

Collina at Springbrook

Land Use Applications for Master Plan Modification, Zone Change, and Preliminary Subdivision

Date: October 2022
Revised February 2023

Submitted to: City of Newberg
Planning Division
414 E First Street
Newberg, OR 97132

Applicant: Pahlisch Homes, Inc.
12585 SW 68th Avenue
Tigard, OR 97223

AKS Job Number: 4487-01



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

Table of Contents

I.	Executive Summary	2
II.	Site Description/Setting	5
III.	Summary of Planned Infrastructure Improvements	5
IV.	Applicable Review Criteria	6
	NEWBERG MUNICIPAL CODE (NMC)	7
	Title 15 DEVELOPMENT CODE.....	7
	Chapter 15.100 LAND USE PROCESSES AND PROCEDURES	7
	DIVISION 15.200 LAND USE APPLICATIONS	14
	Chapter 15.235 LAND DIVISIONS	14
	Chapter 15.245 DEVELOPMENT AGREEMENTS	25
	DIVISION 15.300 ZONING DISTRICTS	25
	Chapter 15.302 DISTRICTS AND THEIR AMENDMENT	25
	Chapter 15.305 ZONING USE TABLE	29
	Chapter 15.326 SPRINGBROOK (SD) DISTRICT	30
	Chapter 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT	33
	DIVISION 15.400 DEVELOPMENT STANDARDS	39
	Chapter 15.405 LOT REQUIREMENTS	40
	Chapter 15.410 YARD SETBACK REQUIREMENTS	43
	Chapter 15.415 BUILDING AND SITE DESIGN STANDARDS	47
	Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS.....	50
	Chapter 15.425 EXTERIOR LIGHTING	55
	Chapter 15.430 UNDERGROUND UTILITY INSTALLATION.....	57
	Chapter 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS	58
	DIVISION 15.500 PUBLIC IMPROVEMENT STANDARDS	61
	Chapter 15.505 PUBLIC IMPROVEMENT STANDARDS	61
	STATEWIDE PLANNING GOALS (The Goals)	83
	CITY OF NEWBERG COMPREHENSIVE PLAN	86
	A. CITIZEN INVOLVEMENT	86
	B. LAND USE PLANNING	86
	H. THE ECONOMY	86
	I. HOUSING	89
	J. URBAN DESIGN.....	90
	K. TRANSPORTATION.....	91
	SPRINGBROOK DEVELOPMENT AGREEMENT	92
	2008 DEVELOPMENT AGREEMENT FOR THE SPRINGBROOK MASTER PLAN.....	92
	2018 AMENDMENT TO 2008 DEVELOPMENT AGREEMENT	93
	ORDINANCE NO. 2007-2678 APPLICABLE CONDITIONS OF APPROVAL.....	95
	EXHIBIT 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN	95
	EXHIBIT 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL SUB3-07-000999	
V.	Conclusion	99

Tables

Table 1: Collina at Springbrook Anticipated Phasing	18
Table 2: Population Forecast 2020-2060	87
Table 3: Buildable Residential Needs vs. Supply after Proposed Springbrook Zone Change	88
Table 4: Commercial Land Needs vs. Supply after Proposed Springbrook Zone Change	88

Exhibits

Exhibit A: Preliminary Plans
Exhibit B: Springbrook Master Plan Amended Materials
Exhibit C: Application Forms & Checklists
Exhibit D: Ownership Information
Exhibit E: Yamhill County Assessor's Maps
Exhibit F: 2008 Springbrook Development Agreement
Exhibit G: 2018 Springbrook Development Agreement Update
Exhibit H: Preliminary Stormwater Report
Exhibit I: Natural Resources Memorandum
Exhibit J: Neighborhood Meeting Information
Exhibit K: Sample Public Notice and Mailing Information
Exhibit L: Springbrook District Development Agreement Transportation Findings
Exhibit M: Draft Collina at Springbrook CC&Rs
Exhibit N: Draft Collina at Springbrook Design Guidelines
Exhibit O: Zone Change Map and Legal Description
Exhibit P: Buildable Lands Calculations
Exhibit Q: Chehalem Park & Recreation District Consent Letter

Collina at Springbrook

Land Use Applications for Master Plan Modification, Zone Change, and Preliminary Subdivision

Submitted to:	City of Newberg Planning Division 414 E First Street Newberg, OR 97132
Applicant:	Pahlisch Homes, Inc. 12585 SW 68 th Avenue Tigard, OR 97223
Property Owners:	Aspen Way West LLC 3113 Crestview Drive Newberg, OR 97132
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062
	Contact(s): Glen Southerland, AICP Email: SoutherlandG@aks-eng.com Phone: (503) 563-6151
Site Location:	North of N Mountainview Drive, west of Hess Creek, east of N College Street, and southwest of N Aspen Way
Yamhill County Assessor's Map:	Yamhill County Assessor's Map 3 2 08 Tax Lots 04900, 05000, 05100, 05200, 05300, 05400, 06200, 06300, and 06400 Yamhill County Assessor's Map 3 2 18 Tax Lots 00800 and 00900
Site Size:	±98.81 acres
Land Use Districts:	Springbrook District Low Density Residential (SD/LDR) and Springbrook District Neighborhood Commercial (SD/NC) (Map 3 2 18 Tax Lot 800), Springbrook District Mid-Rise Residential (SD/MMR) (Map 3 2 18 Tax Lot 900)



I. Executive Summary

AKS Engineering & Forestry, LLC, is pleased to submit this application to the City of Newberg on behalf of Pahlisch Homes, Inc. (Applicant) for a Master Plan Amendment to the Springbrook Master Plan, a change to one Springbrook District land use designation, and a preliminary subdivision to accommodate the future Collina at Springbrook subdivision as part of the Springbrook Master Plan area.

The Springbrook Development Agreement and Springbrook Master Plan were adopted by the City of Newberg (City) in January 2008 and June 2008, respectively. The Development Agreement was amended in 2018. Those documents have guided development of public infrastructure within the area and will guide future public and private development.

Collina at Springbrook encompasses the portion of the Springbrook district that is located west of Hess Creek. As envisioned by the original master plan, it is thoughtfully designed, ensuring stewardship of the surroundings, an embrace of the natural landscape and the Springbrook area's history, and the intent to integrate and preserve the natural environment through the "Hess Creek Preserve." The Hess Creek Preserve is a central open space along Hess Creek featuring publicly accessible preserved riparian areas, trails, and landscaping which will provide high-quality recreational amenities along Hess Creek for the public to enjoy.

The key components of the project include:

- **Proposed Springbrook Master Plan modifications:** The amendments are proposed to the residential area west of Hess Creek. Revised Master Plan exhibits have been included in Exhibit B. Proposed amendments include:
 - The Neighborhood Commercial (NC) area at the southeast corner of N Center Street and E Mountainview Drive is proposed to be re-designated as part of the project. The SD/NC District will be redesignated to match the adjacent SD/MRR District. This zone change will allow for additional needed housing per and provide alignment with the City's Comprehensive Plan.
 - Updated schematic community design for the residential community west of Hess Creek
 - Modification of the Development Standards Matrix
 - Adjustments to the Low Density Residential Lot size standard
 - Adjustments to the Low Density Residential Lot width standard
 - Addition of detached quadplex standards
 - Modification of the Gateway Features
 - New schematic design for the gateway features
 - Modification of gateway locations
 - Modification of the Open Space Plan
 - Shift the open space in the middle of Collina to the expanded Hess Creek Preserve corridor
 - Update to the Transportation Plan to shift Villa Road to the west and connect to Aspen Road further to the north via Madison Drive
 - Transportation Impact modifications
 - Defer roadway improvement of the Mountainview Drive "dip" as it crosses over Hess Creek. Add construction of a 12-foot-wide bicycle/pedestrian bridge over Hess Creek, just north of Mountainview Drive and paved pathways to connect it

back to E Mountainview Drive. This bridge will be constructed in Phase 1, will be privately built and maintained, with a public access easement over the entirety. Mitigation for impacts to the Stream Corridor are shown within Exhibit A.

- Provide a proportionate share contribution to the future traffic signal at Haworth Avenue and N Springbrook Drive
- Update the master plan to remove the need for a right turn pocket at N College Street and E Hancock Street.
- Streetscape changes to Mountainview
 - Change the planned masonry wall to a wood fence with masonry columns
- Updated Infrastructure plans for water, sanitary sewer, and storm sewer systems
- **The Preliminary Subdivision for Collina at Springbrook:** The Preliminary Subdivision Plat application involves all portions of the Springbrook District north of E Mountainview Drive and west of Hess Creek. Collina at Springbrook will be constructed in eight phases consisting of ±403 residences.
 - Housing: The project provides capacity for ±403 homes, including ±68 detached quadplexes. These single-family homes are proposed on an assortment of lot sizes. The variety of lot sizes and home types will promote housing affordability and availability for people in a wide range of incomes and life stages. A wide number of home types for each of the available lot sizes will also ensure variety in community form, avoiding repetitiveness within Collina at Springbrook. Future homes are planned to meet the design requirements originally envisioned for the Springbrook District through the Draft Architectural Concepts and Design Guidelines included with this application as Exhibit N.
 - Transportation System Improvements: Interconnected internal public street network, including sidewalks, landscape strips, and street trees. These residences will be served by an interconnected transportation network and off-street trail system, including pedestrian and bicycle facilities along E Mountainview Drive to improve safety and accessibility. Access to the subdivision will be through existing streets; such as E Mountainview Drive, E Henry Road, N Center Street, and N Aldersgate Drive; as well as through new streets that include extensions of N Center Street and Villa Road. Villa Road is planned to be provided as a Major Collector Street, extending north from its intersection with E Mountainview Drive to an eventual terminus at N Aspen Way north of the Springbrook District.

The project proposes to construct intersection improvements outlined in the City of Newberg's Northwest Specific Plan at E Henry Road/N Center Street. A portion of this work requires an agreement to perform this work within Tom Gail Park, a Chehalem Parks and Recreation District property, at the northeast corner of the intersection.

A required vacation of right-of-way at E Edgewood Drive and N Aldersgate Drive can be made with a future application prior to submittal of the adjacent phases.

Additional Local streets will be created to provide adequate access and circulation throughout Collina at Springbrook. At the project's Neighborhood Meeting, held on September 21, 2022, public input cited the need for a safe pedestrian crossing on E

Mountainview Drive. The Applicant worked with the City to determine the best location for a pedestrian crossing with Rectangular Rapid Flashing Beacon (RRFB).

- Hess Creek Preserve, Open Spaces, and Trails: As part of the subdivision application, areas adjacent to Hess Creek totaling ±27.76 acres will be reserved as open space with facilities for both active and passive recreation, a community building/pool, picnic shelter, seating, playground, and several other distributed amenities, and stormwater management facilities maintained by the Collina at Springbrook Homeowner's Association.
 - **Hess Creek Preserve:** Prior to Final Plat, a property line adjustment will be submitted to adjust the eastern edge of the property to the line shown on the "Preliminary Plat Overview" (Exhibit A) along Tracts E, G, S, T, and V. This ±16.7-acre area will be retained by the Austin Family to create the Hess Creek Preserve – an area along Hess Creek to retain open spaces in their natural state, preserve habitat for urban wildlife, and protect the functions of Hess Creek.
 - **Open Spaces:** Within Collina at Springbrook, open space will provide for pedestrian pathways, landscaping, and stormwater management facilities. The majority of these spaces are shown east of N Villa Road and will provide active and passive recreational opportunities for the public. These open spaces will provide opportunities for the public to enjoy hard and soft trails, a nature play-themed playground, landscaped lawn, as well as seating and a covered picnic pavilion.
 - **Trails:** In addition to the trails meandering through Collina at Springbrook's open spaces mentioned previously, public pedestrian pathways through the subdivision provide internal circulation and improve connectivity and functionality of transportation facilities on the north side of Newberg. The provision of a pedestrian and bicycle connection across Hess Creek allows for safety improvements along E Mountainview Drive. As shown in the "Hess Creek Open Space Concept Plan" within Exhibit A, two separate main trails are planned – a hard surfaced trail within HOA owned and maintained open spaces and a soft surface trail within the Hess Creek Preserve area. Unless otherwise noted, trails are planned to be constructed with public improvements for the Phase in which they are shown.
 - **Homeowner's Association Amenities:** Tract H will provide a site for a future community building to be constructed with Phase 2. The building will provide residents of Collina at Springbrook with many amenities such as a pool, spa, gym, and other spaces which will provide opportunities for community members to gather. The future community building will require a separate Design Review application to be submitted at a later date.
- Villa Road Driveways: The application includes a request for Director approval to allow driveways along the northern portion of N Villa Road which is a major collector roadway, consistent with other areas of the City. The adjustment is necessary because of the narrowness of the developable land, the requirement to extend existing streets

from the west, and the Hess Creek corridor to the west. A memo from Kittelson (Exhibit L) addresses the safety of the proposed driveways with projected traffic volumes.

- Hess Creek Bicycle Pedestrian Bridge Design: The proposed 12-foot-wide multi-use bridge is planned to span Hess Creek north of E Mountainview Drive. This bridge will be a privately built and maintained facility with a public access easement.

This application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The proposed modification to the original Springbrook Master Plan, an area of over 450 acres, would affect the area of the Springbrook District west of Hess Creek, north and south of E Mountainview Drive, approximately 99 acres. The subdivision application is comprised by the parcels north of E Mountainview Drive. The zone change involves the Tax Lots west of N Center Street, east of N College Street, and south of E Mountainview Drive.

The eleven lots included in this application comprise a total area of ±98.81 acres. Two of these lots (Map 3 2 18 Tax Lots 800 and 900) are separated from the remainder of the Springbrook District by E Mountainview Drive. The remainder of the site, the residential portion on nine current lots, is located west of Hess Creek, north of E Mountainview Drive.

The site has one existing dwelling on Map 3 2 08 Tax Lot 05100. This home is planned to be removed as part of the project. The project area was previously used for agriculture prior to their inclusion within the Springbrook District.

III. Summary of Planned Infrastructure Improvements

Water

Water service is currently available from each adjoining street, including a 12-inch main in E Mountainview Drive. Existing 12-inch water mains within E Foothills Drive will be extended from Foothills Drive, down Villa Road, and connecting to Mountainview Drive. This provides a looped 12-inch system, and water lines with the internal local streets will provide additional looped connections.

Non-potable/irrigation water mains, sometimes referred to as "purple pipe", currently exist at the intersection of N Villa Road and E Mountainview Drive but will not be live until a connection is made with the live main near the intersection of E Mountainview Drive and N Aspen Way. Non-potable water mains will be extended with this project in anticipation of future non-potable water availability. A temporary connection to potable lines will be made with double-check valves until non-potable water is available. 10-inch mains will be extended west along E Mountainview Drive to serve the school site and east along E Mountainview Drive to the limits of the full street improvements of E Mountainview Drive. 6-inch mains are proposed along N Villa Road to the limits of the full street improvements of N Villa Road to serve the Hess Creek open space and allow for future connections.

Sanitary Sewer

Sanitary sewer lines are currently available within E Mountainview Drive and along portions of N Aldersgate Drive. The majority of new sanitary sewer system will connect to the existing system at the intersection of E Mountainview Drive and N Center Street that drains to the southwest. A small portion of the sanitary sewer along N Villa Road will connect to an existing manhole at N Thorne Street and E Mountainview Drive that drains to the Hess Creek trunk line. A portion of the lots along N Aldersgate Drive will connect to an existing 8-inch sanitary sewer line within Aldersgate Drive. All proposed mains will be 8-inch.

Stormwater

Stormwater treatment and detention requirements will be handled on site. The North and East portions of the site's stormwater will flow to a stormwater facility within Tract H that include a vegetated swale for water quality and a detention pond, Tract G. This facility will outfall to Hess Creek. The West portion of the site's stormwater will flow to a stormwater facility within Tract D that will include an extended dry basin. Due to the depth of the mains leaving said facility, the existing storm manholes and 24-inch mains along N Center Street south of E Mountainview Drive will be replaced with deeper improvements until such a distance down N Center Street where existing mains are sufficiently deep.

IV. Applicable Review Criteria

This application involves the development of land for housing. Oregon Revised Statute (ORS) 197.303(1)(a) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. In addition, this application involves a preliminary subdivision which is a "limited land use decision" as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

Oregon Courts and the Land Use Board of Appeals (LUBA), have generally held that an approval standard is not clear and objective if it imposes on an applicant "subjective, value-laden analyses that are designed to balance or mitigate impacts of the development" (Rogue Valley Association of Realtors v. City of Ashland, 35 Or LUBA 139, 158 [1998] aff'd, 158 Or App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application.

ORS 197.195(1) describes how certain standards can be applied as part of a limited land use application, which is defined to include subdivision applications per ORS 197.015(12). The applicable land use regulations for this application are found in the Newberg Municipal Code (NMC). Pursuant to ORS 197.195(1) Comprehensive Plan provisions (as well as goals, policies, etc. from within the adopted elements of the Comprehensive Plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the land use regulations. While this application may respond to Comprehensive Plan and/or related documents, such a response does not imply or

concede that said provisions are applicable approval criteria. Similarly, the applicant does not waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. The local government is obligated to consider and impose any conditions of approval proposed by the applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

NEWBERG MUNICIPAL CODE (NMC)

Title 15 DEVELOPMENT CODE

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

Article I. Procedure Types and Determination of Proper Procedures

15.100.030 Type II procedure.

- A. Type II development actions shall be decided by the director.
- B. Type II actions include, but are not limited to:
 - 1. Site design review.
 - 2. Variances.
 - 3. Manufactured dwelling parks and mobile home parks.
 - 4. Partitions.
 - 5. Subdivisions, except for subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).
- C. The applicant shall provide notice pursuant to the requirements of NMC 15.100.200 et seq.
- D. The director shall make a decision based on the information presented and shall issue a development permit if the applicant has complied with all of the relevant requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.
- E. Appeals may be made by an affected party, Type II, in accordance with NMC 15.100.160 et seq. All Type II development action appeals shall be heard and decided by the planning commission.
- F. If the director's decision is appealed as provided in subsection (E) of this section, the hearing shall be conducted pursuant to the Type III quasi-judicial hearing procedures as identified in NMC 15.100.050.
- G. The decision of the planning commission on any appeal may be further appealed to the city council by an affected party, Type III, in accordance with NMC 15.100.160 et seq. and shall be a review of the record supplemented by written or oral arguments relevant to the record presented by the parties.
- H. An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedure.

