

Type III Application Narrative

Project Name: **Garfield St. Newberg Partition**
SUB322-0001

Site Address: 100 S Garfield St., Newberg, OR 97132

Prepared By:



359 E. Historic Columbia River Highway
Troutdale, OR 97060
503.668.3737- fax 503.668.3788

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I. Executive Summary

Location:

100 S Garfield St., Newberg, OR

Zoning:

R-2 Medium Density Residential

Site Size:

±1.95 acres

Legal Description:

3.2.19DB Tax Lot 4690

Applicant:

Scott Holden
100 S Garfield St., Newberg, OR 97132
Scottholden2007@outlook.com

Applicants Consultant:

Firwood Design Group LLC
359 E Historic Columbia River Hwy
Troutdale, OR 97060

Contact: Kelli Grover
Email: kg@firwooddesign.com
Phone: 503-668-3737

The applicant requests approval from the City of Newberg to divide the subject property into 8 residential lots. A preliminary plat and preliminary civil plans are provided that illustrate the proposed lot configurations, driveway approaches, utilities, stormwater management features, etc. The proposed improvements include extending S. Garfield Street with a full width section for 340 feet +/- with a ninety degree "eye brow" turn to a terminus at the north easterly side of the site.

This written narrative includes responses to the approval criteria demonstrating the applicant's compliance with the applicable criteria. The narrative is supported by additional information provided with this application including preliminary plans, supporting studies and documentation. The information presented herein provides the City with the supporting documentation in request for approval of the application.

II. Site Description/ Setting :

The subject site for this proposed subdivision is located at 100 S Garfield St., Newberg, OR 97132. It is tax lot 4690 on assessors map T3.R2.Sectio19 DB and ±1.95 acres in total size. The lot is located north of E 8th St., east of S Garfield St., south and west of E 7th St.

The property includes an existing duplex, unpaved road and driveway, open grass area, mature trees, and a stream. There are mature trees and stream to the north, a residence directly to the west of the property, a business to the east, and residential properties to the south.

III. Applicable Review Criteria:

Below is a list of the criteria addressed followed by detailed sections.

NMC 15.100
NMC 15.235
NMC 15.342
NMC 15 400
NMC 15 410
NMC 15 420
NMC 15 500

Chapter 15.100 Land Use Processes and Procedures

15.100.050 Type III procedure – Quasi-judicial hearing

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

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

1. An appeal of a Type I or Type II decision: This action of the planning commission is a final decision unless appealed to the city council.
2. Conditional use permits: This action is a final decision unless appealed.
3. Planned unit developments: This action is a final decision unless appealed.
4. Substantial change to the exterior appearance of a historic landmark: This action is final unless appealed.
5. Establishment of a historic landmark: This is a final decision by the planning commission, unless appealed.

6. Establishment of a historic landmark subdistrict: This is a recommendation to the city council.

7. Comprehensive plan map amendments: This action is a recommendation to the city council.

8. Zoning map amendments and designation of subdistricts: This action is a recommendation to the city council.

9. Annexation: This action is a recommendation to the city council.

10. Subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).

C. Planning Commission Decisions and Recommendation Actions.

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

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

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

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

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

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

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

Response: This project falls under a Type III procedure due to the stream corridor overlay.

15.100.210 Mailed notice

B. Type II and Type III Actions. The applicant shall provide public notice to:

1. The owner of the site for which the application is made; and
2. Owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.
3. To the owner of a public use airport, subject to the provisions of ORS 215.416 or 227.175.

C. The director may request that the applicant provide notice to people other than those required in this section if the director believes they are affected or otherwise represent an interest that may be affected by the proposed development. This includes, but is not limited to, neighborhood associations, other governmental agencies, or other parties the director believes may be affected by the decision.

Response: The applicant will mail notices upon notification of planning commission hearing date.

D. The director shall provide the applicant with the following information regarding the mailing of notice:

1. The latest date by which the notice must be mailed;
2. An affidavit of mailing (to be signed and returned) certifying that the notice was mailed, acknowledging that a failure to mail the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledging that failure to mail will result in the automatic postponement of a decision on the application; and
3. A sample notice.

