

PRE-APPLICATION MEETING NOTES

DATE OF PRE-APPLICATION MEETING: 11/10/21, PRE21-0031

MEETING TYPE: Video Conference call

SUBJECT PROPERTY ADDRESS: No address

TAXMAP ID: R3216CB 00800

LOT SIZE: .822 acres

ZONING DISTRICT: C-2 (Community Commercial)

REQUESTOR'S NAME/BUSINESS: Grove Development Inc./Pioneer Design Group Inc.

REQUEST DESCRIPTION: Development of apartments

PROPOSED USE ALLOWED: Conditional Use Permit and Design Review, 15.305.010

PARTICIPANTS

APPLICANT	CITY STAFF
Grove Hunt	Doug Rux (Host) - CDD
Curt Olson	Brett Musick – ENG
Luke Lappin	Karyn Hanson - ENG
	Ty Darby - TVF&R

Aerial Photo



- Fire flow analysis required; closest hydrant is located at the NW corner of E Haworth and N Springbrook Road.
- Hydrant no further than 600 feet from the proposed building.
- 26-foot fire lane
- Secondary emergency access
 - Contact Ty Darby: Ty.Darby@tvfr.com

BUILDING SAFETY DIVISION COMMENTS: Contact: Jared Bradbury:
Jared.Bradbury@newbergoregon.gov

ENGINEERING COMMENTS:

Street: The proposed building on Tax Lot 800 has frontage on N Springbrook Road and E Haworth Avenue. N Springbrook Road is a Minor Arterial. E Haworth Avenue is a Major Collector. The proposed building will take access off Haworth Avenue because it has a lower functional classification. Additionally, the access must be at the furthest west end of the property to minimize impact to the N Springbrook Road/E Haworth Avenue intersection. A right turn only to access might be appropriate based on the LOS of the intersection. A traffic study that includes any mitigation recommendations will be required due to the location being adjacent to an intersection with operating at a poor level of service. Information regarding existing right-of-way and cross-sections can be seen below and is consistent with the City’s Transportation System Plan.

Roadway	Functional Classification	Existing Right-of-way	Existing Pavement Width	Minimum Right-of-way	Minimum Pavement Width	Typical Cross-Section (per Transportation System Plan)
N Springbrook Road	Minor Arterial (69-feet to 80-feet)	Approx. 85-feet	Approx. 52 feet	70-feet	52-feet	<ul style="list-style-type: none"> • 1-foot from back of walk to right-of-way • 5-foot sidewalk • 5.5-foot planter* • 0.5-foot curb • 6-foot bike lane • 12-foot travel lane • 12-foot center turn lane • 12-foot travel lane • 6-foot bike lane • 5.5-foot planter* • 5-foot sidewalk • 1-foot from back of walk to right-of-way
Roadway	Functional Classification	Existing Right-of-way	Existing Pavement Width	Minimum Right-of-way	Minimum Pavement Width	Typical Cross-Section (per Transportation System Plan)

E Haworth Avenue	Major Collector (57-feet to 80-feet)	Approx. 60-foot	Approx. 40-foot	60-foot For typical section per TSP.	36-foot	<ul style="list-style-type: none"> • 1-foot from back of walk to right-of-way • 5-foot sidewalk • 5.5-foot planter* • 0.5-foot curb • 6-foot bike lane • 12-foot travel lane • 12-foot travel lane • 6-foot bike lane • 0.5-foot curb • 5.5-foot planter* • 5-foot sidewalk • 1-foot from back of walk to right-of-way
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*5-foot minimum per NMC 15.505.030(G)(8)

If more than \$30,000 of improvements are made to the property, street/frontage improvements can be required, see NMC 12.05.090.

12.05.090 Permits and certificates.

A. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is \$30,000 or more except as the city engineer may require on building permits of lesser value in accordance with NMC [12.05.040](#), the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:

1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.
2. Dedicate right-of-way in accordance with the city transportation plan.

The applicant will be required to replace any sidewalk in poor condition or not in compliance with ADA. 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 have not been confirmed. The current TSP can be found at the following link: [Transportation System Plan - Updated in 2021 | Newberg Oregon](#)

Below is the Traffic Impact Fee formula developed to capture the proportional impact of developments based on the most significant a.m. or p.m. proportional volume contribution. The trips referenced in the formula will come from the traffic study required for the development.

