

THE HAWORTH

TYPE III REVIEW FOR APPROVAL OF A CONDITIONAL USE PERMIT (RESIDENTIAL IN C-2 ZONE) & SITE DESIGN REVIEW (COMPANION TO CUP) FOR A 28-UNIT MULTI- FAMILY APARTMENT BUILDING

Tax Lot 3S2 16CB 800

November 22, 2022

NMC 15.415.020(C) Response Revised December 12, 2022

APPLICANT:

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FACT SHEET

Project Name: The Haworth

Project Action: **Type III Review for Approval of a Conditional Use Permit (Residential in C-2 Zone) & Site Design Review (Companion to CUP) for a 28 Unit Multi-Family Apartment Building**

Tax Map/Lot: 3S2 16CB 00800

Site Size: 0.822 acres

Address: No address assigned

Location: At the south west corner of the intersection of E Haworth Avenue and N Springbrook Road

Zoning: C-2 (Community Commercial)

Pre-Application Meeting: 11/10/2021 – PRE21-0031

Owner

Patrick R. Maveety and Elaine A. Maveety
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GENERAL INFORMATION

The Applicant seeks approval of this request for a Type III Conditional Use Permit (Residential in C-2 Zone) and Site Design Review (companion to CUP) for a 28-unit multi-family apartment building. The 28 units are proposed to be developed within a single, 3-story multi-family building with 16 one-bedroom units and 12-two-bedroom units. The ground floor will contain 8 units (4 one-bedroom and 4 two-bedroom), while the 2nd and 3rd floors will each contain 10 units (6-one story and 4 two-story).

VICINITY & SITE INFORMATION

Site Location: The subject site is approximately 0.822 acres, and is identified as Tax Lot 3S2 16CB 00800. The site is generally rectangular in shape with a slightly greater depth (195 feet) than width (183 feet). The primary frontage is located to the north of the site on E Haworth Avenue, with secondary frontage to N Springbrook Road to the east. The City of Newberg Comprehensive Plan indicates the site is Zoned C-2 (Community Commercial). The site is generally flat yet 3-4 feet higher than the adjacent sidewalks on average. There is a 15-foot public storm drainage easement located along the northern boundary and another 15-foot public storm drainage easement crossing at an angle from the northwest corner to the mid-point on the southern boundary. Another triangular easement for slope and drainage is located at the northeast corner of the site as well.

Existing Uses: The site is currently vacant.

Surrounding Land Uses: The subject site and properties to the east, south, and west are all designated C-2 (Community Commercial). Immediately adjoining the site to the north is the E Haworth Avenue right-of-way, beyond which is the Azalea Gardens Mobile Manor located in the City's R-2 (Medium Density Residential zone). Adjoining to the east of the site is the N Springbrook Road right-of-way, beyond which is the Springbrook Plaza shopping center. To the south is located retail commercial uses (Western Oregon Dispensary), while to the west is mixed uses including medical/office/personal services, and large format retail commercial (Buy-Mart).

Topography: The property generally slopes from west to east. The high point of the site is along the southwest boundary at an approximate elevation of 208.55 feet, with a relative low point along the east property line near N Springbrook Road at an elevation of 203 feet. Existing grades range between 1 and 5%.

Vegetation: The site is currently vacant with grass covering the entire parcel. There are no trees on the property with a large arborvitae hedge bordering the west boundary and three large trees along the property line to the south. No wetlands or floodplains have been identified on site.

Transportation: The site has frontages on E Haworth Avenue (north side) and N Springbrook Road (east side).

E Haworth Avenue is designated as a Major Collector in the City of Newberg Transportation System Plan (TSP). The TSP specifies a minimum 60-foot right-of-way, with a 36-foot paved section, including 6-foot bike lanes. Existing right-of-way is approximately 60-feet, and existing pavement width is approximately 40 feet. No additional frontage improvements are proposed.

N Springbrook Road is designated as a Minor Arterial in the TSP. The TSP specifies a minimum 70-foot right-of-way, with a 52-foot paved section, including 6-foot bike lanes. Existing right-of-way is approximately 85-feet, and existing pavement width is approximately 52 feet. No additional frontage improvements are proposed.

The applicant will be required to replace any sidewalk panels in poor condition or not in compliance with ADA standards. Additionally, the applicant will be required to participate in funding improvements at the E Haworth Avenue and N Springbrook Road intersection that are indicated in the City of Newberg Transportation System Plan (TSP). Project I09 in the current TSP calls for installing a traffic signal and left turn lanes on Haworth. The full extent of intersection improvements has not been confirmed at this time.

The City of Newberg is located along three state highways: Highway 99W, Highway 219, and Highway 240. Highway 99W is a designated Freight System Route and is the principal link between the Portland metropolitan area and both the Oregon coast and the mid-Willamette Valley.

A variety of public mass transportation options are available within the Newberg area. The Yamhill County Transit operates bus programs, all of which are wheelchair accessible, including Yamhill County Transit's Newberg Routes 5 & 7; Yamhill County Transit's 99w/Tigard Routes from McMinnville to Sherwood and the Tigard Transit Mall, with connections to the Portland metropolitan area Tri-Met bus transit system; and the Dial-A-Ride program for curb-to-curb service is available for anyone unable to access YCTA's fixed routes because of mobility limitations, or those whose origins and/or destinations are not within close proximity to fixed routes.

COMPLIANCE WITH THE NEWBERG DEVELOPMENT CODE

Title 15 - DEVELOPMENT CODE

Chapter 15.100 – LAND USE PROCESSES AND PROCEDURES

Article I. Procedure Types and Determination of Proper Procedures

15.100.010 Procedures for processing development permits.

All development permits shall be classified as one of the following: Type I, Type II, Type III, or Type IV procedures.

RESPONSE: The proposed Conditional Use Permit (Residential in C-2 Zone) and Site Design Review (companion to CUP) for a 28-unit multi-family apartment building are being processed through the Type III procedure.

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:

- ...
- 2. Conditional use permits: This action is a final decision unless appealed.*
- ...

RESPONSE: This submittal includes a request for a Conditional Use Permit (Residential in C-2 Zone) and Site Design Review (companion to CUP) for a 28-unit multi-family apartment building, and is therefore included as a Type III action.

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.*
- ...

RESPONSE: The applicant acknowledges the above requirements.

- 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: The application shall be heard by the planning commission and may be appealed to the City Council, but is not subject to referral by recommendation to the City Council.

15.100.080 Determination of proper procedure type.

- A. The director shall determine the proper procedure for all development actions. If there is a question as to the appropriate type of procedure, the director shall resolve it in favor of the higher procedure type number.*
- B. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by this code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to subsequent lower numbered procedure.*

RESPONSE: The Conditional Use Permit is subject to a Type III review. While Site Design Review is listed as a Type II action, this request is submitted concurrently as a companion to the CUP application, and therefore both applications shall be reviewed through the Type III process.

Division 15.200 Land Use Applications

Chapter 15.220 – SITE DESIGN REVIEW

15.220.010 Purpose.

These provisions provide for the review and approval process of the design of certain developments and improvements in order to promote functional, safe and innovative site development compatible with the natural and manmade environment. The following provisions are intended to discourage unsightly development, improve the quality of new development in the city, coordinate the site planning process with existing and proposed development, and provide a pleasant working and living environment in the city. Furthermore, these provisions are intended to coordinate the site

development process through review of the architecture of the structure(s), signs, landscaping, and other design elements on the site.

RESPONSE: The proposed development is subject to the Site Design Review standards of this section. The applicant has provided substantial evidence with this submittal to demonstrate that the site has been designed to achieve the requirement for high quality new development which is compatible with existing and proposed development, and which provides a pleasant working and living environment in the city.

15.220.020 *Site design review applicability.*

A. *Applicability of Requirements. Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.*

2. *Type II.*

a. *Any new development or remodel which is not specifically identified within subsection (A)(1) of this section.*

RESPONSE: As described above, while Site Design Review is listed as a Type II action, this request is submitted concurrently as a companion to the CUP application, and therefore both applications shall be reviewed through the Type III process.

B. *Development in Accord with Plans. Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved as part of a final decision on a site design review.*

RESPONSE: The applicant will comply with the requirements of this section. Final compliance will be confirmed at the time of construction permit issuance.

C. *Site Design Review Time Limit. An approved site design review plan intended to be constructed in a single phase shall be valid for one year from the date of the notice of final decision. A building permit must be acquired within this time period or the design review approval shall terminate. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:*

1. *The land use designation of the property has not been changed since the initial design review approval; and*

2. *The applicable standards in this code which applied to the project have not changed.*

RESPONSE: The applicant will comply with all conditions of approval as imposed. Should an extension be required, the applicant will submit a request within the permitted timeframes.

- D. *Phased Design Review Approval. If a site plan is approved to be constructed in phases, completion of each phase shall extend the expiration of the original design review approval by 12 months from the date of its expiration. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (C) of this section. The extension of a phase under subsection (C) of this section shall also extend any subsequent phases. The total number of extensions shall not extend the original design review approval more than five years from its original approval date. An applicant with a project containing two or more phases may elect to submit a master site development plan, with the following options:*

RESPONSE: The applicant is not requesting approval for phasing with this development.

15.220.030 Site design review requirements.

- A. *Type I. Applications for Type I permit decisions shall be submitted upon forms established by the director. The application shall include a site development plan, drawn to scale, with the following as appropriate to the nature of the use:*

...

RESPONSE: The submitted request is a Type II application, therefore the requirements of this section are not applicable.

- B. *Type II. The following information is required to be submitted with all Type II applications for site design review:*
 1. *Site Development Plan. A site development plan shall be to scale and shall indicate the following as appropriate to the nature of the use:*
 - a. *Access to site from adjacent right-of-way, streets and arterials;*
 - b. *Parking and circulation areas;*
 - c. *Location and design of buildings and signs;*

- d. *Orientation of windows and doors;*
- e. *Entrances and exits;*
- f. *Private and shared outdoor recreation spaces;*
- g. *Pedestrian circulation;*
- h. *Outdoor play areas;*
- i. *Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;*
- j. *Areas to be landscaped;*
- k. *Exterior lighting;*
- l. *Special provisions for handicapped persons;*
- m. *Other site elements and spaces which will assist in the evaluation of site development;*
- n. *Proposed grading, slopes, and proposed drainage;*
- o. *Location and access to utilities including hydrant locations; and*
- p. *Streets, driveways, and sidewalks.*

RESPONSE: The application includes the above elements on site plans within this submittal, and in particular the Site Development Plan, as detailed below. Site grading, circulation, landscaping, building design, and parking areas are highlighted within the plan set. This requirement is satisfied.

- 2. *Site Analysis Diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics on the site and within 100 feet of the P5.0 site:*
 - a. *Relationship of adjacent lands;*
 - b. *Location of species of trees greater than four inches in diameter at four feet above ground level;*
 - c. *Existing and proposed topography;*
 - d. *Natural drainage and proposed drainage and grading;*

- e. *Natural features and structures having a visual or other significant relationship with the site.*

RESPONSE: The application includes the above elements on site plans within this submittal, and in particular the Site Analysis Diagram, as detailed below. The site is generally flat, with little to no significant vegetation or natural features present. This requirement is satisfied.

- 3. *Architectural Drawings. Architectural drawings shall be prepared which identify floor plans and elevations.*

RESPONSE: The applicant has provided architectural drawings, including both floor plans and elevations, with this submittal. Indicative materials sheets have also been provided. This requirement is satisfied.

- 4. *Landscape Plan. The landscape plan shall indicate:*
 - a. *The size, species and approximate locations of plant materials to be retained or placed on the site together with a statement which indicates the mature size and canopy shape of all plant materials;*
 - b. *Proposed site contouring; and*
 - c. *A calculation of the percentage of the site to be landscaped.*

RESPONSE: The applicant has submitted Landscaping Plans (Sheet L1.0) as required by this Section, and addressing the requirements identified above. This requirement is satisfied.

