

**NOTICE OF DECISION  
THE HAWORTH  
E HAWORTH DRIVE - CUP22-0016/DR222-0011**

February 13, 2023

Grove Hunt  
7570 SW 74<sup>th</sup> Avenue  
Portland, OR 97223

cc: All persons who provided public comment.

On February 9, 2023, the Newberg Planning Commission approved conditional use permit CUP22-0016/DR222-0011 for a 28-unit apartment project at the southwest corner of N Springbrook Road and E Haworth Drive, tax lot R3216CB 00800, subject to the conditions listed in the attached Order. The Commission's decision will become effective on February 24, 2023, unless an appeal is filed.

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

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

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

The conditional use permit and design review is effective only when the exercise of right granted is commenced within one year of the effective date listed above. If you are approaching the expiration date, please contact the Planning Division regarding extension opportunities.

If you have any questions, please contact me at 503-554-7768 or [Ashley.smith@newbergoregon.gov](mailto:Ashley.smith@newbergoregon.gov).

Sincerely,

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

Ashley Smith  
Assistant Planner

Attachment: Order 2023-04



## **PLANNING COMMISSION ORDER 2023-04**

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**AN ORDER APPROVING CONDITIONAL USE PERMIT CUP22-0016 AND  
DESIGN REVIEW DR222-0011 FOR A 28-UNIT MULTIFAMILY BUILDING  
WITHIN THE C-2 / COMMUNITY COMMERCIAL ZONE AT YAMHILL  
COUNTY TAX LOT R3216CB 00800**

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### **RECITALS**

1. Grove Development applied for a conditional use permit with an accompanying design review, for a 28-unit multifamily building within the C-2 / Community Commercial zone, Yamhill County tax lot R3216CB 00800.
2. After proper notice, the Newberg Planning Commission held a public hearing on February 9, 2023, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the applications, as conditioned in Exhibit "C", meet the applicable Newberg Municipal Code criteria as shown in the findings in Exhibit "A" and Exhibit "B".

### **The Newberg Planning Commission orders as follows:**

1. Conditional Use Permit Application CUP22-0016 is hereby approved, subject to the conditions contained in Exhibit "C". Exhibit "C" is hereby adopted and by this reference incorporated.
2. Design Review Application DR222-0011 is hereby approved, subject to the conditions contained in Exhibit "C". Exhibit "C" is hereby adopted and by this reference incorporated.
3. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
4. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is hereby adopted and is by this reference incorporated.
5. This order shall be effective on February 24, 2023, unless appealed prior to this date.
6. This order shall expire one year after the effective date above if the applicant does not obtain building permits and start construction by that time, unless an extension is granted per Newberg Development Code 15.220.020.
7. The conditional use permit shall expire one year after the effective date above, unless an

extension is granted per Newberg Development Code 15.225.100.

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

ATTEST:

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

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

List of Exhibits:

- Exhibit "A": Conditional Use Permit Application Findings
- Exhibit "B": Design Review Application Findings
- Exhibit "C": Conditions of Approval

**Section II: Exhibit “A” to Planning Commission Order 2023-04  
Conditional Use Permit Findings – File CUP22-0016  
The Haworth Apartments – Patrick R. and Elaine A. Maveety**

*NMC 15.225.060 General conditional use permit criteria – Type III.*

- 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.*

**Finding:** The project site, tax lot R3216CB 00800, is located with the C-2 / Community Commercial zone. Per NMC 15.302.032, which describes the purpose of each zoning district, the C-2 zone should be consistent with the commercial (COM) and mixed use (MIX) designation of the Newberg Comprehensive Plan. The mixed-use zone allows for a variety of uses including high-density residential. The applicant’s narrative has conveyed that thought and consideration have been given to the overall design of this building so that it blends well with the surrounding commercial properties but also identifies itself as a residential development.

This tax lot is located approximately 30 feet south of the zone change to R-2 / Medium Density residential, and less than 600 feet south of properties zoned R-3 / High Density residential. Recently, 400 feet to the north along N Springbrook Road, a large multifamily development project has been completed. While that project was located in the R-2 zone, there are no substantial land use transitions that occur between these two developments, and therefore staff find this shows this development will be reasonably compatible with the surrounding neighborhood.

The size of the structure, as stated in the applicant’s narrative is proposed to be on average 35 feet high, with an overall square footage of 24,422, has been designed to match the size of commercial buildings located to east, south, and west, of the site. The site will also meet or surpass standard lot coverage, landscaping, and parking requirements for commercial and multifamily developments. Therefore, the size of the building, combined with appropriate required supporting site features, show the design will be harmonious to the neighborhood.

Lastly, the site location does provide appropriate access to public facilities and utilities, as addressed in Section III. As well, it’s direct and adjacent access to collector and arterial streets will be able to accommodate the influx in vehicle traffic from the increase in area residents.

This criterion is met.

- 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.***

**Finding:** This site is located in the C-2/Community Commercial zone which has a variety of shopping, retail, and restaurant locations within close proximity to this development. E Portland Road (Hwy 99 W) is located roughly 300 feet to the south of the site, which provides convenient access to infrastructure that supports working opportunities.

The proposed design of the building and site layout will provide on-site parking, outdoor common areas, raised garden beds, bocce ball (an accessible onsite recreational activity), ground level unit patios, and in unit storage facilities, all contributing to functional living.

The project has shown to meet the minimum required site design and building elements required for multifamily units. Including thoughtful landscaping, variation in building color and building elevations, as well as porch style entry ways and the preferred hip-roof style. Staff find that this meets the intent to create a development that is attractive as the nature of the use and its location warrant.

This criterion is met.

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

**Finding:** The findings outlined in Section III, show how the proposed development will meet the Type II Design Review requirements set forth in the Newberg Development Code.

## **CONCLUSION:**

**Based on the above findings, the project meets the criteria required within the Newberg Development Code, subject to completion of the attached conditions.**

**Section III: Exhibit “B” to Planning Commission Order 2023-04  
Design Review Application Findings – File DR222-0011  
The Haworth Apartments – Patrick R. and Elaine A. Maveety**

**Chapter 12.05 Street and Sidewalks**

**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.***

**Finding:** The submitted materials show existing Type B curb tight sidewalks along the project site’s N Springbrook Road and E Haworth Avenue frontages. Because the condition of the existing sidewalks is uncertain, the applicant will be responsible for replacement of any sidewalk panels along the project site’s frontages that are not in good condition or do not meet current ADA standards along the project frontages. Determination of the limits of any sidewalk replacements will be part of the permit plan review process.

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

***2. Dedicate right-of-way in accordance with the city transportation plan.***

**Finding:** N Springbrook Road and E Haworth Avenue are improved adjacent to the project site. The existing rights-of-way widths for N Springbrook Road and E Haworth Avenue are consistent with the city transportation plan along the project site’s frontages.

This criterion is not applicable.

**12.05.250 Required maintenance of planter strips.**

***A. “Planter strip” is defined as the area between the curb and sidewalk, between the sidewalk and property line, or between the edge of the street and property line that contains or is designed to contain landscaping or plant materials. Roadside ditches are generally not considered planter strips.***

***B. It shall be the duty of the owners of land adjoining any street or highway within the city to maintain planter strips adjoining their properties. Maintenance shall include, but not be limited to, removing or cutting weeds so the area is not overgrown, mowing grasses (except ornamental grasses) to a height of no more***

*than nine inches, irrigating as necessary to establish new plantings, removing dead plants, pruning trees and shrubs to keep them healthy and to keep sidewalks and streets clear from obstruction, and removing litter.*

*C. If the owner of such land adjoining any street or highway in the city shall fail to adequately maintain the planter strip, a designated city employee shall notify the adjoining property owner of the need to maintain the area. Notice may be mailed or personally delivered and shall describe the required time frame to complete the maintenance. If the owner fails to maintain the area within the time frame noted, the city may perform the required maintenance, bill the owner for the maintenance costs and assess a lien on the property for any unpaid maintenance costs.*

*D. No signs shall be placed within the planter strip, except as allowed under NMC 15.435.110.2632, 1-3-06. Code 2001 § 96.60.]*

**Findings:** Please see findings addressed under NMC 15.420.020 (B).

#### **Chapter 15.220 Site Design Review**

##### **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.*

##### *1. Type I.*

- a. Single-family dwellings;*
- b. Duplex dwellings;*
- c. Triplex dwellings;*
- d. Quadplex dwellings;*
- e. Townhouse dwellings;*
- f. Cottage cluster projects;*
- g. Institutional, commercial or industrial additions which do not exceed 1,000 square feet in gross floor area;*
- h. Multifamily additions which do not exceed 1,000 square feet in gross floor area and do not add any new units, or new construction incidental to the main use on an existing developed site which does not exceed 1,000 square feet in gross floor area and does not add any new units;*
- i. Institutional, commercial or industrial interior remodels which do not exceed 25 percent of the assessed valuation of the existing structure;*
- j. Multifamily remodels which do not exceed 25 percent of the assessed valuation of the existing structure and do not add any new units;*
- k. Signs which are not installed in conjunction with a new development or remodel;*
- l. Modifications, paving, landscaping, restriping, or regrading of an existing multifamily, institutional, commercial or industrial parking lot;*
- m. Fences and trash enclosures;*



*n. Accessory dwelling units.*

**2. Type II.**

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

*b. Telecommunications facilities.*

**Finding:** This application is for a new 28 unit-multifamily development, therefore is reviewed according to the Type II Design Review standards. The applicant has submitted narrative and plans accordingly.

This criterion is met.

