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