- 5. *Special Needs for Handicapped. Where appropriate, the design review plan shall indicate compliance with handicapped accessibility requirements including, but not limited to, the location of handicapped parking spaces, the location of accessible routes from the entrance to the public way, and ramps for wheelchairs.*

RESPONSE: The applicant will provide ADA features as necessary, including building access and parking. Compliance will be determined at the time of final plan submittal and building permit review. This requirement is satisfied.

- 6. *Existing Features and Natural Landscape. The plans shall indicate existing landscaping and existing grades. Existing trees or other features intended to be preserved or removed shall be indicated on the plans.*

RESPONSE: As detailed previously and shown on the Existing Conditions and Demolition Plan (Sheet P2.0) submitted with the application, the site is generally flat yet 3-4 feet higher than the

adjacent sidewalks on average. The site is currently grassed, with no trees on site therefore none to require removal. This requirement is satisfied.

7. *Drives, Parking and Circulation. Proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points shall be indicated on the plans. Dimensions shall be provided on the plans for parking aisles, back-up areas, and other items as appropriate.*

RESPONSE: Proposed parking and site circulation is shown on site plans submitted with the application, notably Sheet P4.0 Preliminary Site Plan, and including dimensions and back up areas. This requirement is satisfied.

8. *Drainage. The direction and location of on- and off-site drainage shall be indicated on the plans. This shall include, but not be limited to, site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project.*

RESPONSE: Site drainage and storm utility requirements are shown on site plans submitted with the application, including Sheet P3.0 Preliminary Grading and Erosion Control Plan, and Sheet P5.0 Preliminary Composite Utility Plan. This requirement is satisfied.

9. *Buffering and Screening. Buffering and screening of areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be shown on the plans.*

RESPONSE: The applicant has submitted Landscaping Plans (Sheet L1.0) as required by this Section, showing screening of parking, loading and circulation areas. Screening of the garbage and recycling areas is also shown. This requirement is satisfied.

10. *Signs and Graphics. The location, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features shall be shown on the plans.*

RESPONSE: Signs and graphics are proposed to be limited to the address and name of the complex, and any incidental wayfinding signage necessary. Signage is indicated on the preliminary elevations submitted with the application.

11. *Exterior Lighting. Exterior lighting within the design review plan shall be indicated on the plans. The direction of the lighting, size and type of fixtures, and an indication of the amount of lighting shall be shown on the plans.*

RESPONSE: The applicant has submitted an illumination plan showing parking area and pedestrian friendly building lighting, as required by this section.

12. *Trash and Refuse Storage. All trash or refuse storage areas, along with appropriate screening, shall be indicated on the plans. Refuse storage areas must be constructed of brick, concrete block or other similar products as approved by the director.*

RESPONSE: Trash and refuse storage is proposed to be located at the north west corner of the building, to allow easy access to residents and haulers. The trash and refuse storage area is proposed to be constructed using CMU bricks, with a stone cap as required by this section. Gates and a pedestrian door for resident access will be steel

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.*

RESPONSE: The applicant has provided preliminary plans with this submittal showing all proposed public improvements, including transportation improvements and utility services. See Sheet P4.0 Preliminary Site Plan and Sheet P5.0 Preliminary Composite Utility Plan for more details.

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.*

RESPONSE: The applicant has submitted a Transportation Impact Study (TIS) for the development, prepared by Lancaster Mobley and dated October 31, 2022. Please see the submitted TIS for more information, findings, and recommendations.

15.220.040 *Conditions may be required.*

Applications for site design review may be approved subject to such conditions as are necessary to fulfill the purpose and provisions of this code.

RESPONSE: The applicant acknowledges that the City may provide an approval with conditions, and will comply with all jurisdictional conditions of approval as imposed.

15.220.050 *Criteria for design review.*

B. Type II. The following criteria are required to be met in order to approve a Type II design review request:

1. Design Compatibility. The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

RESPONSE: The applicant is proposing a 3 story multi-family building in a Community Commercial (C-2) zone. The C-2 community commercial district is intended to create, preserve, and enhance areas with a wide range of retail sales, commercial services, and office establishments. The C-2 district also includes some development which does not strictly fit the description of “commercial” but also does not merit a separate zoning district. Overall, the C-2 district is intended to be consistent with the commercial (COM) and mixed use (MIX) designations of the comprehensive plan, with the MIX designation allowing for high-density residential uses, primarily multi-plexes and low- or medium-rise multi-family dwellings. With 3 stories of residential units and an average height of 29.9 feet between the ground and the edge of eaves, the proposed building is consistent with the purpose of the C-2 Zone and the Mixed-Use plan designation, and existing surrounding uses.

The building has been designed to match the massing and height of nearby structures, including the big box retail setting of Bi-Mart, and the commercial services buildings at 3100 E Haworth Avenue to the west and the Mail Room within Springbrook Plaza to the east, and to complement the massing expected adjacent to an arterial and/or collector street. However, the building has also been designed with typical residential styling for the Newberg area, with narrow lap siding mixed with a larger lap to break up the façade, a hip roof form with eaves, and covered entryways. Landscaping surrounding the site is designed to provide privacy for residents and to shield parking and service areas from the street.

As described above, the development serves to be compatible with the surrounding Community Commercial land uses in the area, while also providing 28-units of multi-family housing which incorporates residential design and landscaping features consistent with Newberg’s traditional residential areas.

2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed

so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

RESPONSE: As demonstrated in the TIS for the development, prepared by Lancaster Mobley and dated October 31, 2022, the site includes one permanent access to the surrounding street network, located at the north west corner of the site. The TIS recommends that the proposed apartment complex be allowed an unrestricted full movement access onto E Haworth Avenue at that location, as based on the queuing analysis, adequate spacing between the proposed site access intersection and the intersection of Haworth Avenue at N Springbrook Road is available to allow un-restricted turning movements at the site access intersection without creating safety issues.

In accordance with Newberg Development Code Section 15.440.030, 1 off-street parking space is required for every studio or one-bedroom unit, with 1.5 off-street spaces required for every two-bedroom unit. As described, the proposed development includes 16 one-bedroom units and 12 two-bedroom units, therefore off-street parking is required as follows:

One-bedroom = 16 x 1 = 16 spaces
Two-bedroom = 12 x 1.5 = 18 spaces
Total = 34 spaces

In addition, if a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit. Accordingly, the following visitor spaces are required:

28 units x 0.2 = 5.6 = 6 spaces

As such, 40 off-street parking spaces are needed to meet the minimum parking requirements of Section 15.440.010.B. As shown on Sheet P4.0, Preliminary Site Plan, the applicant proposes to provide 43 off-street spaces, and therefore parking is provided in sufficient quantities to meet the requirements of this Section. Parking is designed in accordance with Section 15.44.070, in order to provide efficient and safe circulation.

3. *Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.*

RESPONSE: Setbacks, yards and vision clearance are shown on site plans submitted with the application, including Sheet P4.0 – Preliminary Site Plan and Sheet L1.0 – Preliminary Landscape Plans, and are further detailed in this report.

4. *Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.*

RESPONSE: The applicant has provided landscaping plans with the submittal, including Sheet L1.0 – Preliminary Landscape Plans, meeting the requirements of NMC 15.420.010.

5. *Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.*

RESPONSE: Signage will be restricted to the wall mounted name and address of the building, which are shown on the elevations submitted with this application and will be confirmed prior building permits submittals.

6. *Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 Through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.*

RESPONSE: The Applicant seeks approval of this request for a Type III Conditional Use Permit (Residential in C-2 Zone) and Site Design Review (companion to CUP) for a 28-unit multi-family apartment building. No Manufactured Dwelling, Mobile Home and RV Parks are proposed as part of the development.

7. *Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 Through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.*

RESPONSE: The Applicant seeks approval of this request for a Type III Conditional Use Permit (Residential in C-2 Zone) and Site Design Review (companion to CUP) for a 28-unit multi-family apartment building. The use is conditionally permitted in the C-2 zone.

8. *Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.*

RESPONSE: The northwestern approximately 65% of the site is designated as being within a Marijuana Exclusion Zone (MEZ), while the remainder of the southeastern corner of the site is within the Airport Inner Horizontal Surface. These requirements are addressed in response to Sections NMC 15.340.010 through 15.348.060.

9. *Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.*

RESPONSE: Except for construction of a driveway access and a financial contribution to the construction of traffic signals at the Haworth/Springbrook intersection, neither the City nor the applicant have identified any specific street improvements required for the site, either within the right-of-way or to provide additional onsite circulation. All surrounding parcels are already developed with their own existing access to the surrounding public streets.

10. *Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.*

RESPONSE: The applicant has submitted a Transportation Impact Study (TIS) for the development, prepared by Lancaster Mobley and dated October 31, 2022. Please see the submitted TIS for more information, findings, and recommendations.

15.220.060 *Additional requirements for multifamily residential projects.*

The purpose of this section is to ensure that multifamily residential projects containing five or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the site design review process, an applicant for a new multifamily residential project must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for smaller multifamily projects with five to eight units and at least 20 points are required for multifamily projects with nine or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).

RESPONSE: The applicant has provided Site Design Elements and Building Design Elements exceeding the minimum 20-point requirement, as described below. In total, the applicant is developing the project to achieve a combined total of 20 points as follows:

Site Design Elements		Building Design Elements		Total
Element 1	3 points	Element 3	3 points	
Element 7	2 points	Element 4	3 points	
Element 8	1 point	Element 8	2 points	
Element 9	1 point	Element 9	2 points	
Element 10	1 point			
Element 11	1 point			
Element 12	1 point			
Total	10 Points		10 Points	20 Points

A. *Site Design Elements.*

1. *Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of open space areas which can be consolidated into children’s play areas, gardens, and/or dog-walking areas (three points).*

RESPONSE: The applicant has consolidated green space within the development along the southern property line, in order to maximize utility of the space and provide residents with a range of opportunities for outdoor recreation. As shown on plans submitted with the application, the design of shared green space within the development includes a covered outdoor patio area at the rear of the building; bench seating; a bocce ball court; a garden area with raised steel planting tanks; and attractive landscaping throughout. The use of crushed, compacted granite outside the pathway and planted areas ensures low water demand, and an all-weather surface suitable for dog exercising with easy cleaning and maintenance.

2. *Preserve existing natural features, including topography, water features, and/or native vegetation (three points).*
3. *Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more “pedestrian-friendly” environment (three points).*
4. *Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other “pedestrian-friendly” amenities (three points).*
5. *Create “outdoor” rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).*
6. *Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive*

character, including the preservation of existing landscaping and use of native species (two points).

7. *Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).*

RESPONSE: As shown on landscaping plans submitted with the application, the perimeter of the site has been thoughtfully landscaped to minimize the appearance of parking areas associated with the development, and to create a visually interesting street frontage. Plants have been selected for their hardiness, and to provide year-round texture and contrast to the site. Indicative examples include ground covers (sage), small shrubs (Yucca and New Zealand Flax), and visually interesting trees (Black gum, ginkgo).

8. *Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).*

RESPONSE: As shown on landscaping plans submitted with the application and as described above, the perimeter of the site has been thoughtfully landscaped to create a visually interesting street frontage, shade within the parking area and on the adjoining sidewalks during warmer months, and to create a more enjoyable space for residents and visitors alike. Landscaping incorporates both street trees and site landscaping into a cohesive design.

9. *Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).*

RESPONSE: As shown on landscaping plans submitted with the application. The applicant is providing a range of furnishings and improvements in order to enhance residential experience within the open space areas. The improvements include, but are not limited to, a bocce ball, attractive plantings, bench seating, a covered patio area, and a garden area with raised steel planting tanks.

10. *Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).*

RESPONSE: Neighbor fencing exists along the south and west property lines, and as they are not under the control of the applicant, they will not be altered. Along the east and the north property lines, the proposed landscaping plan shows a low fence (except within corner vision areas, as shown) set back several feet from the back of sidewalk. The intervening areas will be planted with groundcover plants, with shrubs and trees behind the fence. The end result is an attractive, neighborly fence which screens parking areas from the street without becoming overbearing for pedestrians.