(Cost in the TSP for improvements) x (Trips directly related to the development) / (Total trips through the intersection)

Examples of developments where this Traffic Impact Fee has been conditioned include a two phased multi-family development on N Springbrook Road (DR218-003 and DR220-004).

There is some street lighting along the property frontage. The applicant will be required to verify that existing street lighting meets current City standards and will be required to add additional street lighting where deficiencies exist. Street lighting standards can be found in the [Public Works Design and Construction Standards](#) in section “5.17 Street Lighting, Trees, Names and Signage.”

Traffic Study/Trip Rates/Transportation SDCs: To develop Transportation System Development Charges (TSDC), the city uses the Institute of Transportation Engineers, Trip Generation Manual, 10th Edition (or current edition) in coordination with the City’s TSDC Methodology document which can be found on the City’s website. Apartments are charged Transportation SDCs based on the number of dwelling units. Each dwelling unit will cost approximately \$4,700 dollars for transportation SDCs. SDCs are calculated and collected as part of the building permit process.

The City’s Transportation SDC calculator can be found online here:

<https://www.newbergoregon.gov/engineering/page/systems-development-charges>

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

A traffic study that includes any mitigation recommendations will be required due to the location being adjacent to an intersection with operating at a poor level of service

Wastewater: The City’s GIS system shows there is an existing 8-inch wastewater line in E Haworth Avenue and a 15-inch line in N Springbrook Road. The applicant will be responsible for verifying capacity of existing lines. System Development Charges (SDCs) are associated with the number of fixture units proposed per building/tax lot. SDCs are calculated and collected as part of the building permit process.

Water: There is an existing 8-inch water main located in E Haworth Ave. and a 12-inch water main in N Springbrook Road. The applicant will be responsible to confirm adequate flow for the use proposed and for fire protection. The applicant will need provide fire flow test results with the building permit application. The applicant will need to hire a private firm to conduct the fire flow test and coordinate with the Public Works Maintenance Division.

Occupancy determines the need for fire sprinklers. If fire sprinklers are required a separate fire service connection is necessary.

Stormwater: There is an existing 24-inch public stormwater main running across the northern section of the property adjacent to E Haworth Avenue and an existing approximately 36-inch stormwater main running diagonally across the property in a public easement. The City’s public works department is working on identifying more details about the larger stormwater line. The impact of the building foundation on the larger line running diagonally should be addressed in preliminary and final designs.

This could include field verification of the size and depth of the line in the area of building or foundations. Appropriate landscaping may be located in a stormwater easement. If the applicant is proposing to create more than 500 sq ft of new impervious surface, the quantity and quality of stormwater will need to be treated and a stormwater report completed by a licensed professional civil engineer (PWDCS 4.6 and NMC 13.25.280) will be required per the [Public Works Design and Construction Standards](#) (PWDCS). Section 4.6.8 of the PWDCS contains the stormwater facility selection hierarchy to be followed.

Erosion and Sedimentation Control (ESC): A City issued Erosion Control and Sedimentation Plan/Permit will be required for any site disturbance. The permit can be found online here:

<https://www.newbergoregon.gov/engineering/page/erosion-sedimentation-control-permit-application>

Other Utilities: Any new service connection to the property is required to be undergrounded. Any poles impacted during construction will be required to be undergrounded. There are some exceptions for high voltage lines. See NMC 15.430.010 for exception provisions.

Notes: The City's GIS System can be accessed online to view utility and planning maps:

<http://www.newbergoregon.gov/planning/page/interactive-city-map>

General Comment: The engineering pre-application notes provided are preliminary based on the information provided by the applicant and may not cover all of the development issues or requirements for the project. When a complete application is received and a full review is conducted, it may be determined that additional requirements to meet the Municipal Code or the Public Works Design and Construction Standards exist.

