

**NOTICE OF DECISION**  
**GARFIELD SUBDIVISION PRELIMINARY PLAT**  
**100 S GARFIELD STREET – ADJC23-0002/SUB322-0001**

March 10, 2023

Scott Holden  
100 S Garfield Street  
Newberg, OR 97132

cc: All persons who provided public comment.

On March 9, 2023, the Newberg Planning Commission approved the code adjustment and preliminary plat ADJC23-0002 / SUB322-0001 for an 8-lot subdivision at 100 S Garfield Street, tax lot R3219DB 04690, subject to the conditions listed in the attached Order. The Commission's decision will become effective on March 24, 2023, unless an appeal is filed.

An affected party may appeal the Commission's decision to the City Council within 14 calendar days of the Commission's written decision in accordance with Newberg Development Code §15.100.170. Affected parties include the applicant, any party entitled to receive notice of the hearing, anyone providing written or oral comments at the hearing, and anyone providing written comments prior to the close of the hearing. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$1,165 plus the 5% Technology Fee to the Planning Division.

**The deadline for filing an appeal is 4:30 pm on March 23, 2023.**

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

In order to fully complete the subdivision process and associated code adjustment, the applicant must meet all conditions of the tentative plan approval and file a final subdivision plat application with the Planning Division. The final subdivision plat must be recorded within two (2) 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 503-554-7768 or [Ashley.smith@newbergoregon.gov](mailto:Ashley.smith@newbergoregon.gov).

Sincerely,

A handwritten signature in blue ink that reads "Ashley Smith".

Ashley Smith, Assistant Planner

Attachment: Order 2022-15



## PLANNING COMMISSION ORDER 2022-15

AN ORDER APPROVING SUB322-0001 AND ADJC23-0002 FOR THE  
PRELIMINARY PLAT OF A SUBDIVISION AT 100 S GARFIELD STREET,  
YAMHILL COUNTY TAX LOT R3219DB 04690.

### RECITALS

1. Scott Holden submitted an application for a preliminary plat approval of an 8-lot subdivision on property zoned R-2 (Medium Density) addressed as 100 S Garfield Street, Tax Lot R3219DB 04690.
2. After proper notice, the Newberg Planning Commission held a public hearing on March 9, 2023, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the application, as conditioned in Exhibit "B", meets the applicable Newberg Municipal Code criteria as shown in the findings in Exhibit "A".

### The Newberg Planning Commission orders as follows:

1. The subdivision preliminary plat application SUB322-0001 and associated code adjustment ADJC23-0002 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This Order shall be effective on March 23, 2023, unless appealed prior to this date.
4. This order shall expire two years after the effective date above if the applicant does not record the final plat by that time unless an extension is granted per Newberg Development Code 15.235.030(C).

Adopted by the Newberg Planning Commission this 9<sup>th</sup> day of March 2023.

ATTEST:

  
\_\_\_\_\_  
Planning Commission Chair

  
\_\_\_\_\_  
Planning Commission  
Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions of Approval

**Exhibit A: Findings – File ADJC23-0002  
100 S Garfield Street – Front Yard Setback Reduction**

**Division 15.200 LAND USE APPLICATIONS**

***Chapter 15.210 Code Adjustments***

***15.210.020 Type I adjustments and approval criteria.***

***The director may authorize adjustments from the following requirements through a Type I procedure subject to the following:***

***A. Yard Setback Dimensions, Lot Area, Percentage of Lot Coverage, Lot Dimensions.***

***1. The director may approve adjustments to:***

***a. Setbacks/Street Trees. Maximum adjustment of 25 percent of the dimensional standards for front yard setback requirements and the spacing of street trees.***

**Findings:** This application is requesting a 25 percent reduction to the garage front yard setback and a 19 percent reduction to the street side yard setback for the existing duplex within this development, proposed tax lot 8. The existing duplex originally was on a single lot which is now being divided into 8 lots. Included in the proposal is an extension of the existing S Garfield Street and a new street that will extend from S Garfield Street and run west to east, terminating at the east property line. These developments create substandard front yard setbacks for the existing duplex that were previously being met with the original site layout. The placement of the new street that is aligned to connect with S Blaine Street creates a substandard garage front yard setback for the duplex. Due to the extension and location of the existing S Garfield, the street side yard on the west duplex dwelling is proposed to be substandard. A front yard is a yard extending between lot lines which intersect a street line; therefore, a street side yard is a front yard and this adjustment criteria is applicable. The director may approve adjustments to front yard setbacks. This criterion is met.

	Standard	Proposed	Reduction
Garage Front Yard Setback	20 feet	15 feet	25%
Street Side Yard Setback	15 feet	12.1 feet	19%

***2. Approval Criteria. Approval of an adjustment shall be based on written findings. The director shall find that approval will result in:***

***a. More efficient use of the site.***

**Findings:** Both the new street and the extension of S Garfield Street are required to maintain 60-foot rights-of-way. The site provides multiple elements that are being taken into consideration to identify the best overall use of the site. These elements include incorporating the required street width, proper alignment of the future connection to S Blaine Street, the stream corridor overlay and the location of the existing duplex. Given all of these elements the proposed placement of this new street and the direct extension of S Garfield Street are proposed as the most efficient use of the site. Further detailing of these elements is outlined in the following subsections.

This criterion is met.

*b. Preservation of natural features, where appropriate.*

**Findings:** The proposed street layout does not enter the stream corridor boundary. Allowing a reduction of the garage setback to the existing duplex garages and the street side yard to west duplex dwelling does not negatively impact the preservation of natural features but helps increase the proposed street distance from the stream corridor boundary.

This criterion is met.

*c. Adequate provisions of light, air and privacy to adjoining properties.*

**Findings:** The reduction of the garage setback to the existing duplex due to the placement of the proposed street does not impact adequate provisions of light, air, and privacy to adjoining properties as it is already an existing structure. The adjoining properties to the south are already developed and the rear yard abuts the duplex. The adjoining property to the west is currently used as a storage yard for the Newberg School District. Staff find that any future improvements would not be negatively impacted with this reduction.

The reduction to the street side yard setback is due the direct extension of S Garfield Street. The impact of this reduction does not impact provisions of light, air and privacy of adjoining properties as it is already an existing structure.

This criterion is met.

*d. Adequate emergency access.*

**Findings:** The proposed street placement incorporates an emergency access turnaround and a required street width. The reduction in the garage setback for the duplex does not interfere with this, nor does the reduction in the street side yard setback.

This criterion is met.

*e. The adjustment is consistent with the setbacks, lot area, and/or coverage of buildings or structures previously existing in the immediate vicinity.*

**Findings:** This is a unique situation given the location of the existing duplex and the placement requirements for the proposed street and extension of the existing S Garfield Street. The duplex's interior setbacks to the east, and rear setbacks to the south are already existing. Those property lines are not being altered with this subdivision. The building front yard setbacks will be met. The reduction of the garage setback does reduce the driveway to a length that technically does not qualify the driveway as an off-street parking space. However, the applicant has stated that the existing garages for the duplex are 11 ft x 24 ft which surpass the garage dimensions required to be considered an off-street parking space. Therefore, even with the reduction they will be meeting parking requirements of this code. The lot area and coverage criterion will still be met. These criteria are addressed in the subdivision application findings.

This criterion is met.

**Exhibit A: Findings – File SUB322-0001  
100 S Garfield Street Subdivision Preliminary Plat**

**Division 15.200 LAND USE APPLICATIONS**

***Chapter 15.235 Land Divisions***

***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 the required submittal elements and follows the proper process and public notice requirements for a subdivision.

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

**Finding:** Compliance with provisions of NMC 15.400, Development Standards, are addressed in detail below.

***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 15.500 Public Improvement Standards;***

**Finding:** Compliance with provisions of NMC 15.500, Development Standards, are addressed in detail below.

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

**Finding:** The applicant states a plat name has not been decided at this time but will be provided for approval during the final plat review. A plat name not already recorded, and meeting ORS Chapter 92 will be required during the final plat review. If this condition is adhered to then this criterion will be met.

***5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to the 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 plans will meet the above criteria when the conditions of approval detailed in the NMC Chapter 15 section of this staff report are met and final plans that comply with the Newberg Public Works Design and Construction Standards are submitted and approved.

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:** The applicant has shown on the preliminary plat the stormwater facility that will be in a private common area, Tract A and Tract B. Tract A and Tract B maintenance agreements will need to be recorded and accompany future development submittals. If this condition is adhered to this criterion will be met.