11. *Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).*

RESPONSE: The main entry to the building is facing E Haworth Avenue, as the lower classified street. No access is provided to N Springbrook Road. The main building entrance faces E Haworth Avenue, and is enhanced with a covered porch over a patio area constructed with dyed sand finished concrete with a decorative score pattern, along with several landscape wells for planting. From this entry area, a pedestrian pathway provides a direct access to E Haworth Avenue, at a distance of approximately 55 feet. As it crosses the parking drive aisle, the pathway will be constructed from a contrasting material, such as colored concrete or pavers.

12. *Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).*

RESPONSE: The applicant has had a Lighting and Photometric Plan prepared by HL Stearns for the site illumination requirements. The parking area will be illuminated by 12 Lithonia Parking Area LED lighting fixtures on 20-foot-tall poles. Along sidewalks around the building, including the pathway to the solid waste and recyclable areas, and the pedestrian path from the front door to E Haworth Avenue, the applicant will install 11 pedestrian scale bollard lights to illuminate pedestrian ways for safety. Additional building downlights will also be provided to illuminate areas around the buildings.

B. Building Design Elements.

1. *Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).*
2. *Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).*
3. *Break up large buildings into bays by varying planes at least every 50 feet (three points).*

RESPONSE: The proposed building is approximately 103 feet long (north to south) and 88 feet wide (east to west). As shown on building elevations and site renderings submitted with the application, each side of the building is divided into multiple bays to break up the mass of the structure and units. On the north side, the building includes 7 individual horizontal planes across the 88-foot width, while along the east side the building includes 5 individual horizontal planes across the 103-foot length, meeting the requirements of this section.

4. *Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).*

RESPONSE: In addition to the individual horizontal planes described above, which already provide differentiation across the structure, the applicant has utilized a number of different architectural elements to provide variation and identifying features. These include the use of both wide and narrow lap siding materials, with the wider lap boards painted in a light gray/off-white color, and the narrow lap boards painted a darker tone to underscore the variation. Ground floor patios with attractive privacy measures and reversed door locations provides further variation between units.

5. *Building Materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).*
6. *Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).*
7. *Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).*
8. *Provide a front porch at every main entry as this is both compatible with the city's historic building pattern and helps to create an attractive, "pedestrian-friendly" streetscape (two points).*

RESPONSE: A front porch is provided on the north street frontage, which serves as the main building entrance. The porch consists of an approximately 20.5-foot wide by 14-foot-deep permanent covered entryway, set over a dyed and scored sand finished paved pedestrian area. The uncovered area will include planting wells to add vegetation to the entrance, and will also connect to a distinctively marked pedestrian way leading directly to the frontage street, E Haworth Avenue. At the rear of the building, the cantilevered 2nd story will provide a large

covered porch area over the secondary building entrance, which also serves as part of the open space amenity provided on the site.

9. *Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points).*

RESPONSE: As shown on the building elevations submitted with the application, the applicant has proposed the use of a hip roof form with a 4:12 pitch, exceeding the minimum 3:12 specified by this section.

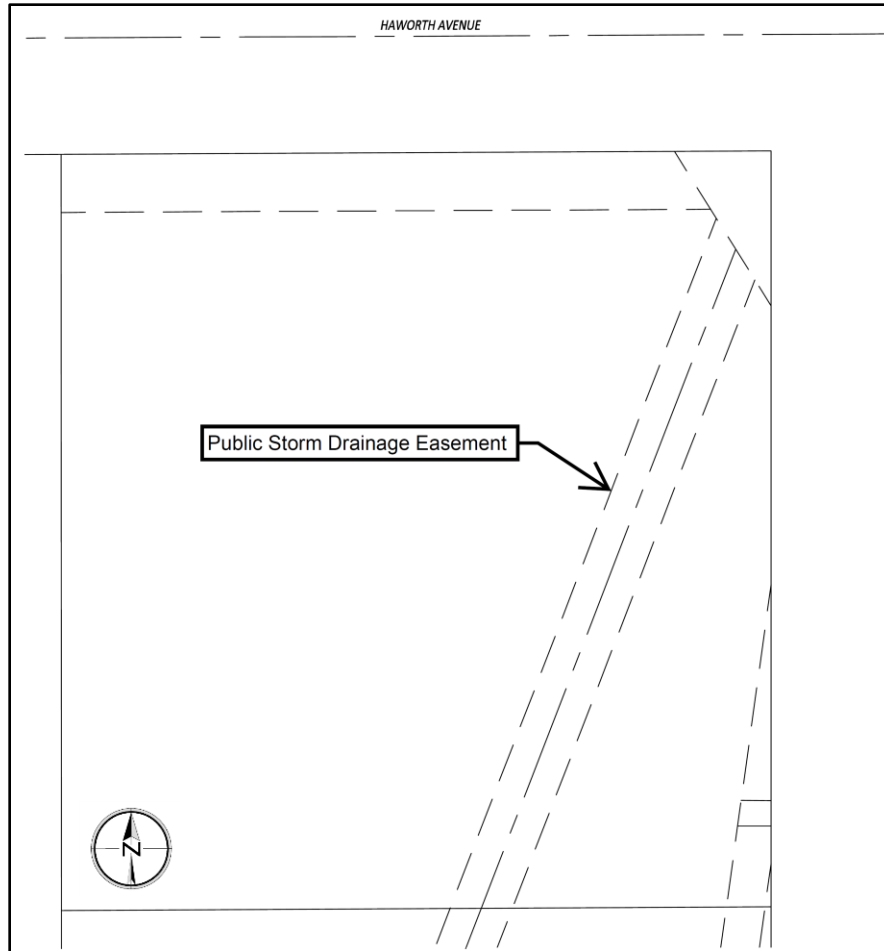
15.220.070 Additional requirements for development in the C-2 zoning district.

The purpose of this section is to ensure that development in the C-2 zoning district is designed to promote pedestrian and bicycle uses and improve aesthetics and compatibility. An applicant for a new development or redevelopment within the C-2 zoning district, which is subject to the site design review process, must demonstrate that the following site and building design elements have been incorporated into the design of the project. Exceptions to these additional development requirements may be granted if the requirements would result in construction that is out of character with surrounding development. Applicants for redevelopment of a designated landmark will not be subject to these additional requirements, except for requirements regarding parking and service drives.

RESPONSE: The proposed development is subject to the design review process, and is therefore subject to the additional site and building design elements below.

The proposal is for a 28-unit multi-family residential unit development, while the design elements below primarily address commercial or other mixed-use structures. In addition, the site is encumbered with an existing 15-foot-wide storm drainage easement, along with several other easements, which bisects the site and limits the ability to develop structures adjacent to N Springbrook Road. Further, access restrictions on both E Haworth Avenue and N Springbrook Road dictate that the site access be located at the north west corner of the site, resulting in the access drive being required to be located between E Haworth Avenue and the proposed structure. Accordingly, the applicant will describe compliance with the design elements to the extent practicable, as allowed through the exceptions described above and Subsection C below.

Despite the aforementioned site limitations, which would demonstrably apply to any comprehensive development of the property, the proposed development serves to achieve the purpose of this section and the C-2 district. The development has been designed to draw residents to Newberg's commercial districts, creating a denser downtown area, while complementing and supporting the established neighborhood and creating a sense of community. The development minimizes traffic impacts as residents can work and enjoy activities close to home, and take advantage of bicycle and pedestrian uses in the area. Increased population density can help revitalize commercial areas, creating new demand for commercial goods and services.



- A. *Building Entrances. Each building on a lot shall have a primary pedestrian entrance oriented to the primary street. “Oriented to a street” means that the building entrance faces the street or is connected to the street by a direct and convenient pathway not exceeding 60 feet in length. “Primary street” means the street which has the highest estimated volume of pedestrian traffic. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50 percent or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way. Such rear buildings shall have a primary entrance oriented to an internal sidewalk or pedestrian pathway system which is internally connected and provides a connection to the primary street.*

RESPONSE: The subject building has two building entrances, one facing the north property line (E Haworth Avenue), and one facing an internal property line to the south. The main building entrance faces E Haworth Avenue, and is enhanced with a covered porch over a patio area constructed with dyed sand finished concrete and a decorative score pattern, along with several landscape wells for planting. From this entry area, a pedestrian pathway provides a direct access to E Haworth Avenue, at a distance of approximately 55 feet. As it crosses the parking drive aisle, the pathway will be constructed from a contrasting material, such as colored concrete or

pavers. E Haworth Avenue, with lower vehicular traffic volumes, is considered to be the primary pedestrian street, with direct access to adjoining commercial development to the west, and convenient access to Springbrook Plaza to the east.

- B. Parking and Service Drives. No off-street parking or service drives shall be placed within the required front yard setback. No off-street parking shall be placed between the front property line of the primary street, as defined in subsection (A) of this section, and the building. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50 percent or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way.*

RESPONSE: The front yard setback within the C-2 district is 10-feet. As shown on site plans submitted with the application, parking is proposed to be located 10-feet from the front property line along E Haworth Avenue. The setback area will be landscaped as shown on Sheet L1.0.

Due to existing site and access conditions described above, a portion of the off-street parking provided is located between the front property line of the primary street (E Haworth Avenue) and the building. The applicant requests an exception to this requirement per C. below.

- C. Exceptions. The review body may approve exceptions to the above, provided there are no reasonable alternatives that would allow access to or parking on the lot.*

RESPONSE: As described above, the applicant requests an exception to allow a portion of the off-street parking to be located between the front property line to the primary street (E Haworth Avenue) and the building. As described, the site access is required to be located at the north west corner of the building due to access restrictions. As the building cannot be located further east towards N Springbrook Road due to the location of the existing storm drainage easement, the only reasonable option for access to parking is along the front and east of the building.

- D. Building Mass. Where building elevations are oriented to the street in conformance with subsection (A) of this section, architectural features such as windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.*

RESPONSE: In accordance with subsection (A) of this section, the primary elevation pointing to the street is the north façade. The north façade features the primary building entrance with a covered entryway and paved area; pedestrian connection to E Haworth Avenue; 7 individual breaks in the horizontal planes across the 88-foot width; and use of a narrow lap siding mixed with a larger lap to break up the façade, with the change in material further defined by the use of contrasting colors. It is also noted that of the approximately 2,632.6 square feet of 2D surface area of the north façade, approximately 890 square feet is made up of window glazing, or 33% of

the frontage. The above elements serve to break up the mass of the building, and provide articulation and visual interest, as required by this section.

- E. *Corner Lots. Buildings on corner lots shall have their primary entrance oriented to the street corner, or within 40 feet of the street corner (i.e., as measured from the lot corner). In this case, the street corner shall provide an extra-wide sidewalk or plaza area with landscaping, seating or other pedestrian amenities. The building corner shall provide architectural detailing or beveling to add visual interest to the corner.*

RESPONSE: As described above, existing easements prevent the location of the building near the intersection of E Haworth and N Springbrook Road. Further, the unknown ultimate alignment of traffic signals at the intersection and current corner vision requirements precludes locating the building at the corner, or construction of a plaza area with landscaping, seating or other pedestrian amenities.

- F. *Pedestrian-Scale Building Entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian scale.*

RESPONSE: The main building entrance faces E Haworth Avenue, and is enhanced with a covered porch over a patio area constructed with dyed sand finished concrete and a decorative score pattern, along with several landscape wells for planting. From this entry area, a pedestrian pathway provides a direct access to E Haworth Avenue, at a distance of approximately 55 feet. As it crosses the parking drive aisle, the pathway will be constructed from a contrasting material, such as colored concrete or pavers. E Haworth Avenue, with lower vehicular traffic volumes, is considered to be the primary pedestrian street, with direct access to adjoining commercial development to the west, and convenient access to Springbrook Plaza to the east.

- G. *Windows.*

- 1. *On commercial building facades facing a public street, windows shall comprise a minimum of 40 percent of the ground floor facade. For large-scale buildings and developments meeting the standards under subsection (H) of this section, windows shall comprise a minimum of 20 percent of the ground floor facade.*

RESPONSE: The proposed use of the site is a 28-unit multi-family residential development, rather than a commercial development. Accordingly, this section is not applicable.