The Engineering Department also administers/assigns System Development Charges (SDCs) for the following utilities:

- Transportation System Development Charge
- Water System Development Charge
- Wastewater System Development Charge
- Stormwater System Development Charge
- Non-Potable System Development Charge

***ALL SDC FEES ARE APPROXIMATE (rounded to the nearest \$50) AND SUBJECT TO CHANGE – See City's Current Fees for exact costs.**

***Transportation SDC** – Transportation SDC are based on the land use and the associated trip rate.

- Transportation SDC = Unit x ITE Trip Rate x 1.68 x \$3,750
- ITE Trip Rate is based on the PM Peak Hour using the "Trip Generation Manual, 10th Edition" published by the Institute of Transportation Engineers.
- Multi Family Developments – Per Unit \$4,700

***Water SDC** – Water SDCs are based on the meter size.

- 5/8" – 3/4" Meter \$6,050
- 1" Meter \$10,300
- 1.25" Meter \$15,150
- 2" Meter \$32,050

***Wastewater SDC** – Wastewater SDCs are based on fixture units which are defined in the Uniform Plumbing Code.

- For the first 18 fixture units \$7,500
- Per each fixture unit over 18 \$450

***Stormwater SDC** – Stormwater SDCs are based on net new impervious surface areas on the property.

- Single Family 1 EDU (Equivalent Dwelling Unit) = \$415
- Other Than Single Family Impervious Area/2877 = #EDU) x \$415

***Non-Potable SDC** – Water SDCs are based on the meter size.

- 3/4" Meter \$4,000
- 1" Meter \$6,750
- 1.25" Meter \$9,950
- 1.5" Meter \$13,100

PLANNING COMMENTS:

Application:

Conditional Use Permit (Residential in C-2 Zone)– Type III
Design Review (Companions to CUP) – Type III

Applications can be found at:

https://www.newbergoregon.gov/sites/default/files/fileattachments/planning/page/4578/type_iii_application_fillable.pdf

Fees: The application packets have the fees schedule. Make sure to add the 5% technology to the total permit cost. Engineering fees are also included in the schedules. Fees typically increase on April 1st of each year.

Completeness Check: Submit two paper copies of your application for the Engineering and Planning Divisions to review in addition to an electronic (digital) copy. Typically, completeness check takes two weeks. We will send a letter to you notifying you if your application is complete or if we need additional information and a second completeness check submittal.

Notice: All property owners within 500 feet of subject property, sign(s) posted on each street frontage no greater than 600 feet apart.

Review Time Frame: Typically, 4-6 weeks. However, staffing levels and current workload can extend the typical review timeframe. A Planning Commission hearing will be required for the CUP and the companions Design Review. Planning Commission hearings dates will need to be coordinated.

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](#).

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](#). [Ord. [2451](#), 12-2-96. Code 2001 § 151.206.]

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.

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.

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](#).

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](#).

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](#). [Ord. [2451](#), 12-2-96. Code 2001 § 151.212.]

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](#). [Ord. [2451](#), 12-2-96. Code 2001 § 151.213.]

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. [Ord. [2451](#), 12-2-96. Code 2001 § 151.214.]

Development Process

15.100.050 Type III procedure – Quasi-judicial hearing.

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

1. An appeal of a Type I or Type II decision: This action of the [planning commission](#) is a final decision unless appealed to the [city council](#).
2. Conditional [use](#) permits: This action is a final decision unless appealed.
3. Planned unit developments: This action is a final decision unless appealed.
4. Substantial change to the exterior appearance of a historic landmark: This action is final unless appealed.
5. Establishment of a historic landmark: This is a final decision by the [planning commission](#), unless appealed.
6. Establishment of a historic [landmark](#) subdistrict: This is a recommendation to the [city council](#).
7. [Comprehensive plan](#) map amendments: This action is a recommendation to the process, pursuant to NMC [15.235.030\(A\)](#).

C. [Planning Commission](#) Decisions and Recommendation Actions.

1. [Planning Commission](#) Decision. Development actions shall be decided by the [planning commission](#) for those land [use](#) actions that require a Type III procedure and do not require the adoption of an ordinance. The decision shall be made after public notice and a public [hearing](#) is held in accordance with the requirements of NMC [15.100.090](#) et seq. A Type III decision may be appealed to the [city council](#) by a Type III affected party in accordance with NMC [15.100.160](#) et seq.
2. [Planning Commission](#) Recommendation to [City Council](#). Land [use](#) actions that would require the adoption of an ordinance shall be referred to the [city council](#) by the [planning commission](#) together with the record and a recommendation. The recommendation shall be made after public notice and a public [hearing](#) is held in accordance with the requirements of NMC [15.100.090](#) et seq.