-
- 15.100.050 Type III procedure – Quasi-judicial hearing.
- A. All Type III decisions shall be heard and decided by the planning commission. The planning commission’s decision shall be final unless the decision is appealed or the decision is a recommendation to the city council.
- B. Type III actions include, but are not limited to:
1. An appeal of a Type I or Type II decision: This action of the planning commission is a final decision unless appealed to the city council.
 2. Conditional use permits: This action is a final decision unless appealed.
 3. Planned unit developments: This action is a final decision unless appealed.
 4. Substantial change to the exterior appearance of a historic landmark: This action is final unless appealed.
 5. Establishment of a historic landmark: This is a final decision by the planning commission, unless appealed.
 6. Establishment of a historic landmark subdistrict: This is a recommendation to the city council.
 7. Comprehensive plan map amendments: This action is a recommendation to the city council.
 8. Zoning map amendments and designation of subdistricts: This action is a recommendation to the city council.
 9. Annexation: This action is a recommendation to the city council.
 10. Subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).

Response: Because this application includes a Master Plan Modification, proposed redesignation of uses within the approved Springbrook Master Plan (“zone change”), and a subdivision involving the stream corridor, these applications are planned to be processed according to Type III procedures rather than those listed for eligible Type II applications listed within NMC 15.100.030.

[...]

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

Response: This requirement is understood and notice pursuant to NMC 15.100.200 will be provided. Draft notice materials are included as part of Exhibit K. This criterion is met.

[...]

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

by resolution. Application of this provision is limited to three times during a continuous calendar year.

Response: These requirements are understood.

15.100.060 Type IV procedure – Legislative.

- A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.
- B. Legislative actions include, but are not limited to:
 - 1. Amendments to the Newberg comprehensive plan text;
 - 2. Amendments to the Newberg development code;
 - 3. The creation of any land use regulation.

[...]

Response: Legislative procedures such as those described above are not required for these land use applications. These standards do not apply.

15.100.080 Determination of proper procedure type.

- A. The director shall determine the proper procedure for all development actions. If there is a question as to the appropriate type of procedure, the director shall resolve it in favor of the higher procedure type number.
- B. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by this code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to subsequent lower numbered procedure. [Ord. 2451, 12-2-96. Code 2001 § 151.027.]

Response: Two or more applications are included as part of this combined land use application. A Master Plan Amendment or zone change land use application necessitates a Type III review; therefore, the Type II application such as the Preliminary Subdivision will be processed concurrently as a Type III application.

Article II. Processing Type I – IV Development Actions

15.100.090 Development permit application.

Applications for development permits shall be submitted upon forms established by the director. An application shall consist of all materials required by this code, including the following information:

- A. A completed development permit application form.
- B. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all owners of the affected property.
- C. Other information required by this code.
- D. The applicable fees.

Response: These applications include the materials and fees required by the City and NMC in Exhibits C and D.

Article IV. Notice

15.100.210 Mailed notice.

Mailed notice shall be provided as follows:

- A. Type I Actions. No public notice is required.
- B. Type II and Type III Actions. The applicant shall provide public notice to:
 - 1. The owner of the site for which the application is made; and
 - 2. Owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.
 - 3. To the owner of a public use airport, subject to the provisions of ORS 215.416 or 227.175.
- C. The director may request that the applicant provide notice to people other than those required in this section if the director believes they are affected or otherwise represent an interest that may be affected by the proposed development. This includes, but is not limited to, neighborhood associations, other governmental agencies, or other parties the director believes may be affected by the decision.
- D. The director shall provide the applicant with the following information regarding the mailing of notice:
 - 1. The latest date by which the notice must be mailed;
 - 2. An affidavit of mailing (to be signed and returned) certifying that the notice was mailed, acknowledging that a failure to mail the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledging that failure to mail will result in the automatic postponement of a decision on the application; and
 - 3. A sample notice.
- E. The notice of a Type II and Type III development application shall be reasonably calculated to give actual notice and shall:
 - 1. Set forth the street address or other easily understood geographical reference to the subject property;
 - 2. List, by commonly used citation, the applicable criteria for the decision;
 - 3. Include the name and phone number of a local government contact person, the telephone number where additional information may be obtained and where information may be examined;
 - 4. Explain the nature of the application and the proposed use or uses which could be authorized;
 - 5. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
- F. Prior to mailing or posting any notice required by this code, the applicant shall submit a copy of the notice to the director.

-
- G. The applicant shall mail the notice for Type II actions at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.
 - H. The applicant shall mail the notice for Type III actions at least 20 days before the first new hearing, or if two or more new hearings are allowed, 10 days before the first new hearing. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.
 - I. All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. An affidavit of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the affidavit.
 - J. Failure to mail the notice and affirm that the mailing was completed in conformance with the code shall result in:
 - 1. Postponement of a decision until the mailing requirements have been met; or
 - 2. Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
 - 3. The entire process being invalidated; or
 - 4. Denial of the application.

15.100.220 Additional notice procedures of Type II development applications.

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

- A. Provide a 14-day period from the date of mailing for the submission of written comments prior to the decision;
- B. State that issues that may provide a basis for appeal must be raised in writing during the comment period;
- C. State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;
- D. State the place, date and time that comments are due;
- E. State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (A) of this section;
- F. Briefly summarize the local decision-making process.
- G. Type II notice for subdivisions shall also include a description of how an interested party may request a public hearing before the planning commission. [Ord. 2451, 12-2-96. Code 2001 § 151.072.]

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

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

- A. State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or

following the final new hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue;

- B. State the date, time and location of the hearing;
- C. State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;
- D. State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost;
- E. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

15.100.250 Notice procedures for Type IV legislative hearing.

- A. There is no requirement for mailed notice to property owners or posting of property.
- B. Notice shall be provided to the Department of Land Conservation and Development as follows:
 - 1. **When LCDC Goals Apply.** When the city determines that the statewide land conservation and development goals do apply to a proposal to amend the Newberg comprehensive plan, this code, or adoption of a new land use regulation, the proposal shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the final hearing on adoption. The proposal shall contain the text and any supplemental information that the city believes is necessary to inform the director as to the effect of the proposal.
 - 2. **When Emergency Circumstances Require Expedited Review.** The city may submit an amendment or new regulation to the Director of the Department of Land Conservation and Development with less than 45 days' notice if the city determines that there are emergency circumstances requiring expedited review.
 - 3. **When LCDC Goals Do Not Apply.** When the city determines that the statewide land conservation and development goals do not apply to a proposal to amend the Newberg comprehensive plan, this code, or adoption of a new land use regulation, notice to the Director of the Department of Land Conservation and Development is not required.

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

- A. **Posted Notice Required.** Posted notice is required for all Type II and III procedures. The notice shall be posted on the subject property by the applicant.
- B. **Notice Information Provided by City.** The director shall provide the applicant with the following information regarding the posting of notice:
 - 1. The number of notices required;
 - 2. The latest date by which the notice must be posted;
 - 3. An affidavit of posting (to be signed and returned) certifying that the notice was posted on site, acknowledging that a failure to post the notice in a timely manner constitutes an agreement by the

applicant to defer the 120-day process limit and acknowledging that failure to post will result in the automatic postponement of a decision on the application; and

4. A sample notice.
- C. Submission of Notice. Prior to posting any notice required by this section, the applicant shall submit a copy of the notice to the director for review.
- D. Size, Number and Location Requirements. A waterproof notice which measures a minimum of two feet by three feet shall be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction of 600 feet. If possible, notices shall be posted within 10 feet of a street lot line and shall be visible to pedestrians and motorists in clear view from a public right-of-way. Notices shall not be posted in a public right-of-way or on trees.
- E. Contents of Notice. The posted notice shall only contain the following information: planning action number, brief description of the proposal, phone number and address for contact at the Newberg planning and building department.
- F. Standards and Timing, Type II Actions. The applicant shall post the notice at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of posting as identified in subsection (B) of this section within two business days after notice is posted.
- G. Standards and Timing, Type III Actions. The applicant shall post the notice at least 10 days before the first scheduled hearing. The applicant shall file with the director an affidavit of posting as identified in subsection (B) of this section within two business days after notice is posted.
- H. Removal of Notice. The applicant shall not remove the notice before the final decision. All posted notice shall be removed by the applicant within 10 days following the date of the final decision on the request.
- I. Failure to Post Notice. The failure of the posted notice to remain on the property shall not invalidate the proceedings. Failure by the applicant to post a notice and affirm that the posting was completed in conformance with the code shall result in:
 1. Postponement of a decision until the mailing requirements have been met; or
 2. Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
 3. The entire process being invalidated; or
 4. Denial of the application. [Ord. 2451, 12-2-96. Code 2001 § 151.076.]

Response: The Applicant will provide public notice as required by NMC 15.100.210. A mailing list, sample notice, and sample site notice sign are included in Exhibit K. A voluntary Neighborhood Meeting was also held prior to submittal of the application on September 21, 2022. Materials related to that meeting are included as part of Exhibit J. The applications will be heard in quasi-judicial public hearings. The criteria are met or will be met when applicable.

-
- 15.100.270 Procedure for published notice on Type III and Type IV procedures.
- A. Notice shall be provided within a newspaper of general circulation within the city at least 10 days prior to the first public hearing on the action.
 - B. The notice shall reasonably describe:
 - 1. Type III Proceedings. The proposed development permit request, location, file number, the name and phone number of a local government contact person and the location where information may be examined.
 - 2. Type IV Proceedings. The nature of the proposed final action of an amendment to the Newberg comprehensive plan, code or new land use regulation.
 - C. The notice shall include a statement that all interested persons may appear and provide testimony and that only those persons who participate either orally or in writing in the hearing proceedings leading to the adoption of the action may appeal the decision.
 - D. The notice shall state the place, date and time of the hearing.
 - E. See NMC 15.100.240 for Type III notice for annexations. [Ord. 2451, 12-2-96. Code 2001 § 151.077.]

Response: These standards are understood. Notice will be provided within a newspaper of general circulation within the city at least 10 days prior to the first public hearing on the matter. Draft notice materials are provided as part of Exhibit K. These criteria will be met when applicable.

DIVISION 15.200 LAND USE APPLICATIONS

Chapter 15.235 LAND DIVISIONS

- 15.235.020 General requirements.
- A. Subdivision and Partition Approval through a Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:
 - 1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and

Response: The preliminary subdivision plat is submitted for review and approval with this application package (Exhibit A). As shown on the Preliminary Plat Plans, a future Property Line Adjustment is planned prior to recording of the Phase 1 plat. This criterion is met.

- 2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

Response: The final plat will be submitted for each phase of the preliminary subdivision plat with evidence of compliance with conditions of approval. This standard will be met at a future date.

[...]

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

Response: This application for preliminary subdivision plat is in compliance with the applicable regulations of Oregon Revised Statutes (ORS) Chapter 92. This criterion is met.

- D. Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as streets, water, wastewater, gas, and electrical systems, pursuant to Chapters 15.430 and 15.505 NMC.
- E. Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to NMC 15.505.050.
- F. Adequate Access. All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Chapter 15.440 NMC and NMC 15.505.030.

Response: Adequate street facilities and public utilities such as water, wastewater, and stormwater are available to serve this application for 403-lot subdivision. Further reviews of each utility and public facility are included later within this narrative and summarized in the introduction. This criterion is met.

15.235.030 Preliminary plat approval process.

- A. Review of Preliminary Plat. All preliminary plats are subject to the approval criteria in NMC 15.235.050. Preliminary plats shall be processed using the Type II procedure under Chapter 15.100 NMC, except that subdivisions with any of the following conditions present shall be processed using the Type III procedure under Chapter 15.100 NMC:
 - 1. The land is not fully within the city limits or urban growth boundary;

Response: The project site is wholly within the city limits and the UGB.

- 2. The land contains Goal 5 resources which are mapped and designated in the comprehensive plan and land use regulations. These resources include but are not limited to open spaces, scenic and historic areas and natural resources;

Response: The original Springbrook Master Plan identified various small wetland and riparian resources along Hess Creek. An additional study of the residential site was conducted in April 2022. Details are available within Exhibit I. These resources are mapped or included within the comprehensive plan or land use regulations as part of Hess Creek; therefore, the preliminary subdivision plat requires a Type III Procedure.

- 3. The proposed land division does not comply with the minimum street connectivity standards identified in NMC 15.505.030;

Response: The planned preliminary subdivision plat complies with the applicable regulations of NMC 15.505.030, which are reviewed in more detail further within this narrative.

- 4. The proposed land division does not provide enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted in the zoning designation for the site;

Response: Per the City's Comprehensive Plan (as amended June 21, 2021), Section III.11, areas subject to the Springbrook District (SD) plan designation are expected to provide a

mixture of residential, hospitality, commercial, and industrial uses. Low Density Residential (LDR) neighborhoods of the project are subject to Section III.2.a of the City's *Comprehensive Plan* (as amended, December 6, 2021) and are allowed at densities up to 4.4 dwelling units per gross buildable acre. The original Springbrook Master Plan envisioned 1,345 dwelling units. With the permitted 20 percent variation of total dwelling units expected as part of the Springbrook District, between 1,076 to 1,614 total dwelling units within the Low-Density Residential areas of the District (± 349 acres). This equates to expected gross densities between 3.08 and 4.62 dwelling units per acre. The Collina at Springbrook subdivision is planned to provide 4.13 dwelling units per gross buildable acre, within the established range of acceptable residential densities. Collina at Springbrook expects to provide ± 335 typical single-family detached residences over the project's ± 98.81 acres (approximately 28 percent of the Springbrook District's LDR area), proportionate with the number of expected number of dwellings. The SD/NC and SD/MRR portions of the site are also subject to this section of the City's *Comprehensive Plan*.

The project provides greater than 80 percent of the maximum net density permitted under the plan designation of the site. The condition does not apply to this application.

5. The applicant requests, in writing and at the time of application, that the proposal be referred to the planning commission for a decision; or
6. A written request for the application to be heard by the planning commission is submitted by a member of the public during the 14-day public comment period provided for in NMC 15.100.200 et seq.

Response: Because this application includes consolidated land use applications, the Planning Commission will provide a recommendation to the City of Newberg City Council, which will make the final decision.

- B. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of two years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant to NMC 15.235.070. Phased subdivisions may be approved, pursuant to subsection (E) of this section, with an overall time frame of not more than two years between preliminary plat and final plat approvals. In no case shall phased subdivision approval extend for more than five years from the approval date.
- C. Extensions. The original approval body may, upon written request by the applicant and payment of the required fee, grant a one-time extension of the approval period for an additional one year. Extension approval will require written findings to the following criteria:
 1. The applicant has submitted written intent to file a final plat within the one-year extension period;
 2. An extension of time will not prevent the lawful development of abutting properties;
 3. There have been no changes to the applicable code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and

-
4. The extension request is made before expiration of the original approved plan.
- D. Modifications to Approved Preliminary Plats. The applicant may request changes to the approved preliminary plat or conditions of approval. Modification requests may either be deemed minor modifications or major modifications, according to the following criteria and at the determination of the director:
1. Minor Modifications. Minor modifications are reviewed through the Type I procedure, pursuant to NMC 15.100.020. Minor modifications retain consistency with the general layout and pattern of the approved plan and do not modify an element of the approved plan by a quantifiable standard of greater than 10 percent. Minor modifications may include the following:
 - a. Relocations of property lines, streets, walkways, and alleys;
 - b. Changes to the site utilities;
 - c. Changes which increase or decrease the number of lots; and
 - d. Modifications to the conditions of approval where an alternate method will derive the same result intended by the condition, or where a condition is deemed to be met in a different way than specified in the staff report.
 2. Major Modifications. Major modifications are reviewed through the same procedure as the original approval procedure. Major modifications are any proposed changes to elements of the approved plan or conditions of approval not meeting the thresholds in subsection (D)(1) of this section.

Response: These standards are understood.

- E. Phased Subdivision. The city may approve a phased subdivision, provided the applicant proposes a phasing schedule that meets all of the following criteria:
1. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than one year;
 2. Public facilities shall be constructed in conjunction with or prior to each phase;
 3. The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;
 4. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary subdivision plat application; and
 5. Modifications to the phasing schedule or phasing elements will be processed in accordance with subsection (D) of this section.

Response: The Applicant requests approval of a phased subdivision subject to the following schedule with approximately one year for each phase of development. Required public facilities will be extended in conjunction with or prior to each phase. A phasing plan has been included in the preliminary plans (Exhibit A) for a graphic representation of the

phasing. Details of the current phasing plan are shown below, but exact boundaries, timing, number and type of lots, and sequencing are subject to change.

Table 1: Collina at Springbrook Anticipated Phasing

Collina at Springbrook Anticipated Phasing		
Phase	Phase Details	Approximate Construction Start Date
1	53 homes – 43 detached single-family, 10 detached quadplex Stormwater facility Open Space tracts Mountainview bike/ped bridge, widening, and intersection improvements	2023
2	40 homes – 30 detached single-family, 10 detached quadplex Homeowner’s Association Amenity Hess Creek open space areas	2024
3	52 homes - 36 detached single-family, 16 detached quadplex Open Space tracts Stormwater facility	2025
4	45 homes - 29 detached single-family, 16 detached quadplex Open Space tracts E Henry Road traffic circle	2026
5	58 homes – 42 detached single-family, 16 detached quadplex	2027
6	52 detached single-family Hess Creek open space areas	2028
7	65 detached single-family Hess Creek open space areas	2029
8	38 detached single-family Hess Creek open space areas	2030
Total	±403 homes	2031

The above criteria are met.

15.235.040 Preliminary plat submission requirements.

Applications for preliminary plat approval shall contain all of the following information:

A. General Submission Requirements.

1. Information required for a Type II application.

Response: The information required has been included as part of this application package. This criterion is met.