- 2. *For large-scale buildings and developments meeting the standards under subsection (H) of this section, 50 percent of all required window area shall allow view into an active space. An “active space” is defined as any area within a building that is used for shopping, dining, office space, and so forth. Merchandise display windows with displays that change at*

least semi-annually shall be considered an active space. Examples of areas that are considered nonactive spaces are storage and mechanical equipment areas, and windows that are obscured by shelving or material affixed to the window.

RESPONSE: The proposed use of the site is a 28-unit multi-family residential development, with a total floor area of approximately 24,442 square feet. The development is not considered large scale, and accordingly, this section is not applicable.

H. Design of Large-Scale Buildings and Developments. All buildings on a development site shall conform to the design standards included under this subsection where the total square footage of one commercial building exceeds 30,000 square feet of total ground floor area or all commercial buildings exceed 50,000 square feet of total ground floor area. Deviations from these standards may be approved, where appropriate, through the conditional use permit process.

RESPONSE: The proposed use of the site is a 28-unit multi-family residential development, with a total floor area of approximately 24,422 square feet. The development is not considered large scale, and accordingly, this section is not applicable.

Chapter 15.225 – CONDITIONAL USE PROCEDURES

15.225.010 Description and purpose.

- A. It is recognized that certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration involves, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.*

- B. All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts herein defined. The authority for the location and operation of the uses shall be subject to review and the issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of any such use shall be reasonably compatible with the type of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this code shall be served. Nothing construed herein shall be deemed to require the hearing body to grant a conditional use permit.*

RESPONSE: The applicant provides herein written evidence of compliance with the requirements of this section, including necessary studies including a Traffic Impact Assessment and a Preliminary Storm Drainage Analysis, supporting documents including site plans, landscaping plans, and building floor plans and elevations, and administrative documents including a title report and pre-application conference notes. All of the above demonstrate that the proposed development is consistent with the requirements of the Newberg Development Code and Chapter 15.255, and compatible with surrounding uses in the community.

15.225.020 Conditional use permit prerequisite to building.

No building permit shall be issued when a conditional use permit is required by the terms of this code unless a permit has been granted by the hearing body and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent for any use or purpose for which such permits are required or permitted by provisions of this code.

RESPONSE: The applicant will obtain Conditional Use Permit approval prior to issuance of any building permits for the site, as required by this section.

15.225.030 Application.

Application for a conditional use permit shall be accompanied by such information including, but not limited to, site and building plans, drawings and elevations, and operational data, as may be required by the director to allow proper evaluation of the proposal. The plan submittal requirements identified in NMC 15.220.030 and 15.445.190 shall be used as a guide. All proposals for conditional use permit shall be accompanied by a detailed project description which includes information such as the use, information relating to utilities, the number of employees, the hours of operation, traffic information, odor impacts, and other information needed to adequately describe the project.

RESPONSE: As described above, the applicant provides herein written evidence of compliance with the requirements of this section, including necessary supporting documentation including but not limited to a Traffic Impact Assessment and a Preliminary Storm Drainage Analysis, supporting documents including site plans, landscaping plans, and building floor plans and elevations, and administrative documents including a title report and pre-application conference notes. The applicant will provide any additional information requested by the City if required.

15.225.040 Concurrent design review.

If new buildings or structures are to be included as part of the application, the planning commission shall concurrently review the application for site design review in order to streamline the review process.

RESPONSE: The Conditional Use Permit request has been submitted concurrently with a Design Review application as required.

15.225.050 Additional information.

In order to fully evaluate the proposal, additional information may be required. This includes but is not limited to traffic studies, noise studies, visual analysis, and other site impact studies as determined by the director or planning commission.

RESPONSE: The applicant has provided all information identified in the pre-application conference to allow the City to make an affirmative finding of compliance with the requirements of the Newberg Development Code. However, the applicant will provide any additional information requested by the City if required through the completeness review process, and in accordance with State law.

15.225.060 General conditional use permit criteria – Type III.

A conditional use permit may be granted through a Type III procedure only if the proposal conforms to all the following criteria:

- A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.*
- B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.*

C. The proposed development will be consistent with this code.

RESPONSE: As described, the applicant has provided all information identified in the pre-application conference to allow the City to make an affirmative finding of compliance with the requirements of the Newberg Development Code, and the requirements listed above. The location, size, design and residential nature of the proposed development is compatible with abutting properties and the surrounding neighborhood, and will have and have minimal impact on their livability or appropriate development opportunities. The application is consistent with the requirements of this section.

15.225.080 *Conditions.*

The hearing body shall designate conditions in connection with the conditional use permit deemed necessary to secure the purpose of this chapter and the general conditional use permit criteria and require the guarantees and evidence that such conditions will be complied with. Such conditions may include:

- A. Regulation of uses.*
- B. Special yards, spaces.*
- C. Fences and walls.*
- D. Surfacing of parking areas to city specifications.*
- E. Street dedications and improvements (or bonds).*
- F. Regulation of points of vehicular ingress and egress.*
- G. Regulation of signs.*
- H. Landscaping and maintenance of landscaping.*
- I. Maintenance of the grounds.*
- J. Regulation of noise, vibration, odors or other similar nuisances.*
- K. Regulation of time for certain activities.*
- L. Time period within which the proposed use shall be developed.*
- M. Duration of use.*
- N. Such other conditions as will make possible the development of the city in an orderly and efficient manner in conformity with the Newberg comprehensive plan and the Newberg development code.*

RESPONSE: The applicant acknowledges the ability of the City to condition the proposal to ensure it remains consistent with the purposes of this Conditional Use Permit and the C-2 zoning district, and that the development occurs in an orderly and efficient manner.

15.225.090 *Development in accord with plans.*

Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, conditions, sketches, and other documents approved as part of a final decision on a conditional use permit.

RESPONSE: The applicant has worked diligently to provide a detailed application which complies with the requirements of the Newberg Development Code. The development will remain in substantial conformance with the plans, drawings, conditions, sketches, and other documents approved as part of this application.

15.225.100 Conditional use permit must be exercised to be effective.

- A. A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:
 - 1. The land use designation of the property has not been changed since the initial use permit approval; and*
 - 2. The applicable standards in this code which applied to the project have not changed.**
- B. In case such right is not exercised, or extension obtained, the conditional use permit decision shall be void. Any conditional use permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such permit.*

RESPONSE: The applicant acknowledges the requirements of this Section, and will exercise the right granted under any approval within one year from the effective date of the decision, unless the applicant files an extension request in writing prior to the expiration of the approval

Chapter 15.303 – USE CATEGORIES

15.303.010 Purpose.

- A. Defined and Categorized Uses.*

Chapter 15.305 NMC lists the allowable uses in each zoning district. The uses listed are of two types:

- 1. Defined Uses. Defined uses are those uses that fit a specific definition contained in the definition section under NMC 15.05.030. For example, a “family child care home” is a specific defined use that is different than other day care type uses.*

2. *Use Categories. Use categories are used to describe land uses and activities that may be known by several common names, but are organized on the basis of common functional, product, or physical characteristics. For example, beauty salons, tanning salons, and body art studios are classified into a general category, “personal services.” Uses are assigned to the category whose description most closely describes the nature of the primary use. The “characteristics” subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.*

RESPONSE: The development request, for a 28-unit multi-family residential building, is a defined Residential use under Section 15.303.200.

B. Interpretation.

When a use’s category is not clearly identifiable, the director, through a Type I procedure, determines the applicable use category or similar use. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

...

RESPONSE: The development request, for a 28-unit multi-family residential building, is a clearly identifiable as a Residential use under Section 15.303.200.

...

- D. Accessory Uses. The “accessory uses” subsection lists common accessory uses that are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.*

...

RESPONSE: The proposed use is residential, and will include those accessory uses as are typically allowed by right in conjunction with residential development.

15.303.200 Residential uses.

The following residential uses are defined in NMC 15.05.030:

...

- M. Dwelling, multifamily.*

RESPONSE: The development request, for a 28-unit multi-family residential building, is a clearly identified as a Dwelling, Multi-family use under Section 15.303.200.M. above.

Chapter 15.305 – ZONING USE TABLE

15.305.010 Classification of uses.

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

P - Permitted Use. The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.

C - Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.

S - Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.

(#) - A note indicates specific limits on the use. These notes are listed at the bottom of the table.

X - Prohibited Use. The use is specifically prohibited.

If none of the codes above are indicated, then the use is not permitted within the zone.

Newberg Development Code – Zoning Use Table																					
#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
200	Residential Uses																				
Def.	Dwelling, Multifamily	C	P	P	C	P		C(4)	P(8)/C(4)												Subject to lot or development site area requirements of NMC 15.405.010

(4) The permitted density shall be stated on the conditional use permit.

RESPONSE: The development request, for a 28-unit multi-family residential building in the C-2 zoning district, is designated as a conditional use, “Dwelling, Multi-Family”, in the City of Newberg Development Code Zoning Use Table,

Chapter 15.340 – AIRPORT OVERLAY (AO) SUBDISTRICT

15.340.010 Purpose.

- A. *In order to carry out the provisions of this airport overlay subdistrict, there are created and established certain zones which include all of the land lying beneath the airport imaginary surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current airport overlay zone map and the displaced threshold approach surface map, prepared by the Newberg engineering department (see Appendix B, Maps 2 and 3).*
- B. *Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County.*

RESPONSE: The subject site is located in the Airport Overlay Subdistrict, as shown on the current airport overlay zone map and the displaced threshold approach surface map. The site is further identified as being located within the Airport Inner Horizontal Surface, but is located outside the Airport approach Safety Zone or Airport Transitional Surface, as shown below:



15.340.020 *Permitted uses within the airport approach safety zone.*

RESPONSE: The subject site is not located within the Airport Approach Safety Zone; therefore, the requirements of this section are not applicable.

15.340.030 *Conditional uses within the airport approach safety zone.*

RESPONSE: The subject site is not located within the Airport Approach Safety Zone; therefore, the requirements of this section are not applicable.

15.340.040 *Procedures.*

- A. *Development Permits. An application for a development permit for any permitted use within the airport approach safety zone or the displaced threshold approach surface zone which is subject to site design review as required by NMC 15.220.010 et seq. and shall include the following information:*

RESPONSE: The subject site is not located within the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone; therefore, the requirements of this section are not applicable.

- B. *FAA Notice Required. To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to one for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77 of the Federal Aviation Regulations.*

RESPONSE: The south west corner of the subject site is located approximately 3,500 feet from the northern end of the Sportsman Airpark runway, which is the nearest point of the runway to the property. At a distance of 3,500 feet, a Notice of Proposed Construction or Alteration pertaining to the site must be submitted for any construction or alteration of greater height than 70 feet, which is the height of an imaginary surface extending outward and upward at a slope of 50:1 ((3,500/50) x 1 = 70 feet). While the building height as measured under Section 15.415.020.2 of the Newberg Development Code is 36 feet 0.65 inches, the maximum ridge height of the structure is proposed at approximately 43.4 feet, which is well under the 70-foot imaginary surface height, and therefore FAA Form 7460-1 notice is not required.

15.340.050 *Limitations.*

- A. *To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the*

airport imaginary surfaces as defined in this code except as provided in NMC 15.340.030(B).

RESPONSE: As described above, no portion of the structure will penetrate into the airport imaginary surfaces as defined in this code, therefore the requirements of this section are met.

B. High density public uses as defined in this code shall not be permitted in the airport approach safety zone or the displaced threshold approach surface zone.

RESPONSE: The subject site is not located within the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone; therefore, the requirements of this section are not applicable.

C. Following July 1990, if FAA funds are used by the city to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the runway protection zone consistent with federal requirements.

RESPONSE: The subject site is not located within the in the runway protection zone; therefore, the requirements of this section are not applicable.

D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

RESPONSE: As described above, no portion of the structure will penetrate into the airport imaginary surfaces as defined in this code, therefore the requirements of this section are met.

E. No glare-producing materials shall be used on the exterior of any structure located within the airport approach safety zone.

RESPONSE: The subject site is not located within the Airport Approach Safety Zone; therefore, the requirements of this section are not applicable.

F. In noise-sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise-sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate

that the indoor noise level will not exceed 55 Ldn. The director will review building permits for noise-sensitive developments.