Response: Applicant acknowledges this process and will adhere to the requirements.

E. The notice of a Type II and Type III development application shall be reasonably calculated to give actual notice and shall:

1. Set forth the street address or other easily understood geographical reference to the subject property;
2. List, by commonly used citation, the applicable criteria for the decision;

3. Include the name and phone number of a local government contact person, the telephone number where additional information may be obtained and where information may be examined;

4. Explain the nature of the application and the proposed use or uses which could be authorized;

5. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.

Response: Not applicable

F. Prior to mailing or posting any notice required by this code, the applicant shall submit a copy of the notice to the director.

[...]

H. The applicant shall mail the notice for Type III actions at least 20 days before the first new hearing, or if two or more new hearings are allowed, 10 days before the first new hearing. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.

Response: Applicant acknowledges this process and will adhere to the requirements

I. All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. An affidavit of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the affidavit.

J. Failure to mail the notice and affirm that the mailing was completed in conformance with the code shall result in:

1. Postponement of a decision until the mailing requirements have been met; or
2. Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
3. The entire process being invalidated; or
4. Denial of the application.

Response: Applicant acknowledges this process and will adhere to the requirements

15.100.230 Additional notice procedures for Type III quasi-judicial hearing.

In addition to the requirements of NMC 15.100.210, mailed notice for Type III development actions shall also contain the following:

A. State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final new hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue;

B. State the date, time and location of the hearing;

C. State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;

D. State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost;

E. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

Response: Applicant acknowledges this process and will adhere to the requirements

15.100.270 Procedure for published notice on Type III and Type IV procedures.

A. Notice shall be provided within a newspaper of general circulation within the city at least 10 days prior to the first public hearing on the action

B. The notice shall reasonably describe:

1. Type III Proceedings. The proposed development permit request, location, file number, the name and phone number of a local government contact person and the location where information may be examined.

[...]

C. The notice shall include a statement that all interested persons may appear and provide testimony and that only those persons who participate either orally or in writing in the hearing proceedings leading to the adoption of the action may appeal the decision.

D. The notice shall state the place, date and time of the hearing.

E. See NMC 15.100.240 for Type III notice for annexations.

Response: Applicant acknowledges this process and will adhere to the requirements

Chapter 15.235 Land Divisions

15.235.020 General requirements.

A. Subdivision and Partition Approval through a Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

Response: Applicant acknowledges this process and will adhere to the requirements

[...]

C. Compliance with ORS Chapter 92. All subdivision and partition proposals shall conform to state regulations in ORS Chapter 92, Subdivisions and Partitions.

D. Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as streets, water, wastewater, gas, and electrical systems, pursuant to Chapters 15.430 and 15.505 NMC.

E. Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to NMC 15.505.050.

F. Adequate Access. All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Chapter 15.440 NMC and NMC 15.505.030.

Response: Applicant acknowledges this process and will adhere to the requirements

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

Response: SEE DETAILED 15.400 CODE RESPONSES 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 Division 15.500, Public Improvement Standards;

Response: SEE DETAILED 15.500 CODE RESPONSES BELOW

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

Response: A Plat name has not been decided upon at this time but will be provided for approval prior to final plat review.

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

Response: The proposed streets, utilities and stormwater facilities are adequate and meet adopted level of service standards.

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;

Response: Proposed common areas such as private access areas will have a maintenance agreement assured through recording and plat reference.

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

Response: The applicant is not aware of any state or federal permits that apply to this application.

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.

Response: All required approvals and permits from City or other agency or jurisdiction will be secured and approvals will be provided to the City as necessary.

15.235.070 Final plat submission requirements and approval criteria.

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:

A. 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:

1. 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.

2. Written response to any conditions of approval assigned to the land division.
3. A title report for the property, current within six months of the final plat application date.
4. Copies of any required dedications, easements, or other documents.
5. 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.
6. Copies of any required maintenance agreements for common property.
7. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.
8. Any other item required by the city to meet the conditions of approval assigned to the land division.

Response: A final plat conforming to the aforementioned standards will be submitted for approval.

