



## PLANNING COMMISSION RESOLUTION NO. 2023-388

---

**A RESOLUTION APPROVING MISC322-0002/ZMA22-0001/SUB322-0002/MISC222-0005 FOR AMENDMENT TO THE SPRINGBROOK MASTER PLAN, ZONE CHANGE FROM SD/NC TO SD/MRR, THE PRELIMINARY PLAT FOR COLLINA AT SPRINGBROOK, AND STREAM CORRIDOR IMPACTS, YAMHILL COUNTY TAX LOTS R32 04900, R32 05000, R32 05100, R32 05200, R32 05300, R32 05400, R3208 05500, R3208 05800, R32 06200, R32 06300, R32 06400 AND R3218 00800**

---

### RECITALS

1. Pahlisch Homes Inc. submitted an application for amendments to the Springbrook Master Plan, a Zone Change from SD/NC to SD/MRR, a preliminary plat approval of an +/- 403-lot subdivision on property zoned SD/LDR (Springbrook District/Low Density Residential) and mitigation for Stream Corridor Impacts, Tax Lots R32 04900, R32 05000, R32 05100, R32 05200, R32 05300, R32 05400, R3208 05500, R3208 05800, R32 06200, R32 06300, R32 06400 and R3218 00800.
2. After proper notice, the Newberg Planning Commission opened the public hearing and continued the hearing to May 11, 2023, at the request of the Applicant. No public testimony was taken.
3. The Newberg Planning Commission continued the public hearing on May 11, 2023, and at the request of the Applicant continued the public hearing to June 8, 2023. No testimony was taken.
4. The Newberg Planning Commission continued the public hearing on June 8, 2023. The Commission considered testimony and deliberated.
5. The Newberg Planning Commission finds that the applications with the findings in Exhibit "A", Exhibit "B", Exhibit "C", and Exhibit "D", as conditioned, meets the applicable Newberg Municipal Code criteria.

### The Newberg Planning Commission orders as follows:

1. The Springbrook Master Plan Amendments MISC322-0002 is hereby recommended to be approved, subject to the conditions contained in Exhibit "E". Exhibit "E" is hereby adopted and by this reference incorporated.
2. The Zone Change from SD/NC to SD/MRR for ZMA22-0001 is hereby recommended to be approved for Yamhill County Tax Lot R3218 00800 and adjoining right-of-way to street centerline to include the property shown in Exhibit "F". Exhibit "F" is hereby adopted and by this reference incorporated, subject to the conditions contained in Exhibit "E". Exhibit "E" is hereby adopted and by this reference incorporated.

3. The subdivision preliminary plat application SUB322-0002 is hereby recommended to be approved, subject to the conditions contained in Exhibit "E". Exhibit "E" is hereby adopted and by this reference incorporated.
4. The Stream Corridor mitigation impacts application MISC222-0005 is hereby recommended to be approved, subject to the conditions contained in Exhibit "E". Exhibit "E" is hereby adopted and by this reference incorporated.
5. The findings shown in Exhibit "A", Exhibit "B", Exhibit "C", and Exhibit "D" are hereby adopted. Exhibit "A", Exhibit "B", Exhibit "C", and Exhibit "D" are hereby incorporated by reference.

**Adopted by the Newberg Planning Commission this 8<sup>th</sup> day of June 2023.**

ATTEST:

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

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

List of Exhibits:

- Exhibit "A": Findings Springbrook Master Plan
- Exhibit "B": Findings Zone Change
- Exhibit "C": Findings Subdivision
- Exhibit "D": Findings Stream Corridor
- Exhibit "E": Conditions
- Exhibit "F": Proposed Zoning Map

## Exhibit “A”: Findings – File MISC322-0002

### Springbrook Master Plan Amendment

#### *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.*

**Finding:** The proposed Master Plan amendment retains providing a mixture of residential uses, commercial uses, hospitality/public uses, and light industrial uses. The modification of the SD/NC (Springbrook District/Neighborhood Commercial) area to SD/MRR (Springbrook District/Mid-Rise Residential) will provide for the opportunity to accommodate a housing type other than single-family homes. The zone change would allow for apartments or townhouses. A commercial area would be retained in the SD/V area off N Springbrook Road and E Crestview Drive. This mixture continues to provide flexibility and innovation in design. No changes are proposed for the SD/E (Springbrook District Employment) for light industrial uses. No changes to the Springbrook Master Plan are proposed at this time east of Hess Creek.

The proposed Master Plan modifications meets the stated purpose.

*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. [Ord. 2678 § 4 (Exh. 6(1)), 9-4-07; Ord. 2451, 12-2-96. Code 2001 § 151.425.]*

**Finding:** The proposed Master Plan changes clarify development activities west of Hess Creek and the process for development within the Springbrook Master Plan and Newberg Development Code.

The proposed Master Plan modifications meets the stated purpose.

#### *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. [Ord. 2678 § 4 (Exh. 6(1)), 9-4-07; Ord. 2619, 5-16-05; Ord. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.426.]*

**Finding:** The Springbrook Master Plan was adopted by Ordinance No. 2007-2678 in September 2007. The Development Standards Matrix was amended twice since initial adoption to address duplex development by Ordinance No. 2021-2880 and again by Ordinance No. 2021-2889 for triplex, quadplex, townhouse and cottage cluster development to comply with HB 2001. The proposed



amendments to the Springbrook Master Plan will further amend the Development Standards Matrix by adjusting the Minimum Lot Area in Low Density Residential from 3,600 square feet to 2,900 square feet, adjusting the Minimum Lot Dimensions for lot width from 36 feet to 32 feet, except minimum 20 feet for attached dwelling units in Low Density Residential, and adds additional Design Standards for detached quadplex developments in Springbrook District/Low Density Residential area.

In addition to the above modifications the application modifies the approved Master Plan for:

1. Hess Creek Open Space west of Hess Creek
2. Proposed Conceptual Master Plan west of Hess Creek
3. Land Use District Map west of Hess Creek
4. Gateway Features Plan west of Hess Creek.
5. Parks and Pedestrian Circulation Plan west of Hess Creek.
6. Street Classification Map west of Hess Creek.
7. Sanitary Sewer System Plan west of Hess Creek.
8. Stormwater System Plan west of Hess Creek.
9. Water System Plan west of Hess Creek.
10. Development Standards Matrix

The modifications can be found in Attachment 1, Exhibit B of the Applicant's material.

Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 2a has two applicable conditions that would be modified by the proposed Master Plan amendment.

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

**Finding:** The revised proposal provides a different layout than the proposal from 2007. In the new proposal E Sunset Drive will be extended to N Villa Road with sidewalks on both sides of the street and the public walkway has been deleted. The condition of Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 2a “Relocate the public walkway at the east end of Sunset Drive so that it aligns with sidewalks on Sunset Drive.” is deleted from Ordinance No. 2007-2678.

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

**Finding:** The revised proposal provides a different layout than the proposal from 2007. In the new proposal E Edgewood Drive will be extended to N Villa Road with sidewalks on both sides of the street and the public walkway has been deleted. A pedestrian path will also be provided one lot north of E Edgewood Drive that will connect between N Aldersgate Drive and N Villa Road. The condition of Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 2a “Extend Edgewood Drive to Villa Road. Replace the proposed street connection just north of Edgewood Drive with public walkway, extending the existing public walkway from the west.” is deleted from Ordinance No. 2007-2678.

Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 2c Proposed Utility plan had two applicable conditions that would continue to be imposed by the proposed Master Plan amendment.

- “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 (in some cases, such as south of Henry Road, it appears that the proposed lines stop short of the extensions needed).”
- “(Note: Detailed engineering may require additional or different utility improvements than those shown on the master plan).”

**Finding:** To comply with Ordinance No. 2007-2678:

- 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 (in some cases, such as south of Henry Road, it appears that the proposed lines stop short of the extensions needed).
- Note: (Detailed engineering may require additional or different utility improvements than those shown on the master plan).

Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3a Streets had five applicable conditions that would be modified or would continue to be imposed by the proposed Master Plan amendment.

- “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.”

**Finding:** E Henry Street is identified to be extended between N Center Street and N Estate Street. Coordination will need to occur between the Applicant and Chehalem Park and Recreation District for construction of the street. To comply with Ordinance No. 2007-2678:

- 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.”

**Finding:** The revised proposal provides a shared use path and bridge east of N Villa Road as an alternative sidewalks and bike lanes through the “dip” in E Mountainview Drive at Hess Creek. The properties referenced as having waivers of remonstrance for frontage improvements are not in the area of the currently proposed subdivision. The language in Ordinance No. 2007-2678 is revised to read: Mountainview Drive: Villa Road to Aspen Way: This should be improved full-width with curbs and sidewalks both sides. Construction of bike lanes and sidewalks in the segment of E Mountainview Drive east of N Villa Road through the “dip” may be deferred provided:

- the Applicant constructs a shared use path and bridge through this segment that meets the requirements of the City Engineer and;
- completes intersection improvements at N Mountainview Drive that address safety mitigation measures for all modes of transportation that meets the requirements of the City Engineer for not constructing the full-width street section with sidewalks and bike lanes on both sides through this segment of E Mountainview Drive through the “dip”. This would include safety mitigation measures for not raising the segment of E Mountainview Drive through the ”dip”.

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.

- “College Street: The east side of College Street from Crestview Drive to the project site should be improved along with development of the Neighborhood Commercial project.”

**Finding:** The revised proposal provides a different zoning designation for the referenced property. The proposed zoning is Springbrook District/Mid-Rise Residential. The language in Ordinance No. 2007-2678 is revised to read: College Street: The east side of N College Street from E Crestview Drive to the project site should be improved along with the development of the Mid-Rise Residential project.

- “Consider a roundabout at Villa Road/Mountainview Drive intersection. Provide information on the merits of such a design versus a traffic signal.”

**Finding:** The applicant provided a memorandum providing information on consideration of a roundabout at the intersection N Villa Road at E Mountainview Drive in Supplemental Information #4. The roundabout memo describes the topographic and right-of-way concerns that were identified with regard to a roundabout at the intersection N Villa Road at E Mountainview Drive.

This criterion has been met.

- “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:
  - The street must be a local residential street
  - It is only allowed within the Low-Density Residential district.
  - It may only be used on blocks less than 600 feet in length with outlets at each end (i.e. not on cul-de-sacs)
  - The final design must be approved by the City Engineer and Fire Marshal.
  - Hydrant placements, driveway restrictions near intersections, and other factors may require wider street widths in sections. Striping and signage for no parking shall not be a substitute for wider street widths.
  - All lots fronting the street shall have a minimum of two off-street parking spaces exclusive of the garage.
  - Buildings shall be limited to 30 feet in height, as measured by the Development Code.
  - Driveways shall be designed to be offset so that the entire length of the street shall have no parking on one side.

- Notices of the last three restrictions above shall be placed in the deeds or CC&R's for each lot with such restrictions.”

**Finding:** To comply with Ordinance No. 2007-2678 the Applicant shall meet the following Local Street Standards condition in Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3a Streets:

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:

- The street must be a local residential street
- It is only allowed within the Low-Density Residential district.
- It may only be used on blocks less than 600 feet in length with outlets at each end (i.e. not on cul-de-sacs)
- The final design must be approved by the City Engineer and Fire Marshal.
- Hydrant placements, driveway restrictions near intersections, and other factors may require wider street widths in sections. Striping and signage for no parking shall not be a substitute for wider street widths.
- All lots fronting the street shall have a minimum of two off-street parking spaces exclusive of the garage.
- Buildings shall be limited to 30 feet in height, as measured by the Development Code.
- Driveways shall be designed to be offset so that the entire length of the street shall have no parking on one side.
- Notices of the last three restrictions above shall be placed in the deeds or CC&R's for each lot with such restrictions.

Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3b Utilities had three applicable conditions that would be modified or would continue to be imposed by the proposed Master Plan amendment.

- “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.”

**Finding:** To comply with Ordinance No. 2007-2678 the Applicant shall meet the following:

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.

Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3c Parks, pathways, and landscape tracts had two applicable conditions that would be modified or would continue to be imposed by the proposed Master Plan amendment.

- “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.”

**Finding:** The Applicant’s narrative identifies that the open space areas will be accessible to the public in conformance with the above condition. Open space areas and pathways will be developed with the respective phase of development occurring.

Tract A is the property located at the southeast corner of N College Street and E Mountainview Drive. This property is currently zoned SD/NC and is proposed to be changed to SD/MRR. The condition of Ordinance No. 2007-2678 remains in effect for this property and is not proposed to be modified.