2. Traffic Analysis. A traffic analysis shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. A traffic



analysis may be required for projects below the 40 trips per p.m. peak hour threshold when the development's location or traffic characteristics could affect traffic safety, access management, street capacity or a known traffic problem or deficiency. The traffic analysis shall be scoped in conjunction with the city and any other applicable roadway authority.

Response: A Traffic Impact Study (TIS) for the Springbrook Master Plan was completed in May 2007 by Lancaster Engineering. The assumptions of this TIS remain true for completion of the Springbrook District. A memorandum—the October 2022 *Springbrook District Development Agreement Transportation Findings*—has been prepared by Julia Kuhn, PE, of Kittelson & Associates to address compliance with the 2007 transportation-related conditions of approval, 2021 findings related to the timing of intersection improvements, intersection and roadway changes, and the timing and need for future transportation studies. This document is included as part of this application as Exhibit L. Key modifications include:

- Transportation Impact modifications
 - Defer roadway improvement of the Mountainview Drive “dip” as it crosses over Hess Creek. Add construction of a 12-foot-wide bicycle/pedestrian bridge over Hess Creek, just north of Mountainview Drive and paved pathways to connect it back to E Mountainview Drive. This bridge will be constructed in Phase 1, will be privately built and maintained, with a public access easement over the entirety.
 - Provide a proportionate share contribution to the future traffic signal at Haworth Avenue and N Springbrook Drive
 - Update the master plan to remove the need for a right turn pocket at N College Street and E Hancock Street.

This criterion is met.

3. **Public Utilities Analysis.** The public facilities analysis shall be scoped with the city, and shall address the impact of the proposed development on the public wastewater and water systems. The analysis shall identify any mitigation or improvements necessary to the public facilities to adequately serve the development per city standards under adopted ordinances and master plans.

Response: Water

Water service is currently available from each adjoining street, including a 12-inch main in E Mountainview Drive. Existing 12-inch water mains within E Foothills Drive will be extended from Foothills Drive, down Villa Road, and connecting to Mountainview Drive. This provides a looped 12-inch system, and water lines with the internal local streets will provide additional looped connections.

Non-potable/irrigation water mains, sometimes referred to as “purple pipe”, currently exist at the intersection of N Villa Road and E Mountainview Drive but will not be live until a connection is made with the live main near the intersection of E Mountainview Drive and N Aspen Way. Non-potable water mains will be extended with this project in

anticipation of future non-potable water availability. A temporary connection to potable lines will be made with double-check valves until non-potable water is available. 10-inch mains will be extended west along E Mountainview Drive to serve the school site and east along E Mountainview Drive to the limits of the full street improvements of E Mountainview Drive. 6-inch mains are proposed along N Villa Road to the limits of the full street improvements of N Villa Road to serve the Hess Creek open space and allow for future connections.

Sanitary Sewer

Sanitary sewer lines are currently available within E Mountainview Drive and along portions of N Aldersgate Drive. The majority of new sanitary sewer system will connect to the existing system at the intersection of E Mountainview Drive and N Center Street that drains to the southwest. A small portion of the sanitary sewer along N Villa Road will connect to an existing manhole at N Thorne Street and E Mountainview Drive that drains to the Hess Creek trunk line. A portion of the lots along N Aldersgate Drive will connect to an existing 8-inch sanitary sewer line within Aldersgate Drive. All proposed mains will be 8-inch.

Stormwater

Stormwater treatment and detention requirements will be handled on site. The North and East portions of the site's stormwater will flow to a stormwater facility within Tract H that include a vegetated swale for water quality and a detention pond, Tract G. This facility will outfall to Hess Creek. The West portion of the site's stormwater will flow to a stormwater facility within Tract D that will include an extended dry basin. Due to the depth of the mains leaving said facility, the existing storm manholes and 24-inch mains along N Center Street south of E Mountainview Drive will be replaced with deeper improvements until such a distance down N Center Street where existing mains are sufficiently deep.

4. **Stormwater Analysis.** The stormwater analysis shall address the criteria listed in Chapter 13.25 NMC.

Response: A Preliminary Stormwater Report addressing the criteria of NMC Chapter 13.25 is included with this application as Exhibit H. This criterion is met.

5. **Wetland Delineation Approved by the Department of State Lands (DSL).** An approved wetland delineation shall be submitted for any property listed in the National Wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.

Response: An April 2022 *Wetland and Waters Delineation Report* was prepared by Lex Francis and Stacey Reed, PWS of AKS Engineering & Forestry, LLC. This report is included with this submittal as Exhibit I. The study delineated one potentially jurisdictional Palustrine forested/emergent wetland (Wetland N) and one intermittent stream (referred to as Hess Creek West Fork) within the study area. This report has been submitted to the Department of State Lands for concurrence. This criterion is met.

6. **Future Streets Concept Plan.** The future streets concept shall show all existing subdivisions, streets, and unsubdivided land

surrounding the subject property and show how proposed streets may be extended to connect with existing streets. At a minimum, the plan shall depict future street connections for land within 400 feet of the subject property.

Response: A Future Streets Concept Plan is included as part of Exhibit A. A number of Arterial and Local streets provide access to the subdivision. Projects designated by the City’s 2021 *Transportation System Plan* (TSP), such as the Villa Road extension to N Aspen Way, are shown within the Future Streets Concept Plan. Surrounding properties to the west and south are generally fully developed. Existing and proposed streets, street connections, existing and proposed subdivisions, and unsubdivided land are illustrated on the Future Streets Concept Plan. This criterion is met.

B. Preliminary Plat Information. In addition to the general information described in subsection (A) of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities required by the director:

1. General Information.

- a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in Yamhill County;
- b. Date, north arrow, and scale of drawing;
- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
- d. Zoning of tract to be divided, including any overlay zones;
- e. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and
- f. Identification of the drawing as a “preliminary plat.”

Response: The listed information is provided on the Preliminary Plans included as part of Exhibit A. The name of the preliminary plat will be “Collina at Springbrook.” These criteria are met.

2. Existing Conditions. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on existing conditions of the site:

- a. Streets. Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
- b. Easements. Width, location and purpose of all existing easements of record on and abutting the site;
- c. Public Utilities. Location and identity of all public utilities on and abutting the site. If water mains, stormwater mains, and wastewater mains are not on or abutting the site, indicate the direction and distance to the nearest utility line and show how utilities will be brought to standard;

-
- d. Private Utilities. Location and identity of all private utilities serving the site, and whether the utilities are above or underground;
 - e. Existing Structures. Show all structures on the project site and adjacent abutting properties;
 - f. Ground elevations shown by contour lines at a minimum two-foot vertical interval for slopes up to 10 percent and five feet for slopes over 10 percent. Show elevations for the subject property and within 100 feet of the subject property. Such ground elevations shall be related to some established benchmark or other datum approved by the county surveyor; the city engineer may waive this standard for partitions when grades, on average, are less than six percent;
 - g. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
 - h. Wetlands and stream corridors;
 - i. The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;
 - j. North arrow and scale; and
 - k. Other information, as deemed necessary by the director for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

Response: The required existing conditions, as applicable, have been included within the Existing Conditions Plan included as part of Exhibit A. These criteria are met.

- 3. Proposed Development. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:
 - a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
 - b. Easements. Location, width and purpose of all proposed easements;
 - c. Lots and private tracts (e.g., private open space, common area, or street) with approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;
 - d. Proposed uses of the property, including total number and type of dwellings proposed, all existing structures to remain, areas proposed to be dedicated as public right-of-

way or preserved as open space for the purpose of stormwater management, recreation, or other use;

- e. Proposed grading;
- f. Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;
- g. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;
- h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;
- i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;
- j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;
- k. Evidence of compliance with applicable overlay zones; and
- l. Evidence of contact with the applicable road authority for proposed new street connections.

Response: The required information is included as part of these application materials and the Preliminary Plans (Exhibit A). These criteria are met.

15.235.050 Preliminary plat approval criteria.

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of this chapter;

Response: As outlined below, the proposed preliminary subdivision plat (Exhibit A) conforms to the applicable requirements of NMC 15.235. This criterion is met.

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

Response: The proposed preliminary subdivision plat (Exhibit A) conforms to the applicable requirements of NMC 15.400, reviewed later within this narrative document. This criterion is met.

3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;

Response: The proposed preliminary subdivision plat (Exhibit A) conforms to the applicable requirements of NMC 15.500, reviewed in more detail later within this narrative. This criterion is met.

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

Response: The proposed plat name is not already reserved for or recorded for another subdivision and satisfies the applicable provisions of ORS Chapter 92. This criterion is met.

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

Response: The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at the level of adopted standards, conform to adopted City master plans and applicable public works design and construction standards, and allow for a transition to existing and potential future development on adjacent properties. Proposed public improvements and dedications associated with the project have been demonstrated on the Preliminary Plat and are adequate to serve the proposed development. This criterion is satisfied.

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;

Response: Proposed private common areas and their general improvements are identified on the preliminary plat (Exhibit A). Stormwater facilities and recreational facilities are provided within open space tracts. Maintenance of these areas, including the Hess Creek Preserve, will be assured through appropriate recorded maintenance agreements and CC&Rs. This criterion is met.

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

Response: Applicable and required permits from state and federal agencies can be obtained prior to development. This criterion can be met.

8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

Response: The application materials demonstrate that improvements or conditions required by the City, Yamhill County, utilities, and any special districts or service providers, as applicable to the project, have been or can be met.

- B. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations.

Response: This standard is understood.

15.235.060 Land division related code adjustments and variances.

Code adjustments and variances shall be processed in accordance with Chapters 15.210 and 15.215 NMC. Applications for code adjustments and variances related to the proposed land division shall be submitted at the same time an application for land division is submitted; the applications shall be reviewed concurrently.

Response: Code adjustments and variances have not been sought as part of this application. This criterion does not apply.

Chapter 15.245 DEVELOPMENT AGREEMENTS

15.245.010 Description and purpose – Applicability.

- A. A development agreement is made between a property owner and the city and is adopted by the city by ordinance. It is intended as a tool to create quality developments. The agreement allows the city to change the zoning of a property contingent on the applicant constructing a certain project, completing certain conditions, or complying with certain standards. The agreement may also allow the city and an applicant to coordinate in the provision of facilities to serve the development.
- B. A development agreement may do any of the following:
 - 1. Designate the zoning district, comprehensive plan designations, and subdistricts that will be applied to a property upon execution of the agreement, upon successful completion of the terms of the agreement, and in case of failure to complete the terms of the agreement.
 - 2. Require specific performance conditions for development of the property. These performance conditions may include, but are not limited to, construction of public facilities, dedication or reservation of land for rights-of-way, easements, or open spaces, construction of certain amenities, or other conditions proper for the development.
 - 3. Create certain standards or specifications for development.
 - 4. Create review processes by which development under the plan is approved.

Response: A Development Agreement that established standards for development within the Springbrook District is currently in place, adopted by the City of Newberg City Council on January 28, 2008. It was amended in 2018. This Development Agreement expires on January 28, 2023.

[...]

DIVISION 15.300 ZONING DISTRICTS

Chapter 15.302 DISTRICTS AND THEIR AMENDMENT

15.302.030 Procedures for comprehensive plan map and zoning map amendments.

This section describes the procedures and criteria that apply to any application to amend the land use designations identified on the comprehensive plan map, zoning map and land use regulations.

- A. Type III Plan and Zoning Map Amendments – One Parcel or Small Group of Parcels.
 - 1. Property owners or the city may initiate a map amendment for one parcel or a small group of parcels under the Type III procedure. May be initiated by a resolution of the planning commission or city

council. Unlike other Type III procedures, the decision of the planning commission on a Type III plan map amendment shall be in the form of a recommendation to the city council. The city council shall hold another new hearing and make a final decision.

Response: The project involves the redesignation of an SD/NC parcel to match the adjacent SD/MRR designation to the east. As the proposal involves only one parcel, a Type III procedure is required. These requirements are understood.

2. Where an application has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the city council for good cause shall grant permission to do so.

Response: This standard is understood.

3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:
 - a. The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;

Response: Each applicable section of the Newberg Development Code (NDC), all applicable goals and policies of the Comprehensive Plan, and applicable sections of the City of Newberg Development Code have been addressed within this narrative. This criterion is met.

- b. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;

Response: The proposed change is located within the UGB and city limits of Newberg. As such the City has anticipated adequate public facilities necessary to accommodate development of the subject property. Water and sewer services are adjacent to the site and have capacity for either neighborhood commercial or mid-rise residential development.

Transportation impacts have been reviewed by Kittelson and Associates in their memo provided in Exhibit L. The memo reviews both the build out condition and the long-term potential in compliance with the Transportation Planning Rule. The proposed change does not have a significant effect.

This criterion is met.

- c. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

Response: Specific findings detailing compliance with applicable Statewide Planning Goals are set forth within this narrative, including compliance with Goal 12, Transportation. A Traffic Impact Study (TIS) was completed in support of the proposed development in accordance with Oregon Department of Transportation and City of Newberg standards as part of the original Springbrook Master Plan application. A memorandum addressing the previous approval and proposed modifications is attached to this report as Exhibit L. The findings set forth above as well as in the TIS and updated transportation findings submitted demonstrate the proposed Map Amendments conform to the Oregon

Transportation Planning Rule. The City has an acknowledged TSP and this “zone change” is consistent with the Comprehensive Plan. Therefore the “significantly affected” standard is not applicable. This criterion has been met.

4. The property owner who desired to have their property reclassified has the burden of establishing that the requested classification meets the requirements of this section. As part of the application, the property owner requesting a change shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.

Response: Materials and findings have been provided establishing that the requested change meets the requirements of this section. A Ballot Measure 49 waiver has been submitted by the property owner as part of Exhibit C stating that a demand against the City will not be filed. This criterion is met.

5. A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility, or that would allow uses that would increase trip generation 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 changes in areas below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards.

Response: A traffic study is not needed for the proposed change. A memorandum addressing the proposed redesignation is attached to this report as Exhibit L. The City has an acknowledged TSP and this “zone change” is consistent with the Comprehensive Plan. Therefore the “significantly affected” standard is not applicable. This criterion is met.

15.302.032 Purposes of each zoning district.

A. R-1 low density residential district.

1. The purpose of this land use designation is to provide a stable and healthful residential environment together with the full range of urban services. The R-1 zone is intended for low density urban residential uses at an average overall density of 4.4 units per gross buildable acre, and/or middle housing densities consistent with applicable minimum lot sizes, in the district.
2. Typical housing types will include single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects and planned unit developments. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-1 district is intended to be consistent with the low density residential (LDR) designation of the comprehensive plan.

Response: Low Density Residential (LDR) designated areas of the Springbrook District are modeled after the R-1 Low Density Residential district. Springbrook standards, where unmodified, refer to the standards of the R-1 district. As stated within the above code section and further described within the Springbrook Master Plan, the Springbrook District’s Low Density Residential area permits the housing types listed at an average overall density of less than 4.4 units per gross buildable acre. These criteria are met.

[...]

C. R-3 High Density Residential District.

1. The purpose of this land use designation is to provide dwellings of different types and styles at an average overall density of 16.5 units per gross buildable acre, and/or middle housing densities consistent with applicable minimum lot sizes, in the district.
2. Typical housing types will include duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects, multifamily dwellings, and manufactured dwelling and mobile home parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. Density may vary depending on lot size, off-street parking area, transportation, landscaping and other site considerations. The R-3 district is intended to be consistent with the high density residential (HDR) designation of the comprehensive plan.

Response: Mid-Rise Residential (MRR) areas of the Springbrook District are modeled after the R-3 High Density Residential District. Development within the MRR area has not been included as part of this application.

- F. C-1 Neighborhood Commercial District.** The C-1 neighborhood commercial district is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations. It is typically appropriate for small convenience stores or neighborhood shopping centers located within residential neighborhoods. The C-1 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.

Response: The Neighborhood Commercial (SD/NC)-designated area is proposed to be re-designated Mid-Rise Residential (SD/MRR).

15.302.040 Subdistricts.

- G. SC Stream Corridor Overlay Subdistrict.** The stream corridor overlay subdistrict may be created within any zoning district. The stream corridor subdistrict is applied to areas which are classified as Statewide Goal 5 resources. The overlay shall be designated by the suffix SC added to the symbol of the parent district. The SC subdistrict provides additional land use regulations which govern properties located within the subdistrict. Where the provisions of the subdistrict are inconsistent with the parent district, the provisions of the subdistrict shall govern.

Response: The Hess Creek corridor through the Springbrook District also carries a subdistrict designation of stream corridor (SC). The additional land use regulations that accompany this designation are addressed later within this narrative.

Chapter 15.305 ZONING USE TABLE

15.305.010 Classification of uses.

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

P	Permitted Use. The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.
C	Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.
S	Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
(#)	A note indicates specific limits on the use. These notes are listed at the bottom of the table.
X	Prohibited Use. The use is specifically prohibited.

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

Zoning Use Table																						
#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
200	RESIDENTIAL USES																					
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)		X								P	P(6)		Subject to lot or development site area requirements of NMC 15.405.010
Def.	Dwelling, townhouse	P(2)	P	P(3)		P		C(4)	C(5)		X								P	P(6)		NMC 15.415.050(B); subject to lot or development area requirements of NMC 15.405.010
Def.	Dwelling, duplex	P(2)	P	P	C	P		C(4)	P(8) / C(5)		X								P	P(6)		Subject to lot or development site area requirements of NMC 15.405.010
Def.	Dwelling, triplex	P	P	P		P													P	P(6)		NMC 15.415.050(A); subject to lot or development site area requirements of NMC 15.405.010
Def.	Dwelling, quadplex	P	P	P		P													P	P(6)		NMC 15.415.050(A); subject to lot or development site area requirements of NMC 15.405.010
Def.	Cottage cluster project	P	P	P		P													P	P(6)		NMC 15.415.050(A); subject to lot or development site area requirements of NMC 15.405.010

Chapter 15.326 SPRINGBROOK (SD) DISTRICT

15.326.010 Description and purpose.

- A. The Springbrook district is intended to provide for a mixture of residential uses, commercial uses, hospitality/public uses, and light industrial uses. This mixture will provide for flexibility and innovation in design.
- B. This chapter serves as a roadmap for development applications within the Springbrook district. This chapter explains the relationship between the Springbrook master plan document and the Newberg development code. Applicants should use this chapter to determine the applicable procedures and standards for development within the Springbrook district.