**Chapter 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT
15.342.090 Mitigation requirements for Type II activities.**

The following mitigation requirements apply to Type II activities. The plans required pursuant to NMC 15.342.080 shall be submitted indicating the following mitigation requirements will be met.

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 grass. Species shall be selected from the Newberg native plant list. Planting shall be as follows:

1. At least eight species of plants shall be used.
2. At least two species must be trees and two species must be shrubs.
3. No more than 50 percent of any seed mix used can be grass.
4. A minimum of one tree and three shrubs shall be used for every 500 square feet of planting area.
5. Areas to be replanted must be completed at the time of final inspection or completion of the work, except as otherwise allowed by this code.
6. Existing vegetation that can be saved and replanted is encouraged, although not required.

RESPONSE: All disturbed areas for construction of proposed stormwater facilities will be replanted according to this criteria. See sheet 6, Mitigation and Replanting Plan in the preliminary plan set.

C. Removed trees over six inches in diameter, as measured at breast height, shall be replaced as follows:

1. Trees from six to 18 inches in diameter shall be replaced with a minimum of three new trees for every tree removed.
2. Trees over 18 inches but less than 30 inches shall be replaced with a minimum of five trees for every tree removed.
3. Trees over 30 inches shall be replaced with a minimum of eight trees for every tree removed.
4. All trees replaced pursuant to this section shall have an average caliper measurement of a minimum of one inch. Additional trees of any size caliper may be used to further enhance the mitigation site.

RESPONSE: The applicant will adhere to this criteria.

D. All disturbed areas, other than authorized improvements, shall be replanted to achieve 90 percent cover in one year. The director may require a bond or other form of security instrument to insure completion of the restoration plan. The director shall authorize the release of the bond or other security instrument when, after one year, the restoration site has achieved the purposes and standards of this section.

RESPONSE: See sheet 6, Mitigation and Replanting Plan in the preliminary plan set, and the erosion control plans.

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.

RESPONSE: The applicant will adhere to this criteria.

Division 15.400 Development Standards

Chapter 15.405 LOT REQUIREMENTS

15.405.010 Lot area – Lot areas per dwelling unit.

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

1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:

Zone	Minimum lot area for single family	Minimum lot area for duplex dwelling	Minimum lot area for triplex dwelling	Minimum lot area for quadplex dwelling	Minimum lot area for townhouse	Minimum lot area for cottage cluster	Minimum lot area per dwelling unit for multifamily
R-1	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	Per conditional use review
R-2	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF
R-3	2,500 SF	2,500 SF	4,500 SF	6,000 SF	1,500 SF	6,000 SF	1,500 SF
R-P	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF
AR	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	—

[...]

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.

3. In the R-2, AR and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

[...]

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

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

Response: The average lot size for the eight lot subdivision is 4656.50, therefore this criteria is met.

LOT	1	4285
LOT	2	4263
LOT	3	4421
LOT	4	5819
LOT	5	3810
LOT	6	3798
LOT	7	3785
LOT	8	7071

AVERAGE 4656.5

15.405.030 Lot dimensions and frontage.

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

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

Response: The proposed lots are under 15,000 square feet therefore this criteria 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.

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).

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.

[...]

2. The above standards apply with the following exceptions:

[...]

b. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.

c. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

d. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. However, existing single-family detached dwellings on existing private streets may be converted to duplex, triplex, or quadplex dwellings.

Response: Each lot has a minimum 25 ft frontage either on a public street or a private access.

15.405.040 Lot coverage and parking coverage requirements.

A. Purpose. The lot coverage and parking coverage requirements below are intended to:

1. Limit the amount of impervious surface and storm drain runoff on residential lots.

2. Provide open space and recreational space on the same lot for occupants of that lot.
3. Limit the bulk of residential development to that appropriate in the applicable zone.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards; 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.

[...]

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

3. Combined Maximum Lot and Parking Coverage.

[...]

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

[...]

Response: The future structures will adhere to the lot coverage requirements, this criteria can be satisfied through condition.

Chapter 15.410 YARD SETBACK REQUIREMENTS

15.410.010 General yard regulations.

A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.

B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.

C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.

D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.

E. Dwellings Where Permitted above Nonresidential Buildings. The front and interior yard requirements for residential uses shall not be applicable; provided, that all yard requirements for the district in which such building is located are complied with.