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

**Finding:** The application materials indicate that there is a wetland northwest of the site and an unnamed tributary to Chehalem Creek within the northwestern area of the property. A wetland delineation / determination report was submitted to the Department of State Lands (DSL) who subsequently reviewed the report and approved it. This approved report can be found in Agency Comments. DSL did note that one wetland and three waterways were identified and are subject to the permit requirements of the state Removal-Fill Law. The approval letter further clarifies that a state permit is required for cumulative fill on annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway. DSL also noted that avoidance of wetland impacts is preferred and recommend the applicant work with DSL staff regarding development design prior to land use approval. City staff have determined that no proposed buildable lots are within the identified stream area or determined wetland. The determined wetland is located on the property directly to the north, tax lot R3219AC 05912. The stormwater retention facility will partially be located in the stream corridor boundary, which is not the same as the OHWL, and will discharge into that area. Prior to final plat approval the applicant is encouraged to work with DSL to ensure development design meets their preference as established in state law as stated in the DSL WD# 2022-0367 approval letter date December 8, 2022. The applicant is required to obtain any state and federal permits as required for this development.

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

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:** A service provider permit was obtained and approved from Tualatin Valley Fire and Rescue on the preliminary plat. This can be viewed in Attachment 3, Public Agency Comments. This criterion is met.

**15.220.030 Site design review requirements.**

**B. Type II. The following information is required to be submitted with all Type II applications for a site design review:**

**13. Roadways and Utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.**

**Findings:** The applicant's proposed plans show new sidewalks, curb and gutter, planter strip, new pavement and new water and wastewater mains and service laterals.

This criterion is met.

**14. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]**

**Finding:** Based on the Institute of Transportation Engineers (ITE), Trip Generation Manual, 10<sup>th</sup> Edition used to estimate the number of trips, the project use falls under ITE Code 210 for single family detached housing, with an estimated 1 vehicle trip per dwelling. The estimated trips for the proposed project are less than the threshold of 40 peak pm trips required for a traffic study.

This criterion does not apply.

**Division 15.300 ZONING DISTRICTS**

**Chapter 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT**

**15.342.020 Where these regulations apply.**

**The regulations of this chapter apply to the portion of any lot or development site which is within an SC overlay subdistrict. Unless specifically exempted by NMC 15.342.040, these regulations apply to the following:**

- A. *New structures, additions, accessory structures, decks, addition of concrete or other impervious surfaces;*
- B. *Any action requiring a development permit by this code;*
- C. *Changing of topography by filling or grading;*
- D. *Installation or expansion of utilities including but not limited to phone, cable TV, electrical, wastewater, storm drain, water or other utilities;*
- E. *Installation of pathways, bridges, or other physical improvements which alter the lands within the stream corridor overlay subdistrict. [Ord. 2451, 12-2-96. Code 2001 § 151.466.]*

**Finding:** Tax lot R3219DB 04690 is an 84,021 square foot lot that contains approximately 22,436 square feet of stream corridor overlay subdistrict. Subsection B of this section states that the stream corridor overlay subdistrict regulations apply to any action requiring a development permit. The Newberg Municipal Code (NMC) defines a development permit as any land use or construction permit. The proposal for a preliminary plat for a subdivision does require a land use permit per NMC 15.235.030 and is not listed as exempt activity in NMC 15.342.040. Therefore, the regulations of this chapter apply to the portion of this lot that is within the stream corridor overlay subdistrict.

***15.342.040 Activities exempt from these regulations.***

***The following public or private uses and activities are exempt from the regulations of this chapter:***

- A. *Emergency procedures or emergency activities undertaken by public or private parties which are necessary for the protection of public health, safety and welfare.*
- B. *Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of the ordinance codified in these regulations.*
- C. *Alterations of buildings or accessory structures which do not increase building coverage.*
- D. *The expansion of an existing structure, building, improvements, or accessory structures, provided the expansion is located completely outside of the stream corridor delineation boundary.*
- E. *The following agricultural activities lawfully in existence as of December 4, 1996:*
  - 1. *Mowing of hay, grass or grain crops.*
  - 2. *Tilling, discing, planting, seeding, harvesting and related activities for pasture, trees, food crops or business crops;*



*provided, that no additional lands within the stream corridor boundary are converted to these uses.*

- F. Operation, maintenance and repair of existing irrigation, drainage ditches, ponds, wastewater facilities, stormwater detention or retention facilities, and water treatment facilities.*
- G. Normal and routine maintenance of existing streets and utilities.*
- H. Normal and routine maintenance of any public improvement or public recreational area.*
- I. Measures to remove or abate hazards and nuisances including but not limited to removal of fallen, hazardous or diseased trees.*
- J. Roadway and related improvements associated with a final alignment of the Newberg bypass road project.*
- K. Maintenance and repair of existing railroad trackage and related improvements.*
- L. Airport Area.*
  - 1. The removal or pruning of trees or other vegetation located within the airport overlay subdistrict, as established on the City of Newberg zoning map, that either exceed the height limits established by the overlay subdistrict or are otherwise demonstrated to pose a threat to the health, safety, welfare, and general operation of the airport.*
  - 2. The removal of undergrowth, within 500 feet east and west of the runway and 1,000 feet south of the runway, as necessary to maintain the safe operation of the airport facilities and activities.*
- M. Utilities installed above or below existing street rights-of-way.*
- N. Utility services using an existing pole or installation of other utilities where no more than 100 square feet of ground area is disturbed, no native trees are removed, and the area is replanted to preconstruction conditions using native plants selected from the Newberg plant list.*
- O. Utility services within existing access roads or other previously improved areas where the utility service can be installed without expanding the previously improved area.*

- P. The removal of any plant identified on the Newberg plant list as a nuisance plant such as Himalayan blackberry, English ivy, periwinkle, poison oak, or Scotch broom.*
- Q. The planting or propagation of any plant identified as native on the Newberg plant list.*
- R. The planting or propagation of any nonnative plant; provided, that the area to be planted covers less than 10 percent of the total site area within the SC overlay subdistrict and does not include any nuisance plants as identified on the Newberg plant list. [Ord. 2451, 12-2-96. Code 2001 § 151.468.]*

**Finding:** A subdivision preliminary plat land use action is not listed as an exempt activity, there for NMC 15.342.040 regulations apply.

*15.342.050 Activities requiring a Type I process.*

*The following uses shall be processed as a Type I decision and shall be approved by the director upon submittal of a plan indicating compliance with the accompanying criteria and the restoration standards indicated in NMC 15.342.060.*

- A. The expansion of an existing single-family, duplex, triplex or quadplex dwelling, structure, building, improvements, or accessory structures inside the corridor delineation boundary, including any expansion associated with conversion of an existing single-family dwelling into a duplex, triplex or quadplex dwelling; provided, that the following criteria have been satisfied:
 
  - 1. The expansion of a single-family, duplex, triplex or quadplex dwelling, structure or improvement (including decks and patios); provided, that it is located no closer to the stream or wetland area than the existing structure or improvement;*
  - 2. The coverage of all structures within the SC overlay subdistrict on the subject parcel shall not be increased by more than 1,000 square feet of the coverage in existence as of December 4, 1996;*
  - 3. The disturbed area is restored pursuant to NMC 15.342.060; and*
  - 4. No portion of the improvement is located within the 100-year flood boundary.**
- B. Private or public service connection laterals and service utilities extensions where the disturbed area shall be restored pursuant to NMC 15.342.060.*

- C. *Private or public sidewalks, stairs and related lighting where the disturbed area is restored pursuant to NMC 15.342.060.*
- D. *Bicycle and pedestrian paths; provided, that the area is restored pursuant to NMC 15.342.060.*
- E. *Temporary construction access associated with authorized Type I uses. The disturbed area associated with temporary construction access shall be restored pursuant to NMC 15.342.060.*
- F. *The removal of nonnative vegetation (such as blackberries) by mechanical means; provided, that the site is restored pursuant to NMC 15.342.060.*
- G. *Single-family, duplex, triplex or quadplex dwellings or structures which are nonconforming to the standards of this chapter may be rebuilt in the event of damage due to fire or other natural hazard; provided, that the single-family, duplex, triplex or quadplex dwelling or structure is placed within the same foundation lines. [Ord. 2889 § 2 (Exh. B §§ 17, 18), 12-6-21; Ord. 2880 § 2 (Exh. B §§ 20, 21), 6-7-21; Ord. 2451, 12-2-96. Code 2001 § 151.469.]*

**Finding:** The preliminary plat shows that the proposed stormwater facility, Tract A, will encroach into the stream corridor overlay area and disturb two separate areas totaling approximately 665 square feet. The stormwater facility will discharge into Tract B, that is located within the stream corridor area. The applicant's narrative does address that the area disturbed by the installation of the stormwater facility will be replanted per the included mitigation plan, sheet 6. The proposed stormwater facility is not listed within an approved City of Newberg master infrastructure plan. Therefore, does not qualify as a Type II activity per NMC 15.342.070(D). The installation of a stormwater facility, not within an approved master plan, is most closely related to the activity described in subsection B and therefore, will processed as a Type I procedure. However, due to the requirements of NMC 15.235 that requires proposed subdivisions within a stream corridor to be decided by the Planning Commission, this criterion will also be reviewed by the Planning Commission and not the approved by the director as this section directs.