**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.**

**Finding:** The proposed project is a multi-family residential building within the C-2 Community Commercial zone. The current lot is a vacant grass field. The surrounding uses to the east, south, and west are of commercial use and the surrounding buildings are scaled as expected for commercial sites. The applicant's narrative states that the proposed multi-family building has been designed to match the massing and height of the surrounding commercial buildings.

In regard to materials, colors, and landscape design the applicant's narrative and design drawings show that this building will incorporate residential details to meet the requirements of NMC 15.220.060. Some of those elements include a hip roof with eaves, lap siding, changes in color to create variation, porch style entry, asphalt shingle roof, and substantial landscaping to screen the lot from the street.

This criterion is met.

**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.**

**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.**

**Finding:** This project is located in the C-2 zone and parking is proposed on the development site. This criterion is met.

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

**Finding:** Per NMC 15.440.030 the following parking spaces must be provided for a multi-family dwelling:

<b>1 bedroom</b>	1 per dwelling unit	16 units x 1 =	16 parking spaces
<b>2 bedrooms</b>	1.5 per dwelling unit	12 units x 1.5 =	18 parking spaces
		<b>Total of 28 dwelling units</b>	<b>Total 34 required spaces for dwelling units</b>
<b>Over 10 parking spaces required</b>	15% must be labeled as unassigned	.15 x 34 required spaces =	5 unassigned spaces required
<b>Over 10 parking spaces required</b>	.2 visitor spaces per dwelling unit	.2 x 28 total dwelling units =	6 visitor spaces required
<b>34 required spaces (includes 5 unassigned spaces)</b>		+ 6 visitor spaces	<b>= Total of 40 parking spaces required for development</b>

The applicant's narrative states that 43 parking spaces will be provided. Staff had previously held one interpretation of this section. That interpretation added the required number of unassigned spaces to the overall total number of spaces required. The applicant states they interpreted the required 5 unassigned would be within the total 34 required. Staff can understand that interpretation and are willing to accept that proposal. Therefore, the required 34 (which includes the 5 unassigned spaces) plus the 6 visitor spaces, would be a total 40 spaces required. The applicant is proposing 43, surpassing this requirement. Therefore, this criterion is met, and the previous condition is retracted.

**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.**

**Finding:** NMC 15.440.070 directs the design of parking areas and services drives. The submitted site plan shows a two-way travel aisle with a 24-foot-wide service drive with 90-degree parking spaces. This design requires stall widths to be 9 feet wide and 18 feet long. Compact spaces may be 8 feet wide and 16 feet long. The proposed site plan shows all parking spaces, regular and compact, with a 16-foot length. The applicant's narrative states that the remaining two feet for the standard spaces would be acquired past the curb either in the landscaping area or pedestrian path. Per Diagram 2 in NMC 15.440.070 the measurement is taken from the wall, property line, or obstruction. Both the landscaping area and pedestrian path could create obstructions that would not allow a vehicle to pull the required additional two feet. Furthermore, per NMC 15.410.020(B)(2) describing front yard setback standards in the C-2 zone, no parking may occur in the front yard. NMC 15.410.070(E)(3) only allows parking to occur in the side yards. The proposed parking spaces along the east side of the property, would encroach into the front yard by two feet. Therefore, all regular parking spaces are not in accordance with the minimum standards as set for in NMC 15.440.070. A revised site plan showing all parking spaces meeting the requirements of NMC 15.440.070 is required with the building permit plans or a Type I Code Adjustment requesting a change to the dimensional standards to parking places per NMC Chapter 15.210 to be approved prior to the building permit.

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

Staff would like to state that one solution may be to adjust the building footprint to the southwest. No interior yard setback is required along the west property line, and the proposed site design is surpassing the landscaping requirement and the outdoor space requirement. An adjustment of the building footprint in this direction may allow the additional two feet to be gained from the 10-foot front yard setbacks along E Haworth Avenue and N Springbrook Road to create the required 18-foot-long parking spaces while maintaining the 24-foot-wide two-way drive aisle. This also may allow for the proposed street trees to be placed outside the required public utility easement per NMC 15.505.040(F).

***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.***

**Finding:** According to the submitted parking lot plan no parking spaces will require a backward movement or other maneuvering of a vehicle within a street. The proposed service drive is a two-

way service drive with a 24-foot width, which complies with the requirement when 90 degrees, 9-foot-wide parking spaces are utilized.

Please see the findings for NMC 15.440.060 for further information on service drive improvements.

This criterion is met.

***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.***

**Finding:** A private drive or private street are not proposed within this project. This criterion is not applicable.

***D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, if required, and is approved by the fire marshal, planning director, and public works director. The following submittal must be made:***

**Finding:** This project is located in the C-2 / Community Commercial zone, not within the AI airport industrial district or AR airport residential district. Therefore, this criterion is not applicable.

***15.440.030 Parking spaces required.***

Use	Minimum Parking Spaces Required
<b>Residential Types</b>	
Dwelling, multifamily and multiple single-family dwellings on a single lot	
Studio or one-bedroom unit	1 per dwelling unit
Two-bedroom unit	1.5 per dwelling unit
Three- and four-bedroom unit	2 per dwelling unit
Five- or more bedroom unit	0.75 spaces per bedroom
<ul style="list-style-type: none"> <li>• Unassigned spaces</li> </ul>	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.

Use	Minimum Parking Spaces Required
• Visitor spaces	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.

**Finding:** Please see previous findings listed under NMC15.440.010 (B) Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.

***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.***

**Finding:** The applicant’s narrative and preliminary plan sheet P4.0 state that the parking will be surfaced standard duty AC pavement. Stormwater is shown to be drained to an underground detention chamber per sheet P5.0 and not over public sidewalks or adjacent private property.

This criterion is met.

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

**Finding:** The proposed parking layout does not locate any parking places so that a vehicle would encroach on public streets, alleys, or rights-of-way. The proposed site plan on sheet P4.0 shows all parking will be on site and have a 10-foot landscape buffer between the parking space and the sidewalk at the property line. No parking is proposed to take place within the right-of-way, between a curb and sidewalk, or outside of the site’s property line.

This criterion is met.

***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.*

**Finding:** No parking will be located that would allow a vehicle to encroach on abutting private or public properties. Therefore, no bumpers will be required. Sheet P4.0 does show that a standard vertical concrete curb will outline the propose parking stall areas. Furthermore, the site plan shows parking stalls that face a property line will be screened by a 10-foot landscape buffer.

This criterion is met.

*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).*

**Finding:** Please see NMC 15.420.010(B) for specific findings.

*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.*

**Finding:** Please see findings for NMC 15.425.020.

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

**Finding:** The proposed plans show 11 compact parking spaces indicated with a letter “C”. The compact parking spaces show the appropriate dimensions of 8 feet by 16 feet. The regular parking places also show a 16-foot length, however per NMC 15.440.070 are required to be 18 feet long. A revised site plan showing all parking spaces meeting the requirements of NMC 15.440.070 is required with the building permit plans.

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

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

*1. 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.*

**Finding:** This project is not associated with a residential use stated in the section. Therefore, this criterion is not applicable.

*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.*

**Finding:** The development is required to have 45 parking places and proposed plans currently show 43. The current proposal shows 11 compact parking spaces which is 26% of 43 and under the maximum 30 percent. With a reconfiguration to create 45 parking places, they would be allowed a maximum of 13 compact spaces. A revised site plan showing all parking spaces meeting the requirements of NMC 15.440.070 is required with the building permit plans.

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

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

**Finding:** This project is not an affordable housing project, nor is it proposing tandem parking. This criterion is not applicable.

*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. [Ord. 2889 § 2 (Exh. B §§ 38 – 40), 12-6-21; Ord. 2880 § 2 (Exh. B §§ 46 – 48), 6-7-21; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2730 § 1 (Exh. A (14)), 10-18-10; Ord. 2628, 1-3-06; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.615.]*

**Finding:** Transit related facilities are not proposed in this project. This criterion is not applicable.

*15.440.080 Off-street loading.*

*A. Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.*

**Finding:** This is a multi-family building; materials and merchandise will not be received and distributed from this site. Therefore, this criterion is not applicable.

*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

**Finding:** The 28-unit multi-family development would be required to have one bicycle space for every four units, for a total of seven bicycle parking spaces. Per the applicant’s narrative and floor plans, each of the proposed units will include a storage area or patio that would meet the requirements for bicycle storage. This was discussed during the pre-application meeting and agreed upon at that time by the Community Development Director.

This criterion is met.

**15.440.140 Private walkway design.**

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

**Finding:** The applicant’s narrative states that the site has been designed to comply with the Americans with Disabilities Act requirements. During the building permit review stage these designs standards will be confirmed.

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

**Finding:** All proposed pedestrian pathways are shown to be a minimum of 5 feet wide.

This criterion is met.

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

**Finding:** Per sheet P4.0 and the provided narrative, all private walkways will be made of concrete pavement.

This criterion is met.

**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.**



**Finding:** The proposed development does show one crosswalk crossing a service drive from the main entrance of the building north to E Haworth Avenue. The narrative states this will be a six-foot-wide path made from a mix of colored Portland concrete cement or pavers which will provide a visual contrast between the service drives AC pavement.

This criterion is met.

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

**Finding:** The site plan shows a six-foot-wide path leading from the public sidewalk on E Haworth Avenue to the main building entrance.

This criterion is met.