Response: Within the Springbrook District, allowed and prohibited uses are determined by the amended 2022 Springbrook Master Plan Development Standards Matrix (Exhibit B), rather than those within the Newberg Municipal Code.

15.326.020 Adoption of Springbrook master plan.

Development within this zone shall be governed by a master plan approved and accepted by the city council, which ensures internal compatibility of use activities as well as compatibility with adjacent uses. Development within the Springbrook district shall follow the applicable standards set forth in this chapter, and those standards set forth in the “Development Standards Matrix” in the Springbrook master plan.

Response: This application proposes to amend the Development Standards of the original Master Plan as they apply west of Hess Creek and apply the standards of the 2022 amended Springbrook Master Plan.

15.326.030 Conflict between the master plan and the Newberg development code.

Except as expressly modified by the Springbrook master plan, the standards of the Newberg development code shall apply. In the case of a conflict between the Springbrook master plan (as implemented through this code) and the Newberg development code, the Springbrook master plan shall supersede.

Response: This standard is understood.

15.326.040 Review process.

Proposed development applications and land divisions within the Springbrook district shall follow the established City of Newberg approval process, as set forth below:

A. Site Design Review.

1. Applicability. All new development proposals are subject to the Type I and II site design review procedures set forth in NMC 15.220.020.
2. Requirements. Development proposals subject to site design review shall follow the application requirements set forth in NMC 15.220.030.

Response: These standards are understood.

3. Criteria. All proposals subject to site design review are subject to the criteria set forth in the Newberg development code, subject to the exceptions set forth in the “Development Standards Matrix” in the Springbrook master plan.
 - a. All multi-unit residential development shall follow the standards set forth in NMC 15.220.060.

Response: Multi-unit residential projects are not proposed as part of this application. The referenced standards do not apply.

- b. The requirements of NMC 15.220.070 and NMC 15.220.080 (additional requirements for development in the C-2 and C-3 districts) shall not apply to development within the hospitality or village districts.

Response: The proposed project is not within the hospitality or village districts.

B. Land Division.

1. Applicability. All land division proposals will follow the Type II procedure identified in NMC 15.100.030.

2. Requirements and Criteria.

- a. Partition applications shall meet the criteria set forth in NMC 15.235.030 and 15.235.050, Type II process and criteria.

Response: The consolidated land use applications do not include a partition application.

- b. Subdivision applications shall meet the criteria set forth in NMC 15.235.030 and 15.235.050, Type II, unless otherwise set forth in the “Development Standards Matrix” in the Springbrook master plan with the following exceptions:

- i. Subdivisions within the Springbrook district are subject to the lot area and dimensional requirements set forth in the Springbrook master plan.
- ii. Subdivisions within the Springbrook district are not subject to development standards otherwise administered by the site design review process in this section.

Response: The criteria of NMC Chapter 15.235 are addressed in more detail elsewhere within this narrative. The proposed subdivision will be subject to the 2022 amended Springbrook Master Plan Development Standards Matrix rather than those within the Newberg Municipal Code.

15.326.050 Certification of compliance with Springbrook design guidelines handbook.

Development proposals within the Springbrook district shall meet the private standards established by the property owner. Due to the special nature and coordinated approach of the Springbrook district, it is expected that such design standards will far exceed those that would otherwise be required for development. The applicant shall submit the design guidelines for city review and acceptance. The director may require modifications to the handbook prior to acceptance. After acceptance, the applicant shall provide written documentation to the City of Newberg demonstrating that each standard has been met. Compliance will be certified by the review authority through the Type I administrative process. The certification process shall exclude requirements of the City of Newberg development code and comprehensive plan. Conditions shall not be placed on certification approvals required by this section.

Response: The proposed development meets the standards established by the 2022 amended Springbrook Master Plan (Exhibit B). Demonstration that each standard has been met is included with this application.

15.326.060 Modifications to the master plan.

- A. The following modifications to the master plan shall follow the Type I administrative procedure identified in NMC 15.100.020:
1. Land use district boundary modifications prior to development within that phase of no more than one acre that adjust a boundary no more than 50 feet.

-
- B. The following modifications to the master plan shall follow a Type II procedure identified in NMC 15.100.030:
 - 1. Land use district boundary modifications prior to development within that phase greater than one acre and less than five acres that adjust a boundary no more than 100 feet.
 - 2. Modifications to the “Trip Cap” established with approval of the master plan.
 - C. The following modifications to the master plan shall follow a Type III procedure identified in NMC 15.100.050:
 - 1. Modifications other than those noted above.
 - 2. Modifications to the Springbrook district boundary.

Response: The proposed modifications to the Springbrook Master Plan generally fall under the category of “other than those noted above,” requiring a Type III procedure. These criteria are met.

Chapter 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT

15.342.020 Where these regulations apply.

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

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

Response: The project involves an off-site pedestrian bridge to facilitate safe pedestrian movement along E Mountainview Drive and associated grading. The pedestrian bridge spans the stream corridor subdistrict around Hess Creek, but some grading is located within the corridor.

15.342.070 Activities requiring a Type II process.

The installation, construction or relocation of the following improvements shall be processed as a Type II decision. The proposal shall be accompanied by a plan as identified in NMC 15.342.080 and conform to the mitigation standards contained in NMC 15.342.090.

- A. Public or private street crossings, sidewalks, pathways, and other transportation improvements that generally cross the stream corridor in a perpendicular manner.
- B. Bridges and other transportation improvements that bridge the wetland area.
- C. Railroad trackage crossings over the SC overlay subdistrict that bridge the wetland area.

-
- D. Water, wastewater, and stormwater systems already listed within approved City of Newberg master infrastructure plans.
 - E. New single-family or duplex dwellings which meet all of the following requirements:
 - 1. The lot was created prior to December 4, 1996, is currently vacant, has at least 75 percent of the land area located within the SC overlay subdistrict and has less than 5,000 square feet of buildable land located outside the SC overlay subdistrict.
 - 2. No more than one single-family or duplex dwelling and its expansion is permitted on the property, which shall occupy a coverage area not to exceed 1,500 square feet in area.
 - 3. The single-family or duplex dwelling shall be sited in a location which minimizes the impacts to the stream corridor.
 - 4. The improvements and other work are not located within the 100-year flood boundary.
 - F. Reduced front yard setback. Properties within the SC subdistrict may reduce the front yard setback for single-family or duplex dwellings or additions where the following requirements are met:
 - 1. The reduction in the front yard setback will allow no less than five feet between the property line and the proposed structure.
 - 2. The reduction in the setback will allow the footprint of the proposed dwelling or addition to be located entirely out of the SC overlay subdistrict.
 - 3. Two 20-foot-deep off-street parking spaces can be provided which do not project into the street right-of-way.
 - 4. Maximum coverage within the stream corridor subdistrict shall not exceed 1,500 square feet.
 - G. Temporary construction access associated with authorized Type II uses. The disturbed area associated with temporary construction access shall be restored pursuant to NMC 15.342.090.
 - H. Grading and fill for recreational uses and activities, which shall include revegetation, and which do not involve the construction of structures or impervious surfaces.
 - I. Public parks.
 - J. Stream corridor enhancement activities which are reasonably expected to enhance stream corridor resource values and generally follow the restoration standards in NMC 15.342.060.

Response: The project proposes a pedestrian bridge across the wetland area and Stream Corridor. The bridge is not proposed to disturb these areas. Instead, the bridge will span the Stream Corridor area from each adjacent bank. A limited area of grading is needed to construct the eastern bridge abutment. The graded area will include mitigation plantings, shown within Exhibit A. This will be processed as a Type II review

15.342.080 Plan submittal requirements for Type II activities.

In addition to the design review plan submittal requirements, all applicants for Type II activities within the SC overlay subdistrict shall submit the following information:

- A. A site plan indicating all of the following existing conditions:

1. Location of the boundaries of the SC overlay subdistrict.
 2. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed, and existing utility locations.
 3. Location of any wetlands or water bodies on the site and the location of the stream centerline and top of bank.
 4. Within the area to be disturbed, the approximate location of all trees that are more than six inches in diameter at breast height must be shown, with size and species. Trees outside the disturbed area may be individually shown or shown as crown cover with an indication of species type or types.
 5. Topography shown by contour lines at five-foot vertical intervals or less.
 6. Photographs of the site may be used to supplement the above information but are not required.
- B. Proposed development plan including all of the following:
1. Outline of disturbed area including all areas of proposed utility work.
 2. Location and description of all proposed erosion control devices.
 3. A landscape plan prepared by a landscape architect, or other qualified design professional, shall be prepared which indicates the size, species, and location of all new vegetation to be planted.

Response: The application contains the listed requirements within the submitted plans (Exhibit A). These criteria are met.

15.342.090 Mitigation requirements for Type II activities.

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

- A. Disturbed areas, other than authorized improvements, shall be regraded and contoured to appear natural. All fill material shall be native soil. Native soil may include soil associations commonly found within the vicinity, as identified from USDA Soil Conservation Service, Soil Survey of Yamhill Area, Oregon.
- B. Replanting shall be required using a combination of trees, shrubs and grass. Species shall be selected from the Newberg native plant list. Planting shall be as follows:
 1. At least eight species of plants shall be used.
 2. At least two species must be trees and two species must be shrubs.
 3. No more than 50 percent of any seed mix used can be grass.
 4. A minimum of one tree and three shrubs shall be used for every 500 square feet of planting area.
 5. Areas to be replanted must be completed at the time of final inspection or completion of the work, except as otherwise allowed by this code.
 6. Existing vegetation that can be saved and replanted is encouraged, although not required.

-
- C. Removed trees over six inches in diameter, as measured at breast height, shall be replaced as follows:
 - 1. Trees from six to 18 inches in diameter shall be replaced with a minimum of three new trees for every tree removed.
 - 2. Trees over 18 inches but less than 30 inches shall be replaced with a minimum of five trees for every tree removed.
 - 3. Trees over 30 inches shall be replaced with a minimum of eight trees for every tree removed.
 - 4. All trees replaced pursuant to this section shall have an average caliper measurement of a minimum of one inch. Additional trees of any size caliper may be used to further enhance the mitigation site.
 - D. All disturbed areas, other than authorized improvements, shall be replanted to achieve 90 percent cover in one year. The director may require a bond or other form of security instrument to insure completion of the restoration plan. The director shall authorize the release of the bond or other security instrument when, after one year, the restoration site has achieved the purposes and standards of this section.
 - E. All disturbed areas shall be protected with erosion control devices prior to construction activity. The erosion control devices shall remain in place until 90 percent cover is achieved.
 - F. Except as provided below, all restoration work must occur within the SC overlay subdistrict and be on the same property. The director may authorize work to be performed on properties within the general vicinity or adjacent to the overlay subdistrict; provided, that the applicant demonstrates that this will provide greater overall benefit to the stream corridor areas.

Response: Temporary disturbance of the Stream Corridor, permanent grading, and removal of trees have been planned. The proposed pedestrian and bicycle bridge will span the delineated areas without contacting or disturbing the protected areas. All disturbed areas will have proper erosion control measures installed prior to construction. All disturbed areas will be replanted to achieve a 90 percent cover within one year. Mitigation for disturbed areas is demonstrated on the Preliminary Hess Creek ESC and Landscape Plans within Exhibit A.

15.343.040 Provisions for flood hazard reduction.

- A. General Standards. In all areas of special flood hazard, the following standards are required:
 - [...]
 - 4. Tentative Subdivision and Partition Plat Proposals.
 - a. Where floodplain development is proposed or reasonably likely, all tentative subdivision and partition plat proposals shall be consistent with the need to minimize flood damage.
 - b. All tentative subdivision and partition plat proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

- c. All tentative subdivision and partition plat proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. For any proposed affected structure, proposed subdivision or partition, and other proposed floodplain development which contains at least 50 lots or five acres (whichever is less), flood elevation data shall be provided.

[...]

Response: Development has not been proposed within the floodplain. Residential lots and other development proposed as part of the tentative subdivision have been located away from floodplain areas. The proposed bicycle and pedestrian bridge spanning the floodplain areas is planned to be constructed above base flood elevation and without disturbance or intrusion into the floodplain. These standards do not apply.

B. Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided (Zones A1 – 30, AH, and AE) as set forth in NMC 15.343.020(B), Basis for Establishing the Areas of Special Flood Hazard or NMC 15.343.020(F)(1)(d), use of other base flood data (in A and V zones), the following provisions are required:

1. Residential Construction.

[...]

2. Nonresidential Construction.

a. New construction and substantial improvement of any commercial, industrial or other nonresidential affected structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- i. Be floodproofed so that below the base flood level the affected structure is watertight with walls substantially impermeable to the passage of water;
- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in NMC 15.343.020(F)(1);
- iv. Nonresidential affected structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1)(b) of this section;
- v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to

the base flood level will be rated as one foot below).

3. **Manufactured Homes.**
[...]
4. **Recreational Vehicles.**
[...]
5. **Below-Flood Grade Crawlspace.**
[...]

Response: Residential construction, manufactured homes, recreational vehicles, and below-flood grade crawlspace have not been proposed as part of this application. The proposed pedestrian bridge qualifies as nonresidential construction normally subject to these standards; however, the bridge is not planned to disturb or modify the mapped floodplain and will only span from one bank of Hess Creek to another.

15.343.060 Floodways.

Located within areas of special flood hazard established in NMC 15.343.020(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Encroachments are prohibited unless evidence is provided by a registered professional civil engineer demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of NMC 15.343.040, Provisions for flood hazard reduction.

Response: As shown within the Preliminary Plans (Exhibit A), which have been prepared by a registered professional civil engineer, encroachment into the Floodway is not proposed. The proposed pedestrian bridge is designed to sit at a higher elevation and span the floodway rather than disturb or encroach into it. These standards do not apply to this application.

- C. Projects for stream habitat restoration may be permitted in the floodway, provided:
 1. The project qualifies for a Department of the Army, Portland District, Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and
 2. A qualified professional (a registered professional engineer; or staff of NRCS, the county, or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and
 3. No affected structures would be impacted by a potential rise in flood elevation; and

-
4. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.
- D. New installations of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:
1. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or
 2. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:
 - a. As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory affected structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
 - b. The replacement manufactured dwelling and any accessory buildings or accessory affected structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 centimeters) above the BFE as identified on the flood insurance rate map;
 - c. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;
 - d. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory affected structures, or property improvements (encroachments) do not displace water to the degree that they cause a rise in the water level or divert water in a manner that causes erosion or damage to other properties;
 - e. The location of a replacement manufactured dwelling is allowed by local ordinances; and
 - f. Any other requirements deemed necessary by the director as having jurisdiction.

Response: These standards are understood, but do not apply to the current application.

DIVISION 15.400 DEVELOPMENT STANDARDS

The Development Standards of the Newberg Development Code are applicable to the Subdivision portion of the application package. Responses below are reflective of the Subdivision portion of the application.

Chapter 15.405 LOT REQUIREMENTS

15.405.010 Minimum and maximum lot area.

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

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

Table for 15.405.010							
Zone	Minimum lot area for single family	Minimum lot area for duplex dwelling	Minimum lot area for triplex dwelling	Minimum lot area for quadplex dwelling	Minimum lot area for townhouse	Minimum lot area for cottage cluster	Minimum lot area per dwelling unit for multifamily
R-1	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	Per conditional use review

[...]

B. Maximum Lot or Development Site Area per Dwelling Unit.

1. In the R-1 district, the average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

[...]

Response: Because no maximum lot size per dwelling unit was established for the original Springbrook District, the Springbrook District LDR area is subject to the maximum lot size of 10,000 square feet given above. The project site is within the Springbrook District; therefore, lot sizes have been planned to be greater than 2,900 square feet, per the proposed amendments to the Springbrook District Master Plan development standards for the area west of Hess Creek (Exhibit B). The average lot size for Collina at Springbrook is planned to be ±5,063 square feet, which is less than the 10,000-square-foot maximum lot size.

This criterion is met.

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

Response: This standard is understood, and the areas listed above were not included in lot area calculations.

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

Penalty: See NMC 15.05.120.

Response: Lot size averaging for Collina at Springbrook has established that the average lot size is ±5,063 square feet, greater than the amended Springbrook District Development Standards (Exhibit B) minimum for the area west of Hess Creek. This criterion is met.

15.405.020 Lot area exceptions.

The following shall be exceptions to the required lot areas:

- A. Lots of record with less than the area required by this code.
- B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.
- C. Planned unit developments, provided they conform to requirements for planned unit development approval.

Response: The listed exceptions do not apply to an application for preliminary subdivision or the planned lots. These standards do not apply.

15.405.030 Lot dimensions and frontage.

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

Response: Lot widths are subject to the standards contained within the 2022 amended Springbrook Master Plan (Exhibit B); therefore, this standard does not apply; however, the applicable criteria are met.

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

Response: The lot depths are not greater than two and a half times the average lot width of each lot. This criterion is met.

- C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.

Response: Lot sizes are subject to the standards contained within the 2022 amended Springbrook Master Plan (Exhibit B). This standard does not apply to the project; however, the applicable criteria are met.

- D. Frontage.

- 1. No lot or development site shall have less than the following lot frontage standards:

- a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).
- b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line, except that duplex, triplex, quadplex and cottage cluster project lots in the R-3 zone shall have a minimum width of 25 feet at the front building line.
- c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.

[...]

2. The above standards apply with the following exceptions:

- a. Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B).
- b. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.
- c. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.
- d. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. However, existing single-family detached dwellings on existing private streets may be converted to duplex, triplex, or quadplex dwellings.

Penalty: See NMC 15.05.120.

Response: The proposed lot sizes are subject to the 2022 amended standards of the Springbrook Master Plan (Exhibit B); therefore, the above standards do not apply.

15.405.040 Lot coverage and parking coverage requirements.

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

1. Limit the amount of impervious surface and storm drain runoff on residential lots.
2. Provide open space and recreational space on the same lot for occupants of that lot.
3. Limit the bulk of residential development to that appropriate in the applicable zone.