Lot 1 is located north of E Mountainview Drive between N Villa Road and N Center Street. The Applicant’s proposal modifies the concept from 2007 across Lot 1 and the public walkway is no longer necessary across Lot 1. The condition in Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3c Parks, pathways, and landscape tracts shall be modified to read: A public walkway shall be provided crossing east-west through Tract A.

Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3d Tree management plan had one applicable condition that would continue to be imposed by the proposed Master Plan amendment.

“d Tree management plan. Prior to 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.”

**Finding:** A tree inventory was provided by the applicant that covers all 8 phases of the proposed subdivision and for the pedestrian bridge crossing of Hess Creek. The condition of Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3d Tree management plan shall apply to the proposed Master Plan amendment. Tree management plan. Prior to 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.



Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3e Wetlands, waterways and other features plan had one applicable condition that would continue to be imposed by the proposed Master Plan amendment.

“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 significant 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.”

**Finding:** The Applicant has submitted a wetland delineation to the Oregon Department of State Lands (DSL) as noted in Attachment 6 for the proposed subdivision and pedestrian bridge over Hess Creek. A Wetland Land Use Notification was also submitted and response is included as Attachment 7. No fill has been proposed in an identified wetland area. The condition from Ordinance No. 2007-2678 has been met.

Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3f Well Protection Best Management Practices had one applicable condition that would continue to be imposed by the proposed Master Plan amendment.

“f Well Protection Best Management Practices: The development shall follow the well protection best management practices as outlined in Exhibit S.”

**Finding:** Ordinance No. 2007-2678 includes the Springbrook Land Use Application dated June 14, 2007 by reference. This application included various exhibits including Exhibit S. To comply with Ordinance No. 2007-2678 the Applicant shall meet the following:

Well Protection Best Management Practices: The development shall follow the well protection best management practices as outlined in Exhibit S.

Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3g Geotechnical had one applicable condition that would continue to be imposed by the proposed Master Plan amendment.

“g Geotechnical: Incorporate the recommendations from the Report of Initial Geotechnical Engineering Services into the design and construction of the site.”

**Finding:** Ordinance No. 2007-2678 includes the Springbrook Land Use Application dated June 14, 2007 by reference. This application included various exhibits including Exhibit I, Report of Initial Geotechnical Engineering Services. To comply with Ordinance No. 2007-2678 the Applicant shall meet the following:

Geotechnical: Incorporate the recommendations from the Report of Initial Geotechnical Engineering Services (May 17, 2007) into the design and construction of the site.

Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3h Design handbook had one applicable condition that would continue to be imposed by the proposed Master Plan amendment.

“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 in hospitality area, is exempt from this requirement.”

**Finding:** The Applicant submitted the Draft Collina at Springbrook Architecture Concepts & Design Guidelines as part of their submittal. Staff has reviewed the document and comments are included in Attachment 4. The condition of Ordinance No. 2007-2678 has been met for the 8 Phase Collina at Springbrook. The Applicant shall submit a revised Collina at Springbrook Architecture Concepts & Design Guidelines for review and comment prior to final acceptance by the City of Newberg and the Applicant recording of the document.

Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3i Miscellaneous had one applicable condition that would continue to be imposed by the proposed Master Plan amendment.

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

**Finding:** The Applicant has provided a revision to the Gateway Features as part of the Master Plan amendment. The pro Ordinance No. 2007-2678 proposed plan identifies Major Gateway, Gateway 1, and Community Trail Markers. Major Gateways are located on E Mountainview Drive at N Villa Road and N College Street. Gateway 1 is located on E Mountainview Drive and N Center Street and N Center Street and E Henry Road. Community Trail Markers are located east of the N Villa Road extension at three pedestrian path locations. All of the Gateway feature locations will need to meet vision clearance and site distance requirements. Gateway features shall be designed to meet vision clearance standards, or to meet sight distance requirements as determined by an engineer.

The proposed Springbrook Master Plan modifications are consistent with this criterion and the conditions of Ordinance No. 2007-2678 or have been modified as noted in the above findings and conditions.

***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. [Ord. 2678 § 4 (Exh. 6(1)), 9-4-07. Code 2001 § 151.427.]***

**Finding:** The application was reviewed against the Newberg Development Code and the Springbrook Master Plan. Where conflicts are noted in the findings the Springbrook Master Plan supersedes.

This criterion is met.

***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.***

***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.***

***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.***

**Finding:** 15.326.040(A) is not applicable because the applications do not require site Design Review.

***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.***

***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. [Ord. 2678 § 4 (Exh. 6(1)), 9-4-07. Code 2001 § 151.429.]*

**Finding:** The subdivision is being processed as a Type III review because it is bundled with other applications, the highest of which require a Type III review per NMC 15.100.030(H) and 15.100.080(B). The Applicant's application material acknowledges the Type III review process for the subdivision application.

The criteria are met.

*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. [Ord. 2678 § 4 (Exh. 6(1)), 9-4-07. Code 2001 § 151.430.]*

**Finding:** The Applicant submitted a draft of the Springbrook Design Guidelines Handbook titled "Collina at Springbrook Architecture Concepts & Design Guidelines." Staff has provided initial comments on the initial Collina at Springbrook Architecture Concepts & Design Guidelines included as Attachment 4. Submittal of the Design Guidelines complies with Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3h Design handbook. Because there are modifications necessary to the Collina at Springbrook Architecture Concepts & Design Guidelines the Applicant shall submit a revised Collina at Springbrook Architecture Concepts & Design Guidelines for review and comment prior to final acceptance by the City of Newberg and the Applicant recording of the document.

At the time of submittal of individual building permits for homes within Collina at Springbrook, Architectural Review Committee (ARC) approval documentation shall be submitted with the Building Permit application.

This criterion will be met if the aforementioned conditions of approval are adhered to.



***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.***

**Finding:** This criterion is not applicable because no land use district boundary modifications of less than one acre are proposed.

***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.***

**Finding:** This criterion is not applicable because no land use district boundary modifications greater than one acre and less than five acres are proposed.

***2. Modifications to the “Trip Cap” established with approval of the master plan.***

**Finding:** No modification to the trip cap established with the approval of the Springbrook Master Plan in 2007 are proposed.

***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.***

**Finding:** Modifications to the Springbrook Master plan are proposed that include:

1. Hess Creek Open Space west of Hess Creek
2. Proposed Conceptual Master Plan west of Hess Creek
3. Land Use District Map west of Hess Creek
4. Gateway Features Plan west of Hess Creek.
5. Parks and Pedestrian Circulation Plan west of Hess Creek.
6. Street Classification Map west of Hess Creek.
7. Sanitary Sewer System Plan west of Hess Creek.
8. Stormwater system Plan west of Hess Creek.
9. Water System Plan west of Hess Creek.
10. Development Standards Matrix

These modifications are following the Type III procedure of NMC 15.100.050 and will be reviewed by the Newberg Planning Commission and Newberg City Council at public hearings.

This criterion can be met.

*2. Modifications to the Springbrook district boundary. [Ord. 2678 § 4 (Exh. 6(1)), 9-4-07. Code 2001 § 151.431.]*

**Finding:** No modification to the Springbrook district boundary is proposed. This criterion is not applicable.

**CONCLUSION**

The proposed Master Plan amendments meet the applicable requirements of the Newberg Development Code and should be approved.

**Exhibit “B”: Findings – File ZMA22-0001**  
**SD/NC to SD/MRR**

*15.302.010 Establishment and designation of use districts and subdistricts.*

*In order to classify, regulate, restrict and segregate the uses of lands and buildings, to regulate and restrict the height and size of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, the following classes of use districts and subdistricts are established:*

*A. Use Districts.*

- 1. R-1 low density residential district.*
- 2. R-2 medium density residential district.*
- 3. R-3 high density residential district.*
- 4. RP residential professional district.*
- 5. C-1 neighborhood commercial district.*
- 6. C-2 community commercial district.*
- 7. C-3 central business district.*
- 8. C-4 riverfront commercial district.*
- 9. CF community facilities district.*
- 10. I institutional district.*
- 11. M-1 limited industrial district.*
- 12. M-2 light industrial district.*
- 13. M-3 heavy industrial district.*
- 14. M-4 large lot industrial district.*
- 15. AI airport industrial district.*
- 16. Airport residential (AR) district.*
- 17. SD Springbrook district.*
- 18. M-E mixed employment district.*

***B. Subdistricts of Use Districts.***

- 1. AO airport overlay subdistrict.***
- 2. CC civic corridor overlay subdistrict.***
- 3. H historic landmarks subdistrict.***
- 4. IO institutional overlay subdistrict.***
- 5. LU limited use overlay subdistrict.***
- 6. RD riverfront subdistrict.***
- 7. SC stream corridor overlay subdistrict.***
- 8. SP specific plan subdistrict.***
- 9. AIO airport industrial overlay subdistrict.***
- 10. Airport residential overlay subdistrict.***
- 11. Bypass interchange overlay subdistrict.***
- 12. Interim industrial overlay subdistrict. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2720 § 1(8), 11-2-09; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.120.]***

**Finding:** This proposal addresses A. Use Districts #17. Springbrook District where the SD/NC (Springbrook District/Neighborhood Commercial) zoning designation is proposed to be modified to SD/MRR (Springbrook District/Mid-Rise Residential). The other Use Districts listed above are not applicable to the requested zone change.

No changes to B. Subdistricts of Use Districts are proposed.

***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.*

**Finding:** This application has been initiated by Pahlisch Homes, Inc. with support from the property owner Aspen Way West LLC. The City did not initiate the application thus a resolution to initiate was not required by the Planning Commission or City Council. The Planning Commission will review the Zone Change request at a public hearing and forward its recommendation in the form of a resolution to the City Council. The City Council will hold a separate public hearing and render a final decision by ordinance on the request.

This criterion will be met through the required review process.

*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.*

**Finding:** The submitted request has not gone through the Planning Commission and City Council public hearing process to reach a final decision. If the application is denied by the City Council the requirements of 15.302.030(2) would come into effect.

*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;*

**Finding:** Analysis for compliance with the Newberg Comprehensive Plan and Statewide Planning Goals are included as Sections A. Statewide Planning Goals, B. Newberg Comprehensive Plan, and C. Newberg Municipal Code below. Staff has found the proposed Zone Change is in conformance based on the submitted application in Attachment 1.

For the Development Code consistency, the findings in Exhibit “B”: Findings – File ZMA22-0001 have been determined by staff to be in conformance.

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;*

**Finding:** The subject site has immediate proximity to public infrastructure. There is a 12-inch water line in E Mountainview Drive, an 8-inch wastewater line in N Center Street with an 8-inch lateral to the site, a 10-inch and 18-inch water line in N College Street, a 21-inch and 8-inch wastewater line in N College Street, and an 18-inch storm line in N College Street.

This criterion is met.

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

**Finding:** A memo from Chris Brehmer & Julia Kuhn of Kittelson & Associates dated May 5, 2021, described the results of an assessment of the impact the proposed zone change would have on traffic generation. This assessment determined that development under proposed zone change would generate fewer total trips, weekday AM total peak hour trips, and weekday PM total peak hour trips than the existing zoning expected. Weekday AM peak hour trips leaving the site increased by 22 trips under the proposed zone change. This is insignificant. Additionally, the Applicant submitted an email from Oregon Department of Transportation (ODOT) Senior Transportation Planner Dan Fricke stating the agencies opinion that the proposed zone change will not have a significant effect.

The findings of the transportation memo described above also recommended that the existing development agreement include a “trip cap” that “allows for flexibility in the ultimate residential unit mix proposed but still remains consistent with ODOT findings”. That trip cap is described as future development of the redesignated commercial property limited to land uses that result in no more than 1,960 daily trips, 142 weekday AM, and 181 weekday PM peak hour trips. These limits are based on the assessment done to compare the proposed zone change with the existing zone expectation. This trip cap is specific to the development of the property located at the southeast corner of the intersection of E Mountainview Drive and N College Street. The Applicant will be required to adhere to this trip cap – 1,960 daily trips, 142 weekday AM, and 181 weekday PM peak hour trips for the development of the property located at the southeast corner of the intersection of E Mountainview Drive and N College Street.

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

***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.***

**Finding:** The Applicant with the property owner signature has submitted an application for the proposed Zone Change which is included as part of Attachment 1, Exhibit C. The property owner submitted the required waiver – Covenant of Waiver of Rights and Remedies. The document is included in Attachment 1, Exhibit C of the application materials.