***15.342.060 Restoration standards for Type I process.***

***A plan shall be approved only if the following standards can be met. This shall be shown on a plan submitted along with a Type I application.***

- A. ***Disturbed areas, other than authorized improvements, shall be regraded and contoured to appear natural. All fill material shall be native soil. Native soil may include soil associations commonly found within the vicinity, as identified from USDA Soil Conservation Service, Soil Survey of Yamhill Area, Oregon.***
- B. ***Replanting shall be required using a combination of trees, shrubs and grasses. Species shall be selected from natives on the Newberg plant list.***

- C. *Removed trees over six inches in diameter, as measured at breast height, shall be replaced at a ratio of three new trees for every one removed. All trees replaced pursuant to this section shall have an average caliper measurement of a minimum of one inch. Additional trees of any caliper may be used to further enhance the mitigation site.*
- D. *All disturbed areas, other than authorized improvements, shall be replanted to achieve 90 percent cover in one year.*
- E. *All disturbed areas shall be protected with erosion control devices prior to construction activity. The erosion control devices shall remain in place until 90 percent cover is achieved.*
- F. *Except as provided below, all restoration work must occur within the SC overlay subdistrict and be on the same property. The director may authorize work to be performed on properties within the general vicinity or adjacent to the overlay subdistrict; provided, that the applicant demonstrates that this will provide greater overall benefit to the stream corridor areas. [Ord. 2451, 12-2-96. Code 2001 § 151.470.]*

**Finding:** The applicants narrative states they will comply with all mitigation requirements for Type II activities, however, it was determined that this proposal most closely fits the Type I activities listed in NMC 15.342.040(B) as described in the previous finding. The mitigation requirements for Type I and Type II vary slightly. The applicant’s mitigation and replanting plan noted on sheet 6 of submitted plans meet all the requirements for a Type I mitigation plan. The only subsection not noted was subsection C regarding the removal of trees over six inches. It is unclear if trees of this size will be removed. If trees over six inches in diameter, as measured at breast height are to be removed, they shall be replaced at a ratio of three new trees for every one removed. All trees replaced pursuant to this section shall have an average caliper measurement of a minimum of one inch. Additional trees of any caliper may be used to further enhance the mitigation site.

If the aforementioned condition is adhered to, this criterion will be met.

***15.342.120 Density transfer.***

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

- A. ***Step 1. Calculate expected maximum density. The expected maximum density (EMD) is calculated by multiplying the acreage of the property by the density permitted within the Newberg comprehensive plan.***
- B. ***Step 2. The density that shall be permitted on the property shall be equal to the EMD obtained in Step 1, provided:***

1. *The density credit can only be transferred to that portion of the development site that is not located within the designated stream corridor; and*
2. *The minimum lot size required for residential dwellings, in the base zone, shall not be reduced by more than 20 percent; and*
3. *The maximum dwelling units per net acre of buildable land, outside the SC boundary, shall not be increased by more than 20 percent; and*
4. *The types of residential uses and other applicable standards permitted in the zone shall remain the same; and*
5. *All other uses shall comply with applicable standards and criteria of the Newberg development code. [Ord. 2451, 12-2-96. Code 2001 § 151.476.]*

**Finding:** The applicant is not requesting a density transfer; these criteria do not apply.

**15.342.130 Procedure for adjusting and amending the delineated stream corridor.**

- A. *Type II Process. The manager shall authorize an adjustment to the delineated stream corridor by a maximum of 15 percent of the corridor width as measured from the centerline of the stream to the upper edge of the stream corridor boundary (from the boundary location originally adopted as part of this chapter), provided the applicant demonstrates that the following standards are met:*
  1. *The location of the delineated stream corridor boundary is not reduced to less than 50 feet from the edge of a wetland or 100-year flood elevation, whichever is higher; and*
  2. *The lands to be eliminated do not contain sloped areas in excess of 20 percent; and*
  3. *The lands to be eliminated do not significantly contribute to the protection of the remaining stream corridor for water quality, stormwater control and wildlife habitat; and*
  4. *A stream corridor impact report which complies with the provisions of this chapter is provided; and*
  5. *The line to be adjusted has not been previously adjusted from the boundary location originally adopted as part of this chapter.*
- B. *Type III Process. The applicant may propose to amend the delineated stream corridor boundary through a Type III quasi-judicial zone*

*change proceeding consistent with the provisions of this code (see standard zone change criteria). [Ord. 2451, 12-2-96. Code 2001 § 151.477.]*

**Finding:** The applicant is not requesting a stream corridor adjustment; these criteria do not apply.

***15.342.140 Stream corridor impact report (SCIR) and review criteria.***

***A stream corridor impact report (SCIR) is a report which analyzes impacts of development within delineated stream corridors based upon the requirements of this section. The director shall consult with a professional with appropriate expertise to evaluate the report prepared under this section, in order to properly evaluate the conclusions reached in it. If outside consulting services are required to review the report, the cost of such review shall be paid by the applicant. By resolution, the city council shall establish a maximum fee which will be paid by the applicant.***

- A. Application Requirements. In addition to required materials for the site design review application, a stream corridor impact report (SCIR) must be submitted. The SCIR shall be conducted and prepared by experienced professionals who are knowledgeable and qualified to complete such a report. The qualifications of the person or persons preparing each element of the analysis shall be included with the SCIR. The SCIR shall include the following:***
- 1. Physical Analysis. The analysis shall include, at a minimum, a description of the soil types, geology, and hydrology of the site plus related development limitations. The analysis shall include development recommendations including grading procedures, soil erosion control measures, slope stabilization measures, and methods of mitigating hydrologic impacts. For projects which affect possible wetlands, a copy of the state wetland inventory map pertaining to the site shall be provided. Notice of the proposal shall be given to the Oregon Division of State Lands and the Army Corp of Engineers.***
  - 2. Ecological Analysis. The analysis shall include, at a minimum, an inventory of plant and animal species occurring on the site, a description of the relationship of the plants and animals with the environment, and recommended measures for minimizing the adverse impacts of the proposed development on unique and/or significant features of the ecosystem, including but not limited to migratory and travel routes of wildlife.***
  - 3. Enhancement Proposal. The applicant must propose a stream corridor or wetland enhancement to be completed along with the proposed development. The enhancement shall increase the natural values and quality of the remaining stream corridor lands located on the lot.***

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

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

9. *Stream turbidity shall not be significantly increased by any change in a watercourse that results from the fill. Measures shall be taken to minimize turbidity during construction.*
10. *The removal of trees over six inches in diameter shall be minimized to the extent possible to provide the necessary improvements authorized by this chapter. [Ord. 2451, 12-2-96. Code 2001 § 151.478.]*

**Finding:** The applicant is not required by this code to submit a stream corridor impact report; these criteria do not apply.

**Division 15.400 DEVELOPMENT STANDARDS**

**Chapter 15.405 LOT REQUIREMENTS**

*15.405.010 Minimum and maximum lot area.*

- A. *In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:*
  1. *In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:*

<i>Zone</i>	<i>Minimum lot area for single family</i>	<i>Minimum lot area for duplex dwelling</i>	<i>Minimum lot area for triplex dwelling</i>	<i>Minimum lot area for quadplex dwelling</i>	<i>Minimum lot area for townhouse</i>	<i>Minimum lot area for cottage cluster</i>	<i>Minimum lot area per dwelling unit for multifamily</i>
<i>R-2</i>	<i>3,000 sq ft</i>	<i>3,000 sq ft</i>	<i>5,000 sq ft</i>	<i>7,000 sq ft</i>	<i>1,500 sq ft</i>	<i>7,000 sq ft</i>	<i>3,000 sq ft</i>

- B. *Maximum Lot or Development Site Area per Dwelling Unit.*
  2. *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:** The applicant has chosen to comply with lot size standard by averaging lot sizes. As described below, the average lot size per dwelling in the subdivision is 4,656.5 square feet. For R-2 the average minimum lot size is 3,000 and the average maximum lot size is 5,000 square feet. The criteria of subsections A and B are met.

- C. *In calculating lot area for this section, 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 opens 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 future development plan, or land for uses not appurtenant to the residence.*



**Finding:** The applicant did not utilize any of the listed areas in the subsection to calculate lot area. This criterion is met.

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

**Finding:** The lot sizes of each lot in the subdivision are as follows:

<b>Lot Number</b>	<b>Lot Size in Square Feet</b>
1	4,285
2	4,263
3	4,421
4	5,819
5	3,810
6	3,798
7	3,785
8	7,071
<b><i>Average Lot Size: 4,656.5 square feet</i></b>	

The average lot size in the subdivision is 4,656.5 square feet. Not required to be included in these calculations is Tract A Stormwater Facility of 1,847 square feet and the Tract B the delineated stream corridor overlay area, 23,865 square feet. Therefore, through lot size averaging in the subdivision, the average lot size is within the average minimum and average maximum square footage permitted by the NMC for single-family and duplex dwellings in the R-2/Medium Density Residential zone.