RESPONSE: The south west corner of the subject site is located approximately 3,500 feet from the northern end of the Sportsman Airpark runway, which is the nearest point of the runway to the property. As such, the requirements of this section are not applicable.

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:*
 - ...
 - 2. *In the AI, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.*

RESPONSE: The development is located in the C-2 zoning district, and therefore requires a minimum lot area of 5,000 square feet. The site is approximately 0.822 acres, or approximately 35,806 square feet, exceeding the minimum requirement of this section.

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 site is generally rectangular in shape with a slightly greater depth (195 feet) than width (183 feet). The lot depth is 1.06 times the lot width, and is therefore within the maximum 2.5 times the average width between the side lines.

- 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.*

RESPONSE: The development is located in the C-2 zoning district, and therefore requires a minimum lot area of 5,000 square feet. The site is approximately 0.822 acres, or approximately 35,806 square feet, exceeding the minimum requirement of this section.

- 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).*

RESPONSE: The subject site has approximately 193 feet of frontage to N Springbrook Road, and approximately 185 feet of frontage to E Haworth Avenue. The requirements of this section are satisfied.

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.*

RESPONSE: The development meets the purpose of this section as described in response to the requirements and standards listed below.

- B. *Maximum Lot or Development Site Area per Dwelling Unit.*
 1. *In the R-1 district, the average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.*
 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.*

4. *In the R-3 district, 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 2,500 square feet lot area.*

RESPONSE: The subject site is not located in the R-1, R-2, R-3, R-P, or AR zoning districts; therefore, the requirements of this Section are not applicable.

- C. *All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code. [Ord. 2889 § 2*

RESPONSE: As the site is located in the C-2 zone, the site is not limited as to lot coverage and parking coverage in accordance with Subsection B, above.

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.*

RESPONSE: All proposed open space and yard areas are provided within the boundaries of the site. No encroachments or easements from or onto the property are proposed for the purposes of providing open space or yard areas. The requirements of these sections are satisfied.

- 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.*

RESPONSE: The applicant has provided a 10-foot-wide landscaped front yard area between E Haworth Avenue and developed areas of the site. No private parking areas or garages, or other accessory buildings will be located within the 10-foot setback area.

- 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.*

RESPONSE: The subject development is located entirely within the perimeter site, and no encroachments onto or over the property lines are proposed. All applicable setbacks are to be provided as required.

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 proposal is for a single use category, being a 28-unit multi-family residential development. No dwellings are provided above non-residential buildings; therefore, this section is not applicable.

15.410.020 Front yard setback.

B. Commercial.

- 2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.*

RESPONSE: The applicant has provided a 10-foot-wide landscaped front yard area between E Haworth Avenue and developed areas of the site. The front yard setback are as shown on site plans submitted with the application, including Sheet P4.0., Preliminary Site Plan.

15.410.030 Interior yard setback.

B. Commercial.

- 1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.*

RESPONSE: The subject site is abutted on the south and east by property within the C-2 zoning district, and by public right-of-way to the north and west. Accordingly, the site does not abut residentially zoned property, and no additional interior setbacks are required.

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.*
- D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict.*

RESPONSE: The applicant has provided vision clearance triangles meeting the requirements of this section at the intersection of the new internal private drive and E Haworth Road, and at the north west corner of the site at the intersection of E Haworth Avenue and N Springbrook Road. Vision clearance triangles are identified on plans submitted with the application, including Sheets P4.0, Preliminary Site Plan, and L1.0, Street Tree and Open Space Planting Plan.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

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

RESPONSE: The applicant has provided a 10-foot-wide landscaped front yard area between E Haworth Avenue and developed areas of the site. The front yard setback are as shown on site plans submitted with the application, including Sheet P4.0., Preliminary Site Plan.

D. Fences and Walls.

- 1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:*

RESPONSE: The subject site is not located in a residential district; therefore, this requirement does not apply.

2. *In any commercial, industrial, or mixed employment district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:*
 - a. *Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.*
 - b. *Not to exceed four feet in height. Located or maintained within all other front yards.*

RESPONSE: The applicant has proposed to install a post and rail type fence along the north (front) and east (interior) property lines. The post and rail fence will be less than 4 feet in height, and will not intrude into the clear vision area. Along the south (interior) property line, a 6-foot-tall solid wood fence is proposed. Along the west property line, no change to the existing fencing located on the adjoining property is proposed.

3. *If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.*

RESPONSE: No chain link fencing is proposed as part of this project.

4. *The requirements of vision clearance shall apply to the placement of fences.*

RESPONSE: Fencing along E Haworth Avenue has been located to comply with vision clearance requirements at the new internal private driveway through the use of lower fence heights and setbacks adjacent to the access. At the intersection of E Haworth Avenue and N Springbrook Road, the proposed fence and landscaping has been setback to provide for vision clearance. See plans submitted with the application including Sheets P4.0, Preliminary Site Plan, and L1.0, Street Tree and Open Space Planting Plan.

- E. *Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).*
 1. *In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.*

RESPONSE: The applicant proposes one small area of the new internal access drive within the front yard setback, being the access point in the northwest corner of the site. See sheet P4.0 preliminary site plan for details.

2. *In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:*

RESPONSE: The subject site is not located in residential zoning district; therefore, the requirements of this Section are not applicable.

3. *In any commercial or industrial district, except C-1, C-4, M-1, and M-E, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district and the M-E district within the riverfront overlay subdistrict are described in NMC 15.352.040(H).*

RESPONSE: The subject site is located in the C-2 zoning district. The applicant proposes one small area of the new internal access drive within the front yard setback, being the access point in the north west corner of the site. See sheet P4.0 preliminary site plan for details.

4. *In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.*

RESPONSE: The subject site is not located in the I zoning district; therefore, the requirements of this Section are not applicable.

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.*

RESPONSE: The structure housing the 28-multi-family units is the only building on the lot, and is therefore considered 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.*

RESPONSE: The subject site is not located in residential zoning district; therefore, the requirements of this Section are not applicable.

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

RESPONSE: The subject site is not located in residential zoning district; therefore, the requirements of this Section are not applicable.

15.415.020 Building height limitation.

- A. *Residential.*

RESPONSE: The subject site is not located in a residential zoning district; therefore, the requirements of this Section are not applicable.

- B. *Commercial, Industrial and Mixed Employment.*

- 1. *In the C-1 district no main building or accessory building shall exceed 30 feet in height.*

RESPONSE: The subject site is not located in the C-1 zoning district; therefore, the requirements of this Section are not applicable.

- 2. *In the AI, C-2, C-3, M-E, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.*

RESPONSE: The subject site is located in the C-2 zoning district, and is not located abutting upon a residential zoning district. Accordingly, there is no building height limitation imposed by this section. It is noted, however, that in accordance with Section 15.05.030 – Definitions, the building height when measured as the vertical distance from the grade to the average height of the highest gable of a pitch or hip roof is 36 feet 0.65 inches.

- 3. *In the C-4 district, building height limitation is described in NMC 15.352.040(J)(1).*

- 4. *In the M-E district within the riverfront overlay subdistrict, building height limitation is described in NMC 15.352.060.*

RESPONSE: The subject site is not located in the C-4 or M-E zoning districts; therefore, the requirements of this Section are not applicable.

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

RESPONSE: The subject site is located in the C-2 zoning district, and is not located abutting upon a residential zoning district. As described above, as a result there is no building height limitation imposed by this section. It is noted that in accordance with Section 15.05.030 – Definitions, the building height is measured as the vertical distance from the grade to the average height of the highest gable of a pitch or hip roof. As measured using an average height, the building height is 36 feet 0.65 inches. However, the maximum ridge height of the structure is proposed at approximately 43.4 feet. Therefore, in order to allow some flexibility in construction, the applicant would request that the City *state in the conditional use permits* a maximum height of 45 feet.

D. Institutional. The maximum height of any building or structure will be 75 feet except as follows:

RESPONSE: The subject site is not located in an Institutional zoning district; therefore, the requirements of this Section are not applicable.

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

RESPONSE: The subject site is located in the C-2 zoning district, and as such there is no building height limitation imposed. The alternative building height standard is not required.

F. Buildings within the airport overlay subdistrict are subject to the height limits of that subdistrict.

RESPONSE: The subject site is located in the Airport Overlay Subdistrict, within the Airport Inner Horizontal Surface but outside the Airport Approach Safety Zone or Airport Transitional Surface. No additional height restrictions are applicable.

15.415.030 Building height exemptions.

Roof structures and architectural features for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, TV antennas, steeples and similar structures may be erected above the height limits prescribed in this code; provided, that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the airport overlay subdistrict.

RESPONSE: The subject site is located in the C-2 zoning district, and as such there is no building height limitation imposed. The building height exemption standard is not required.

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. New private streets may not be created to provide access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city.

RESPONSE: The subject site has frontage to two public streets, E Haworth Avenue and N Springbrook Road. This requirement is satisfied.

Chapter 15.420 – LANDSCAPING AND OUTDOOR AREAS

15.420.010 Required minimum standards.

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

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

RESPONSE: Each of the 8 proposed ground floor units is provided with an accessible outdoor private patio area, ranging from a small of approximately 135 square feet to a large of approximately 176 square feet. The requirements of this Section are met.

- 2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any multifamily residential development, as follows:*
 - a. One- or two-bedroom units: 200 square feet per unit.*
 - b. Three- or more bedroom units: 300 square feet per unit.*

RESPONSE: With 28 one- and two-bedroom units proposed, the minimum amount of individual and shared outdoor recreation space required is 5,600 square feet (28 x 2,000 =

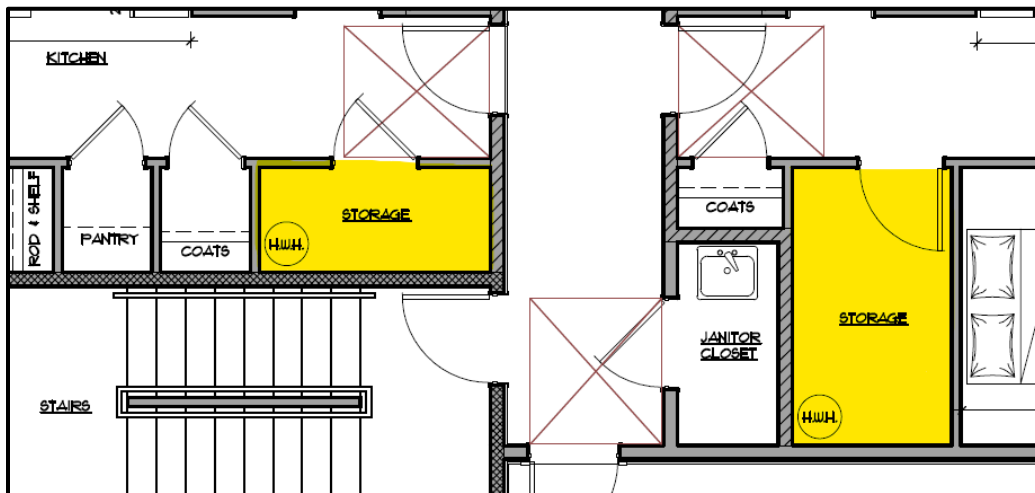
5,600). As shown on Sheet L1.0 – Preliminary Landscape Plan submitted with the application, the applicant is providing a minimum of 6,497 square feet of individual and shared outdoor recreation space, exceeding the requirement. The area is made up as follows:

4 x 135 sf patio area = 540 square feet
4 x 176 sf patio area = 704 square feet
shared outdoor space = 5,253 square feet

Total = 6,497 square feet

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

RESPONSE: As shown in floor plans submitted with the application, each of the proposed units includes designated storage areas within the main living area or patios sufficient for secure storage of items including bicycles, barbecues, luggage and similar items. Examples of these storage areas within ground floor units are shown below:



3. *In the AR airport residential district a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement.*

RESPONSE: The Subject site is not located within the AR airport residential district; therefore, this standard is not applicable.