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

1. Maximum Lot Coverage.

a. R-1: 40 percent, except:

- i. Fifty percent if all structures on the lot are one story; and
- ii. Sixty percent for townhouse dwellings.

[...]

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

3. Combined Maximum Lot and Parking Coverage.

a. R-1: 60 percent.

[...]

Response: Lot coverage and parking coverage requirements are subject to those within the 2022 amended Springbrook Master Plan (Exhibit B). The applicable criteria are met.

Chapter 15.410 YARD SETBACK REQUIREMENTS

15.410.010 General yard regulations.

- A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.
- B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.
- C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.
- D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.

[...]

Response: These standards are understood, and the preliminary subdivision plat (Exhibit A) reflects that the applicable yard regulations, i.e., those that are not specifically listed within the 2022 amended Springbrook Master Plan materials (Exhibit B), are met.

15.410.020 Front yard setback.

- A. Residential (see Appendix A, Figure 10).
 - 1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.
 - 3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.
 - 4. Cottage cluster projects in any zone in which they are permitted shall have a front yard of not less than 10 feet. Any garage, carport, or parking areas that are part of a cottage cluster shall be set back at least 20 feet from the nearest property line of the street to which access will be provided; however, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

[...]

Response: Front yard setbacks have been illustrated as being not less than 15 feet in depth. Planned entrances to garage or carports are illustrated at least 20 feet from the nearest property line of the street to which access will be provided. Where alleys are planned, a 10-foot setback is provided. These criteria are met.

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

[...]

Response: Residential development within the Springbrook District follows the general standards established within the R-1 zoning district except where superseded by the standards of the 2022 amended Springbrook Master Plan (Exhibit B). Interior yards of not less than five feet are proposed, as demonstrated within the Preliminary Plans (Exhibit A). This criterion is satisfied.

- 15.410.050 Special setback requirements to planned rights-of-way.
- A. Yard Requirements for Property Abutting Partial or Future Street Rights-of-Way.
1. Except as provided in subsection (A)(2) of this section, no building shall be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the yards provided and maintained in connection with such building have a width and/or depth needed to complete the street width plus the width and/or depths of the yards required on the lot by this code.
2. Where a comprehensive plan street design or a future street plan exists, the placement of buildings and the establishment of yards where required by this code shall relate to the future street boundaries as determined by said plans.

Response: Lots within the project area have not been planned abutting anticipated partial and future street rights-of-way. Areas where the project abuts future streets, right-of-way dedications have been planned to provide the appropriate road widths. This criterion is met.

- B. Planned Street Right-of-Way Widths. Planned street right-of-way widths are established as indicated in subsection (C) of this section for the various categories of streets shown in the transportation system plan.
- C. A lot or parcel of land in any district adjoining a street for which the planned right-of-way width and alignment have been determined shall have a building setback line equal to the yard required in the district, plus a distance of:
1. Fifty feet from and parallel with the centerline of expressways.
 2. Thirty-five feet from and parallel with the centerline of major and minor arterials.
 3. Thirty feet from and parallel with the centerline of multifamily, commercial and industrial streets and single-family collector streets.
 4. Thirty feet from and parallel with the centerline of single-family local streets.
 5. Twenty-five feet from and parallel with the centerline of single-family hillside, cul-de-sacs and local streets which will never be

extended more than 2,400 feet in length and which will have a relatively even division of traffic to two or more exits.

Exceptions to the above five classifications are shown in the transportation system plan.

Response: The project does not propose partial rights-of-way. The project proposes the required improvement of existing rights-of-way along or adjacent to the project site and adequate setbacks from those existing rights-of-way. These standards do not apply.

- D. The centerline of planned streets shall be either the officially surveyed centerline or a centerline as on a precise plan. In the event of conflict between the two, the latter-described line shall prevail. In all other cases, a line midway between properties abutting the right-of-way shall be the centerline for the purposes of this code.

Penalty: See NMC 15.05.120.

Response: This standard is understood.

15.410.060 Vision clearance setback.

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

- A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.
- B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.
- C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.
- D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict.

Penalty: See NMC 15.05.120.

Response: Appropriate vision clearance triangles have been provided and are demonstrated within the Preliminary Plans attached as Exhibit A. The required vision clearance triangles will be kept free of visual obstructions between two and one-half feet to nine feet above the curb line. These criteria are 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).

Response: The listed required yard intrusions are understood but are not anticipated part of these applications. These criteria do not apply.

D. Fences and Walls.

1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
 - a. Not to exceed six feet in height. Located or maintained within the required interior yards. 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 a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.
 - b. Not to exceed four feet in height. Located or maintained within all other front yards.
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.
3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.
4. The requirements of vision clearance shall apply to the placement of fences.

Response: Fences and walls, including those required within the Springbrook District, are anticipated to meet the requirements of this Section. These criteria are 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.
 2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:
 - a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, or townhouse dwelling on a single lot.
 - b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.
 - c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
 - d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.

[...]

Response: The planned parking and service drives meet the requirements of this Section. Parking within required residential yards is anticipated to meet these requirements. Please refer to the Preliminary Street Plan and Cross Section (Sheet P04) within Exhibit A for further information about planned parking within the subdivision. These criteria are met.

Chapter 15.415 BUILDING AND SITE DESIGN STANDARDS

- 15.415.010 Main buildings and uses as accessory buildings.
- A. Hereinafter, any building which is the only building on a lot is a main building.
 - B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.
 - C. In any residential district, there shall be no more than two accessory buildings on any lot or development site.

Response: Each lot within the subdivision lot is planned to serve only one main use, residential single-family dwellings, per lot. These requirements are satisfied.

-
- 15.415.020 Building height limitation.
- A. Residential.
1. In the R-1 district, no main building shall exceed 30 feet in height, except that townhouse dwellings shall not exceed 35 feet in height.
 2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.
 3. In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.
 4. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:
 - a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.
 - b. Aircraft hangars in the AR district may be the same height as the main building.
 5. No cottage cluster dwelling shall exceed 25 feet in height in any zone where the use is permitted.
 6. Single-family dwellings permitted in commercial or industrial districts shall not exceed 35 feet in height, or the maximum height permitted in the zone, whichever is less.
- [...]
- C. The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.
- [...]
- E. Alternative Building Height Standard. As an alternative to the building height standards above, any project may elect to use the following standard (see Figure 24 in Appendix A). To meet this standard:
1. Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and
 2. Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.

[...]

Response: Buildings within the planned subdivision are not anticipated to exceed the listed maximum heights. These criteria will be met with future building permits.

15.415.030 Building height exemptions.

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

Response: These standards are understood and homes constructed within the planned subdivision are anticipated to meet these criteria.

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.

Penalty: See NMC 15.05.120.

Response: Planned subdivision lots obtain access to a public street either directly or via an easement of record. Private streets are not planned for the development. Accesses shown meet these requirements.

15.415.050 Rules and exceptions governing triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects.

A. Where permitted, triplex dwellings and quadplex dwellings are subject to the following provisions:

[...]

Response: Detached quadplex standards for the Springbrook West Hess Creek area have been proposed within the Master Plan Amendment. The proposed detached quadplex projects located along the north side of E Mountainview Drive as part of Phase 1 of Collina at Springbrook will be subject to these master plan regulations. The applicable standards are met.

15.415.060 Home occupation.

Home occupations shall be processed as a Type I procedure. Home occupation uses shall comply with the following standards:

[...]

Response: Home occupations are not planned as part of this application. These criteria do not apply.

Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS

15.420.010 Required minimum standards.

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

1. Private Areas. Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.
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.
 - 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.
3. In the AR airport residential district a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement.

Response: The project involves a preliminary subdivision plat for single-family dwellings not subject to a design review; therefore, these standards do not apply.

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family detached dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects:

[...]

4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.
 - a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.
 - b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.
 - 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.

- d. All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.
- e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

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

- 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.
- 6. Required landscaping shall be continuously maintained.
- 7. Maximum height of tree species shall be considered when planting under overhead utility lines.
- 8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.

[...]

Response: These standards apply as part of NMC 15.420.020 regarding street trees and plantings within open space tracts. Street trees along Villa Road (a Collector) and proposed Local streets have been illustrated and will be planted to the specifications required and with the required planting specifications. These criteria are met.

- 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.

Penalty: See NMC 15.05.120.

Response: These requirements are understood and will be met.

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.

Response: The planned project includes a residential subdivision, listed as an applicable project to consider inclusion of these planting requirements.

- 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.
 - 1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).
 - 2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.
 - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).
 - b. Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures.

Response: The Preliminary Plans (Exhibit A) show that the planned low shrubs and required street trees are consistent with NMC 15.420.010(B)(4) and this Section. These criteria are met.

- 3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.
 - a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during

evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.

- b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.
- c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).
- d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.

Response: Street lighting locations will be provided with future engineering plans. Luminaire styles, height, and placement are planned to match the lighting previously provided within the Springbrook District and illustrated within the Springbrook Master Plan, where applicable. These criteria have been or can be met.

- 4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.
 - a. Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.
 - b. Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.

Response: Consistent with other single-family residential neighborhoods within areas without heavy pedestrian activity, street furniture is not planned for this area. These criteria do not apply.

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

Response: Paving and curb cuts will enable safe pedestrian crossing and meet all applicable Americans with Disabilities Act (ADA) requirements for accessibility from both the City and the Oregon Department of Transportation (ODOT). This criterion is met.

- 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.

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.
 - b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.
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.

Response: Planter strips along streets have been planned with low shrub and ground cover placement to act as a physical and psychological buffer from passing traffic. These criteria are 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.

Response: Landscape maintenance will be the responsibility of the owner or the homeowner's association established for the subdivision. This criterion is planned to be met.

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

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
Tree and Shrub Arrangement	Single row of trees planted in triangular pattern, equally spaced, shrubs as desired	Single row of trees planted in triangular pattern, arranged in clusters, shrubs as desired	Refer to median or planting strip specifications as applicable	Single row of trees planted in linear pattern, equally spaced	Refer to tree specifications for median as applicable, ground cover as desired	Refer to tree specifications for 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 (<i>Pyrus calleryana</i> “Bradford”), Flowering Cherry (<i>Prunus serrulata</i> , several varieties), Red Sunset Maple (<i>Acer rubrum</i>), Londos Plana (<i>Platanus acerifolia</i>)	Flowering Cherry (<i>Prunus serrulata</i> , several varieties), Dogwood (<i>Cornus</i> species, several varieties), Hawthorn (<i>Crataegus</i> species, several varieties), Red Sunset Maple (<i>Acer rubrum</i>), Red Oak (<i>Quercus rubra</i>)	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	<i>Lonicera japonica</i> (Privet Honeysuckle), Sargent Juniper (<i>Juniperus sargentii</i>), Cotoneaster (Cotoneaster, various varieties), Winter Creeper (<i>Euonymus fortunei</i>)	<i>Lonicera japonica</i> (Privet Honeysuckle), Sargent Juniper (<i>Juniperus sargentii</i>), Cotoneaster (Cotoneaster, various varieties), Winter Creeper (<i>Euonymus fortunei</i>)	Sargent Juniper (<i>Juniperus sargentii</i>), Cotoneaster (Cotoneaster, low varieties), Winter Creeper (<i>Euonymus fortunei</i>)	Not applicable	Sargent Juniper (<i>Juniperus sargentii</i>), Cotoneaster (Cotoneaster, prostrate varieties)	Sargent Juniper (<i>Juniperus sargentii</i>), Cotoneaster (Cotoneaster, various varieties), Winter Creeper (<i>Euonymus fortunei</i>)

Response: Planting species will be selected from the list of recommended species or compatible plantings as determined by a landscape architect. These standards will be met.

Chapter 15.425 EXTERIOR LIGHTING

15.425.010 Purpose.

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

15.425.020 Applicability and exemptions.

- A. Applicability. Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily

residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:

1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.
2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.
3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.

B. Exemptions. The following uses shall be exempt from the provisions of this section:

1. Public street and airport lighting.
2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.
3. Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
4. Temporary Lighting. In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:
 - a. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event.
 - b. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart.
5. Lighting activated by motion sensor devices.
6. Nonconforming lighting in place as of September 5, 2000. Replacement of nonconforming lighting is subject to the requirements of NMC 15.205.010 through 15.205.100.
7. Light Trespass onto Industrial Properties. The lighting trespass standards of NMC 15.425.040 do not apply where the light trespass would be onto an industrially zoned property.

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

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

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 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.

B. Table of Shielding Requirements.

Fixture Lamp Type	Shielded
Low/high pressure sodium, mercury vapor, metal halide and fluorescent over 50 watts	Fully
Incandescent over 160 watts	Fully
Incandescent 160 watts or less	None
Fossil fuel	None
Any light source of 50 watts or less	None
Other sources	As approved by NMC 15.425.030

Note: "Incandescent" includes tungsten-halogen (quartz) lamps.

Response: Lighting planned for the subdivision involves lighting for public streets, exempt from these requirements. Pathway lighting, where required, will be provided. Lighting for each home will be addressed with future construction and is anticipated to meet these standards; however, at this time these standards do not apply.

Chapter 15.430 UNDERGROUND UTILITY INSTALLATION

15.430.010 Underground utility installation.

- A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.
- B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.
- C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:
 1. The cost of undergrounding the utility is extraordinarily expensive.
 2. There are physical factors that make undergrounding extraordinarily difficult.

-
3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed. [Ord. 2537, 11-6-00. Code 2001 § 151.589.]

Response: All new utility lines are to be located underground, per the requirements of this Section. These criteria are met.

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

Article I. Off-Street Parking Requirements

15.440.010 Required off-street parking.

- A. Off-street parking shall be provided on the lot or development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the lot or development site or within 400 feet of the lot or development site which the parking is required to serve. All required parking must be under the same ownership as the lot or development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the lot or development site.
 1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

[...]

Response: Future home construction includes driveways and garages to provide off-street parking. This criterion can be met.

15.440.020 Parking area and service drive design.

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

[...]

Response: The construction of future homes, garages, and driveways is not included with this application. Compliance with NMC 15.440.020 will be verified upon building permit review for each future home. Gates are not planned for use, as private streets and variances are not planned. These criteria are or can be met.

15.440.030 Parking spaces required.

Table for 15.440.030	
Use	Minimum Parking Spaces Required
Residential Types	
Dwelling, single-family	2 for each dwelling unit on a single lot
Dwelling, duplex	1 for each dwelling unit
Dwelling, triplex	1 for each dwelling unit Except that conversion of a detached single-family dwelling to a triplex dwelling shall not be subject to this requirement
Dwelling, quadplex	1 for each dwelling unit Except that conversion of a detached single-family dwelling to a quadplex dwelling shall not be subject to this requirement
Dwelling, townhouse	1 for each dwelling unit
Dwelling, cottage	1 for each dwelling unit

Notes:

- * “1-E” refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.
- ** “3.-G(1)” refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

Penalty: See NMC 15.05.120.

15.440.075 Residential garage standards.

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

Response: This application does not include construction of future homes, garages, or driveways. Compliance with NMC 15.440.030 and 15.440.075 will be verified upon building permit review for each future home. Each lot provides sufficient space for a driveway and two-car garage that may accommodate multiple vehicles, as demonstrated within the Preliminary Plans (Exhibit A). This criterion can be met; however, these standards do not apply at this time.

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.

[...]

Response: The proposed single-family attached residential units do not require the provision of off-street loading berths. These standards do not apply.

Article II. Bicycle Parking

15.440.090 Purpose.

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

15.440.100 Facility requirements.

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

Use	Minimum Number of Bicycle Parking Spaces Required
New multiple dwellings, including additions creating additional dwelling units	One bicycle parking space for every four dwelling units
New commercial, industrial, office, and institutional developments, including additions that total 4,000 square feet or more	One bicycle parking space for every 10,000 square feet of gross floor area. In C-4 districts, two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided, whichever is greater
Transit centers and park and ride lots	Four spaces or one per 10 vehicle spaces, whichever is greater ^{a + b}
Parks	Two bicycle parking spaces within 50 feet of each developed playground, ball field, or shelter
Transit stops	Two spaces ^a

Notes:

- a. Short-term bicycle parking is parking intended to be used for durations less than two hours. Short-term bicycle parking shall consist of a stationary rack or other approved structure to which the bicycle can be locked securely and shall be located within 50 feet of the main building entrance or one of several main entrances, and no further from an entrance than the closest automobile parking space. Shelter or cover may be required for a specified percentage of short-term parking.
- b. Long-term bicycle parking is parking intended to be used for durations over two hours. Long-term parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of fully sheltered and secure parking.

Response: The proposed project does not include any of the uses listed above. Therefore, bicycle parking facilities are not required.

Article III. Private Walkways

15.440.120 Purpose.

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

15.440.130 Where required.

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

[...]

Response: The project does not involve a Type II design review process, nor is the project located within the Airport Industrial or Airport Residential zoning district. These standards do not apply.

DIVISION 15.500 PUBLIC IMPROVEMENT STANDARDS

The Development Standards of the Newberg Development Code are applicable to the Master Plan Modification and the Subdivision portions of the application package. Responses below are reflective of the Master Plan Amendment and Subdivision portions of the application.

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.

15.505.020 Applicability.

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

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

-
- B. Street Improvements. All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.
 - C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.
 - D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.
 - E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.
 - F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.
 - G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards.

Response: The above standards are understood and the applicable standards are addressed within their appropriate sections below.

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.

Response: The applicable requirements of NMC 15.505.030 are addressed below.

- 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.

Response: The Newberg TSP identifies N Villa Road as a major collector and lists an extension of N Villa Road to N Aspen Way as a critical route future expansion project. The original Springbrook Masterplan showed Villa Road as a minor collector extending from the current intersection with E Mountainview Road to the northern boundary of the district. It crossed the northern reach of Hess Creek and connected to N Aspen Road at a bend in the road. Additional study was completed of Hess Creek and the adjacent topography in this northern connection point. In order to make minimize the impacts to the creek and also improve the safety for the intersection with N Aspen Road, the amended Master Plan has moved N Villa Road so it extends further north to intersection with a future east/west N Madison Drive extension that would intersect with Aspen Road north of the bend. This improves sight distance and overall safety of the intersection. The new alignment is shown within the Amended Master Plan (Exhibit C) and attached Preliminary Plans (Exhibit A).