The criterion of this section is met.

**15.405.030 Lot Dimension and Frontage**

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

**Finding:** See NMC 15.405.030(E)(b) for findings regarding width.

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

**Finding:** The proposed lots are under 15,000 square feet. Therefore, the criterion of subsection B 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:** The proposed lots conform to the lot area requirements for lots in the R-2 zone. The criteria are met as shown in the previous findings for NMC 15.405.010.

**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 1, 2, 3, and 4 share a 25-foot access easement to the new dead end street. The access easement will need to be recorded with Yamhill County as part of this plat, including a maintenance agreement. Lots 5, 6, and 7 each have a minimum of 39.93 feet of frontage along the public street. Lot 8 will contain the existing duplex and have 117.71 feet of frontage to the new public street. No new private streets are proposed to be created. 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, triplex, quadplex and cottage cluster project lots in the R-3 zone shall have a minimum width of 25 feet at the front building line.**

**Finding:** Except for Lot 8 which will contain the existing duplex, building locations are not proposed as a part of this subdivision plat application. The duplex on Lot 8 will have a width of 101.5 feet at the front building line. The front building line minimum width for all new dwellings will be determined during the building permit review process.

**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; however, cottage cluster projects shall be exempt from the 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.**

**Finding:** This proposed subdivision is zoned R-2. For all lots, other than Lot 8 which will contain the existing duplex, this section of the NMC will be reviewed during the building permit review process. The applicant's narrative states that future structures will comply with lot coverage requirements.

Lot coverage is defined as the portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building, except any area covered by a structure where 50 percent or more of the perimeter of such structure is open from grade, or any exempt accessory structure. Lot 8 is proposed to be 7,071 square feet. The existing duplex has

approximately 2,653.8 square feet of the lot is covered by applicable buildings and an additional 1,169 square feet of existing concrete surfaces (not included in parking coverage) for 54% maximum lot coverage.

This criterion is met.

**2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.**

**Finding:** “Parking coverage” means that portion of a lot covered by parking lots, aisles and access, and parking structures, where 50 percent or more of the perimeter of such structure is open on its sides. It includes one-half the area covered by approved pervious paving materials such as grasscrete, permeable asphalt, or permeable pavers. The site has approximately 400 square feet of existing concrete that will be used as access to the off-street parking space in the garage. For a total of 5% parking coverage.

This criterion is met.

**3. Combined Maximum Lot and Parking Coverage.**

**b. R-2, R-3, RP and townhouse dwellings in R-1: 70 percent**

**Finding:** For Lot 8, maximum lot coverage is 3,822.8 square feet and parking coverage is 400 square feet, for a total combined maximum of lot and parking coverage of 4222.8 square feet, or 60%.

This criterion is met.

R-2 Standards	Lot Size	Lot Coverage 60% Maximum	Parking Coverage 30% Maximum	Combined 70% Maximum
Lot 8 Existing Duplex	7,071 sq. ft.	3,822.8 sq. ft. (54%)	400 sq. ft. (5%)	4,222.8 sq ft (60%)
All other lots will be determined during building permit reviews				

**Chapter 15.410 YARD SETBACK REQUIREMENTS**

**Finding:** The following findings are specific to Lot 8 which will have the existing duplex. All other lot developments will have their setback requirements verified during the building permit process. The applicant’s narrative states that future structures will comply with lot coverage requirements.

**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:** Through the platting of this this subdivision the duplex will be on a single corner lot, Lot 8. Therefore, it will have a front yard setback along the new street that will terminate at the east property line, and a street side yard setback along the new extension of S Garfield Street. This new street configuration will provide the duplex a 15-foot front yard setback to the building from the new terminated street. The extension of S Garfield Street however does not

provide the required 15-foot for the street side yard. This was reviewed under the associated code adjustment (ADJC23-0002) requesting a reduction to the street side yard by 19%. Staff found this reduction meets all adjustment criteria and the street side yard will be reduced to 12.1 feet.

This criterion is met.

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

**Finding:** The location of the new street does not provide the required 20-foot garage setback from the street. This was reviewed under the associated code adjustment (ADJC23-0002) requesting a reduction to the garage front yard setback by 25%. Staff determined this reduction meets all adjustment criteria and the garage will have a 15-foot setback.

This criterion is met.

***15.410.030 Interior yard setback.***

***A. Residential.***

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

**Finding:** The interior yards for the duplex are located along the south property line and the east property line of the new Lot 8. Prior to the subdivision, these yards would be defined as interior yards. The property lines associated with these yards will not be adjusted with this subdivision, and therefore remain at the same location, distance from property line to dwelling, and identified yard type as they were prior to the subdivision approval.

This criterion is not applicable.

***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.***

***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 submitted site plan shows all structures outside the 25- and 50-foot vision clearance triangles.

This criterion is met.

#### ***Chapter 15.415 BUILDING AND SITE DESIGN STANDARDS***

**Finding:** This section of NMC will be reviewed 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. The applicant's narrative states that future structures will comply with lot coverage requirements.

#### ***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.***

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

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

***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***

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

*approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant. [Ord. 2880 § 2 (Exh. B §§ 42, 43), 6-7-21; Ord. 2720 § 1(16, 17), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2513, 8-2-99; Ord. 2451, 12-2-96. Code 2001 § 151.580.]*

**Finding:** The applicant is showing creation of a planter strip along the proposed new terminated street and extension of S Garfield Street. Street trees will need to be from the approved street trees species list. The applicant will also need to ensure the planter strip contains grass, shrubs, and ground cover per NMC 15.420.010 required minimum standards for landscaping. The street trees will need to be planted prior to occupancy of Lots 4, 5, 6, and 7. Final street tree locations will be determined through the infrastructure permitting process and an ownership and maintenance agreement shall be signed and recorded on the final plat concerning the responsibility of the street trees. If the landscaping cannot be completed prior to issuance of occupancy the applicant may place a security on file per NMC 15.420.010(C). Lots 1, 2, and 3 do not have street frontage, only access to the new terminated street through a 25-foot shared access and utility easement and therefore, it would be unreasonable to require the installation of street trees prior to their occupancy.

#### ***Chapter 15.425 EXTERIOR LIGHTING***

**Finding:** This requirement will be reviewed during the building permit review application.

#### ***Chapter 15.430 UNDERGROUND UTILITY INSTALLATION***

##### ***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. [Ord. 2537, 11-6-00. Code 2001 § 151.589.]*

**Finding:** The submitted narrative and plans describe the relocation of existing power poles that are in conflict with proposed street improvements and undergrounding of existing overhead utility lines. In addition all new utilities for the development are shown to be installed underground. Because final plans have not been submitted, final plans showing existing utilities within the property and project limits undergrounded and new utilities installed underground will be required with permit applications. Undergrounding of existing overhead utility lines might require work outside of the project work limits shown on the preliminary plans.

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

**Chapter 15.440 OFF STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS**

**15.440.010 Required off-street parking.**

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

**Finding:** The applicant states that each new dwelling will provide a one car garage and one car driveway for a total of two parking places. Final review of off-street parking requirements will be reviewed at time of building permit review process.

**15.440.030 Parking spaces required.**

**Finding:** The following findings are specific to Lot 8 which will have the existing duplex. All other parking space requirements will be verified during the building permit process. The applicant’s narrative states that future structures will comply with parking space requirements.

<i>Use</i>	<i>Minimum Parking Spaces Required</i>
<i>Dwelling, duplex</i>	<i>1 for each dwelling unit</i>

**Finding:** The existing dwelling on proposed Lot 8 is a duplex dwelling. Therefore, each dwelling unit is required to provide one off-street parking space. The applicant has stated that the existing duplex garages will provide the one-off street parking space, as detailed in the next finding.

This criterion is met.

**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.**

**Finding:** The applicant has stated that the existing duplex garages are 11 feet by 24 feet which surpass the required dimensions for a single-car garage and can be used as the one-off street parking space.

This criterion is met.

**Division 15.500 PUBLIC IMPROVEMENT STANDARDS**

**Chapter 15.505 PUBLIC IMPROVEMENT STANDARDS**

**15.505.010 Purpose.**

*This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development. [Ord. 2810 § 2 (Exhs. B, C), 1219-16.]*

**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 show an extension of S Garfield Street, a local residential street. Because the applicant has not submitted construction plans, final street improvement plans meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. Public improvements are to be completed prior to applying for the final plat and building permits.

This criterion will be met if all improvements necessary to serve the development meet City standards and are completed, see conditions in Section 15.505.030.