15.100.150 Decision, findings and order – Types III and IV.

A. Following the [hearing](#) for review of a [development permit](#), the [hearing body](#) shall approve, conditionally approve, or deny the application. If the [hearing](#) is an appeal, the [hearing body](#) shall affirm, reverse, or remand the decision that is on appeal.

B. The [hearing body](#) shall prepare written findings of fact and an order which shall include:

1. A statement of the applicable criteria against which the proposal was tested.
2. A statement of the facts that the [hearing body](#) found establishing compliance or noncompliance with each applicable criterion and assurance of compliance with applicable standards.
3. The reasons for a conclusion to approve or deny.
4. The decision to approve the proposed change with or without conditions, or the decision to deny the proposed change.

C. The [director](#) shall notify the [applicant](#) and others entitled to notice of the disposition of the application within five calendar days of the written decision. This shall include the [applicant](#), anyone providing written testimony prior to the close of the [hearing](#), anyone providing oral testimony at the [hearing](#), or anyone requesting such notice. The notice shall include a description of the item, indicate the date that the decision will take effect and describe the right of appeal pursuant to NMC [15.100.160](#) et seq. [Ord. [2691](#) § 3, 2-19-08; Ord. [2451](#), 12-2-96. Code 2001 § 151.046.]

15.100.210 Mailed notice.

B. Type II and Type III Actions. The [applicant](#) shall provide public notice to:

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

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

D. The [director](#) shall provide the [applicant](#) with the following information regarding the mailing of notice:

1. The latest date by which the notice must be mailed;

2. An affidavit of mailing (to be signed and returned) certifying that the notice was mailed, acknowledging that a failure to mail the notice in a timely manner constitutes an agreement by the [applicant](#) to defer the 120-day process limit and acknowledging that failure to mail will result in the automatic postponement of a decision on the application; and

3. A sample notice.

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

1. Set forth the [street](#) address or other easily understood geographical reference to the subject property;

2. List, by commonly used citation, the applicable criteria for the decision;

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

4. Explain the nature of the application and the proposed [use](#) or [uses](#) which could be authorized;

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

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

G. The [applicant](#) shall mail the notice for Type II actions at least 14 days before a decision is rendered. The [applicant](#) shall file with the [director](#) an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.

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

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

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

1. Postponement of a decision until the mailing requirements have been met; or
2. Postponement of the [hearing](#) to the next regularly scheduled meeting or to such other meeting as may be available for the [hearing](#); or
3. The entire process being invalidated; or
4. Denial of the application. [Ord. [2581](#), 7-7-03; Ord. [2451](#), 12-2-96. Code 2001 § 151.071.]

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

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

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

B. State the date, time and location of the [hearing](#);

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

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

E. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of [hearings](#). [Ord. [2451](#), 12-2-96. Code 2001 § 151.073.]

15.100.260 Procedure for posted notice for Type II and III procedures.

A. Posted Notice Required. Posted notice is required for all Type II and III procedures. The notice shall be posted on the subject property by the [applicant](#).

B. Notice Information Provided by [City](#). The [director](#) shall provide the [applicant](#) with the following information regarding the posting of notice:

1. The number of notices required;
2. The latest date by which the notice must be posted;

3. An affidavit of posting (to be signed and returned) certifying that the notice was posted on site, acknowledging that a failure to post the notice in a timely manner constitutes an agreement by the [applicant](#) to defer the 120-day process limit and acknowledging that failure to post will result in the automatic postponement of a decision on the application; and

4. A sample notice.

C. Submission of Notice. Prior to posting any notice required by this section, the [applicant](#) shall submit a copy of the notice to the [director](#) for review.

D. Size, Number and Location Requirements. A waterproof notice which measures a minimum of two feet by three feet shall be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction of 600 feet. If possible, notices shall be posted within 10 feet of a [street](#) lot line and shall be visible to pedestrians and motorists in clear view from a public [right-of-way](#). Notices shall not be posted in a public [right-of-way](#) or on trees.

E. Contents of Notice. The posted notice shall only contain the following information: planning action number, brief description of the proposal, phone number and address for contact at the Newberg planning and [building](#) department.