This criterion is met.

- D. **Construction of New Streets.** Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:
 1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and
 2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.

Response: Right-of-way dedication and full street improvements are proposed for all new proposed streets within Collina at Springbrook. Details are shown within the attached Preliminary Plans (Exhibit A). These criteria are met.

E. Improvements to Existing Streets.

1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.
2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.
3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.

Response: Right-of-way dedication and full street improvements are proposed where appropriate. E Mountainview Drive and N Aldersgate Drive are perimeter streets with existing improvements. These two streets will be expanded where adjacent to Collina to meet full street standards from centerline. Details are shown within the attached Preliminary Plans (Exhibit A).

The project has frontage on a portion of E Mountainview that crosses over Hess Creek which has been referred to in the community as “the dip”. This portion of E Mountainview will need to be completely rebuilt to raise the roadway up and widen the creek crossing. After much analysis and discussion with City staff, the cost of this full improvement is not proportionate to the proposed Collina project. The primary concern is bicycle and pedestrian safety through “the dip”. To address this issue, Collina will construct a 12-foot-wide bicycle/pedestrian bridge over Hess Creek, parallel to E Mountainview Drive, just to the north. A paved pathway will connect the bridge to the Mountainview sidewalk west of Hess Creek, and to Alice Way east of Hess Creek. This will be a privately built and maintained facility with a public access easement.

Following feedback from a Neighborhood Meeting held on September 21, 2022, a pedestrian crossing is proposed across E Mountainview Drive at its intersection with N Center Street. Queuing is not anticipated to be an issue at this location because of ample distance between the crossing and existing driveways and street intersections. A queuing analysis will be provided at a future date for the proposed crossing.

These criteria are met.

F. Improvements Relating to Impacts. Improvements required as a condition of development approval shall be roughly proportional to the impact of the

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

Response: As noted above, reconstruction of E Mountainview over the Hess Creek crossing would not be proportional to the overall impact of the Collina at Springbrook subdivision. A parallel bicycle/pedestrian bridge is proposed to provide safety improvements commensurate with the proposed impacts. These standards are understood.

G. Street Width and Design Standards.

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

Table 15.505.030(G) Street Design Standards						
Type of Street	Right-of-Way Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
Arterial Streets						
Expressway**	ODOT	ODOT	ODOT	ODOT	ODOT	ODOT
Major arterial	95 – 100 feet	74 feet	4 lanes	TWLTL or median*	Yes	No*
Minor arterial	69 – 80 feet	48 feet	2 lanes	TWLTL or median*	Yes	No*
Collectors						
Major	57 – 80 feet	36 feet	2 lanes	None*	Yes	No*
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
Local Streets						
Local residential	54 – 60 feet	32 feet	2 lanes	None	No	Yes
Limited residential, parking both sides	44 – 50 feet	28 feet	2 lanes	None	No	Yes
Limited residential, parking one side	40 – 46 feet	26 feet	2 lanes	None	No	One side
Local commercial/ industrial	55 – 65 feet	34 feet	2 lanes	None*	No*	Yes*

Notes:



* May be modified with approval of the director. Modification will change overall curb-to-curb and right-of-way width. Where a center turn lane is not required, a landscaped median shall be provided instead, with turning pockets as necessary to preserve roadway functions.

** All standards shall be per ODOT expressway standards.

Response: N Villa Road is classified as a Major Collector. Per the design standards above, driveway access on a major collector is permitted with Director Approval. This application requests approval for driveway access as shown in the Preliminary Plans (Exhibit A), primarily at the northern portion of Villa Road. Working with the existing street connections to the west, the narrow width of developable land in the northern portion of the project, and adjacency to Hess Creek provides a design circumstance that is appropriate for on-street parking in this limited area. Kittelson and Associates have addressed the safety of driveways in this location with projected traffic volumes in their October 7, 2022 memo (Exhibit L). All other proposed street design sections and profiles are provided within the Preliminary Plans (Exhibit A). The street sections proposed meet or exceed those required within the Springbrook Master Plan and the standards listed above.

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

Response: The proposed Collector and Arterial Streets have a minimum vehicle travel lane width of 12 feet. This criterion is met.

a. **Exception.**

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

Response: This exception does not apply to the project site.

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.

Response: Striped six-foot-wide bicycle lanes have been planned along all Arterial and Collector Streets within and adjacent to the project site per the standards within the NMC and Newberg Transportation System Plan. This criterion is met.

a. **Exception.**

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

Response: This exception does not apply to the project site.

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

Response: Where parking lanes are proposed on Collector and Arterial Streets, the lanes are a minimum of eight feet wide. This criterion is met.

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

Response: This exception does not apply to the project site.

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

Response: Planned center turn lanes are a minimum of 12 feet wide. 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.

Response: Limited residential streets have not been proposed. These standards do not apply.

- 7. Sidewalks. Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.
 - a. Exception.
 - i. Twelve-foot-wide sidewalks, inclusive of the curb, with tree wells along S River Street from the bypass to E Fourteenth Street.
 - ii. Twelve-foot-wide shared-use path and four-foot buffer, inclusive of the curb, with tree wells along the east side of S River Street from the bypass to E Fourteenth Street.

Response: Five-foot-wide sidewalks have been planned on both sides of all proposed public streets. The listed exceptions do not apply to this project site. The 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.

Response: Curb-side sidewalks have not been planned within Collina at Springbrook. Planter strips are provided along all proposed Minor Arterial, Major Collector, and Local Residential Streets within the subdivision. These criteria are met.

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

Response: Slope easements are not anticipated for this site. This standard does not apply.

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

Response: As demonstrated within the Preliminary Plans (Exhibit A), street and intersection designs for the subdivision meet the 2015 Newberg *Public Works Design & Construction Standards*. Therefore, this criterion is met.

- 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.

Response: This application does not involve modification of street standards for the purposes of ingress and egress. This standard does not apply.

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

- 1. The modification is necessary to provide design flexibility in instances where:
 - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or
 - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or
 - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
- 2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

Response: A modification of the standards of this section is being requested for street improvements, as necessary, east of the intersection of N Villa Road and E Mountainview Drive. Construction of a sidewalk along the existing section of E

Mountainview Drive would require reconstruction of the entire street as the section is narrow where it crosses Hess Creek. Until such time that the City can reconstruct this section of E Mountainview Drive, the Applicant has proposed to establish a pedestrian/bicycle bridge across Hess Creek. Such a structure would allow pedestrian access to the east side of Hess Creek but cannot be constructed within the existing right-of-way due to grade issues and the need for separation from the existing street.

The bridge is proposed at a location where a crossing of Hess Creek can be made with the least impact to sensitive areas and greatest preservation of trees as practicable. This modification requires a public access easement be established to permit pedestrians from the sidewalk within the E Mountainview Drive right-of-way west of the creek, to the bridge, and returning to the right-of-way east of the creek. A 19-foot public pedestrian access easement with 12-foot hard-surface path is proposed outside of the right-of-way to be constructed with Phase 1 of Collina at Springbrook.

- I. **Temporary Turnarounds.** Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

Response: Temporary turnarounds are planned at the edge of each phase line where streets are planned to continue. As each phase is completed, temporary turnarounds will be constructed for each street to be continued. This criterion is met.

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

Response: Exhibit A shows that the street layout gives suitable recognition to the site's topographical conditions. The site slopes gradually from high points adjacent to the existing homes along N Aldersgate Drive and E Henry Road eastward to Hess Creek as well as to the south. The planned street layout requires the minimum necessary cut or fill; therefore, this criterion is met.

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

Response: Streets which may continue beyond the edges of the project site and serve adjacent properties have been planned to extend "to and through." This criterion is met.

- L. **Cul-de-Sacs.**
 - 1. Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever

practical to connect with another street, walkway, school, or similar destination.

- a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.
 - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.
 - c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.
 - d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.
2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).
 3. Cul-de-sacs shall not serve more than 18 single-family dwellings.

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

Response: Cul-de-sacs have not been proposed as part of the project. These standards do not apply.

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

Response: Streets that are in alignment with existing named streets have been planned to bear the names of the existing street. Names for other proposed streets have been submitted for approval by the director and fire chief and do not unnecessarily duplicate or resemble the name of any existing or platted street in the city. The Applicant understands the obligation to provide street signs for the project. These criteria are met.

N. **Platting Standards for Alleys.**

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

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

Response: Alley rights-of-way have been planned to be 20 feet in width with 10-foot corner cut-offs where alleys intersect. Grades have not been proposed over 12 percent, nor have centerline radii on curves of less than 100 feet been proposed. These criteria are met.

O. Platting Standards for Blocks.

1. **Purpose.** Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.
2. **Maximum Block Length and Perimeter.** The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

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

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

Response: Public walkways are planned in several of the planned blocks. The proposed blocks with public walkways do not exceed a maximum block length of 1000 feet and a maximum block perimeter of 2,500 feet, with the above increase of 25 percent. These criteria are met.

- 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.

Response: Streets are proposed so as to provide blocks which do not exceed the maximum block length and perimeter standards, where feasible. This criterion is met.

- 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.

Response: Long blocks adjacent to E Mountainview Drive and the Hess Creek open space are proposed due to restrictions in access caused by the nearby stream corridor and arterial access standards. Those blocks are in excess of the standards allowed but public walkways are proposed where feasible. Because E Mountainview Drive is not safe for mid-block crossings, public walkways through the block are not proposed in that location. The blocks are the minimum practical in these locations.

- 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.

Response: These exceptions do not apply.

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

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

Response: Public pedestrian walkways and bicycle accesses are planned to provide mid-block access in several locations throughout Collina at Springbrook. These pedestrian walkways are within a minimum 10-foot-wide public access easement with a minimum 6-foot-wide paved surface. These criteria are met.

- 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).

Response: Private streets have not been proposed as part of this project.

- 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.

Response: The project does not include traffic calming measures interior to the site, as they are not anticipated to be needed. A traffic circle is proposed at the intersection of E Henry Road and N Center Street to calm traffic as part of the Northwest Newberg Specific Plan. Those details are provided within the Preliminary Plans (Exhibit A). These criteria are met.

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.

Response: A new Collector street (Villa Road) is proposed. New Arterial streets and streets under ODOT jurisdiction are not proposed. Accesses to individual properties from the planned streets have been designed to safely accommodate the needs of future property owners and transportation system users. Director approval for driveway access is requested for homes adjacent to Villa Road where no other alternative is available, such as those lots adjacent to the stream corridor or no other local streets.

Table 15.505.R. Access Spacing Standards			
Roadway Functional Classification	Area ¹	Minimum Public Street Intersection Spacing (Feet) ²	Driveway Setback from Intersecting Street ³
Expressway	All	Refer to ODOT Access Spacing Standards	NA
Major arterial	Urban CBD	Refer to ODOT Access Spacing Standards	
Minor arterial	Urban CBD	500 200	150 100
Major collector	All	400	150
Minor collector	All	300	100

Notes:

- ¹ “Urban” refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).
“CBD” refers to intersections within the central business district (C-3 zone).
“All” refers to all intersections within the Newberg urban growth boundary.
- ² Measured centerline to centerline.
- ³ The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.

Response: The project includes a Minor Arterial, E Mountainview Drive, adjacent to Phase 1 of the project site. The project also includes an extension of Villa Road, a Major Collector. The access spacing criteria of Table 15.505.R are met by the proposed streets. Director’s approval is required and requested for driveway access onto Villa Road, which does not meet the standards listed below; however, no other access options exist due to the limitations of the stream corridor and collector standards. Please see response to NMC 15.505.30.G.1.

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.

Response: This standard is understood, but does not apply to this project, as no quadplex or cluster projects are proposed with frontage on greater than one street. This standard does not apply.

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.

Response: Director approval has been requested for driveway access on portions of N Villa Road (major collector). No lots propose more than one driveway.

- a. For a duplex, triplex or quadplex dwelling or a cottage cluster project, more than one driveway is permitted on a lot accessed from either a minor collector or local street as

long as there is at least 22 feet of lot frontage separating each driveway approach.

Response: Greater than 22 feet of lot frontage is proposed between each detached quadplex driveway approach. This criterion is met.

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

a. The review body finds that creating a public street frontage is not feasible.

Response: Where lots are proposed to have frontage on an alley, they are planned to take access from only the alley. Lots 24 and 35 do not have frontage onto another public street due to their proximity to adjacent streets. Lots 1 through 4 are set behind Tract A near the intersection of E Mountainview Drive and N Villa Road; therefore, safer access is taken from the alley. This criterion is met.

b. The alley access is for no more than six dwellings and no more than six lots.

Response: Alley-only access is provided to Lots 1 through 4, 24, and 25. Therefore, this criterion is met.

c. The alley has through access to streets on both ends.

Response: The proposed alley provides access to streets at both ends. Therefore, this criterion is met.

d. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.

Response: All proposed homes will have two garage parking spaces and two driveway parking spaces. This exceeds the minimum standard of two spaces per detached dwelling. This criterion is met.

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

Response: Existing accesses that will not be used as part of the development, such as those along E Mountainview Drive, are planned to be closed and replaced with curbing, sidewalks, and landscaping. Please see the Preliminary Plans (Exhibit A) for further details.

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).

Response: No driveways are proposed on arterial streets; this criterion is not applicable.

- 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.

Response: Shared driveways are proposed for the cluster lots planned north of E Mountainview Drive. Here, three lots will access a shared driveway, with an adjacent lot accessing the street. This arrangement allows for fewer driveways connecting to a public street. Appropriate access and maintenance easements for the shared driveway will be recorded with the final plat.

- 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.

Response: Three lots have been planned to access a shared driveway within each detached quadplex. This criterion is met.

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

Response: This standard is understood.

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

Response: Shared driveways are planned for the detached quadplexes proposed within Phase 1 north of E Mountainview Drive. They are exempt from this standard, but each home will have two garage parking spaces and two driveway spaces.

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

Response: Appropriate access is provided to Local and Major Collector streets. Therefore, frontage streets are not required for the site.

- 9. ODOT or Yamhill County Right-of-Way. Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any

development project shall obtain an access permit from ODOT or Yamhill County.

Response: This standard is understood and access permits will be obtained from the appropriate authority having roadway jurisdiction. This criterion is met.

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.

Response: The Applicant has requested Director approval to allow driveway access on portions of N Villa Road (major collector). Per the design standards of NMC 15.505.030(G), driveway access on a major collector is permitted with Director Approval. This application requests approval for driveway access as shown in the Preliminary Plans (Exhibit A), primarily at the northern portion of Villa Road. Working with the existing street connections to the west, the narrow width of developable land in the northern portion of the project, and adjacency to Hess Creek provides a design circumstance that is appropriate for on-street parking in this limited area. Kittelson and Associates have addressed the safety of driveways in this location with projected traffic volumes in their October 7, 2022 memo (Exhibit L). All other proposed street design sections and profiles are provided within the Preliminary Plans (Exhibit A). The street sections proposed meet or exceed those required within the Springbrook Master Plan and the standards listed above.

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

Response: Exceptions to the listed access standards are not included as part of this application. These standards do not apply.

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.

Response: Public walkways have been designed within an easement a minimum 15 feet in width, a paved surface, meet the requirements of the ADA, and create the most direct and practical connections between rights-of-way.

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.

Response: Public walkways are shown within tracts to be maintained by a homeowners' association. This criterion is met.

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

Response: Lighting will be provided where appropriate. Proposed public walkways through blocks do not exceed 250 feet in length.

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

Response: This standard is understood.

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

Response: Compliance with NMC 15.420.010(B)(4) is demonstrated in the narrative response to that subsection.

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

Response: Street lights are shown in the Preliminary Composite Utility Plan sheet included within the Preliminary Plans (Exhibit A). The Applicant will comply with the street light installation requirements of this section. This criterion is met.

-
- V. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:
1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, “reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.
 2. A transit passenger landing pad accessible to disabled persons.
 3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.
 4. Lighting at the transit facility.

Response: The project site is not located adjacent to existing or planned transit facilities; therefore, these standards do not apply.

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.

Response: The Preliminary Plans (Exhibit A) show that public utility improvements have been designed to conform to the Newberg *Public Works Design & Construction Standards*. This criterion is met.

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

Response: The Preliminary Plans (Exhibit A) illustrate the location, design, installation, and maintenance, where applicable, of all utility lines and facilities. These placements are shown to illustrate the minimum feasible disturbances of soil and site. The developer will coordinate with the City and County, where applicable, on the installation of all proposed public and private utilities to ensure the orderly extension of utilities within public rights-of-way and easements. This criterion is met.

- 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.

Response: Extension of and connection to the necessary water, wastewater, and stormwater improvements is planned. Utility locations and details are available within the Preliminary Plans (Exhibit A).

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.

Response: Existing water facilities are available within the E Mountainview Drive right-of-way and looping connections available through E Henry Road and N Aldersgate Drive. The project includes extension of several water main lines under each proposed right-of-way. This criterion is met.

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.

Response: The proposed water facilities conform with City pressure zones and will be looped to provide adequate pressure and flows during peak demand and for fire protection. Local water facilities include a 12-inch water line located within E Mountainview Drive, an 8-inch water line within E Henry Road, and an 8-inch water line within N Aldersgate Drive. Installation costs will remain the developer's responsibility. Therefore, this criterion is met.

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

Response: This requirement is understood.

- 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.

Response: Prior to the development of the site, the existing on-site septic system will be decommissioned in accordance with Yamhill County standards. This criterion can be met.

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.

Response: Wastewater gravity service to all proposed lots is planned. Eight-inch sanitary sewer mains are available for connection within E Mountainview Drive, E Henry Road, and N Aldersgate Drive. Deficiencies within these systems have not been identified and it is anticipated that wastewater will be able to flow to the N College Street trunk line without issue. Therefore, this criterion is met.

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.

Response: As shown on the Preliminary Plans (Exhibit A), the proposed wastewater system will be linked to existing collection facilities. Sanitary sewer mains are planned to be 8 inches in diameter. All necessary easements required for the construction of these facilities will be obtained by the Applicant and granted to the City pursuant to City requirements. Therefore, this criterion is met.

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.

Response: The proposed wastewater facilities will be sized to provide adequate capacity during peak flows from the entire area potentially served by the facilities. Installation costs will remain the developer's responsibility. This criterion is met.