[...]

Response: The applicant will adhere to this standard, this criteria can be satisfied through condition of approval.

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.

[...]

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.

[...]

Response: The applicant will adhere to this standard for the new lots. There is an existing duplex dwelling that will require an exception to the 20ft garage setback. The 15ft to the face of the house is met, however because the house is constructed with the garage along the same face of the house and no articulation between the house and the garage the applicant requests for an exception to this setback requirement.

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.

[...]

Response: The applicant will adhere to this standard, this criteria can be satisfied through condition of approval.

Chapter 15.415 BUILDING AND SITE DESIGN STANDARDS

15.415.010 Main buildings and uses as accessory buildings.

A. Hereinafter, any building which is the only building on a lot is a main building.

B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.

C. In any residential district, there shall be no more than two accessory buildings on any lot or development site.

Response: The applicant will adhere to this standard, this criteria can be satisfied through condition of approval.

15.415.020 Building height limitation.

A. Residential.

[...]

2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.

[...]

4. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:

[...]

C. The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.

Response: The future building structure will adhere to this standard, this criteria can be satisfied through condition of approval.

15.415.040 Public access required.

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code.

Response: All proposed lots are fronting a public street except lots 1, 2 & 3 which access a public street via a private access easement. This criteria is met.

Response:

Chapter 15.430 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.

Response: The applicant will adhere to this standard, this criteria can be satisfied through condition of approval.

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 lot or 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 lot or development site or within 400 feet of the lot or development site which the parking is required to serve. All required parking must be under the same ownership as the lot or development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the lot or development site.

1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

[...]

F. Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to NMC 15.440.030, multiplied by a factor of:

1. One and one-fifth spaces for uses fronting a street with adjacent on-street parking spaces; or
2. One and one-half spaces for uses fronting no street with adjacent on-street parking; or
3. A factor determined according to a parking analysis.

Response: Off-street parking is provided via one car in each garage and one car in each driveway. This criteria is satisfied.

15.440.030 Parking spaces required.

Use	Minimum Parking Spaces Required
Dwelling, duplex	1 for each dwelling unit

Dwelling, triplex	1 for each dwelling unit, Except that conversion of a detached single-family dwelling to a triplex dwelling shall not be subject to this requirement
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Notes:

* “1-E” refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.

** “3-G(1)” refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

Response: Off-street parking is provided via one car in each garage and one car in each driveway. This criteria is satisfied

15.440.075 Residential garage standards.

- A. Single-car garages for residential uses shall have a minimum inside width of 10 feet by 20 feet.
- B. Two-car garages for residential uses shall have a minimum inside width of 20 feet by 20 feet.
- C. Three-car garages for residential uses shall have a minimum inside width of 30 feet by 20 feet.

Response: The future building structure will adhere to this standard, this criteria can be satisfied through condition of approval.

Chapter 15.505 PUBLIC IMPROVEMENTS STANDARDS

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.

Response: The proposed project will extend Garfield Street therefore this section applies.

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.

Response: The proposed street improvements conform to the City standards. This criteria is satisfied.

[...]

G. Street Width and Design Standards.

1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference

shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

Table 15.505.030(G) Street Design Standards

Type of <u>Street</u>	<u>Right-of-Way</u> Width	<u>Curb-to-Curb Pavement</u> Width	<u>Motor Vehicle Travel</u> Lanes	<u>Median Type</u>	<u>Striped Bike Lane (Both Sides)</u>	<u>On-Street Parking</u>
<u>Arterial Streets</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>						
Major	57 – 80 feet	36 feet	2 lanes	None*	Yes	No*
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
<u>Local Streets</u>						
Local residential	54 – 60 feet	32 feet	2 lanes	None	No	Yes
Limited residential, parking both sides	44 – 50 feet	28 feet	2 lanes	None	No	Yes
Limited residential, parking one side	40 – 46 feet	26 feet	2 lanes	None	No	One side

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

a. Exception.

i. Minimum lane width of 11 feet along S River Street from E First Street to E Fourteenth Street.

Response: The proposed street improvements conform to the Local residential street design standards. This criteria is satisfied.