F. Standards and Timing, Type II Actions. The [applicant](#) shall post the notice at least 14 days before a decision is rendered. The [applicant](#) shall file with the [director](#) an affidavit of posting as identified in subsection (B) of this section within two business days after notice is posted.

G. Standards and Timing, Type III Actions. The [applicant](#) shall post the notice at least 10 days before the first scheduled [hearing](#). The [applicant](#) shall file with the [director](#) an affidavit of posting as identified in subsection (B) of this section within two business days after notice is posted.

H. Removal of Notice. The [applicant](#) shall not remove the notice before the final decision. All posted notice shall be removed by the [applicant](#) within 10 days following the date of the final decision on the request.

I. Failure to Post Notice. The failure of the posted notice to remain on the property shall not invalidate the proceedings. Failure by the [applicant](#) to post a notice and affirm that the posting was completed in conformance with the [code](#) shall result in:

1. Postponement of a decision until the mailing requirements have been met; or

2. Postponement of the [hearing](#) to the next regularly scheduled meeting or to such other meeting as may be available for the [hearing](#); or

3. The entire process being invalidated; or

4. Denial of the application. [Ord. [2451](#), 12-2-96. Code 2001 § 151.076.]

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

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

B. The notice shall reasonably describe:

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

2. Type IV Proceedings. The nature of the proposed final action of an [amendment](#) to the Newberg [comprehensive plan](#), [code](#) or new land [use](#) regulation.

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

D. The notice shall state the place, date and time of the [hearing](#).

E. See NMC [15.100.240](#) for Type III notice for annexations. [Ord. [2451](#), 12-2-96. Code 2001 § 151.077.]

15.220.030 Site design review requirements.

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](#).
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 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.
3. Architectural Drawings. Architectural drawings shall be prepared which identify floor plans and elevations.
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.
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.
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.
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.
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.

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.

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.

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.

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](#).

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.

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

15.220.050 Criteria for design review (Type II process).

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.

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](#).

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.

4. Landscaping Requirements. The proposal shall comply with NMC [15.420.010](#) dealing with [landscape](#) requirements and [landscape](#) screening.

5. [Signs](#). [Signs](#) shall comply with NMC [15.435.010](#) et seq. dealing with [signs](#).

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.

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.

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](#).

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.

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the [director](#). [Ord. [2763](#) § 1 (Exh. A § 7), 9-16-13; Ord. [2747](#) § 1 (Exh. A § 5), 9-6-11; Ord. [2451](#), 12-2-96. Code 2001 § 151.194.]

15.220.060 Additional requirements for multifamily residential projects.

The purpose of this section is to ensure that residential projects containing three 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 attached single-family projects of any size and smaller multifamily projects with six or fewer units and at least 20 points are required for multifamily projects with seven or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).

A. Site Design Elements.

1. Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of [open space](#) areas which can be consolidated into children’s play areas, gardens, and/or dog-walking areas (three points).
2. Preserve existing natural features, including topography, water features, and/or native vegetation (three points).
3. [Use](#) the front setback to build a [street](#) edge by orienting building(s) toward the [street](#) with a relatively shallow [front yard](#) (12 to 15 feet for two-story [buildings](#)) to create a more “pedestrian-friendly” environment (three points).
4. Place parking [lots](#) to the sides and/or back of projects so that [front yard](#) areas can be used for landscaping and other “pedestrian-friendly” amenities (three points).
5. Create “outdoor” rooms in larger projects by grouping [buildings](#) to create well-defined outdoor spaces (two points).
6. Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and [use](#) of native species (two points).
7. [Landscape](#) at the edges of parking [lots](#) to minimize visual impacts upon the [street](#) and surrounding properties (two points).

8. [Use](#) street trees and vegetative screens at the front property line to soften visual impacts from the [street](#) and provide shade (one point).
9. [Use](#) site furnishings to enhance [open space](#). Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).
10. Keep fences neighborly by keeping them low, placing them back from the [sidewalk](#), and using compatible [building](#) materials (one point).
11. [Use](#) entry accents such as distinctive [building](#) or paving materials to mark major entries to multifamily [buildings](#) or to individual units (one point).
12. [Use](#) appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing [glare](#) in nearby [buildings](#) (one point).