*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. [Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.3.]*

*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 NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.*

**Finding:** This criterion is addressed in the following findings.

*15.415.020 Building height limitation.*

*B. Commercial, Industrial and Mixed Employment.*

*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.*

**Finding:** The site is located within the C-2 zone. The average height of the building will be 36.65 feet. In the C-2 zone there are no height restrictions unless the property abuts a residential zone. To the north, across E Haworth Ave, is R-2 / Medium Density Residential. The project site does not directly abut the residential zone to the north as the zone change occurs at the center

street line of E Haworth Ave. However, the submitted site plan shows the building will be located outside the 50-foot height restriction distance and therefore would meet this criterion if the residential zone abutted the property line.

This criterion is met.

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

**Finding:** A multi-family building in a commercial zone is a conditionally permitted use requiring the maximum height of the building to be stated in the conditional use permit. The applicant's narrative describes that the average height of the building will be 36.65 feet, with a maximum ridge height of 43.4 feet. The applicant is requesting a maximum allowed height of 45 feet to allow flexibility in construction. Since, the base zone does not have a maximum height limitation and the site placement of the building will not abut nor be within 50 feet of a residential district, staff find that placing a maximum height of 45 feet on the structure meets the base zone standards and is appropriate for the proposed use as multi-family building.

This criterion is met.

***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.***

**Finding:** The development site is located at the southwest corner of the intersection E Haworth Avenue and N Springbrook Road. The site has approximately 183 feet of frontage along E Haworth Avenue and 195 feet of frontage along N Springbrook Road. No private streets are proposed.

This criterion is met.

***15.405.010 Minimum and maximum lot area.***

***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.***

**Finding:** Tax lot R3216CB 00800, the development site, is an existing lot of record located in the C-2 zone. The lot size is 35,836 square feet, meeting the minimum area of 5,000 square feet. No changes to the lot area are proposed.

This criterion is met.

***15.405.030 Lot dimensions and frontage.***

**Finding:** Tax lot R3216CB 00800, the development site, is an existing lot of record. No changes are proposed to lot dimensions or frontage. This criterion is not applicable.

***15.405.040 Lot coverage and parking coverage requirements***

***B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards; however, cottage cluster projects shall be exempt from the standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.***

***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.***

**Finding:** The subject property is located in the C-2 / Community Commercial zone which is not listed in subsection B. Therefore, per subsection C, lot coverage and parking coverage requirements are not applicable to this project.

***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.***

**Finding:** The project site is a corner lot with frontage along E Haworth Avenue and N Springbrook Road. A front yard is a yard extending between lot lines which intersect a street line. Therefore, front yard setbacks are required along both street frontages. Per the submitted preliminary plan set, sheet P4.0 site plan, a 10-foot setback is being met along all of the frontage of E Haworth Avenue and N Springbrook Road. No parking is allowed in said yard, please refer

to findings in previous section NMC15.440.020(A) regarding parking space standards not being met. This section also states the yard shall be landscaped and maintained, please refer to findings in Chapter 15.420 Landscaping and Outdoor Areas.

This criterion is met.

**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.***

**Finding:** Tax lot R3216CB 00800, the development site, is located in the C-2 zone with interior yards along the west and south property lines. Those property lines abut C-2 zoned property; therefore, no interior yard distances are required to be maintained.

This criterion is met.

**15.410.060 Vision clearance setback.**

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

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

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

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

**Finding:** The site is located at the intersection of two streets, E Haworth Avenue and N Springbrook Road. A 50-foot vision clearance triangle is notated on sheet L1.0, Street Tree and Opens Space Planting plan, showing a proposed street tree located within the triangle. The street tree proposed within the 50-foot vision clearance triangle at the intersection of E Haworth Avenue and N Springbrook Road, shall be removed from final site plans submitted with public improvement permits and building permits. The sites access will be from E Haworth Avenue. Per the submitted preliminary site plan, sheet P4.0, a 25-foot vision clearance triangle is provided on either side of the service drive access. The site plan shows that no visual obstructions will be placed within the triangles. If the aforementioned condition is adhered to this criterion will be met.

**15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.**

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

**A. Depressed Areas.** *In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.*

**B. Accessory Buildings.** *In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.*

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

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

**Finding:** The proposed plans do not show any depressed areas, new accessory buildings or projecting building features within the required yard setbacks. Therefore, no exceptions or permitted intrusions are proposed and the criteria of this section are not applicable.

**D. Fences and Walls.**

**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.*

**Finding:** Sheet L1.0, the Street Tree and Open Space Planting Plan, shows that a four-foot vinyl fence will be located on the north and east property lines. The fence will begin along the north property line, just outside of the required 25-foot vision clearance triangle on the eastside of the service drive entrance on E Haworth Avenue. Continuing along the north property line, the plan shows the four-foot fence will follow the perimeter of the 50-foot vision clearance triangle to the east property line along N Springbrook Road and will not encroach into the vision clearance triangle. A new six-foot cedar fence will be installed along the south property line which is an interior property line with no required yard setback. An existing hedge and fence on the abutting property to the west will remain. This development is not proposing any fencing along the west property line.

These criteria are met.

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

**Finding:** The development is not proposing the use of a chain-link fence. This criterion is not applicable.

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

**Finding:** Please see findings of subsection 2 of this section. This criterion is met.

*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.*

**Finding:** See response to NMC 15.440.020.

*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).*

**Finding:** The proposed development, located within the C-2 / Community Commercial zone. This code section references NMC 15.410.030 which addresses interior yards. An interior yard would be required if this site bordered a residential zone, and this provision would have allowed parking in that area. This development is not located next to a residential zone and is not proposing parking within what would be an interior yard. Therefore, this section is not applicable.

***F. Public Telephone Booths and Public Transit Shelters. Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.***

**Finding:** This criterion is not applicable because the applicant is not proposing any public telephone booths or public transit shelters. The standard is not applicable.

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

***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.***

**Finding:** The submitted floor plans, Sheet 2, the first-floor plans show the outdoor areas ranging in size from 136 square feet to 170 square feet, surpassing the 48 square feet. The plans do not show how the areas will be screened. Elevation plans submitted for review during the building permit stage shall show how the ground-level units' outdoor private spaces will provide privacy according to NMC 15.420.010(A)(1). If the aforementioned condition is adhered to this criterion will be 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.***

**Finding:** The proposed multi-family development is a 28-unit building comprised of one- or two-bedroom units. Therefore, there would be 200 square feet per the 28 units, for a total of 5,600 square feet of outdoor recreation space. Sheet L1.0 shows the design of the site will provide 6,497 square feet of usable outdoor recreation space as outlined below.

4 x 135 sq ft patio area	540 square feet
4 x 176 sq ft patio area	704 square feet
Shared outdoor space	5,253 square feet
<b>Total Outdoor Space</b>	<b>6597 square feet</b>

This criterion is met.

*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.*

**Finding:** The provided floor plans show that each unit will have a storage unit.

This criterion is met.

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

*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.*

**Finding:** The subject site, tax lot R3216CB 00800, is 35,836 square feet per Yamhill County assessor data. Therefore, a 15% landscaping requirement would be 5,375 square feet. The applicant narrative states that 12,471 square feet of landscaped area will be provided, which is a total of 34%, surpassing the minimum requirement. Per the provided landscape plans the 12,471 square feet is being met through the following components:



Parking lot and additional site landscaping	5,974 square feet
Outdoor space provided (common and individual)	6,497 square feet
Total Landscaped Square Footage	12,471 square feet – 34% of total site
Total Site Square Footage	35,836 square feet

This criterion is met.

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

**Finding:** The applicant’s narrative and submitted landscape plan, Sheet L1.0, show that all areas not being utilized for direct parking, service drive aisle, pedestrian access ways, or the building itself, will be landscaped.

This criterion is met.

***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.***

**Finding:** The site is required to have 45 parking places. Therefore, a total of 1,125 square feet of defined landscape area shall be incorporated with the parking area. The proposed site plan is deficient by two parking places, (see NMC 15.440.010(B) for finding), however, the proposed landscaping surpasses the 1,125 square feet required, by providing 5,974 square feet of landscaping defined within or surrounding the parking area. This total is separate from the required outdoor space for individual and common areas, which provides an additional 6,497 square feet.

This criterion is met.

- 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.***

**Finding:** The north and east property lines that are adjacent to E Haworth Avenue and N Springbrook Road require a 10-foot front yard setback and will provide parking just outside that

area. As shown on the landscape plan Sheet L1.0, both of these parking areas will be separated from the lot line adjacent to the street by a 10-foot-wide landscaped strip. The site design shows a five-foot-interior-wide landscape strip separating the service drive from the interior west lot line. No parking or driving will occur within 10 feet of the south property line.

This criterion is 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.*

**Finding:** Per Sheet L1.0, landscaping plans show that along E Haworth Avenue and N Springbrook Road, a combination of street trees, shrubs, and ground cover will be planted in the landscape strip separating the parking area and drive aisle from the street. The trees noted are Black Gum (*Nyssa sylvatica*) and an Ash species. While Ash species are on the current street tree list, staff would encourage the developer to plant an alternative species from the list due the presence of the invasive Emerald Ash borer. The Oregon Department of Forestry is requesting Ash trees not be planted to help limit the spread of the invasive borer.

This criterion is met.

*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).*

**Finding:** Landscaping plans, sheet L1.0, show that within the landscape strip bordering the west side of drive aisle, a combination of two shrubs is present. The remainder of the aisle contains only one shrub, notated as Blue Pacific Shore Juniper. An updated landscape plan showing at least two different plant material groups planted within the west property line landscape strip separating the interior lot line from the parking area and drive aisle shall be submitted for review and approval during the building permit stage.