- B. *Required Landscaped Area. The following landscape requirements are established for all developments except single-family detached*

dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects:

1. *A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.*

RESPONSE: As shown on Sheet L1.0 – Preliminary Landscape Plan submitted with the application, the applicant is providing approximately 34.9% of the lot area as landscaping, or 12,471.51 square feet. The requirements of this section are met.

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

RESPONSE: As shown on the Preliminary Landscape Plan submitted with the application (Sheet L1.0), all areas of the site which are not utilized for development with buildings, parking areas and walkways etc. will be appropriately landscaped for the area and the use. This includes areas such as parking islands, the proposed bocce ball court, the raised planters, and the narrow side yard space along the west side of the building, which will be landscaped with low maintenance materials such as river rock or bark dust to provide attractive ground coverage.

3. *The following landscape requirements shall apply to the parking and loading areas:*
 - a. *A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.*

RESPONSE: As previously described, the proposed parking area on the site will provide 43 spaces. Accordingly, 1,075 square feet ($43 \times 25 = 1,075$) of landscaping is required within the parking area.

As shown on plans submitted with the application (Sheet P5.0 and Sheet L1.0), defined landscaping areas are provided throughout the parking lot. As calculated, the applicant is

providing approximately 1,700 square feet of parking area landscaping, exceeding the minimum by approximately 625 square feet.

- b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.*

RESPONSE: As shown on Sheet P5.0 and Sheet L1.0, and described previously herein, the parking areas associated with the development are located 10 feet from both E Haworth Avenue and N Springbrook Road, and separated from the right-of-way by substantial landscaping. The parking areas of the site do not abut the interior south and west property lines. The requirements of this Section are met.

- c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.*

RESPONSE: As shown on Landscape Plans submitted with the application (Sheet L1.0), substantial landscaping exists in the areas of the site located between the parking areas and the two street frontages. Street trees located in this area include 3 Black gum; 1 Shademaster honeylocust; and 5 Golden desert ash. Trees are spaced approximately 35 feet, 25 feet, and 30 feet apart based on species canopies, meeting spacing requirements for this Section. In addition to the street trees listed above, landscaping surrounding the parking areas includes a black vinyl post and rail fence for definition; a number of larger shrub species such as Schipka cherry laurel; and other smaller shrubs and grasses as shown on the Planting Legend provided on Sheet L1.0.

- d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).*

RESPONSE: To the north and east of the site parking areas abut the street, and landscaping is addressed above. At the south of the site, the parking area is located towards the south eastern corner, and is separated from the interior property line by a distance of 20 feet. Between the property line and parking in this area is proposed to be a portion of the shared outdoor open space, containing shrubs, trees, and a garden area with raised stainless steel tanks and crushed

granite walking paths. Along the west property line, the drive aisle/access at the north west corner of the site will be screened by the existing fencing and established arbor vitae screen.

- e. *Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.*

RESPONSE: The applicant has provided 5 landscape islands consistently distributed through the parking area, along with landscaped bump outs at corners and adjacent to maneuvering areas.

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

RESPONSE: All parking area landscaping exceeds the 5-foot minimum width, as shown on Sheet P5.0 and Sheet L1.0 submitted with the application.

- g. *All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.*

RESPONSE: The subject site does not abut a residential district, with the closest being located on the north side of e Haworth Avenue, and separated by 60 feet of right-of-way. The requirements of this section are not applicable.

- h. *An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:*
 - i. *Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).*
 - ii. *Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and*

spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

RESPONSE: As shown on the Preliminary Landscape Plans submitted with the application (Sheet L1.0), landscape islands are provided within the parking area such that groups of spaces are no greater than 6 without an island separation. With 43 spaces, 7 trees are required within parking area landscaping ($43/7 = 6.14$), and 8 are provided. These requirements are met.

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.*

RESPONSE: Street trees along the N Springbrook Road frontage are proposed as Golden desert ash. They have been selected from the Newberg street trees species list, and have been selected for their lower height due to the presence of overhead lines along the subject frontage, in accordance with Subsection 7 below. As a result, the trees also have a smaller canopy, and therefore will be planted with a spacing of 32 feet on center, under the maximum spacing listed above.

- 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.*

RESPONSE: Street trees along the E Haworth Avenue frontage are proposed as Black gum. They have been selected from the Newberg street trees species list. The trees will be planted with a spacing of 35 feet on center, consistent with the tree spacing listed above.

- c. *Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.*

RESPONSE: Accent trees have been included to provide interesting color and texture within the landscape, and have varying spacing depending on species requirements. See Sheet L1.0 for details.

- d. *All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.*

RESPONSE: Numerous evergreen and deciduous shrubs have been selected to provide screening, interesting color and texture within the landscape, and have varying spacing depending on species requirements. See Sheet L1.0 for further planting details.

- 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:*

<i>Gallon cans</i>	<i>3 feet on center</i>
<i>4" containers</i>	<i>2 feet on center</i>
<i>2-1/4" containers</i>	<i>18" on center</i>
<i>Rooted cuttings</i>	<i>12" on center</i>

RESPONSE: All plant units proposed have been selected for their ability to thrive in the conditions on-site, and will be planted in accordance with the above, and standard landscaping practice for establishment.

- 5. *Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and no irrigated areas. Landscaping material used within non irrigated areas must consist of drought- resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.*

RESPONSE: The applicant has proposed to install an automated underground sprinkler system, including all landscape areas, street trees, and lawn areas. See Note 1 of the Preliminary Landscape Plan (Sheet L1.0).

- 6. *Required landscaping shall be continuously maintained.*

RESPONSE: The applicant and/or building management will be responsible for the long-term maintenance of all landscaping within the site.

7. *Maximum height of tree species shall be considered when planting under overhead utility lines.*

RESPONSE: In described in response to Subsection 4.a., above, street trees along the N Springbrook Road frontage are proposed as Golden desert ash. They have been selected from the Newberg street trees species list, and have been selected for their lower height due to the presence of overhead lines along the subject frontage, in accordance with the requirements of this section.

8. *Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.*

RESPONSE: The applicant is submitting this application for a Condition Use Permit and Design Review as a consolidated application; therefore, the requirements of this section are applicable for review and approval. An additional Type I review is not required.

9. *In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.*

RESPONSE: The subject site is not located in the M-4 zone; therefore, the requirements of this Section are not applicable.

- 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.*

RESPONSE: The applicant will comply with the requirements of this section, as applicable, prior to building occupancy.

15.420.020 Landscaping and amenities in public rights-of-way.

The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of multifamily, commercial, industrial, or institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A decision to include any amenity shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.

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

RESPONSE: The areas between the back of sidewalk and property line and nearby spaces have been landscaped in accordance with the requirements of the Newberg Development Code, as described herein. As the existing sidewalks are curb-tight, care has been taken to ensure that the landscaping materials do not impact pedestrian accessibility within the sidewalk area, and also to preserve vision triangles as shown on the Preliminary Landscape Plan, Sheet L1.0.

1. *Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).*

RESPONSE: All street tree installation has been designed to meet the requirements of NMC 15.420.010(B)(4). Street tree planting details are included on Sheet L1.1, Planting Details & Notes.

2. *Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.*
- a. *Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).*

- b. *Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures.*

RESPONSE: The landscape plans have been developed in accordance with the requirements of this section, including the provision of plantings which provide seasonal interest, with fall color or blooms. In addition, proposed landscaping will preserve vision triangles, as shown on the Preliminary Landscape Plan, Sheet L1.0.

- 3. *Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.*
 - a. *Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.*
 - b. *Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.*
 - c. *Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).*
 - d. *Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.*

RESPONSE: As per the purpose statement of this section. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way.... . Due to the classification of streets, curb tight sidewalks, and the future improvements proposed by others at the intersection of E Haworth Avenue and N Springbrook Road, the applicant is not aware of any requirement from the review body for pedestrian scale lighting within the public right-of-way. Pedestrian scale lighting is provided adjacent to walkways within the boundaries of the site. See the proposed lighting plan for further details.

- 4. *Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.*
 - a. *Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.*

- b. *Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.*

RESPONSE: No street furniture is proposed within spaces near sidewalks as part of this proposal, and the applicant is not aware of any requirement from the review body for its placement. Street furniture in the area is more appropriately located on the east side of N Springbrook Road, adjacent to the Springbrook Plaza.

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

RESPONSE: With the exception of the single access driveway, which will be constructed to meet ADA requirements, no additional frontage improvements or pedestrian ramps are proposed.

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

RESPONSE: With the exception of the single access driveway additional frontage improvements or pedestrian ramps are proposed. Existing sidewalks along the frontage of the site are curb tight, and as such planter strips are not present adjacent to the site. The requirements of this section are not applicable.

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

RESPONSE: The applicant and/or building management will be responsible for the long-term maintenance of all landscaping within the site, including landscaping in the right-of-way to the extent required by the Newberg Municipal Code and State law.

- D. *Exception. In the AI airport industrial district and AR airport residential district, no landscape or amenities except for grass are required for any area within 50 feet of aircraft operation areas including aircraft parking areas, taxiways, clear areas, safety areas, object-free areas, and the runway.*

RESPONSE: The subject site is not located in AI airport industrial district or AR airport residential district; therefore, the requirements of this Section are not applicable.

Chapter 15.425 – EXTERIOR LIGHTING

15.425.010 Purpose.

The purpose of this chapter is to regulate the placement, orientation, distribution patterns, and fixture types of on-site outdoor lighting. The intent of this section is to provide minimum lighting standards that promote safety, utility, and security, prevent glare on public roadways, and protect the privacy of residents.

15.425.020 Applicability and exemptions.

- A. *Applicability. Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:*
1. *The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.*
 2. *Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.*
 3. *If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.*

RESPONSE: The information specified above, including the location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture, and photometric mapping, is included with the lighting plans submitted with this application. As the site will be used for residential purposes outdoor parking will occur after dark, and the applicant has provided pole mounted fixtures around the perimeter of the parking areas, bollard lights along outdoor pathways, and building downlights adjacent to shared open space areas and pathways to ensure adequate illumination of these areas for safety and personal security. Please see the submitted lighting plan and associated technical sheets for the fixtures for more detailed information on the above.

15.425.030 *Alternative materials and methods of construction, installation, or operation.*

The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved by the director. Alternatives must be an approximate equivalent to the applicable specific requirement of this section and must comply with all other applicable standards in this section.

RESPONSE: The applicant has selected LED light fixtures for the high-level lights, pole mounted at a height of 20 feet. Perimeter lighting will also be fitted with External Glare Shields (EGS) to avoid unnecessary light spillover. The supplied technical sheets provided with the lighting plan describe the features of the proposed lights, which have been selected for their relatively high Lumens Per Watt ratio (LPW), providing high energy efficiency despite a low system watt input of 51 watts. This is the lowest wattage of any of the lights in the RSX1 LED series selected by the applicant, helping the selected fixtures provide cost and energy savings over the long term, long life, and excellent photometric coverage.

15.425.040 Requirements.

A. General Requirements – All Zoning Districts.

- 1. Low-level light fixtures include exterior lights which are installed between ground level and six feet tall. Low-level light fixtures are considered nonintrusive and are unrestricted by this code.*

RESPONSE: The applicant has proposed to install pedestrian scale bollard lighting adjacent to pedestrian areas within the site, using LED fixtures to prevent light overspill to residences and over property lines. This lighting will be augmented by wall mounted building downlights, typically mounted between 66 and 72 inches, particularly within shared open space areas. Please see the submitted lighting plan for detailed information.

- 2. Medium-level light fixtures include exterior lights which are installed between six feet and 15 feet above ground level. Medium-level light fixtures must either comply with the shielding requirements of subsection (B) of this section, or the applicant shall show that light trespass from a property has been designed not to exceed one-half foot-candle at the property line.*

RESPONSE: The applicant has not proposed medium-level light fixtures.

- 3. High-level light fixtures include exterior lights which are installed 15 feet or more above ground level. High-level light fixtures must comply with the shielding requirements of subsection (B) of this section, and light trespass from a property may not exceed one-half foot-candle at the property line.*

RESPONSE: The submitted Lighting Plan shows the installation of 12 pole mounted LED fixtures at a height of 20-feet. LED light fixtures are not listed within Table B below, and as described previously, the fixtures have a rating of 51 watts and therefore exceed the listed 50watt category of Table B. However high-level light fixtures adjacent to the property line are proposed to be shielded to the rear using factory EGS to avoid unnecessary light spillover.