B. [Building](#) Design Elements.

1. Orient [buildings](#) toward the [street](#). For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the [street](#). In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the [street](#) rather than be oriented toward the interior (three points).
2. Respect the scale and patterns of nearby [buildings](#) by reflecting the architectural styles, [building](#) details, materials, and scale of existing [buildings](#) (three points).
3. Break up large [buildings](#) into bays by varying planes at least every 50 feet (three points).
4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and [building](#) materials and form, either alone or in combination, can be used to create this variety (three points).
5. [Building](#) Materials. [Use](#) some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).
6. Incorporate architectural elements of one of the [city](#)'s historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the [city](#)'s cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).

7. Keep car shelters secondary to the [building](#) by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the [street](#) (two points).

8. Provide a front porch at every main entry as this is both compatible with the [city's](#) historic [building](#) pattern and helps to create an attractive, “pedestrian-friendly” streetscape (two points).

9. [Use](#) sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points). [Ord. [2763](#) § 1 (Exh. A § 8), 9-16-13; Ord. [2505](#), 2-1-99. Code 2001 § 151.195.]

15.405.010 Lot area – Lot areas per dwelling unit.

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

4. In the AI, AR, 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.

15.405.040 Lot coverage and parking coverage requirements.

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. [2880](#) § 2 (Exh. B § 39), 6-7-21; Ord. [2832](#) § 1 (Exh. A), 7-2-18; Ord. [2746](#) § 1 (Exh. A § 1), 8-15-11; Ord. [2730](#) § 1 (Exh. A (3)), 10-18-10; Ord. [2647](#), 6-5-06; Ord. [2451](#), 12-2-96. Code 2001 § 151.568.

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

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.

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. [Ord. [2564](#), 4-15-02; Ord. [2507](#), 3-1-99; Ord. [2451](#), 12-2-96. Code 2001 § 151.555.]

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

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

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

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

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).

Chapter 15.415 BUILDING AND SITE DESIGN STANDARDS

Comply with applicable criteria and standards.

Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS

Comply with applicable criteria and standards.

Chapter 15.425 EXTERIOR LIGHTING

Chapter 15.430 UNDERGROUND UTILITY INSTALLATION

Comply with applicable criteria and standards.

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

15.440.010 Required off-street parking.

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

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.

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	1 per dwelling unit 1.5 per dwelling unit

<u>Use</u>	Minimum <u>Parking Spaces</u> Required
Two-bedroom unit Three- and four-bedroom unit Five- or more bedroom unit • Unassigned spaces • Visitor spaces	2 per <u>dwelling unit</u> 0.75 spaces per bedroom If a development is required to have more than 10 spaces on a <u>lot</u> , then it must provide some unassigned spaces. At least 15 percent of the total required <u>parking spaces</u> must be unassigned and be located for convenient <u>use</u> by all occupants of the development. The location shall be approved by the <u>director</u> . If a development is required to have more than 10 spaces on a <u>lot</u> , then it must provide at least 0.2 visitor spaces per <u>dwelling unit</u> .
• On-street parking credit • Available transit service	On-street <u>parking spaces</u> may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a <u>lot</u> . The on-street spaces must be directly adjoining and on the same side of the <u>street</u> as the subject property, must be legal spaces that meet all <u>city</u> standards, and cannot be counted if they could be removed by planned future <u>street</u> widening or a <u>bike lane</u> on the <u>street</u> . At the review body's discretion, affordable <u>housing projects</u> may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.
Commercial neighborhood district (C-1)	1 for each <u>dwelling</u>
<u>Dwelling, duplex</u>	1 for each <u>dwelling unit</u>
<u>Dwelling, single-family</u>	2 for each <u>dwelling unit</u> on a single <u>lot</u>

General Comment: The planning pre-application notes provided are preliminary based on the information provided by the applicant and may not cover all of the development issues or requirements for the project. When a complete application is received and a full review is conducted, it may be determined that additional information or other regulations within the Municipal Code apply that were not determine during the limited pre-application review.

City will accept building permit plans for review after the Notice of Decision is released

Contact FAA and Oregon Department of Aviation for appropriate forms to determine applicable structure height.

Contact: Doug Rux doug.rux@newbergoregon.gov