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

*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.*

**Finding:** Defined landscaped areas have been provided per sheet L1.0. The landscaped areas completely border the parking area and are contained with a curb edge. Landscaped parking islands are also uniformly distributed throughout and meet NMC 15.420.010(B)(3)(h) requirements.

This criterion is met.

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

**Finding:** Per sheet L1.0, the landscaping areas in the parking lot and service drive show an interior width of not less than five feet.

This criterion is met.

*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.*

**Finding:** Tax lot R3216CB 00800 is located within the C-2 / Community Commercial zone and does not abut a residential district, only additional C-2 zone properties. Therefore, the screening 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).*

**Finding:** The submitted preliminary plans, Sheet P4.0, show that a maximum of six parking stalls will be grouped together without a landscape island separation. Landscaping plans show that in each of these landscape islands a deciduous tree will be planted, a total of eight, Autumn Gold Ginkgo and one, Shademaster Honeylocust. Please note the conditions of NMC 15.505.040(F) regarding trees placements within easements.

This criterion is 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.***

**Finding:** Per NMC 15.505.040 (F) a 10-foot-wide public utility easement is being required along N Springbrook Road, and as stated in the conditions no large trees are to be placed within that easement. If the placement of the trees were to be moved to the west and just outside the easement the following findings will apply. The canopy of the tree can be within the easement.

N Springbrook Road is identified as a minor arterial road, which would be require spacing to be approximately 50 feet on center. Submitted landscape plans, Sheet L1.0, show that street trees will be provided within the landscape strip that borders N Springbrook Road at a spacing of approximately 35 feet on center, surpassing the stated standard. The landscaping planting legend states the trees will be two-inch caliper and be an Ash species. The Landscape Plan notes the City of Newberg root barrier detail. The trees noted to be planted along N Springbrook Road are an Ash species. While Ash species are on the current street tree list, staff would encourage the developer to plant an alternative species from the list due the presence of the invasive Emerald Ash borer. The Oregon Department of Forestry is requesting Ash trees not be planted to help limit the spread of the invasive borer.

A streetlamp along N Springbrook Road was identified on the landscaping plan to be within approximately 15 to 20 feet of two of the proposed street trees. Street trees should be planted at least 25 feet from a streetlamp. Please note findings and conditions of NMC 15.505.040(F) for requirements of trees located in easements.

The Site Design Elements Plan, Sheet S, shows a proposed street tree at the corner of the intersection of E Haworth Avenue and N Springbrook Road, which places the tree within the 50-foot vision clearance triangle. A street tree shall not be placed within the vision clearance triangle.

An updated landscape plan showing a clear vision clearance triangle per NMC 15.410.060(A) and all street trees planted at distance of 25 feet from any streetlamp shall be submitted for review and approval during the building permit stage.

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

***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.***

**Finding:** E Haworth Avenue is identified as a major collector street. The street trees proposed on the landscaping plan, Sheet L1.0, show the trees will be spaced approximately 40 feet on center, and will have a two-inch caliper. The Landscape plan notes the City of Newberg root barrier detail.

This criterion is met.

***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.***

**Finding:** Accent trees have been proposed and are listed as a Coral Bark Maple and a Vine Maple, both are multi-trunk species, as well as a Columnar Ginkgo Trees that have a two-inch caliper.

This criterion is met.

***d. All broad-leaved 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.*

**Finding:** Landscape plans, Sheet L1.0, show that the majority of all shrubs being planted will come from a two-gallon can, with one significant planting amount coming from 5-gallon cans. A final landscaping plan shall be provided with the building permit application so an accurate planning final site approval can occur prior to certificate of occupancy.

*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>

**Finding:** Landscape plans submitted show that the ground cover proposed, Blue Pacific Shore Juniper, will be from a one-gallon container and planted at 18 inches on center. This surpasses the requirements of this section.

This criterion is met.

*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 nonirrigated areas. Landscaping material used within nonirrigated 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.*

**Finding:** As stated in the narrative and on Sheet L1.0, landscaped areas will be provided with an automatic underground irrigation system.

This criterion is met.

*6. Required landscaping shall be continuously maintained.*

**Finding:** The narrative states the landscaping will be maintained by the applicant and/or building management.

This criterion is met.

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

**Finding:** Overhead lines are existing along N Springbrook Road; therefore the applicant has considered trees that will be lower in height.

This criterion is met.

***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.***

**Finding:** The development does not have an approved site development master plan. The landscaping requirements of subsection (B)(3) of this section have been applied to this project.

This criterion is met.

***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.***

**Finding:** This project is in the C-2 / Community Commercial zone, not in the M-4 zone. This criterion is 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.***

**Finding:** All landscaping must be completed prior to final occupancy. If landscaping cannot be completed, options listed in NMC15.420.010(C) may be applied.

***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.***

**Finding:** The proposed development is a multifamily residential project and therefore the following code sections may be applied by the review body.

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

**Finding:** Street trees have been proposed. Please see findings for NMC 15.420.010(B)(4) for details.

***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.***



**Finding:** Per the submitted narrative and provided landscape plan, it is stated that the plants chosen will provide seasonal interest along the pedestrian space of E Haworth Avenue and N Springbrook Road. Both roads do not provide on-street parking in those areas. One primary planting that is proposed is the Cassa Blue Flax Lily. This is a drought tolerant plant that will grow between one and three feet. The other primary plants will be Brakelights Red Yucca and the Golden Sword Yucca. The plant height of the yuccas are two feet. The Golden Sword Yucca will have flower spears that can reach six feet in height. The landscape plan shows the Golden Sword Yucca will not be planted within the vision clearance triangles.

This criterion is met.

***3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge***

**Finding:** Pedestrian-scale lighting within the public right-of-way was not proposed with this project. This criterion is not applicable.

***4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.***

**Finding:** Street furniture within the public right-of-way was not proposed with this project. This criterion is not applicable.

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

**Finding:** Per the submitted site plans, the only curb cut occurring within the public right-of-way will be in conjunction with the access driveway on E Haworth Avenue. The narrative states this will comply with ADA requirements. Confirmation that this criterion is met will be evaluated during the public improvement and / or the building permit stage.

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

***1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts).***

*District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.*

**Finding:** The applicants narrative states that planter strips are not located on the property. However, per the definition of planter strips in NMC 12.02.050, planter strips are present between the sidewalk and the adjacent property line. Also, per NMC 12.02.050 it is the responsibility of the adjacent property owner to maintain those areas.

Per the provided landscaping plan, Sheet L1.0, there is approximately three and one-half feet of right-of-way between the east property line and N Springbrook Road, and approximately four and one-half feet of right-of-way between the north property line and E Haworth Avenue. Per NMC 12.02.050 these would be defined as planter strips. These planter strip areas do not have adjacent on-street parking and therefore shall have a combination of ground cover, shrubs and trees. The provided landscape plans do show that area will be landscaped with these requirements, and detailed findings were identified in NMC 15.420.020(A)(2) and in 15.420.010(B)(4).

This criterion is met.

**2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4).**

***a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.***

**Finding:** The provided landscape plan does show these are planting strips without adjacent on-street parking. A combination of shrubs in the right-of-way, and street trees planted just to the interior property line along both N Springbrook Road and E Haworth Avenue are present. Detailed findings were identified in NMC 15.420.020(A)(2) and in 15.420.010(B)(4).

This criterion is met.

**3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one-half feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.**

***a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.***

***b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with***

*adjacent occasional parking (refer to plant material matrix below).*

*c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.*

**Finding:** Please see findings for pedestrian spaces, NMC 15.420.020(A)(2), that also meet the requirements of this section.

This criterion is met.

*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.*

**Finding:** The provided narrative states that all landscaping on-site will be maintained by the applicant and / or building management. The narrative also states that any Newberg Municipal Code requirement for landscaping within the right-of-way required to be maintained by the property owner will be adhered to. Per NMC 12.05.250 property owners are required to maintain landscaping in planter strip and per NMC 12.05.260 are required to maintain street trees consistent with the approved street tree plan.

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

*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.*

**Finding:** Tax Lot: R3216CB 00800 is located in the C-2 / Community Commercial zone, not the AI airport industrial district or AR airport residential district. Therefore, this criterion is not applicable.

### Plant Material Matrix – Newberg Transportation Planning Rule Implementation

	Median		Pedestrian Space	Planting Strip		
	Central Business District/Urban Application	Low Density Application		Frequent On-Street Parking	Infrequent On-Street Parking	Without On-Street Parking
Plant Material	Trees, shrubs and ground cover		Trees, shrubs and ground cover (where applicable)	Trees in tree wells with grates	Trees and ground cover	Trees, shrubs and ground cover
Tree and Shrub Arrangement	Single row of trees planted in	Single row of trees planted in	Refer to median or planting strip	Single row of trees planted in linear	Refer to tree specifications for	Refer to tree specifications for

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

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

**15.435.030 Permit required.**

**A. Except as follows, no person or entity shall place any sign within the city without first obtaining a permit from the director.**

**Finding:** A sign is being proposed with this project as shown on the submitted building elevation Sheet 1. A sign permit shall be applied for, reviewed, and approved prior to placement of such sign.

***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.***

**Finding:** A manufactured dwelling or mobile home are not being proposed with this project. This criterion is not applicable.

***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.***

**Finding:** The site, tax lot R3216CB 00800 is in the C-2 / Community Commercial zone and the proposed use is a multi-family residential building. Per the Newberg Zoning Use Table NMC 15.305.020, a multi-family dwelling requires a conditional use permit with the permitted density to be stated on the conditional use permit. The applicant, in conjunction with this Type II Design Review Application, has submitted a Type III Conditional Use Permit application (CUP22-0016). A Type III application requires a quasi-judicial hearing to be heard and decided by the Planning Commission. The Planning Commission decision is based on whether the applicant has shown that the proposed development has or will meet the conditional use criteria. Findings for CUP22-0016 were previously identified within this staff report under Section II.