B. Table of Shielding Requirements.

<i>Fixture Lamp Type</i>	<i>Shielded</i>
<i>Low/high pressure sodium, mercury vapor, metal halide and fluorescent over 50 watts</i>	<i>Fully</i>
<i>Incandescent over 160 watts</i>	<i>Fully</i>
<i>Incandescent 160 watts or less</i>	<i>None</i>
<i>Fossil fuel</i>	<i>None</i>
<i>Any light source of 50 watts or less</i>	<i>None</i>
<i>Other sources</i>	<i>As approved by NMC 15.425.030</i>
<i>Note: "Incandescent" includes tungsten-halogen (quartz) lamps.</i>	

RESPONSE: In accordance with Table B, high-level lighting will comply with the requirements of NMC 15.425.030.

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.*

RESPONSE: Existing overhead utilities are located overhead on the east side of the site, along N Springbrook Road. No frontage improvements or utility relocations are required or proposed with the development, and surrounding properties on the same side of the street are generally fully developed and unlikely to be placed underground. All new utility services to the building will be placed underground, as required by this section.

Chapter 15.440 – OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS

Article I. Off-Street Parking Requirements

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.*

RESPONSE: All off-street parking is proposed to be located on the development site, as required. See the applicant response to (F) below for maximum parking standards.

- B. *Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.*
 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.*

RESPONSE: See the applicant response to (F) below for maximum parking standards.

- 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: As described in response to Newberg Development Code Section 15.440.030, 40 off-street spaces are needed to meet the minimum parking standards of Section 15.440.010.B. As neither E Haworth Avenue or N Springbrook Road allow on-street parking along the subject frontage, maximum parking is calculated in accordance with Subsection 2 above as follows:

$$1.5 \times 40 = 60 \text{ spaces maximum}$$

As shown on Sheet P4.0, Preliminary Site Plan, 43 off-street spaces are proposed, therefore off-street parking is provided within the minimum and maximum allowances.

15.440.020 Parking area and service drive design.

- A. *All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.*
- B. *Groups of three or more parking spaces, except those in conjunction with a single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, townhouse dwelling or cottage cluster project on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.*
- C. *Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.*

15.440.030 *Parking spaces required.*

Use	Minimum Parking Spaces Required
Residential Types	
Dwelling, multifamily and multiple single-family dwellings on a single lot Studio or one-bedroom unit Two-bedroom unit Three- and four-bedroom unit Five- or more bedroom unit • Unassigned spaces • Visitor spaces	1 per dwelling unit 1.5 per dwelling unit 2 per dwelling unit 0.75 spaces per bedroom If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the director. If a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit.
• On-street parking credit	On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.

RESPONSE: In accordance with Newberg Development Code Section 15.440.030, 1 off-street parking space is required for every studio or one-bedroom unit, with 1.5 off-street spaces required for every two-bedroom unit. As described, the proposed development includes 16 one-bedroom units and 12 two-bedroom units, therefore off-street parking is required as follows:

One-bedroom = 16 x 1 = 16 spaces
 Two-bedroom = 12 x 1.5 = 18 spaces
 Total = 34 spaces

In addition, if a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit. Accordingly, the following visitor spaces are required:

$$28 \text{ units} \times 0.2 = 5.6 = 6 \text{ spaces}$$

As such, 40 off-street parking spaces are needed to meet the minimum parking requirements of Section 15.440.010.B. As shown on Sheet P4.0, Preliminary Site Plan, the applicant proposes to provide 43 off-street spaces, and therefore parking is provided in sufficient quantities to meet the requirements of this Section.

15.440.060 Parking area and service drive improvements.

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

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

RESPONSE: As shown on Sheet P4.0 – Preliminary Site Plan of the submitted plan set, parking and circulation areas are proposed to be constructed using AC Pavement, with the exception of the pedestrian way between the main entry to the building and E Haworth Avenue, which will be constructed from a contrasting material such as colored Portland concrete cement or pavers to provide differentiation. As described in the Preliminary Storm Drainage Report submitted with the application, and consistent with Plan Sheet P5.0 - Preliminary Composite Utility Plan, Stormwater from the parking lot will be collected in trapped catch basins for pretreatment, pollution reduction and spill control prior to being conveyed into the proposed storm filter manholes within the parking area. The requirements of this section are satisfied.

- B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.*

RESPONSE: As shown on Sheet P4.0 – Preliminary Site Plan of the submitted plan set, all parking is appropriately located on the site, and is entirely contained within the boundaries of the site behind appropriate landscaping and front yard setbacks (E Haworth Avenue).

- C. *All parking areas, except those required in conjunction with a single-family detached, duplex, triplex, quadplex or townhouse dwelling, or cottage cluster project, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.*

RESPONSE: As described above, all parking is appropriately located on the site, and is entirely contained within the boundaries of the site behind appropriate landscaping and front yard setbacks (E Haworth Avenue). Further, the parking area is surrounded by standard curbing, which will act as a bumper. No encroachment on abutting private and public property is anticipated.

- D. *All parking areas, including service drives, except those required in conjunction with single-family detached, duplex, triplex, quadplex or townhouse dwellings or cottage cluster projects, shall be screened in accordance with NMC 15.420.010(B).*

RESPONSE: As described above, all parking is appropriately located on the site, and is entirely contained within the boundaries of the site behind appropriate landscaping and fencing. Landscaping is Shown on Sheet L1.0 – Preliminary Landscape Plan, of the submitted plan set.

- E. *Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.*

RESPONSE: Lighting is provided on the site in order to provide safe vehicle circulation, general vehicle safety, and safety for pedestrians moving between the building and the parking area or E Haworth Avenue. While the site does not abut a residential district, the is residential to the north of E Haworth Avenue. The lighting plan submitted with the application indicates that along the north property line, 4 pole mounted LED fixtures will be installed. These LED fixtures will be separated from residential areas by site landscaping and the right-of-way of E Haworth Avenue. No light encroachment is anticipated.

- F. *All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.*

RESPONSE: As shown on Sheet P4.0 – Preliminary Site Plan of the submitted plan set, parking and circulation areas are proposed to be constructed using AC Pavement, with the exception of the pedestrian way between the main entry to the building and E Haworth Avenue, which will be constructed from a contrasting material such as colored Portland concrete cement or pavers to provide differentiation.

- G. *Parking areas for residential uses shall not be located in a required front yard, except as follows:*
 - I. *Single-family detached, duplex, triplex, quadplex, and townhouse dwellings: parking is authorized in a front yard on*

a service drive which provides access to an improved parking area outside the front yard.

RESPONSE: As shown on Sheet P4.0 – Preliminary Site Plan of the submitted plan set, all parking is appropriately located on the site outside of front yard setbacks (E Haworth Avenue).

H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

RESPONSE: The applicant has proposed 11 of the 43 spaces as compact, as identified on Sheet P1.0 Cover Sheet. As proposed, approximately 26% of the provided spaces are for compact cars, less than the 30% maximum of this section.

I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.

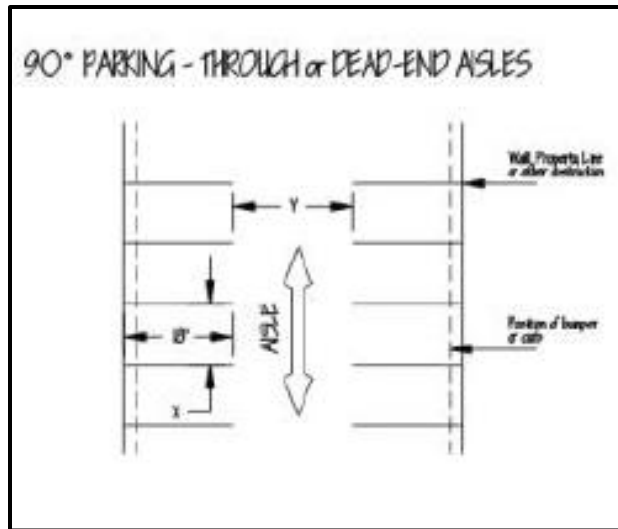
RESPONSE: The proposed development is not an affordable housing project; therefore, this section does not apply.

J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.

RESPONSE: No transit related facilities are proposed with this development; therefore, this section does not apply.

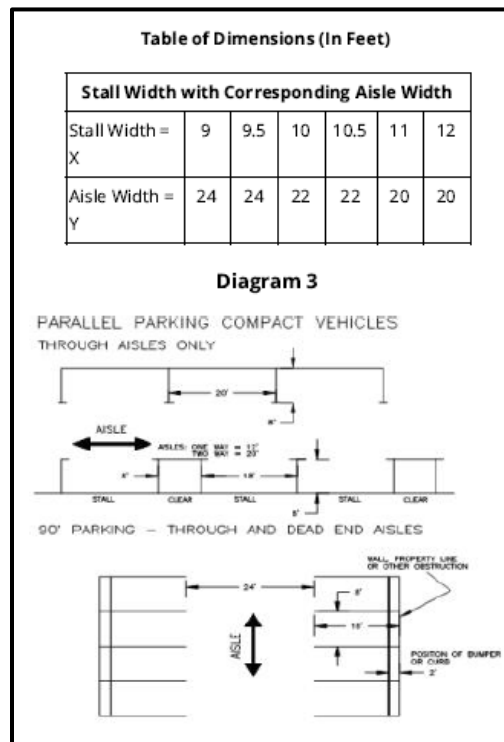
15.440.070 *Parking tables and diagrams.*

The following tables provide the minimum dimensions of public or private parking areas:



Notes:

1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the community development department at 537-1210.



Notes:

1. *Bumpers must be installed where paved areas abut street right-of-way (except at driveways).*
2. *No stalls shall be such that cars must back over the property line to enter or leave stall.*
3. *Stalls must be clearly marked and the markings must be maintained in good condition.*
4. *The sketches show typical situations to illustrate the required standards. For further information or advice, contact the planning department.*

RESPONSE: The dimensions of parking spaces within the development are shown on Sheet P5.0, Preliminary Site Plan. Each of the proposed stalls is striped to a depth of 16 feet from the face of curb, with an additional 2 feet provided as bumper overhang beyond the curb to create an 18-foot depth, as required. Thirty-two of the spaces are standard stalls, with a width of 9 feet. 11 of the stalls are designated as compact, as described above, with a width of 8 feet. The parking area maintains a drive aisle width of no less than 24 feet. The dimensional standards of this section are met.

Article II. Bicycle Parking

15.440.090 Purpose.

Cycling is a healthy activity for travel and recreation. In addition, by maximizing bicycle travel, the community can reduce negative effects of automobile travel, such as congestion and pollution. To maximize bicycle travel, developments must provide effective support facilities. At a minimum, developments need to provide a secure place for employees, customers, and residents to park their bicycles.

15.440.100 Facility requirements.

Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.

Use	Minimum Number of Bicycle Parking Spaces Required
New multiple dwellings, including additions creating additional dwelling units	One bicycle parking space for every four dwelling units

Notes:

- a. *Short-term bicycle parking is parking intended to be used for durations less than two hours. Short-term bicycle parking shall consist of a stationary rack or other approved structure to which the bicycle can be locked securely and shall be located within 50 feet of the main building entrance or one of several main entrances, and no further from an entrance than the closest automobile*

parking space. Shelter or cover may be required for a specified percentage of short-term parking.

- b. Long-term bicycle parking is parking intended to be used for durations over two hours. Long-term parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of fully sheltered and secure parking.*

RESPONSE: In accordance with the above, with 28-units within the development the applicant is required to provide parking for 7 bicycles ($28/4 = 7$). As shown in floor plans submitted with the application, each of the proposed units includes storage areas or patios sufficient for secure bicycle storage.

15.440.110 Design.

- A. Bicycle parking facilities shall consist of one or more of the following:
 - 1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.*
 - 2. An enclosed locker.*
 - 3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.*
 - 4. Other facility designs approved by the director.**
- B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.*
- C. All spaces shall be located within 50 feet of a building entrance of the development.*
- D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority responsible for maintenance of that right-of-way.*

RESPONSE: As described above, each of the proposed units includes storage areas or patios sufficient for secure bicycle storage meeting the requirements of this section.