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

**Finding:** Preliminary plans show an extension of an existing 4-inch water line in the extension of S Garfield Street. Because the applicant has not submitted construction plans, final water line plans meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. New water mains are to be a minimum of 8-inches in diameter. Public improvements are to be completed prior to applying for the final plat and building permits.

This criterion will be met if all improvements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.040(D).

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

**Finding:** Preliminary plans show a new wastewater line connecting to an existing wastewater line in S Garfield Street. Preliminary plans also show service laterals to each proposed lot. Because the applicant has not submitted construction plans, final plans for the proposed wastewater line with individual service laterals to each lot meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. The public main will need to terminate at a manhole within the public street right-of-way. Private service laterals are to be extended from the public main to each lot, and to each dwelling if under separate ownership. Private “party” wastewater service lines are not allowed.

This criterion will be met if all wastewater improvements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.040(E).

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

**Finding:** A combination of new private and public stormwater facilities are proposed by the submitted preliminary plans and the preliminary stormwater report.

A new private stormwater line is shown routed through the shared driveway for proposed lots 1 through 4 to a private rain garden and a private underground stormwater detention facility in Tract A of the preliminary plat. The outfall of the private stormwater facility is shown within Tract B of the preliminary plat and within the stream corridor. It appears that construction of the proposed rain gardens could encroach into the stream corridor. If construction of the rain

gardens encroaches into the stream corridor additional mitigation measures beyond that shown on the preliminary plans would be required as part of the permit plan review process.

Public stormwater runoff from the street is proposed to be managed through public stormwater planters and a public rain garden. The preliminary stormwater report references that outflows from stormwater planters will be routed to underground detention pipes. The proposed public rain garden, shown within Tract B containing the stream corridor, is described as having its overflow directed to a stream outfall.

A preliminary stormwater report prepared by Firwood Design Group was submitted as part of the application. Because a final stormwater management report has not been submitted and final stormwater plans have not been reviewed and approved, a final stormwater management report and construction plans meeting the City's Public Works Design and Construction Standards will be required as part of the public works improvement permit application. The applicant will need to demonstrate compliance with the facility selection hierarchy described in section 4.6.8 of the Public Works Design and Construction Standards.

As shown on the preliminary plans the entire proposed stormwater system might need to be private as public stormwater is to be separated from the management of private stormwater runoff and it is unclear from the materials submitted if this could be achieved with the proposed preliminary design.

A private stormwater facility maintenance agreement shall be required for any private stormwater facility or stormwater system. The private stormwater facility maintenance agreement shall be recorded as part of the final plat approval.

This criterion will be met if all stormwater improvements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.050.

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

**Finding:** The applicant's preliminary plans do not show 10-foot-wide public utility easements along the frontages of all proposed lots along the extension of S Garfield Street. The plans do show shared access and utility easements for Lots 1 through 4. Because the applicant has not submitted construction plans, final plans showing needed utility easements will be required as part of the public works improvement permit application.

This criterion will be met if all easements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.040(F).

- G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a***

*manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]*

**Finding:** Any required public improvement permit(s) for this project must be submitted, approved and the improvements constructed prior to applying for the final plat and building permits.

**15.505.030 Street standards.**

- A. Purpose.** *The purpose of this section is to:*
- 1.** *Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.*
  - 2.** *Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.*
  - 3.** *Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.*
- B. Applicability.** *The provisions of this section apply to:*
- 1.** *The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.*
  - 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:** As part of the proposed subdivision, the applicant is proposing an extension of S Garfield Street, a local residential street. Because the applicant has not submitted construction plans, final street improvement plans meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. Public improvements are to be completed prior to applying for the final plat and building permits.

This criterion will be met if all improvements necessary to serve the development meet City standards and are completed, see conditions in Section 15.505.030.

- 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:** The applicant is proposing an extension of S Garfield Street, a local residential street, with a cross section consisting of 60-feet of right-of-way and 32-feet of curb-to-curb pavement width. The applicant's preliminary plat and plans also show existing S Garfield Street with 60-feet of existing right-of-way. This is adequate right-of-way for improving the street to the width specified in 505.505.030(G).

This criterion is met.

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

**Finding:** The applicant is proposing an extension of S Garfield Street, a local residential street, with a full width street improvement cross section consisting of 60-feet of right-of-way and 32-feet of curb-to-curb pavement width. The applicant's preliminary plat and plans also show existing S Garfield Street with 60-feet of existing right-of-way. This is adequate for improving the street to the width specified in 505.505.030(G).

This criterion will be met if all improvements necessary to serve the development meet City standards and are completed, see conditions in Section 15.505.030.

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

**Finding:** The Applicant is not proposing a fee in lieu of street improvements.

This criterion is not applicable.

- 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 development is an 8-lot subdivision. Improvements required as conditions of approval are required for the proposed development to be adequately served by public facilities as described in conditions in Sections 15.505.030, 15.505.040 and 15.505.050.

The criterion is met.

- G. **Street Width and Design Standards.**
- I. **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

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

**Table 15.505.030(G) Street Design Standards**

<i>Type of <u>Street</u></i>	<i><u>Right-of-Way</u> Width</i>	<i><u>Curb-to-Curb</u> Pavement Width</i>	<i><u>Motor Vehicle</u> Travel Lanes</i>	<i><u>Median</u> Type</i>	<i><u>Striped</u> <u>Bike</u> <u>Lane</u> (Both Sides)</i>	<i><u>On-Street</u> Parking</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.*

**Finding:** The applicant is proposing an extension of S Garfield Street, a local residential street, with a full width street improvement cross section consisting of 60-feet of right-of-way and 32-feet of curb-to-curb pavement width. The proposed street extension is shown turning east and terminating at the east property boundary of the project site. The applicant’s preliminary plat and plans also show existing S Garfield Street with 60-feet of existing right-of-way. This is adequate for improving the street to the width specified in 505.505.030(G). Because construction plans have not been submitted, final plans showing the proposed street extension as a local residential street in accordance with City of Newberg Public Works Design and Construction Standards shall be submitted as part of the public improvement permit.

This criterion will be met if all improvements necessary to serve the development meet City standards and are completed, see conditions in Section 15.505.030.

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

**Finding:** No new collector or arterial streets are proposed.

This criterion is not applicable.

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:** Bike lanes are not required on local residential streets.

This criterion is not applicable.

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

**Finding:** There are no collector or arterial streets proposed.

This criterion is not applicable.

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

**Finding:** No center turn lanes are proposed and none are required.

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:** Limited residential streets are not proposed.

This criterion is not applicable.

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

**Finding:** The submitted plans show 5-foot-wide sidewalks and the narrative describes 5-foot-wide sidewalks are proposed along the subject parcel frontages. Sidewalks along frontages of



properties that are not part of the proposed development are not required as part of this development.

This criterion will be met if all improvements necessary to serve the development meet City standards and are completed, see conditions in Section 15.505.030.

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 curbside 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 5.5-foot-wide planter strips and the narrative describes 5.5-foot-wide planter strips are proposed along the subject parcel frontages. Planter strips along frontages of properties that are not part of the proposed development are not required as part of this development.

This criterion will be met if all improvements necessary to serve the development meet City standards and are completed.

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

**Finding:** The applicant is not proposing a slope easement.

This criterion is not applicable.

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

**Finding:** The design of the intersection and street will be reviewed through the Public Improvement Permit process to meet requirements.

This criterion will be met if all improvements necessary to serve the development meet City standards and are completed.

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:** Modifications to street standards for the purpose of ingress or egress are not proposed.

This criterion is not applicable.

- 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 has not proposed modifications to these street standards.

This criterion is not applicable.

- I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the*

*street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.*

**Finding:** The applicant is not proposing a temporary turnaround. This criterion does not apply.

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

**Finding:** The applicant has given suitable recognition to surrounding topographical conditions.

This criterion is met.

- 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:** The applicant is proposing an extension of S Garfield Street, a local residential street. The proposed street extension is shown turning east and terminating at the east property boundary of the project site to serve the adjacent property for future development.

This criterion is met.

*L. Cul-de-Sacs.*

- 1. Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.*
- a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.*
- b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.*
- c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.*
- d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use,*

*except where the adjoining land is designated as an urban reserve area.*

2. *Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).*
3. *Cul-de-sacs shall not serve more than 18 single-family dwellings.*

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

**Finding:** The applicant is not proposing a cul-de-sac.

This criterion is not applicable.

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

**Finding:** The applicant is not proposing street names of the proposed residential street. It should be noted that the segment of the S Garfield Street extension that turns east will need to have a different name to adhere to typical street naming standards. The applicant is required to coordinate with the City Planning Division in selecting the name for the street and to adhere to typical naming standards for streets.