***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.***

***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. [Ord. 2451, 12-2-96. Code 2001 § 151.450.]*

**Finding:** This property is located within the Airport Overlay subdistrict within the C-2 / Community Zone. However, the site is located just within the Airport Inner Horizontal Surface, and not within the airport approach safety zone. Therefore, the specific procedures and limitations outlined within NMC 15.340 will not apply as those are directed towards developments in the airport approach safety zone.

This criterion is not applicable.

***9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements***

**Finding:** Findings are addressed in following sections.

***15.220.030 Site design review requirements***

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

***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.***

**Finding:** The submitted preliminary plans show both parking areas and a trash enclosure area, both with required screening requirements.

This criterion is met.

***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.***

***15.425 Exterior Lighting***

***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.*

**Finding:** Lighting information was provided with the application that includes location, make, model, lamp type, wattage, height and proposed cutoff angle.

This criterion is met.

*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.*

**Finding:** The area will be used after dark, and the provided lighting plan shows that on-site lights will be equally placed along all common areas in the parking lot and along the building elevations.

This criterion is met.

#### **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.*

*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 noted on the front 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.*

*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.*

**Finding:** The lighting plan does show trespass occurring along the south interior property from a 20-foot high-level light fixture. It also shows trespass occurring along the west interior property line from an 8-foot medium-level light fixture and a 20-foot high-level light fixture. Trespass is occurring along the north and east, however the trespass is occurring on to the adjacent public sidewalks and staff find this is not in violation of the code. The applicant will need to provide a photometric plan showing that exterior lighting will not exceed one-half-foot candle along the west and south interior property lines. This is to be submitted with building permit plans and approved prior to building permit issuance. If the aforementioned condition is adhered to, these criteria will be met.

**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.*

**Finding:** The proposed site plan and elevations show a trash enclosure located in the northwest parking lot area. Submitted narrative and building design elements Sheet 1, state that the trash and refuse storage area will be screened with CMU (concrete masonry units). The drawings also show that a roof is provided. Per Newberg Municipal Code, trash and refuse storage areas are not required to be covered. The applicant shall coordinate with Waste Management to determine if the design and location of the trash and refuse storage area is appropriate for their vehicles. Approved communication shall be submitted with building permit applications. If the aforementioned condition is adhered to, this condition is met.

**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 too, roadway and utility improvements.*

**Findings** The submitted materials show installation of a driveway approach to serve the site along with water and wastewater service laterals to serve the proposed development.

This criterion is met.

**14. Traffic Study.** *A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage*



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

**Finding:** The applicant submitted a traffic study dated October 31, 2022, with the land use application. Based on the analysis, the 28 units will generate an estimated 12 trips in the AM Peak hour (7am-9am) and 15 trips in the PM Peak hour (4pm-6pm). Four study area locations were evaluated to determine the impact to the adjacent transportation system. The traffic study identified that the N Springbrook Road/ E Haworth Avenue intersection is functioning below the City’s level of service standard and that trips from the proposed development continue to degrade the performance of the existing stop-controlled intersection. The traffic study identifies that signalizing the N Springbrook Road/E Haworth Avenue intersection will bring the intersection performance within the City’s performance standards. The applicant has submitted a traffic study that meets the City’s requirements.

This criterion is met.

**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).*

**Findings:** The applicants narrative shared the following table to show that the site and building design have incorporated at least 20 design points required for a multifamily project. The following findings will address these elements.

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			
<b>Total</b>	<b>10 Points</b>		<b>10 Points</b>	<b>20 Points</b>

***A. Site Design Elements.***

**Findings:** The following findings for this section, Site Design Elements, are identified on the provided Site Design Elements Plan, the Street Tree and Open Space Planting Plan, Sheet L1.0, and the Elevations and Building Design Elements, Sheet 1.

***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).***

**Findings:** Located along the south property is an approximate 5,253 square foot common outdoor space which is 14% of site. This area will include raised garden beds, walking area, and bocce court.

Three points is earned.

***2. Preserve existing natural features, including topography, water features, and/or native vegetation (three points).***

**Findings:** The applicant did not contest to this element criterion.

***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).***

**Findings:** The applicant did not contest to this element criterion.

***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).***

**Findings:** The applicant did not contest to this element criterion.

***5. Create “outdoor” rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).***

**Findings:** The applicant did not contest to this element criterion.

***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).***

**Findings:** The applicant did not contest to this element criteria.

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

**Findings:** Per the provided narrative and planting plan, the landscaping provided at the edges of the parking area has been chosen to minimize visual impacts of the street and surrounding properties. Along the north and east property line, between the on-site parking area and the adjacent street, Schipka Cherry Laurel (*Prunus laurocerasus*) will be densely planted. Schipka Cherry Laurel are typically grown and manicured to be a hedge. An individual plant can grow 10 feet tall and equally as wide.

Two points earned.

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

**Findings:** The planting plan shows the use of street trees along both property frontages of E Haworth Avenue and N Springbrook Road. Proposed street trees are Black Gum and Golden Desert Ash. Schipka Cherry Laurel will also be planted along the property line to create a vegetative screen. Additional plants are proposed within the property frontage providing varying height and texture, from ground covers to small shrubs.

One point earned.

***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).***

**Findings:** The applicants narrative supports the planting plan, stating that the outdoor common area will include a patio area, appropriate landscaping, raised garden beds, and bocce ball court. In addition to the planting plan, the narrative states bench seating will also be provided.

One point earned.

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

**Findings:** A four-foot high, black vinyl split rail fence is proposed along the north and east property lines. This height meets our residential fence heights for front yards. The split rail fence has been historically approved by the Community Development Director as a neighborly fence design choice. The placement will be approximately 5 and one half feet from the sidewalk along E Haworth Avenue and approximately 4 and one half feet from the sidewalk along N Springbrook Road.

One point earned.

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

**Findings:** The main entrance for this building will face E Haworth Avenue. As shown on the planting plan the pedestrian path from the sidewalk on E Haworth will be a five-foot concrete path through the required frontage landscaping. This path will lead to a six-foot constructed of contrasting colored concrete or pavers that will cross the main drive aisle to reach the main entrance. The main entrance to building will have a covered patio area with added design and landscaping details.

One point earned.

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

**Findings:** The provided lighting plan does show appropriate spacing to enhance nighttime safety and security of pedestrians. However, it also shows that light trespass is occurring along the south and west interior property lines on to adjacent private property. The applicant will need to provide a photometric plan showing that exterior lighting will not exceed one-half-foot candle along the west and south interior property lines. This is to be submitted with building permit plans and approved prior to building permit issuance. If the aforementioned condition is adhered to, the one point will be earned.

***B. Building Design Elements.***

**Findings:** The following findings for this section, Building Design Elements, are identified on the provided Elevations and Building Design Elements Plan, sheet 1.

***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).***

**Findings:** The applicant did not contest to this element criterion.

***2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).***

**Findings:** The applicant did not contest to this element criterion.

***3. Break up large buildings into bays by varying planes at least every 50 feet (three points).***

**Findings:** The provided plans show that the building design has incorporated bay elements on all elevation sides. The longest plan identified was approximately 35 feet. All other plans vary in shorter lengths.

One point earned.

***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).***

**Findings:** The narrative provided supports the elevations plans that detail the variation in color and size for the cement lap board siding. Additional design variation stated in narrative include variation in door locations to the ground floor patios.

Three points earned.

***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).***

**Findings:** The applicant did not contest to this element criterion.

**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).**

**Findings:** The applicant did not contest to this element criterion.

**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).**

**Findings:** The applicant did not contest to this element criterion.

**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).**

**Findings:** Provided plans show that a front porch cover will be provided on the main entry way that faces E Haworth Avenue. The narrative describes that this entry way will have uniquely designed paved pedestrian area to enhance the entry area, along with landscaping planting wells. A second covered porch entry is provided over the rear entrance area that connects to the outdoor common area.

Two points earned.

**9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points). [Ord. 2889 § 2 (Exh. B § 7), 12-6-21; Ord. 2763 § 1 (Exh. A § 8), 9-16-13; Ord. 2505, 2-1-99. Code 2001 § 151.195.]**

**Findings:** Building elevation plans show that the preferable hip roof is being proposed and will have a 4:12.

Two points earned.

### **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.**

**Finding:** The submitted materials indicate that all new utility lines to the building will be installed underground.

This criterion is met.

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

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

- 1. The cost of undergrounding the utility is extraordinarily expensive.*
- 2. There are physical factors that make undergrounding extraordinarily difficult.*
- 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed. [Ord. 2537, 11-6-00. Code 2001 § 151.589.]*

**Finding:** The submitted plans show that there are existing overhead utilities along the N Springbrook Road frontage. The submitted narrative indicates that surrounding properties on the same side of the street are generally developed and that existing overhead utilities along these properties are unlikely to be placed underground.

However, utilities south of the project site on the same side of the street between the project site and E Portland Road (Highway 99W) are underground. These underground utilities continue from approximately 50-feet north of the southern boundary of the project site to approximately 200-feet south of the N Springbrook Road at E Portland Road (Highway 99W) intersection.

There are not any overhead utilities along either side of E Haworth Avenue in the area of the project site. It is anticipated that future improvements for a traffic signal at the intersection of N Springbrook Road and E Haworth Avenue will require that the existing overhead utilities be undergrounded or relocated.