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.

Response: The project does not include temporary wastewater service facilities. This standard does not apply.

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.

Response: The design of wastewater facilities takes future extensions into account to serve adjacent upstream properties. This criterion is met.

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

Response: This standard is understood.

- F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards.

Response: The preliminary plans show 10-foot-wide public utility easements (PUEs) planned for franchise utilities along all public rights-of-way. Easements will be recorded on easement forms approved by the City and designated on the final plat. This criterion is met.

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.

Response: The Preliminary Plans (Exhibit A) show stormwater runoff will be collected by a proposed on-site stormwater facility and conveyed to an existing main in E Mountainview Drive that has adequate capacity to carry the facility's runoff. The Applicant will be responsible for all costs associated with designing and constructing the facilities necessary to meet this requirement. This criterion is met.

- 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.

Response: A Preliminary Stormwater Report has been included with the application materials (Exhibit H) which complies with the standards listed above. This criterion is met.

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

Response: Development subject to this section has been planned, designed, and will be constructed and maintained in compliance with the Newberg *Public Works Design & Construction Standards*. This criterion is met.

STATEWIDE PLANNING GOALS (The Goals)

Collina at Springbrook does not include amendments to the Newberg Comprehensive Plan (NCP) but does include a change in land use designation that will be processed as a zone change. As such, the approval criteria includes applicable Statewide Planning Goals, applicable Oregon Administrative Rules (OAR) adopted by the Land Conservation and Development Commission (LCDC) that implement the Goals, and applicable City Comprehensive Plan policies.

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Response: The City of Newberg has an established citizen involvement program. The application will be processed as a Type III (quasi-judicial) application, which involves public notification and public hearings as established in Section 15.100 of the Newberg Development Code. Therefore, Goal 1 is satisfied.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: This Goal is applicable to the application for a quasi-judicial “Zone Change” application, which will be processed in accordance with the procedures detailed in the Newberg Development Code Section 15.100.050 and the City’s Comprehensive Plan, including consideration of any public comments received regarding the application. Therefore, consistency with Goal 2 is satisfied.

The City can also find the other two substantive requirements of Goal 2 are satisfied. First, the application provides an adequate factual basis for the City to approve the application because it describes the site and its physical characteristics and applies

those facts to the relevant approval criteria. Second, Goal 2 requires coordination of the application by the City with affected governmental entities. Coordination requires notice of an application, an opportunity for the affected governmental entity to comment on the application, and the City's incorporation of the comments to a reasonable extent. The City can find that coordination of this application can be accomplished in two ways: by the Applicant prior to submittal of the application and by the City in the review process for the application.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response:

An existing commercial site is located just to the north of this site, at the southeast corner of Foothills Drive and N College Street. The Springbrook District, while primarily residential by percentage of lands, was established to revive the Village area in the historic Springbrook location. The conversion of this Neighborhood Commercial area does not detract from the overall goals and objectives of the Springbrook District, as there future commercial opportunities remain within the Springbrook Village land use designation which can also serve this area. The Village Center will serve as a community gathering place and focal point for the Springbrook District, while additional opportunities for high-density housing will provide additional residents to gather, shop, and dine in these areas.

As further detailed in response to the City's Comprehensive Plan Economic Element later within this report and calculated within the attached Buildable Lands Calculations (Exhibit P), there is a current 2025 deficit of ± 6 acres of commercial land and that the City will need to designate additional appropriate lands in order to meet these future needs. The Neighborhood Commercial site is ± 11 acres and is not located nor sized appropriately to provide a site for businesses that would best utilize the area such as small retail, restaurants, and services currently permitted in the area. The Comprehensive Plan states that smaller neighborhood centers should be between 3 and 5 acres in size. Community shopping centers are appropriate for sites between 10-15 acres; however, this site may not be appropriate for that type of commercial use.

Changing these commercial lands to residential lands benefits the community by providing greater opportunities for needed housing. With a deficit of both COM and HDR lands, on balance the proposed designation of Mid-Rise Residential provides the greatest good for Newberg due to the high intensity of the HDR designation, the other nearby commercial districts, and the greater potential for redevelopment of existing commercial lands to meet future needs.

Goal 10: Housing

To provide for the housing needs of citizens of the State.

Response: In order to satisfy Goal 10, a City must meet one of the requirements of OAR 660-007-0060(2), which reads as follows:

For plan and land use regulation amendments which are subject to OAR 660, Division 18, the local jurisdiction shall either:

(a) Demonstrate through findings that the mix and density standards in this Division are met by the amendment; or

(b) Make a commitment through the findings associated with the amendment that the jurisdiction will comply with provisions of this Division for mix or density through subsequent plan amendments.

Consistent with OAR 660-007-0060(2)(a), the Zone Change complies with the housing mix and density standards of OAR 660-007-0030(1) and OAR 660-007-0035(1).

Under OAR 660-007-0030(1), the City is to “designate sufficient buildable land to *provide the opportunity* for at least 50 percent of new residential units to be attached single family housing or multiple family housing [emphasis added].” Per the Springbrook Master Plan, Mid-Rise Residential allows detached housing, attached housing and multifamily dwelling units, among other uses. Replacing the current Neighborhood Commercial designation with Mid-Rise will not limit opportunities to provide a mix of housing units. Accordingly, the proposed zone change satisfies OAR 660-007-0030(1).

Under OAR 660-007-0035(1), the City is required to achieve an “overall density of eight or more dwelling units per net buildable acre.” Replacing the current Neighborhood Commercial designation with the Mid-Rise Residential designation will permit a target density of more than eight dwelling units per net acre on the subject property. Mid-Rise Residential district references the City’s R-3 zone for density and development standards. The R-3 zone has a target density of 16 dwelling units per gross acre, exceeding the state goal of 8 dwelling units per net acre.

Accordingly, the proposed Zoning Map Amendment satisfies OAR 660-007-0035(1).

Explained in further detail later within this report in response to the City of Newberg’s Comprehensive Plan Housing Element goals and policies, the City has a current deficit of High Density Residential lands of approximately 33 acres. Conversion of the Springbrook District/Neighborhood Commercial area to Springbrook District/Mid-Rise Residential will reduce this deficit of lands and provide the opportunity for needed housing. Buildable lands calculations are available as part of Exhibit P. The proposed zone change will allow for future needed housing for households at a variety of income levels. The subject property is located in an area where facilities and services are conveniently accessible and available to meet the needs of residents. Therefore, Goal 10 is satisfied.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Response: The proposed zone change does not change the Comprehensive Plan designation for the property, so the “significant affected” standard is not applicable.

A Transportation memo was prepared by Kittelson and Associates that supplements the original Springbrook Transportation Impact Analysis. It is included as Exhibit L and contains a summary of the transportation impacts in accordance with Goal 12.

The Transportation Memorandum concludes that the Zone Change will not negatively impact the existing and planned transportation system. No additional operational, safety, or visibility mitigation is required. Therefore, Goal 12 is satisfied.

CITY OF NEWBERG COMPREHENSIVE PLAN

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Response: The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. The proposed consolidated applications are processed as a Type III land use action that requires a public hearing as part of the decision-making process. Notice of the proposal will be provided to all property owners within the notice area, published in the newspaper, and will also be posted on the subject property, giving interested citizens an opportunity to be involved in the process. A public hearing to consider the request will be held by the Planning Commission and City Council. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. In addition to the required citizen involvement tasks, the Applicant hosted an Open House on September 21, 2022 to inform the community of the proposal and provide opportunity for questions and comments regarding the proposed development. In accordance with the findings presented above, the plan proposed with the Development Agreement is consistent with this goal.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

POLICIES:

2. The Comprehensive Plan and implementing ordinances shall be reviewed continually and revised as needed. Major reviews shall be conducted during the State periodic review process.

Response: The proposed master plan land use district changes do not constitute a major review, and it is therefore appropriate for them to be reviewed and considered separately from the state of Oregon's periodic review process. The collective applications propose to amend the adopted Springbrook Master Plan and zoning designations within a specific area of the Springbrook District. Therefore, the applications proposed are consistent with this policy.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICIES:

1. General Policies
 - b. The City shall encourage economic expansion consistent with local needs.

- c. The City will encourage the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.
 - e. Economic expansion shall not exceed the carrying capacity of the air, water or land resource quality of the planning area.
 - g. The City shall encourage business and industry to locate within the Newberg City limits.
3. Commercial Areas Policies
- b. Adequate neighborhood commercial areas will be provided to serve localized needs.
 - c. Commercial development will be encouraged to be clustered and to develop offstreet parking facilities in conjunction with other nearby developments.
 - d. To maintain the integrity and function of the highway system, new commercial development shall be discouraged along the route of any limited access highway.

Response: The Newberg City Council adopted amendments to the City’s Comprehensive Plan in 2005 which included residential land need and supply numbers for the 20-year planning period from 2005-2025. The figures of the 2005 Housing and Residential Land Needs Report compiled by Johnson-Gardner in 2004 are used with recent zoning map and designations considered to determine the current numbers of buildable acres and housing supply. The tables below, also attached as part of Exhibit P – Buildable Lands Calculations, utilize the most current data available from the adopted Comprehensive Plan as well as the intervening land use decisions involving residential and commercial lands adopted by the City and acknowledged by the Department of Land Conservation and Development:

- CPMA21-0001/ZMA21-0001 - 713 E Vermillion Street
- CPMA20-0001/ZMA20-0001 – 717 N College Street
- CPMA20-0002/ZMA20-0002/CPTA20-0001/DCA20-0001 - Riverfront Master Plan.

Table 2: Population Forecast 2020-2060

City	2020	2025	2030	2035	2040	2045	2050	2055	2060
Newberg	24,877	26,557	28,432	30,576	32,780	34,929	37,247	39,907	42,377
Change		+1,680	+1,857	+2,144	+2,204	+2,149	+2,318	+2,660	+2,470
% Increase		6.7%	6.9%	7.5%	7.2%	6.5%	6.6%	7.1%	6.1%

Source: Population Research Center, Portland State University, March 31, 2020. Proposed forecasts represent populations as of July 1 of each year.

According to the population estimate above, included in the City’s Comprehensive Plan, the City of Newberg would have a population of 24,877 in 2020. The 2020 Census confirmed a population of 25,108, affirming and slightly outperforming the forecasts of

earlier that year. The updated data is in line with the amendments adopted and acknowledged through the period 2005 to 2020; therefore, the needed buildable lands forecast is consistent with the population growth seen in Newberg throughout the planning period and remains consistent with the expected need for buildable lands.

The adopted Comprehensive Plan updates and analyses showed a need for additional High Density Residential (HDR) and Commercial (COM) lands.

Table 3: Buildable Residential Needs vs. Supply after Proposed Springbrook Zone Change

Land Designation	Buildable Acres Needed	Buildable Acres Before	Buildable Acres After	Surplus/(Deficit) Before	Surplus/(Deficit) After
LDR	301	385	385	84.00	84.00
MDR	132	81.59	81.59	(50.41)	(50.41)
HDR	46	12.7	20.23	(33.30)	(25.77)
Total	479	479.29	486.82	0.29	7.82

Table 4: Commercial Land Needs vs. Supply after Proposed Springbrook Zone Change

	Plan Designation	Commercial Land Need 2005-2025	Commercial Land in UGB (2004)	2025 Surplus (Deficit)	Commercial Land Need 2026-2040	
Table V-9	COM	111	105	(6)	109	
	Land Designation	Buildable Acres Needed	Buildable Acres Before Zone Change	Buildable Acres After Zone Change	Surplus/(Deficit) Before Zone Change	Surplus/(Deficit) After Zone Change
Jul-20	COM	109	105	104.52	1.95	1.47
Nov-20	COM	109	104.52	77.31	4.48	(31.69)
Sep-21	COM	109	104.52	77.31	4.48	(31.69)
Jan-23	COM	109	77.31	66.08	(31.69)	(42.92)

The proposed project involves the conversion of ±11.2 acres of Neighborhood Commercial district (Map 3 2 18 Tax Lot 800) to Mid-Rise Residential. The City of Newberg adopted the Springbrook and Riverfront Master Plans, adjusting the commercial needs demonstrated in Table 4, above, from the Comprehensive Plan. Following adoption of the Riverfront Master Plan, which converted a number of acres from Commercial lands to residential and other lands, there was a deficit of ±31.69 acres.

As described, there is also a shortage of High Density Residential (includes Mid-Rise Residential) land. The new calculations above show a remaining HDR deficit of ±22 acres following the zone change. The ±11.2-acre parcel (Map 3 2 18 Tax Lot 900) of existing Mid-Rise Residential would remain unchanged.

The Neighborhood Commercial zoning designation, as approved through the Springbrook Master Plan, would not provide significant sources of employment, as it permits only uses such as office and small retail. The deficit of HDR land is of greater concern than the deficit of commercial lands due to the continuing need for additional residential housing due to projected increases in population.

The area proposed to be changed is currently designated Neighborhood Commercial (SD/NC), which allows retail, restaurants, offices, medical clinics, financial institutions, civic uses, day cares, and group care facilities per the Springbrook Master Plan. The proposed Mid-Rise Residential (SD/MRR) designation also allows civic uses, day cares, and group care facilities. While the proposed change will remove the designated Neighborhood Commercial from the Springbrook District, the change replaces it with a more critical land use, as determined within Section V of the City’s adopted Comprehensive Plan. The Springbrook District still provides the opportunity for commercial uses within the Village portions of the District. The proposed change is consistent with this Comprehensive Plan policy.

I. HOUSING

GOAL: To provide for a diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.

- 1. **Density Policies**
 - a. **Density rather than housing type shall be the most important development criteria and shall be used to classify different types of residential areas on the plan.**

Response: As described above, the proposed amendments will allow for the development of the subject site to meet the City’s housing needs. The Neighborhood Commercial (SD/NC) designation will be replaced by Mid-Rise Residential (SD/MRR), which most closely aligns with the High Density Residential District (R-3). The City Comprehensive Plan states within several recent evaluations of the City’s buildable lands, based on the City’s 2005 Housing Needs Analysis, that the City of Newberg has an approximate deficit of ±33 gross acres of high-density land for residential uses. The proposed zoning change will provide an additional 11 acres to help meet this demand for high-density residential land throughout the City. The conversion of this zoning to high-density residential zoning is consistent with the City’s policy to prioritize higher density.

The proposed actions are consistent with these policies.

- b. **Target densities shall be as follows:**

Classification	Units Per Gross Acre*
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

*Includes a 25 percent allowance for streets, walkways and other right-of-ways, utilities, small open spaces, preservation of resources, and similar features.

Response: The Springbrook Master Plan allows for the development of the property in accordance with the densities specified within the City’s Comprehensive Plan and Development Code. The proposed subdivision and zoning change conform with this policy.

2. **Location Policies**

- a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.
- b. While the policies in (a) above are desirable, they are not absolute requirements and are a lower priority than the goal of dispersing R-3 multi-family housing throughout the City.

Response: The proposed Mid-Rise Residential (SD/MRR) designation will be located at the intersection of E Mountainview Drive and N College Street, both Minor Arterial streets as designated by the City’s TSP. The area is located close to schools and public parks, as well as the proposed Hess Creek open spaces and community amenity. The proposed location is consistent with these policies.

3. **Mix Policies**

- a. The City will encourage innovative approaches to solving the problem of meeting low income housing needs. Such approaches may include, but are not limited to the following: rent subsidies, federally funded development under HUD programs, state and regional housing programs.

Response: The proposed change provides the opportunity for a variety of high-quality residential neighborhoods located throughout the Springbrook District. The Mid-Rise Residential (SD/MRR) development would be located adjacent to Joan Austin Elementary School. Single-family residences of a variety of sizes and forms are planned north of E Mountainview Drive. The project provides residential housing options that meets the community’s needs; therefore, the proposed project is consistent with this policy.

- b. Multi-family housing should not be concentrated within particular areas of the City.

Response: Multi-family housing within the City is generally located near the City’s central commercial areas or along the Oregon Route 99 (OR 99) corridor. This node of SD/MRR housing will be located as to further distribute these housing types throughout the City. The proposed actions comply with this housing policy.

J. **URBAN DESIGN**

[...]

Response: Future development of this property under the proposed SD/MMR designation will require future design review approval. The 2022 amended Springbrook Master Plan and Newberg Development Code have supplementary design review standards that developments on the site must meet. Therefore, proposal is consistent with the urban design goals and policies.

K. TRANSPORTATION

GOAL 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

POLICIES:

- a. Transportation improvements should be used to guide urban development and should be designed to serve anticipated future needs.

Response: A Traffic Impact Study was prepared for the original Springbrook Master Plan by Lancaster Engineering. Kittelson & Associates prepared a supplemental memo in October 2022—*Springbrook District Development Agreement Transportation Findings* (Exhibit L)—to address any changes since the adoption of the initial plan. As shown by these documents, the proposed project will be well served by the proposed transportation infrastructure improvements within the area. The change from SD/NC designation to SD/MRR designation will reduce the number of generated trips; therefore, the proposed development will not generate traffic in excess of what was originally anticipated. Therefore, the proposed change in designation will be served with adequate transportation facilities consistent with this Comprehensive Plan policy.

- e. The City will encourage the development of retail development within the downtown area.

Response: The adoption and modification of the Springbrook Master Plan does not discourage the location of retail development within the downtown area. The District is not within the downtown area and does not create competition with the downtown area. Redesignating the Springbrook Neighborhood Commercial district to Mid-Rise Residential further removes the risk of new retail that competes with downtown retailers.

III. PLAN CLASSIFICATIONS

For the purpose of evaluating and eventually implementing the proposed Comprehensive Plan, descriptions of land use classifications are essential. Explanations of the map designations are as follows:

11. Springbrook District (SD)

The objective of this designation is to provide a compatible mixture of residential, hospitality/public, commercial, and industrial uses, governed by a master development plan. Residential uses will be primarily single-family dwellings and multi-plexes. Hospitality/public uses will be hotels and recreational facilities. Commercial uses are intended to include general commercial and neighborhood convenience uses such as retail businesses, retail food establishments, personal service establishments, and offices. Light industrial uses which are compatible with the general character of the area are also permitted. Proposals for development shall be consistent with the master plan and the availability of services, and should not adversely impact existing or potential development of adjacent lands. (Ordinance 2007-2678, September 4, 2007)

Response: The project and proposed changes comply with the objectives of the Springbrook District designation and outlined uses. The proposal is consistent with the Springbrook Master Plan and available services.