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

- N. *Platting Standards for Alleys.*
1. *An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.*
  2. *The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.*
  3. *Where two alleys intersect, 10-foot corner cut-offs shall be provided.*

4. *Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.*
5. *All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.*

**Finding:** The applicant is not proposing alleys.

This criterion is not applicable.

**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-1</i>	<i>800 feet</i>	<i>2,000 feet</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 R1 zone may apply the standards for the institutional zone.*
- e. *Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.*
- f. *Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.*

**Finding:** The applicant is not proposing blocks.

This criterion is not applicable.

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

**Finding:** The applicant is not proposing private streets.

This criterion is not applicable.

- Q. *Traffic Calming.*
  - 1. *The following roadway design features may be required in new street construction where traffic calming needs are anticipated:*
    - a. *Serpentine alignment.*
    - b. *Curb extensions.*
    - c. *Traffic diverters/circles.*
    - d. *Raised medians and landscaping.*
    - e. *Other methods shown effective through engineering studies.*
  - 2. *Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.*

**Finding:** The applicant is not proposing traffic calming.

This criterion is not applicable.

**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**

<u>Roadway Functional Classification</u>	<i>Area<sup>1</sup></i>	<i>Minimum Public Street Intersection Spacing (Feet)<sup>2</sup></i>	<i>Driveway Setback from Intersecting Street<sup>3</sup></i>
<u>Expressway</u>	<i>All</i>	<i>Refer to ODOT Access Spacing Standards</i>	<i>NA</i>
<u>Major arterial</u>	<i>Urban CBD</i>	<i>Refer to ODOT Access Spacing Standards</i>	
<u>Minor arterial</u>	<i>Urban CBD</i>	<i>500 200</i>	<i>150 100</i>
<u>Major collector</u>	<i>All</i>	<i>400</i>	<i>150</i>
<u>Minor collector</u>	<i>All</i>	<i>300</i>	<i>100</i>

*Table 15.505.R. Access Spacing Standards*

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

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

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

<sup>2</sup> *Measured centerline to centerline.*

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

**Finding:** The project does not include an arterial or collector roadway and none are adjacent to the site.

This criterion is not applicable.

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

**Finding:** Only Lot 8 of the proposed lots is proposed to have frontage onto more than one street. The applicant’s submitted materials indicate that the existing duplex on proposed Lot 8 will remain with the access to existing driveways to be from the east-west segment of the proposed street extension. Both segments of the proposed street extension are classified as local residential streets.

This criterion is not applicable.

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:** Only Lot 8 of the proposed lots are proposed to have more than one driveway. The applicant's submitted materials indicate that the existing duplex on proposed Lot 8 will remain with the access to existing driveways to be from the east-west segment of the proposed street extension. The existing driveways for proposed Lot 8 with the existing duplex are shown on the preliminary plans with more than 22-feet of separation.

This criterion is met.

5. ***Alley Access.*** *Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:*
  - a. *The review body finds that creating a public street frontage is not feasible.*
  - b. *The alley access is for no more than six dwellings and no more than six lots.*
  - c. *The alley has through access to streets on both ends.*
  - d. *One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.*

**Finding:** The applicant's property does not have alley access.

This criterion is not applicable.

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:** No existing access not used with the proposed development are proposed to be closed and none are required to be closed.

This criterion is not applicable.

7. ***Shared Driveways.***
  - a. *The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are*

*required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*

- b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.*
- c. No more than four lots may access one shared driveway.*
- d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.*
- e. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.*

**Finding:** The applicant is proposing one shared driveway to serve Lots 1 through 4. A 25-foot access and utility easement is shown on the proposed shared driveway. Maintenance agreements are required as well. Access and utility easements and maintenance agreements for the shared driveway shall be recorded as part of the final plat approval.

This criterion will be met when the access easements and maintenance agreements are recorded and submitted to the city.

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

**Finding:** The proposed lots do not front on an arterial or collector street.

This criterion is not applicable.

- 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 proposed property does not abut an 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 to the access standards.

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:** Public walkways are not proposed and none are required.

These criteria are not applicable.

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

**Finding:** The applicant is showing creation of a planter strip with preliminary tree locations. Please see findings NMC 15.420.010(B)(4) for further findings.

- 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 plans show proposed street lighting. However, it is unclear if the City's requirements for street lighting are being met. Because a lighting analysis has not been provided, the applicant will be required to show via a lighting analysis that the proposed street lighting meets City standards or provide additional Option A street lighting that is compliant with the City's Public Works Design and Construction Standards.

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.*
- 4. Lighting at the transit facility. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 19), 9-16-13; Ord. 2736 § 1 (Exh. A §§ 1, 3, 4), 3-21-11; Ord. 2619, 5-16-05; Ord. 2513, 8-2-99; Ord. 2507, 3-1-99; Ord. 2494, 4-6-98; Ord. 2451, 12-2-96. Code 2001 §§ 151.681, 151.683, 151.684 – 151.686, 151.689 – 151.692, 151.694, 151.695, 151.701 – 151.703, 151.705.]*

**Finding:** The applicant is not proposing transit improvements and the site is not adjacent to existing or planned transit facilities.

These criteria are not applicable.

**15.505.040 Public utility standards.**

- A. Purpose. The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.*
- B. Applicability. This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.*
- C. General Standards.*
  - 1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.*
  - 2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and*

*be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.*

*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:** Preliminary plans show an extension of an existing 4-inch water line in the extension of S Garfield Street. The extension of the public water line will need to extend to the end of the public street extension. With the extension of the public water main, it appears that that a fire hydrant will need to be installed off the proposed new 8-inch public water line to meet the fire hydrant spacing of 500-feet required in residential areas per Section 3.3.5 of the City of Newberg Public Works Design and Construction Standards. Because the applicant has not submitted construction plans, final water line plans meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. New water mains are to be a minimum of 8-inches in diameter.

The proposed new 8-inch public water line will need to be installed to the end of the public street extension in accordance with Section 3.2.3 of the City of Newberg Public Works Design and Construction Standards.

If it is determined during permit plan reviews that a fire hydrant is needed, the existing 4-inch public water line will need to be replaced with a new 8-inch public water line. The replacement water line that would serve the fire hydrant would need to be from the existing public water line in E Eighth Street in accordance with Section 3.3.5 of the City of Newberg Public Works Design and Construction Standards.

Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

Public improvements are to be completed prior to applying for the final plat and building permits.

Results of fire flow tests performed by a private contractor hired by the applicant shall be submitted as part of permit applications in accordance with requirements of the fire marshal.

This criterion will be met if all improvements necessary to service the development meet City standards and are completed.

- E. Standards for wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.***
- 1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.***
  - 2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.***
  - 3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.***

4. *Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.*
5. *Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.*
6. *The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.*
7. *Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.*

**Finding:** Preliminary plans show a wastewater line connecting to an existing wastewater line in S Garfield Street. Preliminary plans also show service laterals to each proposed lot. Because the applicant has not submitted construction plans, final plans for the proposed wastewater line with individual service laterals to each lot meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. The public main will need to terminate at a manhole within the public street right-of-way. Private service laterals are to be extended from the public main to each lot, and to each dwelling if under separate ownership. Private "party" wastewater service lines are not allowed.

Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

Any existing septic system is to be decommissioned according to Yamhill County standards. Documentation of the septic system abandonment or removal in accordance with Yamhill County standards shall be submitted with the public improvement permit application.

Public improvements are to be completed prior to applying for the final plat and building permits.

These criteria will be met if all wastewater improvements necessary to service the development meet City standards and are completed.

- 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 plans that do not show 10-foot public utility easements along all lot frontages. The plans do show a shared access and utility easement for Lots 1 through 4. Because the applicant has not recorded all utility easements needed for the proposed development, the applicant will be required to submit recorded documents that include necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, this includes but not necessarily limited to:

- 1) 10-foot public utility easements along all public street frontages of the proposed lots.
- 2) 25-foot access and utility easement for the water and sewer lines in the shared driveway.

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 proposed development will create more than 500 square feet of impervious area, public and private. The applicant proposes to manage both public and private stormwater

runoff. A combination of new private and public stormwater facilities are proposed by the submitted preliminary plans and the preliminary stormwater report.

A new private stormwater line is shown routed through the shared driveway for proposed lots 1 through 4 to a private rain garden and a private underground stormwater detention facility in Tract A of the preliminary plat. The outfall of the private stormwater facility is shown within Tract B of the preliminary plat and within the stream corridor. It appears that construction of the proposed rain gardens could encroach into the stream corridor. If construction of the rain gardens encroach into the stream corridor additional mitigation measures beyond that shown on the preliminary plans would be required as part of the permit plan review process.

Public stormwater runoff from the street is proposed to be managed through public stormwater planters and a public rain garden. The preliminary stormwater report references that outflows from stormwater planters will be routed to underground detention pipes. The proposed public rain garden, shown within Tract B containing the stream corridor, is described as having its overflow directed to a stream outfall.