The 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.*

**Finding:** The Applicant submitted a traffic evaluation that found insignificant impacts on the transportation facilities due to the zone change.

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.*

**Finding:** Not applicable because the proposed zone change does not involve R-1 zoned property.

**B. R-2 Medium Density Residential District.**

*1. The purpose of this land use designation is to provide a wide range of dwelling types and styles at an average overall density of nine 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 on small lots, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects, multifamily dwellings, and manufactured dwelling parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-2 district is intended to be consistent with the medium density residential (MDR) designation of the comprehensive plan.*

**Finding:** The proposed SD/MRR is modeled after the R-2 and R-3 zoning district as noted in the Development Standards Matrix of the Springbrook Master Plan (Attachment 1, Exhibit B). The listed uses include:

❖ Attached Dwelling Units

- ❖ Manufactured Home
- ❖ Detached Dwelling Units
- ❖ Duplex Dwellings
- ❖ Triplex and Quadplex Dwellings
- ❖ Cottage Clusters
- ❖ Multi-Family Units

A full listing of uses allowed can be found in Attachment 1, Exhibit B.

The proposed zone change is consistent with the stated purpose.

***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.***

**Finding:** The proposed SD/MRR is modeled after the R-2 and R-3 zoning district as noted in the Development Standards Matrix of the Springbrook Master Plan. The listed uses include:

- ❖ Attached Dwelling Units
- ❖ Manufactured Home
- ❖ Detached Dwelling Units
- ❖ Duplex Dwellings
- ❖ Triplex and Quadplex Dwellings
- ❖ Cottage Clusters
- ❖ Multi-Family Units

A full listing of uses allowed can be found in Attachment 1, Exhibit B.

The proposed zone change is consistent with the stated purpose.



**D. R-4 Manufactured Dwelling District.**

*1. The purpose of this land use designation is to provide locations reserved for manufactured homes, manufactured dwelling parks, mobile home parks, manufactured home subdivisions, and related uses.*

*2. This district allows manufactured homes, mobile home parks, or manufactured home subdivisions at a density of up to 12 units per gross buildable acre. The R-4 district is intended to be consistent with the medium density residential (MDR) or high density residential (HDR) designation of the comprehensive plan.*

**Finding:** Not applicable because the proposed zone change does not involve R-4 zoned property.

*E. RP Residential-Professional District. The RP residential-professional district provides for a desirable mixing of residential land uses with medical and local business office uses in possible close proximity to adjacent residential areas. The office building and parking coverage, traffic generation, open space and other external factors are intended to be compatible with the residential uses permitted. This district may be appropriate in transition areas between major land uses as indicated in the adopted plan. The RP district is intended to be consistent with commercial or residential designations on the Newberg comprehensive plan. RP districts shall be located as to conform to goals and policies identified within the Newberg comprehensive plan and in areas which have a minimal impact on the livability or appropriate development of abutting property.*

**Finding:** Not applicable because the proposed zone change does not involve RP zoned property.

*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.*

**Finding:** The existing SD/NC is modeled after the C-1 zoning district as noted in the Development Standards Matrix of the Springbrook Master Plan. The listed uses include:

- ❖ Retail
- ❖ Restaurants
- ❖ Office
- ❖ Medical Clinics
- ❖ Financial Institutions
- ❖ Agriculture
- ❖ Civic Uses:
  - Post Office

Museum  
Community Center  
Library

- ❖ Day Care
- ❖ Group Care Facilities
- ❖ Transportation facilities and improvements and utility services
- ❖ Services for local residents, such as laundromat or barber
- ❖ Any other building or use determined to be similar to uses listed in this District

A full listing of uses allowed can be found in Attachment 1, Exhibit B.

***G. C-2 Community Commercial District. The C-2 community commercial district is intended to create, preserve and enhance areas with a wide range of retail sales, commercial services, and office establishments. Typical development types include individual commercial buildings on small and large sites, community shopping centers, and some outdoor retail uses. This district is typically located along highways and arterials. This district also includes some development which does not strictly fit the description of “commercial” but also does not merit a separate zoning district. The C-2 district is intended to be consistent with the commercial (COM) and mixed use (MIX) designations of the comprehensive plan.***

**Finding:** Not applicable because the proposed zone change does not involve C-2 zoned property.

***H. C-3 Central Business District. The C-3 central business district is intended to preserve and enhance areas within which the greatest possible concentration of retail sales and business will occur. The district will be applied to the “core” area based upon the guidelines established in the comprehensive plan. The buildings and uses permitted reflect the desire to have parking provided on a district-wide basis rather than having each individual building or use provide parking. The C-3 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.***

**Finding:** Not applicable because the proposed zone change does not involve C-3 zoned property.

***I. C-4 Riverfront Commercial District.***

***1. The purpose of the C-4 riverfront commercial district is to allow a mix of uses that:***

- a. Provides a variety of retail, commercial, and residential uses that benefit from proximity to the river.***
- b. Encourages access to and enjoyment of the Willamette River.***
- c. Ensures compatibility of development with the surrounding area and minimizes impacts on the environment.***

***2. Properties zoned in this district must comply with the development standards of the riverfront overlay subdistrict, as described in NMC 15.352.010 through 15.352.060.***

**3. The C-4 district is intended to be consistent with the commercial/riverfront district (COM/RD) designation of the comprehensive plan.**

**Finding:** Not applicable because the proposed zone change does not involve C-4 zoned property.

**J. M-1 Limited Industrial District.** *The M-1 limited industrial district is intended to create, preserve and enhance areas containing manufacturing and related establishments with limited external impact, and with an open and attractive setting. The M-1 limited industrial district is typically appropriate to locations near highways and arterials and nonmanufacturing areas. The M-1 district is intended to be consistent with the industrial (IND) and mixed use (MIX) designations of the comprehensive plan.*

**Finding:** Not applicable because the proposed zone change does not involve M-1 zoned property.

**K. M-2 Light Industrial District.** *The M-2 light industrial district is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The M-2 district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.*

**Finding:** Not applicable because the proposed zone change does not involve M-2 zoned property.

**L. M-3 Heavy Industrial District.** *The M-3 heavy industrial district is intended to create, preserve and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments and are typically appropriate to areas which are most distant from residential areas, and which have extensive rail or shipping facilities. The M-3 district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.*

**Finding:** Not applicable because the proposed zone change does not involve M-3 zoned property.

**M. M-4 Large Lot Industrial District.** *The M-4 industrial employment district is divided into two subdistricts: the industrial employment subdistrict and the industrial commercial subdistrict. One of the main intents of these districts is to provide a variety of employment opportunities for the citizens of Newberg. Providing adequate jobs for our citizens leads to other related benefits, including a diversified and stable local economy, a stronger tax base, and environmental benefits from less out-commuting to jobs. In addition, providing adequate local jobs helps fulfill the stated desire of many citizens to “live here, work here, shop here.” The M-4 district has two subdistricts:*

**1. Employment Subdistrict.** *Through a comprehensive planning process, the city identified a need for large lot industrial sites of at least 20 acres in size. Further analysis of potential areas identified the area south of Newberg, on either side of Highway 219, as the area best suited to meet the city’s needs for large site industrial development. As part of the city’s strategy for preserving large size industrial sites within industrial districts, the M-4 industrial employment subdistrict is intended to create, preserve and enhance areas containing large parcels (20+ acres) suitable for large industrial users and industrial planned unit developments. An approved plan for an industrial planned unit development is required prior to dividing a large parcel into lots or parcels that are less than 20 acres. The purpose of the planned unit*

*development is to bring related industries and services that complement each other close together, resulting in synergistic effects arising from regular face-to-face communications, economies of scale, and reduced transportation time and cost.*

*2. Commercial Subdistrict. The industrial commercial subdistrict is intended to create, preserve and enhance areas for retail establishments serving the specific needs of the M-4 industrial employment area. The subdistrict is similar to the C-1 neighborhood commercial district, although the type and scale of uses permitted are limited to those that will directly support allowed uses within the M-4 industrial employment area. The area is not intended to serve pass-by traffic or provide for the general commercial needs of the community. The intent is to allow uses that complement the area while limiting or eliminating those uses that would have detrimental impact on the overall district.*

*Potential adverse impacts of industrial activity on adjacent uses are minimized by design and development standards as required by NMC 15.220.090. Large industrial sites and planned unit developments are configured and designed to minimize use-to-use conflicts within the industrial districts, as well as conflicts between industrial uses and those allowed in other districts. The M-4 district is intended to be consistent with the industrial (IND) and commercial (COM) designations of the comprehensive plan.*

**Finding:** Not applicable because the proposed zone change does not involve M-3 zoned property.

*N. CF Community Facilities District. The purpose of the CF community facilities district is to provide for appropriate development of community facilities, primarily by public agencies or nonprofit organizations. It encourages the preservation of natural resources and open space resources inventoried in the comprehensive plan. The CF district is intended to be consistent with the parks (P) and public/quasi-public (PQ) designations in the comprehensive plan. It may also be consistent with any other designation of the comprehensive plan as determined by the city council.*

**Finding:** Not applicable because the proposed zone change does not involve CF zoned property.

*O. I Institutional District. The I institutional district is intended to support and promote institutional uses. The district provides for the establishment and growth of large institutional campuses as well as accessory and compatible uses. The institutional district is intended to be consistent with the public/quasi-public (PQ) designation of the comprehensive plan.*

**Finding:** Not applicable because the proposed zone change does not involve C-3 zoned property.

*P. AR Airport Residential District. The purpose of the AR airport residential district is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. The AR district is intended to be consistent with the airport residential (AR) designation in the comprehensive plan. Maximum overall density shall be 8.8 units per gross buildable acre in the district, calculated as follows:*

1. *Single-family detached dwellings and duplex dwellings shall count as a single dwelling unit for density calculation.*
2. *Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from density calculation and shall be subject only to the minimum lot sizes in NMC 15.405.010.*

**Finding:** Not applicable because the proposed zone change does not involve AR zoned property.

*Q. AI Airport Industrial District. The purpose of the AI airport industrial district is to encourage and support the continued operation and vitality of Sportsman Airpark by allowing airport-related industrial uses, and as such to promote economic development for the City of Newberg and Yamhill County. The AI airport industrial district is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require or benefit from a location within or immediately adjacent to primary flight operations and passengers or cargo service facilities. It is further intended to provide appropriate locations for airport-related light industrial uses that are compatible with and benefit from air transportation. The AI district is intended to be consistent with the industrial (IND) and public/quasi-public (PQ) designations in the comprehensive plan.*

**Finding:** Not applicable because the proposed zone change does not involve AI zoned property.

*R. M-E Mixed Employment District. The M-E mixed employment district is intended to create a mix of light industrial and limited commercial uses that provide employment opportunities for the City of Newberg while also creating a high-quality urban environment. This designation can provide a buffer between industrial uses with a high degree of external impact and other uses such as residential and recreational areas. The M-E designation is intended to be consistent with the industrial (IND) and mixed use (MIX) designations of the comprehensive plan. [Ord. 2889 § 2 (Exh. B §§ 9 – 12), 12-6-21; Ord. 2880 § 2 (Exh. B §§ 11 – 13), 6-7-21; Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2763 § 1 (Exh. A § 4), 9-16-13.]*

**Finding:** Not applicable because the proposed zone change does not involve M-E zoned property.

**15.302.040 Subdistricts.**

*Subdistricts of each of the use districts may be established. The parent residential district requirements shall apply to those respective subdistricts except those regulations pertaining to lot area per dwelling unit or density.*

*A. Suffix Numbers Noting Density. Suffix numbers, including but not limited to the following examples, shall be noted on the zoning map indicating the maximum number of dwelling units permitted per gross acre. The following are examples of suffixes for subdistricts and their density equivalents:*

<i>Suffix</i>	<i>Density Maximum</i>
<i>5/A</i>	<i>5 dwelling units per gross acre</i>



- 6/A                    6 dwelling units per gross acre  
7.5/A                  7-1/2 dwelling units per gross acre  
.33/A                  1 dwelling unit per three gross acres

*Note: Duplex dwellings count as a single dwelling per lot for the purpose of calculating compliance with the maximum density standards. Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from density calculation and shall be subject only to the minimum lot sizes in NMC 15.405.010.*

*As further examples of subdistricts:*

- 1. The subdistrict of an R-1 district which permits five dwelling units per gross acre is R-1-5/A.*
- 2. The subdistrict of an R-1 district which permits one dwelling unit per five gross acres is R-1-.2/A.*