Because it is not clear that one or more of the exception criteria to the requirement to underground utilities is met, the applicant is required to provide documentation clearly demonstrating that one or more of the exception criteria to the requirement to underground utilities is met or to underground the existing overhead utilities along the project site's frontage in accordance with NMC Section 15.430.010 or to pay a fee in lieu for future undergrounding of these overhead utilities. If the fee in lieu is chosen by the applicant, the amount of the fee in lieu is to be determined as part of the permit plan review and approval process.

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

### ***Chapter 15.505 Public Improvement Standards***

**15.505.010 Purpose.**

*This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]*

**15.505.020 Applicability.**

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

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

**Finding:** All improvements reviewed under this application are identified in the NMC 15.505 section specific to them and are conditioned to comply with the Public Works Design and Construction Standards in those sections.

This criterion is met.

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

**Finding:** N Springbrook Road and E Haworth Avenue adjacent to the proposed development are already improved.

This criterion is met.

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

**Finding:** The plans show a proposed water service connection to the water line in E Haworth Avenue. Fire flow test results are to be submitted with permit applications to be reviewed by the Fire Marshall for approval.

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

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



**Finding:** The plans show a proposed wastewater service connection to the wastewater line in N Springbrook Road

This criterion is met.

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

**Finding:** The proposed development will create a net increase of more than 500 square feet of onsite impervious area. The applicant has submitted a preliminary stormwater report. Private stormwater management facilities are shown on the plans with their outlet routed to a proposed connection to the stormwater line along the norther portion of the site.

This criterion is met.

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

**Finding:** The submitted materials describe and show existing easements on the project site. No new easements are proposed. To address undergrounding of overhead utilities and an existing underground power line in the northeast corner of the site that does not appear to be located within an existing easements or public right-of-way, the applicant is required to provide a 10-foot-wide public utility easement along the N Springbrook Road frontage of the project site. The public utility easement documentation is to be provided as part of the permit plan review and approval process.

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

***G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]***

**Finding:** Any required public improvement permit(s) for this project must be submitted, approved, fees paid, and issued prior to building permits being issued.

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

***15.505.030 Street standards.***

***A. Purpose. The purpose of this section is to:***

***1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.***

*2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.*

*3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.*

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

*1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.*

*2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.*

*3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.*

*4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.*

*5. Developments outside the city that tie into or take access from city streets.*

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

***D. Construction of New Streets. Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:***

*1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and*

**2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.**

**Finding:** N Springbrook Road and E Haworth Avenue are improved adjacent to the project site. The applicant is not proposing construction of new streets, and none are required.

This criterion is not applicable.

***E. Improvements to Existing Streets.***

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

**Finding:** N Springbrook Road and E Haworth Avenue are improved adjacent to the project site. The existing rights-of-way widths for N Springbrook Road and E Haworth Avenue along the project site's frontages are consistent with subsection (G) of this section.

This criterion is met.

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

**Finding:** N Springbrook Road and E Haworth Avenue are improved adjacent to the project site. The existing rights-of-way and pavement widths for N Springbrook Road and E Haworth Avenue along the project site's frontages are consistent with subsection (G) of this section.

This criterion is met.

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

**Finding:** N Springbrook Road and E Haworth Avenue are improved adjacent to the project site. The existing rights-of-way and pavement widths for N Springbrook Road and E Haworth Avenue along the project site's frontages are consistent with subsection (G) of this section.

This criterion is not applicable.

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

**Finding:** The applicant submitted a traffic study dated October 31, 2022. The traffic study identified that the N Springbrook Road/E Haworth Avenue intersection is functioning below the City's level of service standard and that trips from the proposed development continue to degrade the performance of the existing stop-controlled intersection.

Project I09 in the City's 2016 Transportation System Plan (TSP) calls for installing a traffic signal and left turn lanes on E Haworth, at the N Springbrook Road/E Haworth Avenue intersection with an estimated cost of \$400,000 (2016 dollars). The traffic study notes that 10 AM trips out of a total 1283 AM trips and 13 PM trips out of a total of 1550 PM trips are being added to the Springbrook Road/Haworth Avenue intersection as a direct result of the development. A Traffic Impact Fee was developed to capture the proportional impact of the development on public facilities and services.

Because the applicant's development is adversely impacting the N Springbrook Road/E Haworth Avenue intersection, the applicant will be required to pay a Traffic Impact Fee for the Springbrook Road/Haworth Avenue intersection which is being assessed based on the proportional impact of the development on public facilities and services. The following formula was used to develop a Traffic Impact Fee to capture the proportional impact of the development based on the most significant AM or PM proportional volume contribution:

(13 PM trips directly proportional to the development)/(1550 PM peak hour total trips through the intersection)\*(\$400,000 for the TSP cost of an intersection upgrade) = \$3,355 Traffic Impact Fee.

The Traffic Impact Fee of \$3,355 is to be paid at the time of, or prior to, building permit issuance.

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

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

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

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

<i>Type of Street</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes</i>	<i>Median Type</i>	<i>Striped Bike Lane (Both Sides)</i>	<i>On-Street Parking</i>
<b>Arterial Streets</b>						
<i>Expressway**</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>
<i>Major arterial</i>	<i>95 – 100 feet</i>	<i>74 feet</i>	<i>4 lanes</i>	<i>TWLTL or median*</i>	<i>Yes</i>	<i>No*</i>
<i>Minor arterial</i>	<i>69 – 80 feet</i>	<i>48 feet</i>	<i>2 lanes</i>	<i>TWLTL or median*</i>	<i>Yes</i>	<i>No*</i>
<b>Collectors</b>						
<i>Major</i>	<i>57 – 80 feet</i>	<i>36 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>Yes</i>	<i>No*</i>
<i>Minor</i>	<i>61 – 65 feet</i>	<i>40 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>Yes*</i>	<i>Yes*</i>
<b>Local Streets</b>						
<i>Local residential</i>	<i>54 – 60 feet</i>	<i>32 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking both sides</i>	<i>44 – 50 feet</i>	<i>28 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking one side</i>	<i>40 – 46 feet</i>	<i>26 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>One side</i>
<i>Local commercial/ industrial</i>	<i>55 – 65 feet</i>	<i>34 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>No*</i>	<i>Yes*</i>

<i>Type of Street</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes</i>	<i>Median Type</i>	<i>Striped Bike Lane (Both Sides)</i>	<i>On-Street Parking</i>
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\* *May be modified with approval of the director. Modification will change overall curb-to-curb and right-of-way width. Where a center turn lane is not required, a landscaped median shall be provided instead, with turning pockets as necessary to preserve roadway functions.*

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

**Finding:** N Springbrook Road and E Haworth Avenue are improved adjacent to the project site. The existing rights-of-way and pavement widths for N Springbrook Road and E Haworth Avenue along the project site’s frontages are consistent with subsection (G) of this section.

This criterion is not applicable.

**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.**

**Finding:** No new collector or arterial streets are proposed, and none are required.

This criterion is not applicable.

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

**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.**

**Finding:** E Haworth Avenue is classified as a Major Collector. Bike facilities are currently indicated along E Haworth Avenue with shared-lane markings, or “sharrows”. N Springbrook Road is classified as a Minor Arterial. Bike facilities are currently indicated along N Springbrook Road with a striped bike lane along the project site’s frontage.

This criterion 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.*

*a. Exception.*

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

**Finding:** E Haworth Avenue is classified as a Major Collector and N Springbrook Road is classified as a Minor Arterial. On-street parking does not currently exist along either frontage of the project site and is not required.

This criterion is not applicable.

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

**Finding:** Center turn lanes currently exist on the E Haworth Avenue and N Springbrook Road frontages of the project site.

This criterion is met.

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

*a. The requirements of the fire chief shall be followed.*

*b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.*

*c. Use for through streets or looped streets is preferred over cul-de-sac streets.*

*d. Use for short blocks (under 400 feet) is preferred over longer blocks.*

*e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.*

*f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.*

**Finding:** No new limited residential streets are proposed, and none are required for this development.

This criterion is not applicable.

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

*a. Exception.*

*i. Twelve-foot-wide sidewalks, inclusive of the curb, with tree wells along S River Street from the bypass to E Fourteenth Street.*

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

**Finding:** The submitted materials show existing Type B curb tight sidewalks along the project site's N Springbrook Road and E Haworth Avenue frontages.

This criterion is met.

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

*a. Additional reinforcement is done to the sidewalk section at corners.*

*b. Sidewalk width is six feet.*

**Finding:** The submitted materials show existing Type B curb tight sidewalks along the project site's N Springbrook Road and E Haworth Avenue frontages. These existing curb tight sidewalks extend into the surrounding area. The applicant has proposed providing street trees along both frontages of the project site. Due to the existence of curb, gutter, sidewalk and pavement street improvements along the project site's N Springbrook Road and E Haworth Avenue frontages, the applicant is not required to update the cross-sectional elements to meet NMC 15.505.030(G).

This criterion is not applicable.

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

**Finding:** The submitted materials show an existing slope and drainage easement in the northeast corner of the project site. An existing easement for slopes, water, gas, electric and communication services lines, fixtures and facilities to ODOT for is show in the southeast portion of the site. No other slope easements have been proposed or found to be needed.

This criterion is met.

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

**Finding:** The applicant is not proposing street improvements, and none are required. The applicant is required pay a Traffic Impact Fee as participation in funding future improvements to



the N Springbrook Road at E Haworth Avenue intersection that include a traffic signal as identified as Project I09 in the current Transportation System Plan (TSP).