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.

a. Exception.

i. Minimum striped bike lane width of six feet with a one-foot wide buffer along S River Street from E First Street to the bypass.

Response: this criteria is not applicable for a local residential street.

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.

- a. Exception.
 - i. Minimum parking lane width of seven feet along S River Street from the bypass to E Fourteenth Street.

Response: Parking lanes on each side of the street improvements are proposed, this criteria is satisfied.

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

Response: this criteria is not applicable for a local residential street.

- 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.

Response: The street adheres to the short block criteria and falls under the limited residential street criteria. This standard can be satisfied through condition.

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

- a. Exception.
 - i. Twelve-foot-wide sidewalks, inclusive of the curb, with tree wells along S River Street from the bypass to E Fourteenth Street.
 - ii. Twelve-foot-wide shared-use path and four-foot buffer, inclusive of the curb, with tree wells along the east side of S River Street from the bypass to E Fourteenth Street.

Response: 5ft sidewalks are proposed along the subject parcel frontage, this criteria is satisfied.

- 8. Planter Strips. Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020.

Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:

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

Response: 5.5ft planter strips are proposed along the subject parcel frontage, this criteria is satisfied.

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

Response: 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.

Response: The street design standards are adhered to, this criteria is satisfied.

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.

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.

Response:. No modification requests are necessary, improvements will adhere to City road standards.

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.

Response: Not applicable.

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

Response: This criterial is adhered to.

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.

Response: Not applicable.

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.

Response: Not applicable

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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.

Response: Not applicable

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.

Response: 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.

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

3. Exceptions.

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

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

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

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

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

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

4. Public Pedestrian Walkways and Bicycle Access. The approval authority in approving a land use application with conditions may require a developer to provide an access way where the creation of a street consistent with street spacing standards is infeasible and the creation of a cul-de-sac or dead-end street is unavoidable. A public walkway provides a connection through a block that is longer than established standards or connects the end of the street to another right-of-way or a public access easement. A public walkway shall be contained within a public right-of-way or public access easement, as required by the city. A public walkway shall be a minimum of 10 feet wide and shall provide a minimum six-foot-wide paved surface or other all-weather surface approved by the city (see subsection (S) of this section for public walkway standards).

Design features should be considered that allow access to emergency vehicles but that restrict access to non-emergency motorized vehicles.

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

¹ “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.

² Measured centerline to centerline.

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

[...]

Response: 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.

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

Response: Only one driveway for each lot is proposed, criterial not applicable.

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.

Response: 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.

Response: Not applicable7. 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, with the exception of cottage dwellings on individual lots that are part of a cottage cluster.

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

e. Where three or more lots 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. However, duplex, triplex, quadplex, townhouse and cottage dwellings with shared driveways shall be exempt from this standard.

Response: Three lots are proposed to be accessed via a proposed access easement at the north end of the street. Each lot will have an independent driveway in front of a garage structure. This criteria is met.

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.

Response: Not applicable, no frontage along an arterial or collector exists.

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.

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.

Response:

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.

Response: 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).

Response: The proposed plans illustrate the proposed street tree locations. This criteria can be satisfied through condition.

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.

Response: The applicant proposes new street lights in conformance with City of Newberg requirements. This can be satisfied through condition of approval.

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.

Response: 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.

Response: The proposed improvements include connecting to the existing 4-inch water line and extending with an 8-inch line to a terminus to serve the proposed new lots. This standard can be satisfied through condition of approval.

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.

Response: A public sanitary sewer main line is in Garfield Street and runs through a portion of the subject property. A new public mainline is proposed to connect into the existing system and extend north to provide lateral service connections to lots 1-3. This standard can be satisfied through condition of approval.

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.

Response: Proposed and existing easements are illustrated on the preliminary plat. This standard can be satisfied through condition of approval.

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.

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

1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.

2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.

3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

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

Response: Public Stormwater runoff from the street is proposed to be managed through vegetated infiltration planters that will have an overflow for events larger than the 25 year storm and any overflow runoff will discharge to the riparian area of the existing creek.

IV Conclusions:

The proposed application meets the criteria and or can be conditioned to conform to the standards.