SPRINGBROOK DEVELOPMENT AGREEMENT

2008 DEVELOPMENT AGREEMENT FOR THE SPRINGBROOK MASTER PLAN

2. Springbrook Performance.

2.1 **Infrastructure Improvements.** Springbrook agrees to perform the infrastructure improvements set forth on Exhibit "F" attached hereto for water system improvements, sanitary sewer system improvements, stormwater system improvements, and transportation system improvements. Streets within the Master Plan will be dedicated as public streets. Improvements are identified by Phase I through XVII. The listed improvements are required for each phase, except as may be modified by the City and Springbrook in a Type I City process. Phasing is set forth with an anticipated timeline. Springbrook reserves the right to alter the phasing of the development as conditions warrant, however, the improvements required for each phase are still required unless modified pursuant to this paragraph. Phasing of improvements may need to be modified depending on the sequence of development, and other development within the community. For example, traffic signal or intersection improvements may need to be provided earlier than the phasing indicates based on changes in the phase sequence or external factors.

Response: The application proposes infrastructure improvements required to provide service the subdivision.

Water

Water service is currently available from each adjoining street, including a 12-inch main in E Mountainview Drive. Existing 12-inch water mains within E Foothills Drive will be extended from Foothills Drive, down Villa Road, and connecting to Mountainview Drive. This provides a looped 12-inch system, and water lines with the internal local streets will provide additional looped connections.

Non-potable/irrigation water mains, sometimes referred to as "purple pipe", currently exist at the intersection of N Villa Road and E Mountainview Drive but will not be live until a connection is made with the live main near the intersection of E Mountainview Drive and N Aspen Way. Non-potable water mains will be extended with this project in anticipation of future non-potable water availability. A temporary connection to potable lines will be made with double-check valves until non-potable water is available. 10-inch mains will be extended west along E Mountainview Drive to serve the school site and east along E Mountainview Drive to the limits of the full street improvements of E Mountainview Drive. 6-inch mains are proposed along N Villa Road to the limits of the full street improvements of N Villa Road to serve the Hess Creek open space and allow for future connections.

Sanitary Sewer

Sanitary sewer lines are currently available within E Mountainview Drive and along portions of N Aldersgate Drive. The majority of new sanitary sewer system will connect to the existing system at the intersection of E Mountainview Drive and N Center Street that drains to the southwest. A small portion of the sanitary sewer along N Villa Road will connect to an existing manhole at N Thorne Street and E Mountainview Drive that drains to the Hess Creek trunk line. A portion of the lots along N Aldersgate Drive will

connect to an existing 8-inch sanitary sewer line within Aldersgate Drive. All proposed mains will be 8-inch.

Stormwater

Stormwater treatment and detention requirements will be handled on site. The North and East portions of the site's stormwater will flow to a stormwater facility within Tract H that include a vegetated swale for water quality and a detention pond, Tract G. This facility will outfall to Hess Creek. The West portion of the site's stormwater will flow to a stormwater facility within Tract D that will include an extended dry basin. Due to the depth of the mains leaving said facility, the existing storm manholes and 24-inch mains along N Center Street south of E Mountainview Drive will be replaced with deeper improvements until such a distance down N Center Street where existing mains are sufficiently deep.

16. **Modifications or Amendments.** No amendment, change, or modification of this Development Agreement shall be valid, unless in writing and signed by all the parties hereto. Amendments to the agreement may be made following procedures in the NDC. Amendments to the Master Plan and subdivision may occur in accordance with the procedures set forth in the Master Plan. Further, it is the intent of this Development Agreement to permit the Master Plan Property to be expanded as properties are acquired by Springbrook Properties and as such properties are annexed into the Newberg city limits. Such properties shall be bound by the Master Plan upon acquisition by Springbrook Properties and annexation into the City, at the option of Springbrook Properties.

Response: No modification to the development agreement has been proposed as part of these applications.

2018 AMENDMENT TO 2008 DEVELOPMENT AGREEMENT

1. **New Paragraphs.**

A. **New Paragraph 1.5.**

"1.5 Delegation. The City delegates to the Community Development Director the authority to allow the following changes to the Master Plan conceptual and design elements through a Type I process: tree protection; infrastructure type and location; fence materials and colors; median locations and breaks; phase boundaries; lot lines and lot areas; and changes to the required infrastructure improvements as set forth in Exhibit "F" to the Agreement, subject to the resolution of any conflicts between the Master Plan and the Agreement pursuant to Paragraph 5 .2.11.

"1.5.1 Type I Process. The Community Development Director shall use the Type I process in the 2007 NDC for amendments authorized under Section 1.5 above but subject only to the approval standards set forth below. Type I amendments may be allowed for tree protection (numbers of trees and location of trees); infrastructure type, location, and size; lot lines and lot areas; fence materials and colors; median break locations; and phase boundary locations:

"1.5.1.1 Changes to the Master Plan as allowed by Paragraph 1.5 shall be to specific numerical standards, identified locations, identified fence materials and colors and identified terms for the items listed in Paragraph 1.5.1.

"1.5.1.2 The changes shall be based on the purpose of the Master Plan.

"1.5.1.3 The Community Development Director may impose clear and objective conditions of approval to implement the Type I amendments."

Response: The Applicant has proposed to amend the Master Plan conceptual and design elements as they relate to infrastructure type and location, fencing materials and colors, median locations and breaks, phase boundaries, lot lines, lot areas, and changes to the required infrastructure improvements. Per the 2018 Amendment to the 2008 Springbrook Development Agreement, these element changes are subject to a Type I process. These changes follow a need to align previously planned elements of the Springbrook District with the current realities of the area in terms of infrastructure needs, zoning requirements, design desires, and existing conditions on the site. The proposed project complies with this paragraph of the Development Agreement.

C. New Paragraph 1.7.

"1.7. City Acceptance of Regional Stormwater Facilities as Public Facilities. Regional stormwater facilities that meet the applicable standards of the City's Public Works Design and Construction Standards will be accepted as public facilities. The Applicant is required to minimize the number of regional stormwater facilities where possible."

Response: The Proposed Utilities – Stormwater System Plan sheet of the Springbrook Master Plan outlined three water quality/flow control facilities within the residential subdivision area west of Hess Creek. The current subdivision application contains two stormwater management facilities: a reduction satisfying Paragraph 1.7.

D. New Paragraph 1.8.

"1.8. Chehalem Parks and Recreation District (the "District") Acceptance of Parks. The owner of the relevant portion of the Property and the District shall mutually agree if any park within the Property shall be private or shall be public and dedicated by such property owner to the District. The City is not obligated to accept any park under this paragraph."

Response: Public parks have not been proposed as part of this project. Open spaces with public access are expected to be maintained under private ownership.

E. New Paragraph 1.4.1.

"1.4.1 Extension of Recording of Final Plats in Phased Subdivisions. Notwithstanding 2007 NDC 151.249, the City shall approve a phased subdivision schedule proposed in the tentative plan approval describing the expiration of the tentative plan for each subdivision phase and when recording of the final plat for each subdivision phase shall be required, subject to the City's authority to modify the proposed schedule."

Response: A proposed phased subdivision schedule for Collina at Springbrook has been provided as part of this application.

F. New Paragraph 5.2.11.

"5.2.11. Conflict between Master Plan and Agreement. In the event of a conflict between the Master Plan and the Agreement, the Agreement shall control."

Response: No conflicts between the Master Plan and the Agreement have been identified.

G. New Paragraph 5.2.12.

"5.2.12. Assignment Permitted. A property owner that is a party to the Agreement may assign and transfer its interest in the Agreement to another owner of the Property without an amendment to the Agreement."

Response: The property owner, Aspen Way West, LLC, is transferring interest in the subject site to the Applicant, Pahlisch Homes, Inc with the land purchase. This assignment and transfer does not require an additional amendment to the Agreement.

ORDINANCE NO. 2007-2678 APPLICABLE CONDITIONS OF APPROVAL

This application addresses the applicable Conditions of Approval of Ordinance No. 2007-2678. Where conditions address the previous tentative subdivision approved with this Ordinance, the Conditions of Approval are evaluated against the proposed tentative subdivision. Conditions of Approval related to the Master Plan are addressed as necessary.

EXHIBIT 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN

1. The following modifications shall be made to the Development agreement (Applicant's Exhibit A)

a. Development Agreement modifications:

[...]

Response: The conditioned modifications to Agreement 1.4, 2.1, and 2.2 were made to the Development Agreement, recorded by Yamhill County as 2008-01964. These conditions have been met.

b. Modify the infrastructure improvement list (Development Agreement Exhibit D) to reflect the following:

[...]

Response: The modifications regarding planned infrastructure were made to the Development Agreement. This application further complies with the City's requirements for infrastructure installation, upgrades, and oversizing, where necessary. Further details are available within the Preliminary Composite Utility Plans (Exhibit A). These conditions are met.

2. The following modifications shall be made to the Master Plan (Applicant's Exhibit B)

a. The following modifications shall be made to the conceptual master plan map and related documents:

[...]

- Relocate the public walkway at the east end of Sunset Drive so that it aligns with the sidewalks on Sunset Drive.

Response: The walkway referenced has been eliminated and replaced with an extension of E Sunset Drive to N Villa Road. Therefore, the sidewalks are planned to align and the intent of this condition is met.

- Extend Edgewood Drive to Villa Road. Replace the proposed street connection just north of Edgewood Drive with a public walkway, extending the existing public walkway from the west.

Response: Edgewood Drive has been extended to Villa Road and a public walkway has been proposed to extend the existing public walkway west of N Aldersgate Drive. This condition is met.

- Clarify the proposed location of the Neighborhood Commercial district and the Mid-Rise Residential Districts near Mountainview Drive (shown as a straight line on the concept master plan, and shown with an angle on the districts map).

Response: The location of the Neighborhood Commercial and Mid-Rise Residential Districts was clarified with the recorded Development Agreement and subsequent Springbrook District submittals. This application seeks to convert the Neighborhood Commercial area to Mid-Rise Residential in order to provide additional opportunities for housing. This condition has been met.

b. **Modify the Development Standards Matrix as follows:**

- The number of residential dwellings constructed shall be no more than 5 percent lower, nor more than 20 percent higher, than the number shown on the concept plan.

Response: This application is consistent with this Condition of Approval. The estimated number of units shown on the concept plan total has not yet been proposed to change beyond the variation provided with this Condition of Approval. This condition has been met.

- **Lot Dimensions**

- The standard City lot frontage requirement (25 feet, either directly or by easement) shall apply.

Response: The standard City lot frontage requirement was included within the Collina at Springbrook Development Standards Matrix and has not been proposed to change with this application. This Condition of Approval has been met.

- **Low Density residential:**

- Add the following uses:

[...]

Response: The listed uses were added to the Development Standards Matrix, as required. These uses have not been proposed to change as part of this application. This condition has been met.

- Maximum lot coverage shall be 35%. Combined maximum lot and parking coverage shall be 65%.

- Minimum lot width shall be 40 feet.

Response: The listed standards were changed to meet this condition of approval. The current application has proposed to alter these standards. The condition was met at the time of approval.

- **Mid-Rise Residential: Add the following uses:**

- Agriculture
- Group care home
- Transportation facilities and improvements, and utility services.

- **Neighborhood Commercial**

- Add the following to the list of uses:

- Agriculture
- Transportation facilities and improvements, and utility services
- Services for local residents, such as laundromat or barber.

Response: The required uses were included in the list of permitted uses within the Springbrook District Development Standards Matrix. These conditions have been met.

c. Modify the Proposed Utilities plan as follows:

[...]

Response: A new set of Preliminary Composite Utility Plans (Exhibit A) has been provided as part of this application, including updated Springbrook Master Plan addendums (Exhibit B) for the project area. These plans meet the requirements of these Conditions of Approval.

3. The following general conditions shall apply the development with the master plan

a. Streets

- Cooperative improvement plans. The master plan area abuts or affects several transportation facilities that are now or will be in need of improvement. In some of those cases, the obligation for improving those facilities extends to other parties, such as abutting property owners, as well. In these cases, the Springbrook developer shall coordinate with the City in developing cooperative improvement plans for completion of those facilities. These cooperative improvement plans may include local improvement districts, cost sharing arrangements, advance financing reimbursement districts, SDC reimbursement or credit plans, or other plans appropriate to each situation.
- Henry Road east of Center Street: Coordinate with the Chehalem Park and Recreation District to complete Henry Road fully abutting Gail Park. The developer could negotiate Parks SDC credits in exchange for full improvements to the road.
- Mountainview Drive: Villa Road to Aspen Way: This should be improved full-width with curbs and sidewalks both sides. The A-dec, Ushio, and Bramble Creek properties have waivers of remonstrance for frontage improvements. It is recommended that the developer contact the industrial users to coordinate improvement plans. The City can organize meetings with property owners as needed.
- College Street: The east side of College Street from Crestview Drive to project site should be improved along with development of the Neighborhood Commercial project.

[...]

- Consider a roundabout at Villa Road/Mountainview Drive intersection. Provide information on the merits of such a design versus a traffic signal.
- The applicant shall obtain permits from Yamhill County and pay required fees for improvements within County right-of-way. The City may desire to consider transfer of jurisdiction of these roads prior to development.
- The applicant shall obtain permit from the Oregon Department of Transportation for improvements within their right-of-way.
- Local Street Standards. Local streets shall follow the City's adopted standards. Modification to allow the applicant's proposed 28-foot wide local street standard may be used only under the following conditions:

Response: The Applicant has coordinated with the Chehalem Park and Recreation District for improvements to Henry Road abutting Tom Gail Park. Improvements to Mountainview Drive east of Villa Road have been proposed for modification, with the north sidewalk and planter strip requiring adjustment and relocation north in order to allow for adequate pedestrian and bicycle access. College Street improvements are still planned to be constructed at the time of development of the adjacent site, however, the Neighborhood Commercial area is proposed to change to Mid-Rise Residential. These conditions of approval have been addressed by the attached Kittelson & Associates, Inc. memorandum addressing project transportation topics (Exhibit L). These conditions have been met or are proposed for modification.

b. Utilities

- Utility lines shall be extended within the public right-of-ways as much as is practical.
- Utility lines shall be extended within the planned right-of-ways to the edge of the development and along the frontage of the development, unless such extensions would not serve the Springbrook or other properties.
- Water quality swales and basins shall be maintained by the homeowners association. Facilities to be constructed with the stream corridor shall be replanted per the approved stream corridor mitigation plan.

Response: The above utility conditions have been met by this application for Collina at Springbrook. Utility lines will be extended within public rights-of-way to the edges of the development where practical and necessary. Stormwater management facilities will be maintained as required by the City. Stream Corridor mitigation will be provided as required. These conditions are met.

c. Parks, pathways, and landscape tracts

- Parks shall be accessible to the public. Parks and pathways shall be developed in coordination with development in each of the phases.
- [...]
- A public walkway shall be provided crossing east-west through Tract A and Lot 1
- Landscaped tracts and medians shall be maintained by the homeowners' association.

Response: Parks and pathways are planned to be accessible by the public and will be developed according to their phase. Upon development of the area referred to as Tract A (existing Mid-Rise Residential) and Lot 1 (proposed Mid-Rise Residential) can provide a public walkway connecting each portion of the site. Landscaped tracts, medians, and other common areas are planned to be maintained by the Homeowners' Association. These conditions are met or will be met with future development.

d. Tree management plan. Prior to the development within each phase, present an overlay of the significant trees for preservation within that phase. Adjustments to the road alignments, lot layouts, or development may be necessary to preserve these natural features. Also, present a management plan designed to manage development and construction that will occur near these features.

Response: Existing trees are shown on the Existing Conditions Plans, Tree Tables, and Preliminary Demolition Plans contained in Exhibit A. Final plans for each phase is planned to be submitted with tree management plans, where necessary. This condition will be met with future applications.

- e. **Wetlands, waterways and other features:** Submit a copy of the wetlands delineation, and rare species report. Compliance with applicable requirements from the Oregon Department of State Lands and the U.S. Army Corps of Engineers is required for work within waterways and wetlands. The applicant has proposed fill and removal in an area of wetland or potential wetland within the development. In that State and Federal requirements first seek to avoid impacts, it is possible that this fill or removal may not be permitted. Redesign of the development may be needed to accommodate water features not permitted to be modified.

Response: A wetland delineation will be submitted when required. The project will demonstrate compliance with the applicable requirements of the Oregon Department of State Lands and U.S. Army Corps of Engineers. This condition is met or will be met as required.

- h. **Design handbook.** Submit the proposed design handbook applicable to each phase prior to development within that phase for review and acceptance for all subsequent development. Due to the special nature and coordinated approach of the Springbrook District, it is expected that such design standards will far exceed those that would otherwise be required for development. Prior to acceptance, the Director may require modifications to the proposed handbook guidelines. Development within that phase will be subject to the private certification process described in the Development Code. Development pursuant to a Type III design review process, including development previously approved for the Inn project and hospitality area, is exempt from this requirement.

Response: A preliminary design handbook has been included with this application for the City's review. A proposed design handbook applicable to each phase will be submitted with the final plat application for each phase. This condition has been and will be met with future applications.

- i. **Miscellaneous**

[...]

- Gateway features shall be designed to meet vision clearance standards, or to meet sight distance requirements as determined by an engineer.

Response: Gateway features for Collina at Springbrook are shown within Exhibit B. These structures will be designed to meet vision clearance standards. This condition is met.

EXHIBIT 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL SUB3-07-0009

Response: These conditions of approval relate to the previous subdivision application. This application for Preliminary Subdivision and Stream Corridor approval is based on the code standards in place at the time of application; therefore, these conditions of approval do not apply to these applications for Preliminary Subdivision and Stream Corridor approval.

V. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Newberg Municipal

Code, City of Newberg Comprehensive Plan, Springbrook Development Agreement, and Springbrook Master Plan. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve these land use applications.