This criterion is not applicable.

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

**Finding:** The applicant is not proposing modifications to street standards for the purpose of ingress or egress.

This criterion is not applicable.

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

*1. The modification is necessary to provide design flexibility in instances where:*

*a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or*

*b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or*

*c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or*

*d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.*

*2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.*

**Finding:** The applicant has not proposed modifications to these street standards.

This criterion is not applicable.

*I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled*

*temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.*

**Finding:** The applicant is not proposing a temporary turnaround, and none are required.

This criterion is not applicable.

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

**Finding:** The applicant is not proposing new streets, and none are required.

This criterion is not applicable.

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

**Finding:** There are no possible future street extensions as part of this project.

This criterion is not applicable.

**L. Cul-de-Sacs.**

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

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

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

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

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

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

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

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

**Finding:** The applicant is not proposing a cul-de-sac, and none are required.

This criterion is not applicable.

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

**Finding:** The applicant is not naming streets.

This criterion is not applicable.

*N. Platting Standards for Alleys.*

*1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.*

*2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.*

*3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.*

*4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.*

*5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word “street” or “streets” therein appeared as the word “alley” or “alleys” respectively.*

**Finding:** The applicant is not proposing alleys, and none are required.

This criterion is not applicable.

*O. Platting Standards for Blocks.*

*1. Purpose. Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than*

*unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.*

*2. Maximum Block Length and Perimeter. The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.*

<i>Zone(s)</i>	<i>Maximum Block Length</i>	<i>Maximum Block Perimeter</i>
<i>R-1</i>	<i>800 feet</i>	<i>2,000 feet</i>
<i>R-2, R-3, RP, I</i>	<i>1,200 feet</i>	<i>3,000 feet</i>

**3. Exceptions.**

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

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

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

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

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

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

**Finding:** The applicant is not proposing blocks, and none are required.

This criterion is not applicable.

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

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

**Finding:** The applicant is not proposing any public walkways or bicycle accesses, and none are required.

This criterion is not applicable.

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

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

This criterion is not applicable.

#### **Q. Traffic Calming.**

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

*a. Serpentine alignment.*

*b. Curb extensions.*

*c. Traffic diverters/circles.*

*d. Raised medians and landscaping.*

*e. Other methods shown effective through engineering studies.*

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

**Finding:** The applicant is not proposing traffic calming, and none are required.

This criterion is not applicable.

**R. Vehicular Access Standards.**

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

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

**Table 15.505.R. Access Spacing Standards**

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

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

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

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

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

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

**Finding:** The project site has frontage on N Springbrook Road and E Haworth Avenue. N Springbrook Road is a Minor Arterial and E Haworth Avenue is a Major Collector. The proposed building will take access off E Haworth Avenue because it has a lower functional classification. The submitted materials describe and show the proposed driveway setback approximately 160-feet from N Springbrook Road meeting the access spacing standards in Table 15.505.R. As shown on the applicant’s preliminary plans and described in the application materials, the single access driveway on E Haworth Avenue is to be at the west end of the property as far from the intersection as possible to minimize impact to the N Springbrook Road/E Haworth Avenue intersection.

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

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

*a. For a duplex, triplex or quadplex dwelling or a cottage cluster project with frontage on two local streets, access may be permitted on both streets.*

**Finding:** The project site has frontage on N Springbrook Road and E Haworth Avenue. N Springbrook Road is a Minor Arterial and E Haworth Avenue is a Major Collector. The proposed development is to take access off Haworth Avenue because it has a lower functional classification.

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

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

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

**Finding:** The applicant is not proposing a second driveway. Although the E Haworth frontage is sufficient to meet this criterion, a second driveway would be inconsistent with NMC Section 15.505.030.R.2.

This criterion is not applicable.

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

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

**Finding:** The property does not have frontage on an alley.

This criterion is not applicable.

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

**Finding:** The project site does not have any existing accesses.

This criterion is not applicable.

*7. Shared Driveways.*

*a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the*



*property line, but may be accessed or extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*

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

*c. No more than four lots may access one shared driveway, with the exception of cottage dwellings on individual lots that are part of a cottage cluster.*

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

*e. Where three or more lots share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway. However, duplex, triplex, quadplex, townhouse and cottage dwellings with shared driveways shall be exempt from this standard.*

**Finding:** The project site does not have access to, or opportunity for, a shared driveway access.

This criterion is 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.*

**Finding:** A frontage street or alley is not proposed, and none are required.

This criterion is not applicable.

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

**Finding:** The project site does not have access to Yamhill County right-of-way and will not have access to N Springbrook Road along this frontage of the project site that is under ODOT jurisdiction.

This criterion is not applicable.

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

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

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

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

**Finding:** The applicant is not proposing any exceptions.

This criterion is not applicable.

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

**Finding:** The applicant is not proposing any exceptions.

This criterion is not applicable.

#### **S. Public Walkways.**

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

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

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

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

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

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

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

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

**Finding:** No public walkway is proposed or required.

This criterion is not applicable.

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

**Finding:** See previous finding NMC 15.420.010(B)(4).

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

**Finding:** It is unclear if the street lighting along E Haworth Avenue and N Springbrook Road meet current City standards. Because final plans have not been submitted, final plans which include an analysis of street lighting on E Haworth Avenue and N Springbrook Road demonstrating that the existing lighting along the project site's frontages meet city standards or plans to install any additional PGE Option A street lights necessary to meet City standards to be submitted with the permit application. Street lighting analysis is to extend to the center line of the E Haworth Avenue and N Springbrook Road frontages.

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

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

*1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route*

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

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

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

*4. Lighting at the transit facility. [Ord. 2889 § 2 (Exh. B §§ 43 – 45), 12-6-21; Ord. 2880 § 2 (Exh. B §§ 51, 52), 6-7-21; Ord. 2871 § 3 (Exh. D), 3-1-21; Ord. 2862 § 1 (Exh. A § 1), 6-15-20; Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 19), 9-16-13; Ord. 2736 § 1 (Exh. A §§ 1, 3, 4), 3-21-11; Ord. 2619, 5-16-05; Ord. 2513, 8-2-99; Ord. 2507, 3-1-99; Ord. 2494, 4-6-98; Ord. 2451, 12-2-96. Code 2001 §§ 151.681, 151.683, 151.684 – 151.686, 151.689 – 151.692, 151.694, 151.695, 151.701 – 151.703, 151.705.]*

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

This criterion is not applicable.

#### **15.505.040 Public utility standards.**

**A. Purpose.** *The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.*

**B. Applicability.** *This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.*

#### **C. General Standards.**

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

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

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

*1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.*

*2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.*

*3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.*

*4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.*

**Finding:** The submitted materials indicate a new water service connection to the water line in E Haworth Avenue. The preliminary plans show an onsite private fire hydrant. As noted in comments from the City of Newberg Public Works Director private fire hydrants are not permitted in the City of Newberg.

Fire flow test results need to be submitted with permit applications to be reviewed by the Fire Marshall for approval.

The applicant is required to submit construction plans and obtain a public improvement permit for the proposed water service.

All onsite fire hydrants are to be public fire hydrants served by public water lines. Onsite public water lines, including those serving onsite fire hydrants, are to be in a 15-foot-wide public water line easement.

Plans will be fully reviewed for compliance with city standards including the Public Works Design and Construction Standards as part of the permit plan review process.

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

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

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

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

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

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

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

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

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

**Finding:** The submitted materials indicate a new wastewater service connection to the wastewater main in N Springbrook Road. The applicant will be responsible for verifying that the capacity of the existing wastewater line is adequate for the development.

The applicant is required to submit construction plans and obtain a public improvement permit for the proposed wastewater service. If work in N Springbrook Road is determined to require a permit from ODOT, the ODOT permit is required prior to City public improvement permit issuance. Plans will be fully reviewed for compliance with city standards including the Public Works Design and Construction Standards as part of the permit plan review process.

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

***F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose***

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

**Finding:** The submitted materials describe and show existing easements on the project site. No new easements are proposed. Determination of the full extent of easements required will occur as part of the permit plan review process. To address undergrounding of overhead utilities and an existing underground power line in the northeast corner of the site that does not appear to be located within an existing easement or public right-of-way, the applicant is required to provide a 10-foot-wide public utility easement along the N Springbrook Road frontage of the project site. The public utility easement documentation is to be provided as part of the permit plan review and approval process.

A 15-foot-wide public water line easement for any onsite public water line needed for serving the development will be required. The applicant will also be required to provide any other easements determined to be necessary during the permit plan review process. Easement documentation is to be provided as part of the permit plan review and approval process.

No structures or large trees are to be constructed or installed within or to encroach into existing or new easements.

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

**15.505.050 Stormwater system standards.**

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

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

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

**Finding:** The proposed development will create a net increase of more than 500 square feet of onsite impervious area. The applicant has submitted a preliminary stormwater report. Private stormwater management facilities are shown on the plans. The preliminary plans include a

proposed stormwater connection to the public stormwater line that is within an existing easement along the E Haworth Avenue frontage of the site. The connection to the public stormwater line will require a public works improvement permit. Because final plans have not been submitted, final plans showing the connection to the public stormwater system will be required for the public works improvement permit application.

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

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

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

**Finding:** The submitted materials indicate that the proposed project will disturb more than 500 square feet and less than 1 acre. With less than 1 acre of disturbance a City of Newberg Erosion Control Permit is required. Because the applicant has not provided documentation of an erosion and sedimentation control permit for the development site, the applicant will be required to obtain a City of Newberg Erosion Control Permit prior to any ground disturbing activity.