A preliminary stormwater report prepared by Firwood Design Group was submitted as part of the application. Because a final stormwater management report has not been submitted and final stormwater plans have not been reviewed and approved, a final stormwater management report and construction plans meeting the City's Public Works Design and Construction Standards will be required as part of the public works improvement permit application. The applicant will need to demonstrate compliance with the facility selection hierarchy described in section 4.6.8 of the Public Works Design and Construction Standards.

As shown on the preliminary plans the entire proposed stormwater system might need to be private as public stormwater is to be separated from the management of private stormwater runoff and it is unclear from the materials submitted if this could be achieved with the proposed preliminary design.

If during the permit plan review process, it is determined that the proposed rain garden shown within Tract B containing the stream corridor will be a public facility, a separate tract will need to be created for the public facility. A tract for any public facility must not contain any stream corridor, wetland, or similar encumbrances.

The responsibility for maintenance of private stormwater facilities or stormwater systems shall be the responsibility of a Homeowner's Association (HOA) or adjacent property owners.

A private stormwater facility maintenance agreement shall be required for any private stormwater facility or stormwater system. The private stormwater facility maintenance agreement shall be recorded as part of the final plat approval.

Utility designs and alignments, along with the stormwater management report, will be reviewed as part of the Public Improvement Permit.

The criterion 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 show site disturbance of greater than one acre. Because the applicant as not provided documentation of an erosion and sedimentation control permit for the development site, the applicant will be required to obtain and submit a DEQ 1200-C permit prior to issuance of a public improvement permit.

The applicant has submitted a preliminary stormwater management report. Because the applicant has not submitted a final stormwater report or construction plans, the applicant will need to submit a final stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Public Improvement Permit.

Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

The final stormwater report and plans shall address erosion control downstream of the proposed stormwater outfalls within the stream corridor. Additional erosion control and stream corridor mitigation measures beyond that shown on the preliminary plans might be required as part of the permit plan review process.

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

**E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the**

*Newberg public works design and construction standards. [Ord. [2810](#)  
§ 2 (Exhs. B, C), 12-19-16.]*

**Finding:** A preliminary stormwater report prepared by Firwood Design Group was submitted as part of the application. Because a final stormwater management report has not been submitted and final stormwater plans have not been reviewed and approved, a final stormwater management report and construction plans meeting the City's Public Works Design and Construction Standards will be required as part of the public works improvement permit application. The applicant will need to demonstrate compliance with the facility selection hierarchy described in section 4.6.8 of the Public Works Design and Construction Standards.

As shown on the preliminary plans the entire proposed stormwater system might need to be private as public stormwater is to be separated from the management of private stormwater runoff and it is unclear from the materials submitted if this could be achieved with the proposed preliminary design.

A private stormwater facility maintenance agreement shall be required for any private stormwater facility or stormwater system. The private stormwater facility maintenance agreement shall be recorded as part of the final plat approval.

Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

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

**Exhibit B:**  
**Conditions of Approval – ADJC23-0002 and SUB322-0001 – 100 S Garfield Street**  
**Subdivision Preliminary Plat**

- 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 driveways 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.

- a. 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. Final Plat Name:**

- a. A plat name not already recorded, and meeting ORS Chapter 92 will be required during the final plat review.

**2. Private Common Areas:**

- a. Tract A and Tract B maintenance agreements will need to be recorded and accompany future development submittals.

**3. State and Federal Permits:**

- a. Prior to final plat approval the applicant is encouraged to work with DSL to ensure development design meets their preference as established in state law as stated in the DSL WD# 2022-0367 approval letter date December 8, 2022. The applicant is required to obtain any state and federal permits as required for this development.

**4. Stream Corridor Mitigation:**

- a. If trees over six inches in diameter, as measured at breast height are to be removed, they shall be replaced at a ratio of three new trees for every one removed. All trees replaced pursuant to this section shall have an average caliper measurement of a minimum of one inch. Additional trees of any caliper may be used to further enhance the mitigation site.

**5. Easements:**

- a. The access easement will need to be recorded with Yamhill County as part of this plat, including a maintenance agreement.

**6. Street Trees**

- a. Street trees will need to be from the approved street trees species list. The applicant will also need to ensure the planter strip contains grass, shrubs, and ground cover per NMC 15.420.010 required minimum standards for landscaping. The street trees will need to be planted prior to occupancy of Lots 4, 5, 6, and 7. Final street tree locations will be determined through the infrastructure permitting process and an ownership and maintenance agreement shall be signed and recorded on the final plat concerning the responsibility of the street trees. If the landscaping cannot be completed prior to issuance of occupancy the applicant may place a security on file per NMC 15.420.010(C).

**7. Underground Utilities:**

- a. Final plans showing existing utilities within the property and project limits undergrounded and new utilities installed underground will be required with permit applications. Undergrounding of existing overhead utility lines might require work outside of the project work limits shown on the preliminary plans.

**8. Public Improvements:**

- a. Final street improvement plans meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. Public improvements are to be completed prior to applying for the final plat and building permits.

**9. Water:**

- a. Final water line plans meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. New water

mains are to be a minimum of 8-inches in diameter. Public improvements are to be completed prior to applying for the final plat and building permits.

**10. Wastewater:**

- a. Final plans for the proposed wastewater line with individual service laterals to each lot meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. The public main will need to terminate at a manhole within the public street right-of-way. Private service laterals are to be extended from the public main to each lot, and to each dwelling if under separate ownership. Private “party” wastewater service lines are not allowed.

**11. Stormwater:**

- a. A final stormwater management report and construction plans meeting the City’s Public Works Design and Construction Standards will be required as part of the public works improvement permit application. The applicant will need to demonstrate compliance with the facility selection hierarchy described in section 4.6.8 of the Public Works Design and Construction Standards.
- b. As shown on the preliminary plans the entire proposed stormwater system might need to be private as public stormwater is to be separated from the management of private stormwater runoff and it is unclear from the materials submitted if this could be achieved with the proposed preliminary design.
- c. A private stormwater facility maintenance agreement shall be required for any private stormwater facility or stormwater system. The private stormwater facility maintenance agreement shall be recorded as part of the final plat approval.

**12. Utility Easements:**

- a. Final plans showing needed utility easements will be required as part of the public works improvement permit application.

**13. Public Improvement Permits:**

- a. Any required public improvement permit(s) for this project must be submitted, approved and the improvements constructed prior to applying for the final plat and building permits.

**14. Streets and Street Naming:**

- a. Final street improvement plans meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. Public improvements are to be completed prior to applying for the final plat and building permits.

- b. Final plans showing the proposed street extension as a local residential street in accordance with City of Newberg Public Works Design and Construction Standards shall be submitted as part of the public improvement permit.
- c. The applicant is required to coordinate with the City Planning Division in selecting the name for the street and to adhere to typical naming standards for streets.

**15. Shared Driveways:**

- a. Access and utility easements and maintenance agreements for the shared driveway shall be recorded as part of the final plat approval.

**16. Street Lights:**

- a. The applicant will be required to show via a lighting analysis that the proposed street lighting meets City standards or provide additional Option A street lighting that is compliant with the City's Public Works Design and Construction Standards.

**17. Water Improvements:**

- a. Final water line plans meeting the requirements within the Newberg Public Works Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. New water mains are to be a minimum of 8-inches in diameter.
- b. The proposed new 8-inch public water line will need to be installed to the end of the public street extension in accordance with Section 3.2.3 of the City of Newberg Public Works Design and Construction Standards.
- c. If it is determined during permit plan reviews that a fire hydrant is needed, the existing 4-inch public water line will need to be replaced with a new 8-inch public water line. The replacement water line that would serve the fire hydrant would need to be from the existing public water line in E Eighth Street in accordance with Section 3.3.5 of the City of Newberg Public Works Design and Construction Standards.
- d. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.
- e. Public improvements are to be completed prior to applying for the final plat and building permits.
- f. Results of fire flow tests performed by a private contractor hired by the applicant shall be submitted as part of permit applications in accordance with requirements of the fire marshal.

**18. Wastewater Improvements:**

- a. Final plans for the proposed wastewater line with individual service laterals to each lot meeting the requirements within the Newberg Public Works



Design and Construction Standards will need to be submitted for approval as part of the public improvement permit application. The public main will need to terminate at a manhole within the public street right-of-way. Private service laterals are to be extended from the public main to each lot, and to each dwelling if under separate ownership. Private “party” wastewater service lines are not allowed.

- b. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.
- c. Any existing septic system is to be decommissioned according to Yamhill County standards. Documentation of the septic system abandonment or removal in accordance with Yamhill County standards shall be submitted with the public improvement permit application.
- d. Public improvements are to be completed prior to applying for the final plat and building permits.