Article III. Private Walkways

15.440.120 Purpose.

Sidewalks and private walkways are part of the city's transportation system. Requiring their construction is part of the city's plan to encourage multimodal travel and to reduce reliance on the automobile. Considerable funds have and will be expended to install sidewalks along the streets in the city. Yet there is little point to this expense if it is not possible for people to walk from the sidewalk to the developments along each side. The following requirements are intended to provide safe and convenient paths for employees, customers, and residents to walk from public sidewalks to development entrances, and to walk between buildings on larger sites.

15.440.130 *Where required.*

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the airport industrial (AI) district and residential (AR) district, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.

15.440.140 *Private walkway design.*

A. *All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.*

RESPONSE: All walkways within the site have been designed to be compliant with the Americans with Disabilities Act. Compliance with these requirements will be confirmed through building permit submittal and review.

B. *Required private walkways shall be a minimum of four feet wide.*

C. *Required private walkways shall be constructed of Portland cement concrete or brick.*

RESPONSE: All proposed private walkways within the site have been designed with a width of no less than 5 feet. Walkways are designed to be constructed using Portland cement concrete. See Sheet P5.0 Preliminary Site Plan for further details.

D. *Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.*

RESPONSE: Only one crossing is provided within the proposed service drives, located between the front building entrance and E Haworth Avenue. As it traverses the service drive, the crossing is proposed with a width of 6 feet, and will be constructed from a contrasting material such as

colored Portland concrete cement or pavers to provide differentiation from the surrounding AC pavement material.

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

RESPONSE: A private walkway is provided from the main building entrance, which abuts E Haworth Avenue, out to the subject street from the covered entryway of the building. The requirements of this section are satisfied.

- F. *The review body may require on-site walks to connect to development on adjoining sites.*
- G. *The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards.*

RESPONSE: The applicant is not aware of any need for modification of these standards or additional private walkways.

Chapter 15.505 – PUBLIC IMPROVEMENTS 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.

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

15.505.030 Street standards.

- 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.*

RESPONSE: No new public streets are proposed with this development.

E. Improvements to Existing Streets.

- 1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.*
- 2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.*
- 3. In lieu of the street improvement requirements outlined in 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.*

RESPONSE: Except for construction of a driveway access and a financial contribution to the construction of traffic signals at the Haworth/Springbrook intersection, neither the City nor the

applicant have identified any specific street improvements required for the site, either within the right-of-way or to provide additional on-site circulation. All surrounding parcels are already developed with their own existing access to the surrounding public streets, and adjoining paved streets are improved top City standards. The applicant will provide street trees along both site frontages in coordination with overall landscaping for the site.

- 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.*

RESPONSE: As described above, public improvements are expected to be minimal for this development. The required financial contribution to the construction of traffic signals at the Haworth/Springbrook intersection will be calculated by the City based on the anticipated impacts of the development on the intersection, and shall be required to be roughly proportional to the impact of the development on public facilities.

- G. *Street Width and Design Standards.*

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

Table 15.505.030(G) Street Design Standards

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

* *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.*

RESPONSE: Adjacent to the site on the north property boundary, E Haworth Avenue is designated as a Major Collector in the City of Newberg Transportation System Plan (TSP). The TSP specifies a minimum 61-foot right-of-way, with a 36-foot paved section, including 6-foot bike lanes. Existing right-of-way is approximately 61-feet, and existing pavement width is approximately 40 feet. No additional frontage improvements are proposed.

N Springbrook Road is designated as a Minor Arterial in the TSP. The TSP specifies a minimum 69-foot right-of-way, with a 48-foot paved section, including 6-foot bike lanes. Existing right-of-way is approximately 85-feet, and existing pavement width is approximately 52 feet. No additional frontage improvements are proposed.

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: As noted above, each of the facilities adjacent to the site has adequate paving to support 2 bicycle lanes and two 12-foot-wide travel lanes, and in the case of N Springbrook Avenue, a center turn lane or median. This standard is met.

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: As noted above, each of the facilities adjacent to the site has adequate paving to support two 6-foot-wide bicycle lanes and two 12-foot-wide travel lanes, and in the case of N Springbrook Avenue, a center turn lane or median. This standard is met.

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.*

RESPONSE: In accordance with the table in Section 15.505.030.G above, neither E Haworth Avenue or N Springbrook Road support on-street parking, therefore this standard is not applicable.

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

RESPONSE: N Springbrook Road is designated as a Minor Arterial in the TSP, and a center turn lane or median is required. The TSP specifies a minimum 69-foot right-of-way, with a 48-foot paved section, including 6-foot bike lanes, and the 12-foot center lane. Existing right-of-way is approximately 85-feet, and existing pavement width is approximately 52 feet. When calculating whether the paved surface is adequate, the following is considered:

6 ft. (bike) + 12 ft. (travel) + 12 ft. (center/median) + 12 ft. (travel) + 6 ft. (bike) = 48 feet.

With 52 feet of paved surface, the existing street can accommodate the required improvements meeting City engineering standards.

No additional frontage improvements are proposed.

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

RESPONSE: No new limited residential streets are proposed with this development.

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

RESPONSE: Both E Haworth Avenue and N Springbrook Road have standard sidewalks along the frontage of the property. The applicant will be required to replace any sidewalk panels in poor condition or not in compliance with ADA standards.

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: Both E Haworth Avenue and N Springbrook Road have standard curb-tight sidewalks along the frontage of the property, which extends into the surrounding areas. The applicant will provide street trees along both site frontages in coordination with overall landscaping for the site.

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

RESPONSE: Slope easements can be provided as requested by the City Engineer, if necessary.

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: No specific improvements are proposed at the intersection of E Haworth Avenue and N Springbrook Road at this time. However, the applicant will be required to participate in funding improvements at the E Haworth Avenue and N Springbrook Road intersection that are indicated in the City of Newberg Transportation System Plan (TSP). Project I09 in the current TSP calls for installing a traffic signal and left turn lanes on Haworth. The full extent of intersection improvements has not been confirmed at this time.

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:

RESPONSE: The applicant has not requested any modifications to street standards, or modifications of street Right-of-Way and improvement width.

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

Roadway Functional Classification	Area ¹	Minimum Public Street Intersection Spacing (Feet) ²	Driveway Setback from Intersecting Street ³
Expressway	All	Refer to ODOT Access Spacing Standards	NA
Major arterial	Urban CBD	Refer to ODOT Access Spacing Standards	
Minor arterial	Urban CBD	500 200	150 100
Major collector	All	400	150
Minor collector	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: The lowest classification road with street frontage to the site is E Haworth Avenue, which has a classification as a Major Collector. Pursuant to the standards in Table 15.505.R., the spacing standard for driveways intersecting E Haworth Avenue is 150 feet. With a frontage of only 183 feet, the driveway access at the north west corner of the site is located approximately 160 feet from the intersection using the methodology in 3. above, and would therefore meet the requirements of this section.

As demonstrated in the TIS for the development, prepared by Lancaster Mobley and dated October 31, 2022, the one permanent site access to the surrounding street network is located at the north west corner of the site. The TIS recommends that the proposed apartment complex be allowed an unrestricted full movement access onto E Haworth Avenue at that location, as based on the queuing analysis, adequate spacing between the proposed site access intersection and the intersection of Haworth Avenue at N Springbrook Road is available to allow un-restricted turning movements at the site access intersection without creating safety issues.

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.*

RESPONSE: The subject property has frontage to two streets. The lowest classification road with street frontage to the site is E Haworth Avenue, which has a classification as a Major Collector. Accordingly, the sole site access is provided to E Haworth Avenue, at the north west corner of the site.

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.*
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:*

RESPONSE: A second access to E Haworth Avenue would technically meet the requirement for a second access, with 100 feet of spacing available between the accesses. However, the second access would violate other access spacing provisions of this Code. The site does not have frontage on an alley.

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: There are no existing access points to be closed as part of this development.

7. *Shared Driveways.*

RESPONSE: Access from a shared driveway is not available to the site, therefore the requirements of this section are not applicable.

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: No need or opportunity for the construction of a frontage street or alley exists with this development. As described, the proposed access meets access spacing standards, and as demonstrated in the TIS for the development, prepared by Lancaster Mobley and dated October 31, 2022, the proposed apartment complex be allowed an unrestricted full movement

access onto E Haworth Avenue at the proposed location, as based on the queuing analysis, adequate spacing between the proposed site access intersection and the intersection of Haworth Avenue at N Springbrook Road is available to allow un-restricted turning movements at the site access intersection without creating safety issues.

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.*

RESPONSE: It is noted that the N Springbrook Road frontage is under ODOT jurisdiction. However, no access is permitted to N Springbrook under the standard procedures of this Chapter, and accordingly no access permit is necessary.

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: The applicant has not requested any exceptions to the access standards listed above. Should any exceptions become necessary through the development process, approval for a revision or additional applications may be required.

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.

RESPONSE: The proposed development is residential in nature, and is located on a relatively small parcel at the intersection of two significant streets within the local transportation system. It is considered that no opportunities exist to provide meaningful changes to block lengths and circulation, or more practicable connections to adjoining properties than exist or are warranted in the area at this time. No public walkways, other than pedestrian walkways between E Haworth Street and the main building entrance, are provided.

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: Street trees will be installed along both site frontages, and have been designed in compliance with the requirements of NMC 15.420.010 (B)(4), and the wider landscape plan for the site. See Sheet L1.0 – Preliminary Landscape Plan, for details.

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: As improvements already exist along the frontage of the site, it is not anticipated that new street lights shall be required. However, if illumination is determined to be inadequate, the applicant shall comply with the requirements of this section to the extent practicable, and as guided by the City Engineer.

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:

RESPONSE: The applicant is not aware of any transit improvements necessary in the vicinity of the site, nor have any been identified. Accordingly, no transit improvements are proposed.

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.*

RESPONSE: The applicant will install residential services to the site typical of multi-family developments, therefore the requirements of this section are applicable.

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.*

RESPONSE: As the applicant has already done through the initial planning phases of this application, all proposed utilities will be designed to be consistent with the Newberg public works design and construction standards. Public improvements permits will be obtained prior to utility work being undertaken on the site. All utility work will be carried out with minimum feasible disturbances of soil and site, and will be coordinated by the developer under the appropriate public improvement permits 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: Water service to the site will be provided in accordance with the requirements of the Water Master Plan for the area, the Newberg public works design and construction standards, and permits issued for the completion of the work. See Sheet P5.0 – Preliminary Composite Utility Plan, for utility locations and notes.

- E. *Standards for Wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.*
 1. *All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.*
 2. *All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer*

shall provide all necessary pumps/lift stations and other improvements, as determined by the director.

3. *All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.*
 4. *Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.*
 5. *Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.*
 6. *The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.*
 7. *Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.*
- F. *Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards.*

RESPONSE: The site has direct access to gravity service from the city wastewater system. No onsite disposal or pumping facilities are proposed. The sanitary sewer components serving the site will be designed in accordance with the applicable wastewater master plan for the area, the Newberg public works design and construction standards, and permits issued for the completion of the work. See Sheet P5.0 – Preliminary Composite Utility Plan, for utility locations and notes.

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: The site has direct access to gravity service within the city stormwater system. The applicant has submitted with this application a Preliminary Stormwater Drainage Plan, providing detail on the methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction, plans for the construction of stormwater management components and infrastructure, and calculations demonstrating compliance with the Newberg public works design and construction standards. See Sheet P3.0. – Grading and Erosion Control Plan; Sheet P5.0. – Preliminary Composite Utility Plan, for utility locations and notes; and the Preliminary Storm Drainage Plan prepared by Luke Lappin, P.E.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City of Newberg Planning Commission of an application for a Type III review for approval of a Conditional Use Permit (Residential in C-2 Zone) & Site Design Review (companion to CUP) for a 28-Unit Multi-Family Apartment Building, “The Haworth”.