The proposed development will create a net increase of more than 500 square feet of onsite impervious area. The applicant has submitted a preliminary stormwater report. Private stormwater management facilities are shown on the plans with their outlet routed to a proposed connection to the stormwater line along the northern portion of the site.

The applicant is required to submit a stormwater report and construction plans with permit applications. The stormwater report is to be prepared in accordance with the Public Works Design and Construction Standards.

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



***E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]***

**Finding:** The submitted materials include a preliminary stormwater report and preliminary plans. This report and the preliminary plans describe the use of underground detention chambers and proprietary treatment systems to comply with City of Newberg requirements for stormwater management. The preliminary stormwater report does not clearly demonstrate compliance with the stormwater facility selection hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards. Because the applicant has not provided construction plans and a final stormwater report, the applicant is required to provide detailed construction plans and stormwater report that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management. This includes demonstrating compliance with the stormwater facility selection hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards.

Plans will be fully reviewed for compliance with city standards including the Public Works Design and Construction Standards as part of the permit plan review process.

A private maintenance agreement for the stormwater facilities will be required. Because a private maintenance agreement for the stormwater facilities has not been recorded, the applicant is required to submit a private maintenance agreement for the onsite private stormwater facilities and have the approved agreement recorded and returned to the City of Newberg Engineering Division.

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

**CONCLUSION:**

**Based on the above findings, the project meets the criteria required within the Newberg Development Code, subject to completion of the attached conditions.**

**Section IV: Exhibit “C” for Planning Commission Order 2023-04  
Conditions of Approval for CUP22-0016 and DR222-0011  
The Haworth Apartments – Patrick R. and Elaine A. Maveety**

**A. THE FOLLOWING MUST BE COMPLETED BEFORE THE CITY WILL ISSUE A BUILDING PERMIT:**

1. **Permit Submittal:** Submit a building permit application and two (2) complete working drawing sets of the proposed project. Show all the features of the plan approved through design review, including the following:
  - a. Any required public improvement permit(s) for this project must be submitted, approved, and issued prior to building permits being issued.
2. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
3. **Sidewalks:**
  - a. The applicant will be responsible for replacement of any sidewalk panels along the project site’s frontages that are not in good condition or do not meet current ADA standards along the project frontages. Determination of the limits of any sidewalk replacements will be part of the permit plan review process.
4. **Parking:**
  - a. A revised site plan showing all parking spaces meeting the requirements of NMC 15.440.070 is required with the building permit plans or a Type I Code Adjustment requesting a change to the dimensional standards to parking places per NMC Chapter 15.210 to be approved prior to the building permit.
  - b. A revised site plan showing all parking spaces meeting the requirements of NMC 15.440.070 is required with the building permit plans.
5. **Vision Clearance:**
  - a. The street tree proposed within the 50-foot vision clearance tringle at the intersection of E Haworth Avenue and N Springbrook Road, shall be removed from final site plans submitted with public improvement permits and building permits.
6. **Landscaping:**
  - a. Elevation plans submitted for review during the building permit stage shall show how the ground-level units’ outdoor private spaces will provide privacy according to NMC 15.420.010(A)(1).

- b. An updated landscape plan showing at least two different plant material groups planted within the west property line landscape strip separating the interior lot line from the parking area and drive aisle shall be submitted for review and approval during the building permit stage.
  - c. An updated landscape plan showing a clear vision clearance triangle per NMC 15.410.060(A) and all street trees planted at distance of 25 feet from any streetlamp shall be submitted for review and approval during the building permit stage.
  - d. A final landscaping plan shall be provided with the building permit application so an accurate planning final site approval can occur prior to certificate of occupancy.
  - e. All landscaping must be completed prior to final occupancy. If landscaping cannot be completed, options listed in NMC15.420.010(C) may be applied.
  - f. Per NMC 12.05.250 property owners are required to maintain landscaping in planter strip and per NMC 12.05.260 are required to maintain street trees consistent with the approved street tree plan.
7. **Signs:**
- a. A sign permit shall be applied for, reviewed, and approved prior to placement of such sign.
8. **Exterior Lighting:**
- a. The applicant will need to provide a photometric plan showing that exterior lighting will not exceed one-half-foot candle along the west and south interior property lines. This is to be submitted with building permit plans and approved prior to building permit issuance.
9. **Trash Enclosure:**
- a. The applicant shall coordinate with Waste Management to determine if the design and location of the trash and refuse storage area is appropriate for their vehicles. Approved communication shall be submitted with building permit applications.
10. **Underground Utilities:**
- a. The applicant is required to provide documentation clearly demonstrating that one or more of the exception criteria to the requirement to underground utilities is met or to underground the existing overhead utilities along the project site's frontage in accordance with NMC Section 15.430.010 or to pay a fee in lieu for future undergrounding of these overhead utilities. If the fee in lieu is chosen by the applicant, the amount of the fee in lieu is to be determined as part of the permit plan review and approval process.
11. **Fire Flow:**

- a. Fire flow test results are to be submitted with permit applications to be reviewed by the Fire Marshall for approval.

12. **Easements:**

- a. The applicant is required to provide a 10-foot-wide public utility easement along the N Springbrook Road frontage of the project site. The public utility easement documentation is to be provided as part of the permit plan review and approval process.
- b. A 15-foot-wide public water line easement for any onsite public water line needed for serving the development will be required. The applicant will also be required to provide any other easements determined to be necessary during the permit plan review process. Easement documentation is to be provided as part of the permit plan review and approval process.
- c. No structures or large trees are to be constructed or installed within or to encroach into existing or new easements.

13. **Permits:**

- a. Any required public improvement permit(s) for this project must be submitted, approved, fees paid, and issued prior to building permits being issued.

14. **Street Standards:**

- a. The applicant will be required to pay a Traffic Impact Fee for the Springbrook Road/Haworth Avenue intersection which is being assessed based on the proportional impact of the development on public facilities and services. The following formula was used to develop a Traffic Impact Fee to capture the proportional impact of the development based on the most significant AM or PM proportional volume contribution:
  - $(13 \text{ PM trips directly proportional to the development}) / (1550 \text{ PM peak hour total trips through the intersection}) * (\$400,000 \text{ for the TSP cost of an intersection upgrade}) = \$3,355 \text{ Traffic Impact Fee.}$
  - The Traffic Impact Fee of \$3,355 is to be paid at the time of, or prior to, building permit issuance.
- b. The single access driveway on E Haworth Avenue is to be at the west end of the property as far from the intersection as possible to minimize impact to the N Springbrook Road/E Haworth Avenue intersection.
- c. The proposed development is to take access off Haworth Avenue because it has a lower functional classification.

15. **Street Lighting:**

- a. Final plans which include an analysis of street lighting on E Haworth Avenue and N Springbrook Road demonstrating that the existing lighting

along the project site's frontages meet city standards or plans to install any additional PGE Option A street lights necessary to meet City standards to be submitted with the permit application. Street lighting analysis is to extend to the center line of the E Haworth Avenue and N Springbrook Road frontages.

16. **Water Improvements:**

- a. The applicant is required to submit construction plans and obtain a public improvement permit for the proposed water service.
- b. All onsite fire hydrants are to be public fire hydrants served by public water lines. Onsite public water lines, including those serving onsite fire hydrants, are to be in a 15-foot-wide public water line easement.
- c. Plans will be fully reviewed for compliance with city standards including the Public Works Design and Construction Standards as part of the permit plan review process.

17. **Wastewater Improvements:**

- a. The applicant will be responsible for verifying that the capacity of the existing wastewater line is adequate for the development.
- b. The applicant is required to submit construction plans and obtain a public improvement permit for the proposed wastewater service. If work in N Springbrook Road is determined to require a permit from ODOT, the ODOT permit is required prior to City public improvement permit issuance. Plans will be fully reviewed for compliance with city standards including the Public Works Design and Construction Standards as part of the permit plan review process.

18. **Stormwater**

- a. Final plans showing the connection to the public stormwater system will be required for the public works improvement permit application.
- b. The applicant is required to submit a stormwater report and construction plans with permit applications. The stormwater report is to be prepared in accordance with the Public Works Design and Construction Standards.
- c. The applicant is required to provide detailed construction plans and stormwater report that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management. This includes demonstrating compliance with the stormwater facility selection hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards.
- d. Plans will be fully reviewed for compliance with city standards including the Public Works Design and Construction Standards as part of the permit plan review process.
- e. The applicant is required to submit a private maintenance agreement for the onsite private stormwater facilities and have the approved agreement recorded and returned to the City of Newberg Engineering Division.

19. **Erosion Control:**
  - a. The applicant will be required to obtain a City of Newberg Erosion Control Permit prior to any ground disturbing activity.

**B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY**

1. **Fire Department Requirements:** This project is subject to compliance with all Fire Department (TVF&R) standards relating to access and fire protection.
2. **Design Review Conditions:** Contact the Planning Division (503-537-1240) to verify that all design review conditions have been completed.
3. **Site Inspection:**
  - a. Contact the Building Division (503-537-1240) for Building, Mechanical, and Plumbing final inspections.
  - b. Contact the TVF&R (503-649-8577) for Fire Safety final inspections.
  - c. Contact Yamhill County (503-538-7302) for electrical final inspections.
  - d. Contact the Planning Division (503-537-1240) for landscaping final inspections.

**C. DEVELOPMENT NOTES**

1. Systems development charges (SDCs) will be collected when building permits are issued. For questions regarding SDCs please contact the Engineering Division.