***B. AO Airport Overlay Subdistrict.*** *An airport overlay subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix AO added to the symbol of the parent district. The AO symbol shall be added to the zoning map for properties affected by the airport imaginary surfaces. Except as may otherwise be limited by this code, all uses permitted in the parent zone shall be allowable in the AO subdistrict.*

***C. CC Civic Corridor Overlay Subdistrict.*** *The CC subdistrict is intended to emphasize the civic and historic character of that portion of downtown Newberg generally bounded by Sherman Street on the north, Blaine Street on the west, 5th Street on the south and Howard and School Streets on the east and as depicted on the zoning map. The subdistrict overlay may be applied within any zoning district. The subdistrict shall be designated by the suffix CC added to the symbol of the parent district.*

***D. H Historic Landmarks Overlay Subdistrict.*** *The historic landmarks overlay subdistrict may be created within any zoning district. The overlay shall be designated by the suffix H added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the H overlay zone except as otherwise may be limited by this code.*

***E. IO Institutional Overlay Subdistrict.*** *The institutional overlay subdistrict may be created within any zoning district. The overlay shall be designated by the suffix IO added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the IO overlay zone except as otherwise may be limited by this code.*

***F. RD Riverfront Overlay Subdistrict.*** *The riverfront overlay subdistrict may be applied to R-1, R-2, R-3, M-1, M-2, M-3, M-E, C-1, C-4, and CF zoning districts. This subdistrict may be applied to lands south of Ninth Street to the Willamette River. The overlay shall be designated by the suffix RD added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the RD overlay zone except as otherwise may be limited in this code. Where provisions of the subdistrict are inconsistent with the parent district, the provisions of the subdistrict shall govern.*

*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.*

*H. SP Specific Plan Subdistrict. The SP subdistrict identifies the area in which a specific plan has been approved. The subdistrict overlay may be applied within any zoning district. The subdistrict shall be designated by the suffix SP added to the symbol of the parent district. Uses allowed in the parent district may be limited or expanded under the approved specific plan.*

*I. LU Limited Use Overlay Subdistrict. The limited use overlay subdistrict identifies an area where special use restrictions or standards apply. These restrictions or standards are defined in the ordinance creating the LU subdistrict and may include prohibiting uses otherwise allowed in the underlying zone, requiring conditional use permits for certain uses that are otherwise permitted outright, or creating special standards, such as special setbacks or height restrictions. The limited use overlay subdistrict may be applied within any zoning district.*

*J. Bypass Interchange (BI) Overlay. The bypass interchange overlay shall apply to lands within the city limits and within approximately one-quarter mile of the end of ramps of the East Newberg and Oregon 219 interchanges to the bypass. The bypass interchange overlay may be applied in combination with any zoning district. The overlay shall be designated by the suffix BI added to the symbol of the parent district. All uses permitted in the parent zone shall be allowed within the bypass interchange overlay except as specifically limited by this code. [Ord. 2889 § 2 (Exh. B § 12), 12-6-21; Ord. 2880 § 2 (Exh. B § 14), 6-7-21; Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2602, 9-20-04; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2537, 11-6-00; Ord. 2451, 12-2-96. Code 2001 § 151.123.]*

**Finding:** The only Subdistrict that is applicable to the proposed Zone Change is the AO Airport Overlay Subdistrict. The proposed property has this Subdistrict designation overlay with an Airport Conical Surface designation.

## **A. Statewide Planning Goals (the “Goals”)**

### **GOAL 1: CITIZEN INVOLVEMENT**

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

**Finding:** The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on April 14, 2023, and Newberg City Council on May 15, 2023, which provided the opportunity for public comment. Finally, notice was published in the Newberg Graphic newspaper, posted in four public places, and notice sent to property owners within 500 feet of the subject property.

The amendment is subject to the Type III Quasi-Judicial process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

In addition, staff concurs with the Applicant’s findings in Attachment 1, Narrative (Statewide Planning Goals).

The Goal is met.

### **GOAL 2: LAND USE PLANNING**

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

**Finding:** This Goal requires that actions related to land use be consistent with acknowledged Comprehensive Plans of cities and counties. The Springbrook Master Plan was adopted by Ordinance No. 2007-2678 in September 2007. The processing of the application request for the Zone Change must follow the requirements of NMC 15.100.050(B) for which findings are provided previously in this report. In addition, the City has an acknowledged Comprehensive Plan which identifies the policy framework of the Springbrook District in III. PLAN CLASSIFICATIONS

#### **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)

In addition, staff concurs with the Applicant's findings in Attachment 1, Narrative (Statewide Planning Goals).

The Goal is met.

### **GOAL 3: AGRICULTURAL LANDS**

To preserve and maintain agricultural lands.

**Finding:** Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

### **GOAL 4: FOREST LANDS**

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

**Finding:** Not applicable because the Zone Change proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

### **GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES**

To protect natural resources and conserve scenic and historic areas and open spaces.

**Finding:** The proposed Zone Change will not negatively impact inventoried Goal 5 resources because the Zone Change does not change protections that already exist in the Newberg Municipal Code to protect these resources. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5. The subject property does not have any of these designations.

This Goal is met.

### **GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY**

To maintain and improve the quality of the air, water and land resources of the state.

**Finding:** Goal 6 addresses the quality of air, water, and land resources. In the context of a Zone Change, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the Zone Change will be able to satisfy applicable federal and state environmental standards, including air and water quality standards. The Zone Change addresses the land use pattern and density consistent with the acknowledged Newberg Comprehensive Plan to ensure that air, water and land resource quality through efficient use of the land supply.

Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies.

This Goal is met.

**GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS**

To protect people and property from natural hazards.

**Finding:** Newberg has an acknowledged Comprehensive Plan that complies with this goal. This Zone Change proposal does not modify the City’s natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

This Goal is met.

**GOAL 8: RECREATIONAL NEEDS**

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**Finding:** Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City’s recreational goals and policies.

This Goal is met.

**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.

**Finding:** The Applicant has provided an analysis on the capacity of Commercial Employment Land that is included in Attachment 1, Narrative and Exhibit P. The analysis indicates the City currently has a deficiency in Commercial (+/- 6 acres) of land based on the 2005 Economic Opportunities Analysis.

The City of Newberg conducted a new Economic Opportunities Analysis in 2021 (accepted by City Council but not adopted) which identified a surplus of Commercial land of 21 gross acres without factoring in Public/Semi-Public Land Needs on commercial lands. The net after this deduction is 18 acres.

<b>Comprehensive Plan</b>	<b>Surplus (Deficit) for 2005-2025</b>	<b>Buildable Acres Needed 2026-2040</b>	<b>HNA/EOA/PSP Surplus/Deficit 2021-2041</b>
LDR	(253) ac	735 ac	35 ac <sup>1</sup>
MDR	(31) ac	191 ac	(34) ac <sup>2</sup>
HDR	(76) ac	83 ac	(44) ac <sup>3</sup>
Commercial	(6) ac	109 ac	18 ac
Industrial			
Small/Medium sites (< 20 ac)	49 ac	37 ac	
Large sites (20+ ac)	(40) ac	120 ac	
Less than 1 to 25 ac			(117)
25 ac to 50 ac or more			(35)



Institutional/Public-Semi Public	249 ac	348 ac	120.5 ac
----------------------------------	--------	--------	----------

<sup>1,2,3</sup> include the subsets for Public/Semi-Public

As represented above, using the existing Comprehensive Plan numbers for commercial land need is significantly higher out to 2040 than compared to the 2021 EOA numbers. Finally, for Institutional/Public-Semi Public the 2040 land need is significantly higher than the number in the 2021 Public and Semi-Public Need analysis. It needs to be noted that the population projections in the Comprehensive Plan related to the Commercial land supply/deficit are under a different methodology than the Portland State University Population Research Center forecast for 2020 - 2070. The methodology for the period 2005 - 2025 and projections of 2026 – 2040 shows a greater population growth than is currently forecasted per the current Portland State University Population Research Center. **As required by ORS 197.303, the current Portland State University Population Research Center forecast must be used.**

Ordinance 2008-2697 (July 7, 2008)

	2005	2025	2030	2035	2040
Newberg (Urban Growth Area)	21,132	38,352	42,870	48,316	54,907

Coordinated Population Forecast 2020-2070, Yamhill County, Population Research Center

	Pop. (2020)	Pop. (2025)	Pop. (2030)	Pop. (2035)	Pop. (2040)	Pop. (2045)	Pop. (2050)	Pop. (2055)
Newberg	24,877	26,557	28,432	30,576	32,780	34,929	37,247	39,907

Newberg Comprehensive Plan (December 2021)

	2000	2005	2010	2025	2030	2035	2040	2045	2050
Newberg	18,438 <sup>a</sup>	21,132	22,068 <sup>b</sup>	26,557	28,432	30,576	32,780	34,929	37,247

<sup>a</sup> 2000 Population is the U.S. Census estimate for Newberg plus the estimate of population outside City limits but within the UGB.

<sup>b</sup> 2010 Population in the U.S. Census estimate for Newberg.

The 2020 US Census population number for Newberg is 25,138. This has not been adopted by the City Council and incorporated into the Comprehensive Plan and acknowledged by DLCDC.

Using the 2005 EOA data the proposed Zone Change would provide a deficiency of approximately 17 acres. Using the 2021 EOA data the Zone Change would establish a surplus of 10 acres of commercial land not factoring in Public/Semi-Public uses on commercial land. If Public/Semi-Public uses on commercial were include the surplus would be reduced to 7 acres. The numbers do not include developments that have occurred since the EOA buildable land inventory was conducted.

In addition, staff concurs with the Applicant’s findings in Attachment 1, Narrative (Statewide Planning Goals) and Exhibit P.

This Goal is met.

**GOAL 10: HOUSING**

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

**Finding:** The 2005 Housing Needs Analysis (HNA) identifies that there is a deficiency of 76 acres of HDR land. The Applicant has provided an analysis contained in Attachment 1, Narrative and Exhibit P that indicates the City currently has a deficiency of 33 acres in HDR (High Density R-3 zone) based development activities and various Comprehensive Plan and Zone changes that have occurred since 2005.

The City of Newberg conducted a new Housing Needs Analysis in 2021 (accepted by City Council but not adopted) which identified a deficit of HDR (R-3 zoning) land of 20 gross acres without factoring in Public/Semi-Public Land Needs. The final number after factoring in the Public/Semi-Public Land Needs is a deficit of 44 acres. A comparison of the analysis are below.

Comprehensive Plan	Surplus (Deficit) for 2005-2025	Buildable Acres Needed 2026-2040	HNA/EOA/PSP Surplus/Deficit 2021-2041
LDR	(253) ac	735 ac	35 ac <sup>1</sup>
MDR	(31) ac	191 ac	(34) ac <sup>2</sup>
HDR	(76) ac	83 ac	(44) ac <sup>3</sup>
Commercial	(6) ac	109 ac	18 ac
Industrial			
Small/Medium sites (< 20 ac)	49 ac	37 ac	
Large sites (20+ ac)	(40) ac	120 ac	
Less than 1 to 25 ac			(117)
25 ac to 50 ac or more			(35)
Institutional/Public-Semi Public	249 ac	348 ac	120.5 ac

<sup>1,2,3</sup> include the subsets for Public/Semi-Public

As represented above, using the existing Comprehensive Plan numbers for residential the land need is significantly higher out to 2040 than compared to the 2021 HNA numbers. Finally, for Institutional/Public-Semi Public the 2040 land need is significantly higher than the number in the 2021 Public and Semi-Public Need analysis. It needs to be noted that the population projections in the Comprehensive Plan related to the land supply/deficit are under a different methodology than the Portland State University Population Research Center forecast for 2020 - 2070. The methodology for the period 2005 - 2025 and projections of 2026 – 2040 shows a greater population growth than is currently forecasted per the current Portland State University Population Research Center. **As required by ORS 197.303, the current Portland State University Population Research Center forecast must be used.**

Ordinance 2008-2697 (July 7, 2008)

	2005	2025	2030	2035	2040
--	------	------	------	------	------

Newberg (Urban Growth Area)	21,132	38,352	42,870	48,316	54,907
-----------------------------	--------	--------	--------	--------	--------

Coordinated Population Forecast 2020-2070, Yamhill County, Population Research Center

	Pop. (2020)	Pop. (2025)	Pop. (2030)	Pop. (2035)	Pop. (2040)	Pop. (2045)	Pop. (2050)	Pop. (2055)
Newberg	24,877	26,557	28,432	30,576	32,780	34,929	37,247	39,907

Newberg Comprehensive Plan (December 2021)

	2000	2005	2010	2025	2030	2035	2040	2045	2050
Newberg	18,438 <sup>a</sup>	21,132	22,068 <sup>b</sup>	26,557	28,432	30,576	32,780	34,929	37,247

<sup>a</sup> 2000 Population is the U.S. Census estimate for Newberg plus the estimate of population outside City limits but within the UGB.