**19. Public and Private Utility Easements:**

- a. The applicant will be required to submit recorded documents that include necessary utility easements meeting the specifications and standards of the City’s Public Works Design and Construction Standards, this includes but not necessarily limited to:
  - i. 10-foot public utility easements along all public street frontages of the proposed lots.
  - ii. 25-foot access and utility easement for the water and sewer lines in the shared driveway.

**20. Stormwater System Standards:**

- a. If construction of the rain gardens encroach into the stream corridor additional mitigation measures beyond that shown on the preliminary plans would be required as part of the permit plan review process.
- b. A final stormwater management report and construction plans meeting the City’s Public Works Design and Construction Standards will be required as part of the public works improvement permit application. The applicant will need to demonstrate compliance with the facility selection hierarchy described in section 4.6.8 of the Public Works Design and Construction Standards.
- c. As shown on the preliminary plans the entire proposed stormwater system might need to be private as public stormwater is to be separated from the management of private stormwater runoff and it is unclear from the materials submitted if this could be achieved with the proposed preliminary design.
- d. If during the permit plan review process, it is determined that the proposed rain garden shown within Tract B containing the stream corridor will be a public facility, a separate tract will need to be created for the public facility.

A tract for any public facility must not contain any stream corridor, wetland, or similar encumbrances.

- e. The responsibility for maintenance of private stormwater facilities or stormwater systems shall be the responsibility of a Homeowner's Association (HOA) or adjacent property owners.
- f. A private stormwater facility maintenance agreement shall be required for any private stormwater facility or stormwater system. The private stormwater facility maintenance agreement shall be recorded as part of the final plat approval.
- g. Utility designs and alignments, along with the stormwater management report, will be reviewed as part of the Public Improvement Permit.

**21. Stormwater and Erosion Control:**

- a. The applicant will be required to obtain and submit a DEQ 1200-C permit prior to issuance of a public improvement permit.
- b. The applicant will need 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.
- c. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.
- d. The final stormwater report and plans shall address erosion control downstream of the proposed stormwater outfalls within the stream corridor. Additional erosion control and stream corridor mitigation measures beyond that shown on the preliminary plans might be required as part of the permit plan review process.

**22. Development Standards:**

- a. A final stormwater management report and construction plans meeting the City's Public Works Design and Construction Standards will be required as part of the public works improvement permit application. The applicant will need to demonstrate compliance with the facility selection hierarchy described in section 4.6.8 of the Public Works Design and Construction Standards.
- b. As shown on the preliminary plans the entire proposed stormwater system might need to be private as public stormwater is to be separated from the management of private stormwater runoff and it is unclear from the materials submitted if this could be achieved with the proposed preliminary design.
- c. A private stormwater facility maintenance agreement shall be required for any private stormwater facility or stormwater system. The private stormwater

facility maintenance agreement shall be recorded as part of the final plat approval.

- d. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

C. 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.

D. Final plat submission requirements and approval criteria: In accordance with NDC final plans showing utility easements will be required prior to submitting for building permits. 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:

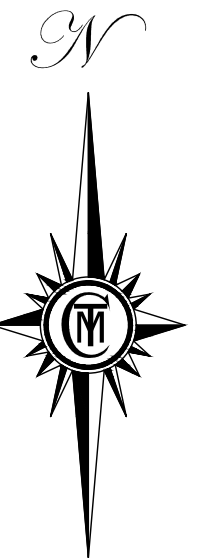
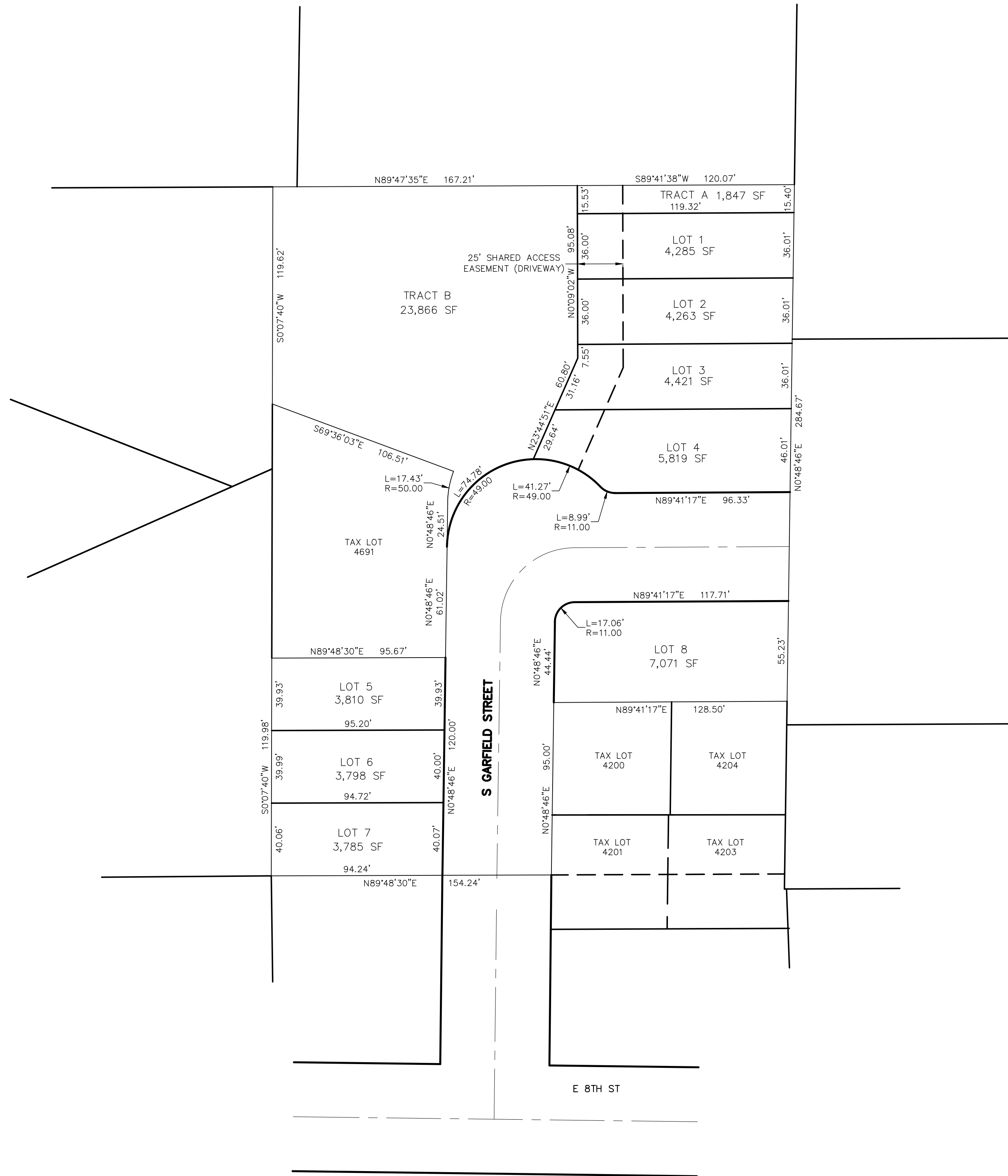
- a. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, 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. 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.
- E.** Filing and recording: In accordance with NMC 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;
    - b. No plat shall be recorded until the county surveyor approves it in the manner provided by ORS Chapter 92.

**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 the 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. **Zipty:** The developer must coordinate trench/conduit requirements with Zipty. Contact the Engineering Division, Zipty, at 541-269-3375.
4. **Addresses:** The Planning Division will assign address for the new subdivision. Planning Division staff will send out notice of the new address after they receive a recorded copy of the final subdivision plat.

**Exhibit C:  
Preliminary Plat**



SCALE 1" = 40'

PRELIMINARY  
SUBDIVISION PLAT  
100 S GARFIELD STREET  
SE 1/4 SEC 19, T3S, R2W, W.M.  
CITY OF NEWBERG  
YAMHILL COUNTY, OREGON  
JANUARY 30, 2023  
DRAWN: DMR CHECKED: SPF  
SCALE 1"=40' ACCOUNT #500-1106  
Y:\500-1106\DWG\5001106PRELIM



CMT SURVEYING AND CONSULTING  
20330 SE HIGHWAY 212  
DAMASCUS, OR 97089  
PHONE (503) 850-4672 FAX (503) 850-4590

DATE:	NO.	REVISION

DRAWN:	DESIGNED:	CHECKED:
SCALE: AS SHOWN	DATE: JANUARY 2023	
PROJECT NO. E21-049		



359 EAST HISTORIC COLUMBIA RIVER HIGHWAY  
TROUTDALE, OREGON 97060  
BUS: (503) 668-3737 ♦ FAX: (503) 668-3788

SCOTT HOLDEN  
100 S GARFIELD ST  
NEWBERG, OR 97132

PRELIMINARY PLAT  
8-LOT SUBDIVISION

3  
7