<sup>b</sup> 2010 Population in the U.S. Census estimate for Newberg.

The 2020 US Census population number for Newberg is 25,138. This has not been adopted by the City Council and incorporated into the Comprehensive Plan and acknowledged by DLC.

Using the 2005 HNA data the proposed Zone Change would provide a deficiency of approximately 22 acres of High Density Residential. Using the 2021 EOA data the Zone Change would establish a deficiency of 9 acres of High Density Residential land not factoring in Public/Semi-Public uses on High Density Residential land. If Public/Semi-Public uses on High Density Residential land were included the deficit would be 33 acres. The numbers do not include developments that have occurred since the HNA buildable land inventory was conducted. In either scenario of calculation, the City is deficient in High Density Residential land.

In addition, staff concurs with the Applicant's findings in Attachment 1, Narrative and Exhibit P.

The Goal is met.

### **GOAL 11: PUBLIC FACILITIES AND SERVICES**

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**Finding:** The proposed Zone Change does not negatively impact the timely, orderly, and efficient arrangement of public facilities and services for urban development. The proposal does not change the City's public facilities plans. The subject site has immediate proximity to public infrastructure. There is a 12-inch water line in E Mountainview Drive, an 8-inch wastewater line in N Center Street with an 8-inch lateral to the site, a 10-inch and 18-inch water line in N College Street, a 21-inch and 8-inch wastewater line in N College Street, and a 18-inch storm line in N College Street.

This Goal is met.

### **GOAL 12: TRANSPORTATION**

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

**Finding:** The City has an adopted Transportation System Plan (TSP) from 2016 with amendments. The proposal does not modify the TSP. adjacent to the subject site is E Mountainview Drive a designated Minor Collector. N College Street (Highway 219) is a designated Major Collector and is under the jurisdiction of the Oregon Department of Transportation (ODOT). The subject property has access to the transportation network.

The Applicant has provided a detailed analysis of the proposed zone change impact on the transportation system. That information can be found in Attachment 1, Exhibit L. The analysis, which was coordinated with the City and ODOT, concludes that the proposed Zone Change to SD/MRR decreases the trip generation from the current SD/NC designation.

In addition, staff concurs with the Applicant's findings in Attachment 1, Narrative and Exhibit L.

This Goal is met.

### **GOAL 13: ENERGY CONSERVATION**

To conserve energy.

**Finding:** The proposed Zone Change would not negatively impact energy conservation because the designation as SD/MRR provides the opportunity for conservation of energy do to the site proximately to other community services.

This Goal is met.

### **GOAL 14: URBANIZATION**

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**Finding:** The proposed amendments do not include an expansion of the Urban Growth Boundary. The proposed Zone Change does address the issue on accommodating urban population and urban employment within the urban growth boundary and livable communities. As noted in the Applicant's material, Attachment 1, Narrative and Exhibit P, the city has a deficiency in both Commercial (+/- 6 acres) and High Density Residential (33 acres) of land based on the 2005 Housing Needs and Analysis and 2005 Economic Opportunities Analysis based on development that has occurred since 2005. The analysis was based on data supplied by the City of Newberg.

The City of Newberg conducted a new Housing Needs Analyses in 2021 (accepted by City Council but not adopted) which identifies a deficiency of 20 gross acres for High Density Residential land without factoring in Public/Semi-Public Land Needs. The final number after factoring in the Public/Semi-Public Land Needs is a deficit of 44 acres. The City also updated its Economic Opportunities Analysis in 2021 (accepted by City Council but not adopted) which identified a surplus of Commercial land of 21 gross acres without factoring in Public/Semi-Public Land Needs on commercial lands. The net after this deduction is 18 acres.

Using the 2005 EOA data the proposed Zone Change would provide a deficiency of approximately 17 commercial acres. Using the 2021 EOA data the Zone Change would establish a surplus of 10 acres

of commercial land not factoring in Public/Semi-Public uses on commercial land. If Public/Semi-Public uses on commercial were include the surplus would be reduced to 7 acres. The numbers do not include developments that have occurred since the EOA buildable land inventory was conducted.

Using the 2005 HNA data the proposed Zone Change would provide a deficiency of approximately 22 acres of High Density Residential. Using the 2021 EOA data the Zone Change would establish a deficiency of 9 acres of High Density Residential land not factoring in Public/Semi-Public uses on High Density Residential land. If Public/Semi-Public uses on High Density Residential land were included the deficit would be 33 acres. The numbers do not include developments that have occurred since the HNA buildable land inventory was conducted. In either scenario of calculation the City is deficient in High Density Residential land.

Newberg is in a situation of a needed land supply to address its future urbanization. The Zone Change from SD/NC to SD/MRR will address the identified deficiency in HDR land to meet that need. It is a balancing act to meet all of the needs. Newberg is addressing the residential land need as supply and price points for residential housing are exceeding the community's capacity to afford.

This Goal is met.

**GOAL 15: WILLAMETTE RIVER GREENWAY**

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

**Finding:** Not applicable because the Zone Change does not propose any land use regulation changes to the Willamette River Greenway and there is no Willamette River Greenway designation or Stream corridor Designation on the property.

This Goal is met.



## **B. Newberg Comprehensive Plan**

### **II. GOALS AND POLICIES**

#### **A. CITIZEN INVOLVEMENT**

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

**Finding:** The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on April 14, 2023, and Newberg City Council on May 15, 2023, which provided the opportunity for public comment. Finally, notice was published in the Newberg Graphic newspaper, posted in four public places, and notice sent to property owners within 500 feet of the subject property.

The amendment is subject to the Type III Quasi-Judicial process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

In addition, staff concurs with the Applicant's findings in Attachment 1, Narrative (Statewide Planning Goals).

The Goal is met.

#### **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.

**POLICY:** 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.

**Finding:** This Goal requires that actions related to land use be consistent with acknowledged Comprehensive Plans of cities and counties. The Springbrook Master Plan was adopted by Ordinance No. 2007-2678 in September 2007. The processing of the application request for the Zone Change must follow the requirements of NMC 15.100.050(B) for which findings are provided previously in this report. In addition, the City has an acknowledged Comprehensive Plan which identifies the policy framework of the Springbrook District in III. PLAN CLASSIFICATIONS

#### 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)

In addition, staff concurs with the Applicant's findings in Attachment 1, Narrative (Statewide Planning Goals).

The Goal is met.

### **C. AGRICULTURAL LANDS**

**GOAL:** To provide for the orderly and efficient transition from rural to urban land uses.

**Finding:** Not applicable because the proposed Zone Change does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

### **D. WOODED AREAS**

**GOAL:** To retain and protect wooded areas.

**Finding:** Not applicable because the proposed Zone Change does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

### **E. AIR, WATER, AND LAND RESOURCE QUALITY**

**GOAL:** To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

**POLICY:** 1. Development shall not exceed the carrying capacity of the air, water or land resource base.

**Finding:** This Goal addresses the quality of air, water, and land resources. In the context of a Zone Change, a local government complies with the Goal explaining why it is reasonable to expect that the proposed uses authorized by the Zone Change will be able to satisfy applicable federal and state environmental standards, including air and water quality standards. The Zone Change addresses the land use pattern and density consistent with the acknowledged Newberg Comprehensive Plan to ensure that air, water and land resource quality through efficient use of the land supply.

Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies.

This Goal is met.

### **F. AREAS SUBJECT TO NATURAL HAZARDS**

**GOAL:** To protect life and property from flooding and other natural hazards.

**Finding:** Newberg has an acknowledged Comprehensive Plan that complies with this goal. This Zone Change proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

This Goal is met.

**G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES**

**GOALS:**

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

**Finding:** Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City’s recreational goals and policies.

This Goal is met.

**H. THE ECONOMY**

**GOAL:** To develop a diverse and stable economic base.

**POLICY:** 1. General Policies. b. The City shall encourage economic expansion consistent with local needs.

**Finding:** The Applicant has provided an analysis on the capacity of Commercial Employment Land that is included in Attachment 1, Narrative and Exhibit P. The analysis indicates the City currently has a deficiency in Commercial (+/- 6 acres) of land based on the 2005 Economic Opportunities Analysis.

The City of Newberg conducted a new Economic Opportunities Analysis in 2021 (accepted by City Council but not adopted) which identified a surplus of Commercial land of 21 gross acres without factoring in Public/Semi-Public Land Needs. The net after this deduction is 18 acres.

<b>Comprehensive Plan</b>	<b>Surplus (Deficit) for 2005-2025</b>	<b>Buildable Acres Needed 2026-2040</b>	<b>HNA/EOA/PSP Surplus/Deficit 2021-2041</b>
LDR	(253) ac	735 ac	35 ac <sup>1</sup>
MDR	(31) ac	191 ac	(34) ac <sup>2</sup>
HDR	(76) ac	83 ac	(44) ac <sup>3</sup>
Commercial	(6) ac	109 ac	18 ac
Industrial			
Small/Medium sites (< 20 ac)	49 ac	37 ac	
Large sites (20+ ac)	(40) ac	120 ac	
Less than 1 to 25 ac			(117)
25 ac to 50 ac or more			(35)
Institutional/Public-Semi Public	249 ac	348 ac	120.5 ac

<sup>1,2,3</sup> include the subsets for Public/Semi-Public

As represented above, using the existing Comprehensive Plan numbers for commercial land need is significantly higher out to 2040 than compared to the 2021 EOA numbers. Finally, for Institutional/Public-Semi Public the 2040 land need is significantly higher than the number in the 2021 Public and Semi-Public Need analysis. It needs to be noted that the population projections in the Comprehensive Plan related to the Commercial land supply/deficit are under a different methodology than the Portland State University Population Research Center forecast for 2020 - 2070. The methodology for the period 2005 - 2025 and projections of 2026 – 2040 shows a greater population growth than is currently forecasted per the current Portland State University Population Research Center. **As required by ORS 197.303, the current Portland State University Population Research Center forecast must be used.**

Ordinance 2008-2697 (July 7, 2008)

	2005	2025	2030	2035	2040
Newberg (Urban Growth Area)	21,132	38,352	42,870	48,316	54,907

Coordinated Population Forecast 2020-2070, Yamhill County, Population Research Center

	Pop. (2020)	Pop. (2025)	Pop. (2030)	Pop. (2035)	Pop. (2040)	Pop. (2045)	Pop. (2050)	Pop. (2055)
Newberg	24,877	26,557	28,432	30,576	32,780	34,929	37,247	39,907

Newberg Comprehensive Plan (December 2021)

	2000	2005	2010	2025	2030	2035	2040	2045	2050
Newberg	18,438 <sup>a</sup>	21,132	22,068 <sup>b</sup>	26,557	28,432	30,576	32,780	34,929	37,247

<sup>a</sup> 2000 Population is the U.S. Census estimate for Newberg plus the estimate of population outside City limits but within the UGB.

<sup>b</sup> 2010 Population in the U.S. Census estimate for Newberg.

The 2020 US Census population number for Newberg is 25,138. This has not been adopted by the City Council and incorporated into the Comprehensive Plan and acknowledged by DLCDC.

Using the 2005 EOA data the proposed Zone Change would provide a deficiency of approximately 17 acres. Using the 2021 EOA data the Zone Change would establish a surplus of 10 acres of commercial land not factoring in Public/Semi-Public uses on commercial land. If Public/Semi-Public uses on commercial were included the surplus would be reduced to 7 acres. The numbers do not include development that has occurred since the EOA building land inventory was conducted.

In addition, staff concurs with the Applicant’s findings in Attachment 1, Narrative (Statewide Planning Goals) and Exhibit P.

This Goal is met.

## I. HOUSING

GOAL: To provide for 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.

**Finding:** The 2005 Housing Needs Analysis (HNA) identifies that there is a deficiency of 76 acres of HDR land. The Applicant has provided an analysis contained in Attachment 1, Narrative and Exhibit P that indicates the City currently has a deficiency of 33 acres in HDR (High Density R-3 zone) based development activities and various Comprehensive Plan and Zone changes.

The City of Newberg conducted a new Housing Needs Analysis in 2021 (accepted by City Council but not adopted) which identified a deficit of HDR (R-3 zoning) land of 20 gross acres without factoring in Public/Semi-Public Land Needs. The final number after factoring in the Public/Semi-Public Land Needs is a deficit of 44 acres. A comparison of the analysis are below.

Comprehensive Plan	Surplus (Deficit) for 2005-2025	Buildable Acres Needed 2026-2040	HNA/EOA/PSP Surplus/Deficit 2021-2041
LDR	(253) ac	735 ac	35 ac <sup>1</sup>
MDR	(31) ac	191 ac	(34) ac <sup>2</sup>
HDR	(76) ac	83 ac	(44) ac <sup>3</sup>
Commercial	(6) ac	109 ac	18 ac
Industrial			
Small/Medium sites (< 20 ac)	49 ac	37 ac	
Large sites (20+ ac)	(40) ac	120 ac	
Less than 1 to 25 ac			(117)
25 ac to 50 ac or more			(35)
Institutional/Public-Semi Public	249 ac	348 ac	120.5 ac

<sup>1,2,3</sup> include the subsets for Public/Semi-Public

As represented above, using the existing Comprehensive Plan numbers for residential the land need is significantly higher out to 2040 than compared to the 2021 HNA numbers. Finally, for Institutional/Public-Semi Public the 2040 land need is significantly higher than the number in the 2021 Public and Semi-Public Need analysis. It needs to be noted that the population projections in the Comprehensive Plan related to the land supply/deficit are under a different methodology than the Portland State University Population Research Center forecast for 2020 - 2070. The methodology for the period 2005 - 2025 and projections of 2026 – 2040 shows a greater population growth than is currently forecasted per the current Portland State University Population Research Center. **As required by ORS 197.303, the current Portland State University Population Research Center forecast must be used.**

Ordinance 2008-2697 (July 7, 2008)

	2005	2025	2030	2035	2040
Newberg (Urban Growth Area)	21,132	38,352	42,870	48,316	54,907



Coordinated Population Forecast 2020-2070, Yamhill County, Population Research Center

	Pop. (2020)	Pop. (2025)	Pop. (2030)	Pop. (2035)	Pop. (2040)	Pop. (2045)	Pop. (2050)	Pop. (2055)
Newberg	24,877	26,557	28,432	30,576	32,780	34,929	37,247	39,907

Newberg Comprehensive Plan (December 2021)

	2000	2005	2010	2025	2030	2035	2040	2045	2050
Newberg	18,438 <sup>a</sup>	21,132	22,068 <sup>b</sup>	26,557	28,432	30,576	32,780	34,929	37,247

<sup>a</sup> 2000 Population is the U.S. Census estimate for Newberg plus the estimate of population outside City limits but within the UGB.

<sup>b</sup> 2010 Population in the U.S. Census estimate for Newberg.

The 2020 US Census population number for Newberg is 25,138. This has not been adopted by the City Council and incorporated into the Comprehensive Plan and acknowledged by DLCDC.

Using the 2005 HNA data the proposed Zone Change would provide a deficiency of approximately 22 acres of High Density Residential. Using the 2021 EOA data the Zone Change would establish a deficiency of 9 acres of High Density Residential land not factoring in Public/Semi-Public uses on High Density Residential land. If Public/Semi-Public uses on High Density Residential land were included the deficit would be 33 acres. The numbers do not include developments that have occurred since the HNA buildable land inventory was conducted. In either scenario of calculation, the City is deficient in High Density Residential land.

In addition, staff concurs with the Applicant’s findings in Attachment 1, Narrative and Exhibit P.

The Goal is met.

**J. URBAN DESIGN**

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

GOAL 2: To develop and maintain the physical context needed to support the livability and unique character of Newberg.

**Finding:** Not applicable because the proposal does not propose any land use regulation changes to urban design policies or regulations.

**K. TRANSPORTATION**

GOAL 1: Establish cooperative agreements to address transportation based planning, development, operation and maintenance.

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

GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

GOAL 4: Minimize the impact of regional traffic on the local transportation system.

GOAL 5: Maximize pedestrian, bicycle and other non-motorized travel throughout the City.

GOAL 6: Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.).

GOAL 7: Minimize the capital improvement and community costs to implement the transportation plan.

GOAL 8: Maintain and enhance the City's image, character and quality of life.

GOAL 9: Create effective circulation and access for the local transportation system.

GOAL 10: Maintain the viability of existing rail, water and air transportation systems.

GOAL 11: Establish fair and equitable distribution of transportation improvement costs.

GOAL 12: Minimize the negative impact of a Highway 99 bypass on the Newberg community.

GOAL 13: Utilize the Yamhill County Transit Authority (YCTA) Transit Development Plan (TDP) as a Guidance Document.

GOAL 14: Coordinate with Yamhill County Transit Area.

GOAL 15: Implement Transit-Supportive Improvements.

**Finding:** The City has an adopted Transportation System Plan (TSP) from 2016 with amendments. The proposal does not modify the TSP. adjacent to the subject site is E Mountainview Drive a designated Minor Collector. N College Street (Highway 219) is a designated Major Collector and is under the jurisdiction of the Oregon Department of Transportation (ODOT). The subject property has access to the transportation network.

The Applicant has provided a detailed analysis of the proposed zone change impact on the transportation system. That information can be found in Attachment 1, Exhibit L. The analyses, which was coordinated with the City and ODOT, concludes that the proposed Zone Change to SD/MRR decreases the trip generation from the current SD/NC designation.

In addition, staff concurs with the Applicant's findings in Attachment 1, Narrative and Exhibit L.

This Goal is met.

#### **L. PUBLIC FACILITIES AND SERVICES**

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

**Finding:** The proposed Zone Change does not negatively impact the timely, orderly, and efficient arrangement of public facilities and services for urban development. The proposal does not change the City's public facilities plans. The subject site has immediate proximity to public infrastructure. There is a 12-inch water line in E Mountainview Drive, a 8-inch wastewater line in N Center Street with an 8-inch lateral to the site, a 10-inch and 18-inch water line in N College Street, a 21-inch and 8-inch wastewater line in N College Street, and a 18-inch storm line in N College Street.

This Goal is met.

#### **M. ENERGY**

GOAL: To conserve energy through efficient land use patterns and energy- related policies and ordinances.

**Finding:** The proposed Zone Change would not negatively impact energy conservation because the designation as SD/MRR provides the opportunity for conservation of energy do to the site proximately to other community services.

This Goal is met.

## **N. URBANIZATION**

### **GOALS:**

1. To provide for the orderly and efficient transition from rural to urban land uses.
2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.
3. To create a quality living environment through a balanced growth of urban and cultural activities.

**Finding:** The proposed amendments do not include an expansion of the Urban Growth Boundary. The proposed Zone Change does address the issue of accommodating urban population and urban employment within the urban growth boundary and livable communities. As noted in the Applicant's material, Attachment 1, Narrative and Exhibit P, the city has a deficiency in both Commercial (+/- 6 acres) and High Density Residential (33 acres) of land based on the 2005 Housing Needs and Analysis and 2005 Economic Opportunities Analysis based on development that has occurred since 2005. The analysis was based on data supplied by the City of Newberg.

Using the 2005 EOA data the proposed Zone Change would provide a deficiency of approximately 17 commercial acres. Using the 2021 EOA data the Zone Change would establish a surplus of 10 acres of commercial land not factoring in Public/Semi-Public uses on commercial land. If Public/Semi-Public uses on commercial were included the surplus would be reduced to 7 acres. The numbers do not include developments that have occurred since the EOA buildable land inventory was conducted.

Using the 2005 HNA data the proposed Zone Change would provide a deficiency of approximately 22 acres of High Density Residential. Using the 2021 EOA data the Zone Change would establish a deficiency of 9 acres of High Density Residential land not factoring in Public/Semi-Public uses on High Density Residential land. If Public/Semi-Public uses on High Density Residential land were included the deficit would be 33 acres. The numbers do not include developments that have occurred since the HNA buildable land inventory was conducted. In either scenario of calculation the City is deficient in High Density Residential land.

Newberg is in a situation of a needed land supply to address its future urbanization. The Zone Change from SD/NC to SD/MRR will address the identified deficiency in HDR land to meet that need. It is a balancing act to meet all of the needs. Newberg is addressing the residential land need as supply and price points for residential are exceeding the community's capacity to afford.

This Goal is met.

## C. Newberg Municipal Code

### *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).*

**Finding:** See 15.100.080 below.

### *C. Planning Commission Decisions and Recommendation Actions.*

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

**Finding:** See 15.100.080 below.

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

**Finding:** See 15.100.080 below.

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

**Finding:** The Applicant provided notice as required by 15.100.200 et seq.

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

**Finding:** A condition is recommended to address the trip cap established in the Springbrook Master Plan. The Applicant will be required to adhere to this trip cap – 1,960 daily trips, 142 weekday AM, and 181 weekday PM peak hour trips for the development of the property located at the southeast corner of the intersection of E Mountainview Drive and N College Street.

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

**Finding:** Building permits will be available to be issued after the Zone Change process is approved, after a Design Review is issued for any development on the subject property, and required Public Improvement Permit is issued.

***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. [Ord. 2813 § 1 (Exh. A § 5), 9-5-17; Ord. 2590, 11-6-03; Ord. 2565, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.024.]***

**Finding:** Not applicable to the Zone Change application at this time as a final decision at the local level has not been issued. If there is a modification or reconsideration at a later date it will need to follow the requirement of 15.100.050H.

This requirement can be met.

#### ***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.]*

**Finding:** There are Type II and III procedure types related to the application. The Applicant has identified the highest procedure type for review (Type III Zone Change) which requires the entire application packet to be reviewed by the Planning Commission at a public hearing with a recommendation via a Resolution to the City Council which will hold a separate public hearing and render a final decision by Ordinance on the Zone Change.

## **CONCLUSION**

The proposed Zone Change meets the applicable requirements of the Newberg Development Code, Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.



**Exhibit “C”: Findings – File SUB322-0002**  
**Collina at Springbrook Subdivision Tentative Plat**

These findings are based on review of the following approval criteria as outlined in NMC Division 15.200 Land Use Applications Chapter 15.220 Site Design Review, 15.235 Land Divisions, 15.405 Lot Requirements, 15.410 Yard Setback Requirements, 15.415 Building and Site Design Standards, 15.420 Landscaping and Outdoor Areas, 15.425 Exterior Lighting, 15.430 Underground Utility Installation, 15.435 Signs, 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways, and 15.505 Public Improvements Standards

**Division 15.200 Land Use Applications**

***Chapter 15.220 Site Design Review***

***15.220.020 Site design review applicability.***

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

***2. Type II.***

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

**Finding:** 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 Applicant will need to submit a separate Type II Design Review application for the community building.

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

***15.220.030 Site design review requirements.***

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

***13. Roadways and Utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.***

**Finding:** The submitted plans show public improvements proposed including roadway and utility improvements. These public improvements will be addressed in detail in the appropriate sections below.

This criterion is met.

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

**Finding:** 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 was included as part of this application as Exhibit L.

The October 2022 memo evaluated several Collina Subdivision Street and Intersection Changes:

**Changes to E Mountainview Drive cross-section in the vicinity of Hess Creek**

The City of Newberg Transportation System Plan (TSP) includes the expansion project E11a for E Mountainview Drive arterial safety improvements between N Villa Road and N Alice Way. Improvements noted in the TSP include adding bike lanes and sidewalks to both sides of E Mountainview Drive between N Villa Road and N Alice Way.

The Applicant’s document presents a rationale for deferring roadway improvements of E Mountainview Drive at the “dip” that crosses over Hess Creek. The study reviewed traffic safety considerations and found that vehicle crash data was relatively small. The primary concern was pedestrian and bicycle safety. The Applicant is proposing a bicycle/pedestrian bridge crossing Hess Creek to the north of E Mountainview Drive to address these concerns. The Applicant believes the full street improvements to bring E Mountainview Drive up to a minor arterial standard are not proportional to the impact of the development.

The City of Newberg Transportation System Plan (TSP) includes the expansion project E11a for E Mountainview Drive arterial safety improvements between N Villa Road and N Alice Way. Improvements noted in the TSP include adding bike lanes and sidewalks to both sides of E Mountainview Drive between N Villa Road and N Alice Way.

Mitigation measures for this project not constructing street improvements for the full length of the E Mountainview Drive frontage east N Villa Road are to include alternative safety improvements for all modes of transportation including bicycles and pedestrians. See 15.505.030(C) and Section 15.505.030(H) for additional details and conditions.

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

**N Villa Road/E Mountainview Drive Intersection Traffic Signal, Project I03 of the TSP**

Improvements for this intersection are identified in the City of Newberg Transportation System Plan (TSP) as Project I03. These improvements for this intersection are also identified in the Springbrook Master Plan as one of several mitigation measures for transportation facilities that will be impacted by the Springbrook Master Plan development.

Based on recent traffic counts (Jan. 2022) and ODOT travel demand modeling trip distribution estimates the traffic analysis did not find signal warrants met with current demand and full occupancy of all phases of Collina at Springbrook Subdivision. While the document references January 2022 traffic counts, these counts are not included in the submitted materials. An assessment based on increasing the current demand by 30% found signals warranted at that capacity. The report concluded that two-way stop control was appropriate at this intersection and recommended the need for a signal be reviewed within one year of Phase XVI development, consistent with the Springbrook Master Plan.

Although the traffic analysis submitted did not find that signal warrants are met at this time for the N Villa Road at E Mountainview Drive intersection, there is a need for traffic signals at the intersection of N Villa Road at E Mountainview Drive as part of safety improvements for all modes of transportation associated with mitigation measures for this project not constructing street improvements for the full length of the E Mountainview Drive frontage east of N Villa Road. With the Applicant's construction of a traffic signal at the intersection of N Villa Road at E Mountainview Drive there is an opportunity for Transportation System Development Charge (SDC) credits. The adopted Transportation System Plan – Addendum Riverfront 2021 (TSP) Appendix includes Tech Memo 10 Finance Program that identifies funding of Project I03 as 50% City funded, and 50% Developer funded. Appendix A of the Transportation System Development Charge Methodology Report adopted with Resolution 2017-3375 includes an Improvement Fee Project List that identifies the portion of Project I03 as providing capacity for new users at 100%. Based on the information in Tech Memo 10 Finance Program in Appendix A of the adopted Transportation System Plan and the Improvement Fee Project List in Appendix A of the adopted Transportation System Development Charge Methodology Report it is anticipated that a minimum of 50% of the cost for a traffic signal at the intersection of N Villa Road at E Mountainview Drive would be eligible for SDC credits. Final determination of Transportation System Development Charge credits would occur as part of the public improvement permit process.

The City of Newberg Transportation System Plan (TSP) also includes the expansion project E11a for E Mountainview Drive arterial safety improvements between N Villa Road and N Alice Way. Improvements noted in the TSP include adding bike lanes and sidewalks to both sides of E Mountainview Drive between N Villa Road and N Alice Way. See Section 15.505.030(C) and Section 15.505.030(H) for additional details and conditions.

The Applicant is responsible for installation of a traffic signal at the intersection of N Villa Road and E Mountainview Drive as part of safety improvements for all modes of transportation, including bicycles and pedestrians, associated with mitigation measures for this project not constructing street improvements for the full length of the E Mountainview frontage east of N Villa Road.

This criterion will be met if the aforementioned conditions of approval are adhered to.

### **E Foothills Drive/N College Street Intersection, Project I02 of the TSP**

Improvements for this intersection are identified in the City of Newberg Transportation System Plan (TSP) as Project I02. This intersection will also be impacted by the Springbrook Master Plan development.

Based on recent traffic counts (Jan. 2022) and ODOT travel demand modeling trip distribution, the report did not find signal warrants met with current demand and full occupancy of all phases of Collina at Springbrook Subdivision. While the document references January 2022 traffic counts, these counts are not included in the initially submitted materials. The applicant has provided a Collina at Springbrook Transportation Addendum Memorandum dated April 17, 2023. The memorandum of April 17, 2023, prepared by Kittelson and Associates includes the referenced January 2022 traffic counts.

### **E Henry Road/N Center Street traffic circle**

The Northwest Newberg Specific Plan includes a traffic circle with a 50-foot diameter landscaped island at the N Center Street at E Henry Road intersection. This will serve as a traffic calming measure for E Henry Road along the south side of Tom Gail Park and for N Center Street at this location.

The report evaluated several approaches including a “compact roundabout”, two-way stop control, and a traffic circle. The traffic circle would achieve traffic calming, could be constructed with in the property owned by the Applicant with minimal acquisition from Chehalem Parks and Recreation District and would enable truck, bus and emergency vehicle movements, and function acceptably using stop-control on either east-west or north-south approaches. In Supplemental Information #1 the Applicant provided a Transportation Addendum memorandum dated April 17, 2023, that provided additional explanation for why stops signs on the N Center Street approaches of the traffic circle were recommended. The April 17, 2023, memorandum provides a recommendation for the city to consider yield signs at a minimum. See additional detail and conditions in section 15.505.030(C).

The Applicant’s submitted materials include a letter from the Chehalem Park and Recreation District Superintendent dated January 26, 2023, stating that Chehalem Park and Recreation District and Pahlisch Homes have been coordinating and will be working together to dedicate the needed right-of-way and easements for the planned development. See Section 15.505.030 for additional details and conditions.

### **Proportionate share contributions to the N Springbrook Road/E Haworth Avenue future traffic signal.**

Improvements for this intersection are identified in the City of Newberg Transportation System Plan (TSP) as Project I09. These improvements for this intersection are also identified in the Springbrook Master Plan as one of several mitigation measures for transportation facilities that will be impacted by the Springbrook Master Plan development. This proposed development is responsible for contributing a proportionate share of the cost of these future improvements. The Applicant assessed the proportionate share contribution to the future traffic signal at E Haworth Avenue and N Springbrook Drive. Their assessment considered their share of fully built out conditions with all contributors contributing.

The document references that it is anticipated that City staff will review the proportionate share calculations at the time of site plan approval to account for other in process developments and updated traffic count information obtained by the City. In Supplemental Information #2 the applicant submitted a transportation addendum memo dated April 25, 2023, that includes traffic counts collected in April 2023 at the N Springbrook Road and E Haworth Avenue intersection and an analysis for determination of the project's proportionate share of the N Springbrook Road at E Haworth Avenue intersection. See Section 15.505.030(F) for additional details and conditions.

**15.235.020 General requirements.**

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

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

**Finding:** A preliminary subdivision plat has been submitted for review. The Applicant notes that a future Property Line Adjustment is planned prior to recording of the Phase 1 plat. Because a lot line adjustment is required to establish the permitter boundary of the proposed subdivision, prior to recording of Phase 1 of the Collina at Springbrook Subdivision a Property Line Adjustment application shall be submitted for review.

The criteria can be met with compliance with the aforementioned condition of approval.

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

**Finding:** The Applicant has noted that the subdivision will comply with ORS Chapter 92.

The 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.***

**Finding:** Compliance with provisions of NMC 15.235.020D, Adequate Facilities, are addressed in detail below.

***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.***



**Finding:** Compliance with provisions of NMC 15.235.020E, Adequate Drainage, are addressed in detail below.

*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. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]*

**Finding:** Compliance with provisions of NMC 15.235.020(F), Adequate Access, are addressed in detail below.

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

**Finding:** This application is being processed as a Type III and will be heard by both the Planning Commission and City Council in accordance with NMC 15.100.050. The subject subdivision is entirely within the city limits of Newberg. The proposed development contains Goal 5 Resources which include a Stream Corridor designation and mapped wetlands. A Wetland Delineation was conducted and is contained in Attachment 5. The proposed subdivision complies with the minimum street connectivity standards identified in NMC 15.505.030. The proposed land division does 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. The Applicant requested, in writing and at the time of application, that the proposal be referred to the Planning Commission and City Council for a



decision per NMC 15.100.030(H) and 15.100.080(B). No written request was received from the public to review the application as Type III review.

***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.***

**Finding:** The Applicant states in their narrative they understand the timing and phasing are understood. The Preliminary Plat approval is good for two years. This is a phased subdivision with eight (8) proposed phases over an eight-year period. The phased subdivision exceeds 5 years from approval date and is further discussed under 15.235.030(E).

***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.***

**Finding:** This criterion is not applicable because a decision has not been issued on the preliminary plat request.

***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.*

**Finding:** This criterion is not applicable because a decision has not been issued on the preliminary plat request.

*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. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]*

**Finding:** The subdivision is proposed to be constructed in 8 phases. The phases include the following schedule.

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	2024
2	40 homes – 30 detached single-family, 10 detached quadplexes Homeowner’s Association Amenity Hess Creek open space areas	2025
3	52 homes - 36 detached single-family, 16 detached quadplexes Open Space tracts Stormwater facility	2026
4	45 homes - 29 detached single-family, 16 detached quadplexes Open Space tracts E Henry Road traffic circle	2027
5	58 homes – 42 detached single-family, 16 detached quadplex	2028
6	52 detached single-family Hess Creek open space areas	2029
7	65 detached single-family Hess Creek open space areas	2030
8	38 detached single-family Hess Creek open space areas	2031
<b>Total</b>	<b>±403 homes</b>	<b>2032</b>

The Applicant’s details on the phasing are included in Attachment 1, Narrative. 15.235.030(E)(4) establishes that a time schedule for phased development approval shall be reviewed concurrently with the preliminary subdivision plat application. Staff interpretation is that the Planning Commission and City Council can establish the schedule for the phases of the proposed subdivision. The Applicant has noted in their supplemental material that upon reaching the five-year limitation a Type II Subdivision Extension application would be submitted. They also note that if the project would require an extension beyond the expiration date of the extension the Applicant would submit a new preliminary plat for any unfinished portions of the development.

Because the Applicant is proposing a phased subdivision, the phasing shall comply with NMC 15.235.030E to include:

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 per NMC 15.235.030(D) and (E) as a Type II application.

*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.*

*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.*

*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.*

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

*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.*

*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.*

**Finding:** The application is being processed as a Type III per NMC 15.100.030(H) and 15.100.080(B). A traffic analysis was submitted as part of the original Springbrook Master Plan and established a trip cap for development. The applicant coordinated with the City on the Public Utilities Analysis scope. The submitted application identifies the proposed development of public wastewater

and water systems. The Applicant has submitted a preliminary stormwater report as part of the application. A wetland delineation was submitted and is included as Attachment 5. A street layout plan has been submitted to show connection with existing streets. In addition, a future street plan is shown north of the proposed subdivision for connection to E Madison Drive and N Aspen Way within the NW Newberg Specific plan area.

The submission requirements have been 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.”***

**Finding:** The Name, Date, North Arrow, Scale of Drawing, Location of the Development, Zoning, title block, and notation as a preliminary plat have been included in the drawings and narrative for the subdivision proposal.

The 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.*

**Finding:** Existing conditions have been identified in the application material on Existing Conditions Sheets EX-00 through EX-09 as required by NMC 15.235.040B(2)(a-k).

The 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. [Ord. 2880 § 2 (Exh. B § 7), 6-7-21; Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]*

**Finding:** Proposed development information has been identified in the application material as required by NMC 15.235.040(B)(3)(a-1).

The 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;**

**Finding:** The application included all the required submittal elements and follows the proper process and public notice requirements for a subdivision.

The 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;**

**Finding:** Compliance with provisions of NMC Division 15.400, Development Standards, are addressed in detail below.

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

**Finding:** Compliance with provisions of NMC Division 15.400, Development Standards, are addressed in detail below.

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

**Finding:** The Applicant states the name “Collina at Sprinbrook”, which will be used for this plat, and is reserved and satisfies the applicable provisions of ORS Chapter 92.

The 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 the 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;**

**Finding:** The proposed plans will meet the above criteria when the conditions of approval detailed in the NMC Chapter 15.505 section of this staff report are met and final plans that comply with the Newberg Public Works Design and Construction Standards are submitted and approved.

***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.***

**Finding:** The Applicant has identified proposed private common areas and improvements. The private common areas and improvements will be maintained by the Homeowners Association as noted in Attachment 1, Exhibit M.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 4g Documents & Submittals Required has two applicable conditions that would continue to be imposed by the proposed Subdivision.

- Provide written documentation that ensures that the Homeowners Association (HOA) will maintain the landscape tracts, water quality and flow control features of the storm water system. The HOA will also be responsible for leaf cleanup and root repair of street trees abutting the landscape tracts. Provide a copy of the documents forming the homeowners association.

**Finding:** To comply with Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 4g Documents & Submittals Required the Applicant shall:

Provide written documentation that ensures that the Homeowners Association (HOA) will maintain the landscape tracts, water quality and flow control features of the storm water system. The HOA will also be responsible for leaf cleanup and root repair of street trees abutting the landscape tracts. Provide a copy of the documents forming the homeowners association.

- “Provide a final draft copy of Codes, Covenants and Restrictions (CC&Rs) for the subdivision. The City will review the proposed CC&Rs for minimum compliance with City Code prior to recordation.”

Staff has reviewed the Draft Collina at Springbrook CC&Rs and provided comments back to the Applicant (Attachment 5). The CC&Rs note that the Homeowners Association will maintain the landscape tracts. Property owners are responsible for maintaining street trees. A copy of the documents for the Homeowners Association have been provided to staff and comments are included in Attachment 5. Prior to recording the Collina at Springbrook CC&Rs the Applicant shall submit a final copy for review and concurrence by the City.

The criterion will be met if the aforementioned conditions of approval is adhered to.

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

**Finding:** A pedestrian Bridge is proposed over Hess Creek on the north side of E Mountainview Drive to mitigate impacts of the proposed development on the transportation system. A wetland delineation was submitted to the Oregon Department of State Lands (DSL) and was approved on February 6, 2023 (Attachment 6). Staff submitted the required Wetland Land Use Notification form

(WLUN) to DSL on March 2, 2023. DSL provided a response as indicated in Attachment 7. The proposed pedestrian bridge is designed to be outside of the Ordinary High Water Mark (OHWM) and outside of any delineated wetland area.

Per the DSL letter dated February 2, 2023, the Applicant is to provide copies of any State and/or Federal permits related to the onsite wetlands and show compliance with any State and/or Federal permits, or provide documentation from State and/or Federal agencies that wetland/waters of the state related permits are not required, prior to issuance of permits from the City of Newberg.

The proposed pedestrian bridge is also outside of the FEMA designated 100-year flood plain boundary.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3d has one applicable condition that would continue to be imposed by the proposed Subdivision.

- “Provide a copy of Department of State Lands and U.S. Army Corps of Engineers permits as needed.”

**Finding:** To comply with Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3d the Applicant shall provide a copy of Department of State Lands and U.S. Army Corps of Engineers permits as needed.

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

***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.***

**Finding:** The City has reviewed the proposed Collina at Springbrook subdivision preliminary plat and proposed conditions of approval for compliance with the Newberg Municipal Code. Comments have additionally been provided by other agencies. Improvements or conditions required have been or can be met.

The criterion is 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. [Ord. 2880 § 2 (Exh. B § 8), 6-7-21; Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]***

**Finding:** See conditions of approval listed in the Staff Report and in Exhibit “E” related to the proposed subdivision.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 4 had seven applicable conditions that would be modified or would continue to be imposed by the proposed Subdivision.

“4. The following improvements, dedications, easements, documents & submittals must be completed prior to final plat approval, or secured for in accordance with City policy:

a. Improvements Required

- “Complete Construction of Aldersgate Lane abutting the proposed lots.”
- “Construct all approved public utility lines and any improvements required for stormwater mitigation.”
- “Complete required undergrounding of utilities crossing or fronting the street improved as part of the subdivision.”
- “Incorporate the recommendations from the Report of Initial Geotechnical Engineering Services into the design and construction of the site.”

b. Vacations

- Any proposed right-of-way vacations must go through the applicable City or County vacation process. This process is required in the following areas (and any other areas where proposed tract or lot lines are shown over existing right-of-way), or the plat must be modified to show the existing right-of-way:
  - Cherry Street
  - Plum Street
  - Portions of Aspen Way
  - Portions of Zimri Dr
  - Identify on the plan the existing access road located at the northernmost point of the site the extends southwest from Aspen Way, and vacate if necessary.

c. Existing Septic

- “Abandon and obtain a demolition permit for any existing septic systems.”

d. Existing Wells

- Existing wells located on the site must be shown on the plans and properly abandoned.”

e. Existing Structures

- Remove existing structures that would be crossed by lot or tract lines. If any structures are within setback lines for new property lines, either remove them, or provide a schedule for their removal, subject to Planning Director approval, and indicate that building code requirements will be met in the interim. A demolition permit is required prior to removal of any structure.”

f. Dedications /Easements Required

- There are current easements for existing public utilities located on the property. Some of the older easements have inadequate descriptions or use terms and conditions not found in the current standard City easement form. New easements with properly surveyed descriptions must be granted to the City of Newberg to take the place of these older inadequate easements. Copies of all existing easements must be submitted for final plat approval; however, existing easements may be submitted for review and/or reconstruction prior to the final plat approval process.”

- All existing easements must be shown on the plat.

g. Documents and Submittals Required

- Complete a subdivision agreement with the City of Newberg. The completed subdivision agreement shall be recorded by the applicant at the time of final plat recordation.”
- Submit a current title report (within 6 months) for the property. Include copies of all existing easements, codes covenants and restrictions pertaining to the property.”
- Resolve any boundary or deed discrepancies found.”

**Finding:** Subdivision agreements are no longer required. The language in Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 4 Exhibit 4 subsection 4 is revised to read:

The following improvements, dedications, easements, documents & submittals must be completed prior to final plat approval, or secured for in accordance with City policy:

a. Improvements Required

- Complete Construction of Aldersgate Lane abutting the proposed lots.
- Construct all approved public utility lines and any improvements required for stormwater mitigation.
- Complete required undergrounding of utilities crossing or fronting the street improved as part of the subdivision.
- Incorporate the recommendations from the Report of Initial Geotechnical Engineering Services into the design and construction of the site.

b. Vacations

- Any proposed right-of-way vacations must go through the applicable City or County vacation process. This process is required in the following areas (and any other areas where proposed tract or lot lines are shown over existing right-of-way), or the plat must be modified to show the existing right-of-way:
  - Portions of Aspen Way
  - Portions of Zimri Dr
  - Identify on the plan the existing access road located at the northernmost point of the site the extends southwest from Aspen Way, and vacate if necessary.

c. Existing Septic

- Abandon and obtain a demolition permit for any existing septic systems.

d. Existing Wells

- “Existing wells located on the site must be shown on the plans and properly abandoned.”

e. Existing Structures

- Remove existing structures that would be crossed by lot or tract lines. If any structures are within setback lines for new property lines, either remove them, or provide a schedule for their removal, subject to Planning Director approval, and indicate that building code



requirements will be met in the interim. A demolition permit is required prior to removal of any structure.

f. Dedications /Easements Required

- There are current easements for existing public utilities located on the property. Some of the older easements have inadequate descriptions or use terms and conditions not found in the current standard City easement form. New easements with properly surveyed descriptions must be granted to the City of Newberg to take the place of these older inadequate easements. Copies of all existing easements must be submitted for final plat approval; however, existing easements may be submitted for review and/or reconstruction prior to the final plat approval process.
- All existing easements must be shown on the plat.

g. Documents and Submittals Required

- Submit a current title report (within 6 months) for the property. Include copies of all existing easements, codes covenants and restrictions pertaining to the property.
- Resolve any boundary or deed discrepancies found.

The criterion will be met if the aforementioned conditions of approval are adhered to.

*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. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]*

**Finding:** No Code Adjustments or Variances are sought by the Applicant. This criterion is not applicable.

**Division 15.400 DEVELOPMENT STANDARDS**

**Chapter 15.405 LOT REQUIREMENTS**

*15.405.010 Lot area – Lot areas per dwelling unit*

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

*1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for a single family dwelling development shall not exceed 10,000 square feet.*

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and the lot sizes established in the Development Standards Matrix (Attachment 1, Exhibit B). The minimum lot size is 2,900 square feet. As the Applicant indicates in their Narrative the average lot size for Collina at Springbrook is planned to be +/- 5,063 square feet, which exceeds the minimum. One lot exceeds 10,000 at 12,077 square feet. The interim size of the quadplex lots range

from 13,088 to 14,236 square feet. The interim size of the duplex lots range from 9,529 to 9,944 square feet. After a separate land division application these lots would fit within the minimum lot size within the Springbrook Master Plan Development Standards Matrix for minimum lot size.

The Engineering Division has noted that some of the right-of-way widths do not meet the cross-section requirements. This is detailed in 15.505.030(C) below. To comply with the conditions of approval lot sizes represented could change. The Applicant shall provide a revised preliminary plat prior to submitting a final plat so that minimum lot sizes can be evaluated against the minimum identified in the Springbrook Master Plan Development Standards Matrix.

The City of Newberg adopted Ordinance No. 2023-2912 on May 1, 2023 for regulations on land divisions for Middle Housing types to comply with SB 458. This Ordinance goes into effect on May 31, 2023. Lots 43, 44, 45, 46, 99, 100, 102, 103, 124, 125, 149, 150, 151, 152, 154, and 155 are all proposed to be divided in the future to create detached quadplex units. The lot sizes in the future would range from 2,916 square feet to 3,618 square feet. Lots 101 and 153 are proposed to be divided in the future to create detached duplex units. The lot sizes in the future would range from 4,764 to 4,972 square feet. The Applicant shall submit a separate land division application to divide Lots 43, 44, 45, 46, 99, 100, 101, 102, 103, 124, 125, 149, 150, 151, 152, 153, 154, and 155 in accordance with Ordinance No. 2023-2912 to meet lot size requirements.

The criterion will be met if the aforementioned conditions of approval are adhered to.

***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.***

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and the lot sizes established in the Development Standards Matrix (Attachment 1, Exhibit B). The minimum lot size is 2,900 square feet. As the Applicant indicates in their Narrative the average lot size for Collina at Springbrook is planned to be  $\approx$  5,063 square feet, which exceeds the minimum. No lot exceeds 10,000 square feet.

The Engineering Division has noted that some of the right-of-way widths do not meet the cross-section requirements. This is detailed in 15.505.030(C) below. To comply with the conditions of approval lot sizes represented could change. The Applicant shall provide a revised preliminary plat prior to submitting a final plat so that minimum lot sizes can be evaluated against the minimum identified in the Springbrook Master Plan Development Standards Matrix.

Quadplexes and Duplexes are proposed. Lots 43-46, 99-100, 102-103, 124-125, 149-152, and 154-155 are identified as quadplex lots. Lots 101 and 153 are identified as duplex lots.

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

***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.*

**Finding:** The Applicant's Narrative (Attachment 1) indicates the areas listed above were not included in lot area Calculations. Staff concurs with the Applicant's analysis.

The criterion is met.

*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. [Ord. 2889 § 2 (Exh. B § 26), 12-6-21; Ord. 2880 § 2 (Exh. B §§ 36, 37), 6-7-21; Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2763 § 1 (Exh. A § 12), 9-16-13; Ord. 2730 § 1 (Exh. A (2)), 10-18-10; Ord. 2720 § 1(14), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.565.]*

**Finding:** 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 (Attachment 1, 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. [Ord. 2451, 12-2-96. Code 2001 § 151.566.]*

**Finding:** The listed exceptions do not apply to this application for preliminary subdivision or the planned lots. These standards do not apply.

#### *15.405.030 Lot Dimension and Frontage*

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

**Finding:** The minimum lot width per the Development Standards Matrix (Attachment 1, Exhibit B) is 32 feet except for attached units which has a lot width minimum of 20 feet.

The Engineering Division has noted that some of the right-of-way widths do not meet the cross-section requirements. This is detailed in 15.505.030(C) below. To comply with the conditions of approval lot width represented could change. The Applicant shall provide a revised preliminary plat prior to submitting a final plat so that minimum lot dimensions and frontage can be evaluated against the minimum identified in the Springbrook Master Plan Development Standards Matrix.

The City of Newberg adopted Ordinance No. 2023-2912 on May 1, 2023, for regulations on land divisions for Middle Housing types to comply with SB 458. Lots 43, 44, 45, 46, 99, 100, 102, 103, 124, 125, 149, 150, 151, 152, 154, and 155 are all proposed to be divided in the future to create detached quadplex units. The lot sizes in the future would range from 2,916 square feet to 3,618 square feet. The proposed lot size until this land division occurs ranges from 13,088 to 14,236 square feet. Lots 101 and 153 are 9,529 to 9,944 square feet. Lots 101 and 153 are proposed to be divided in the future to create detached duplex units of approximately 4,764 to 4,972 square feet. The lot widths preliminarily proposed are 54 feet to 67.76 feet for the quadplexes. The lot width for the duplexes are approximately 66.8 to 54 feet or 60 to 54 feet. The Applicant shall submit a separate land division application to divide Lots 43, 44, 45, 46, 99, 100, 101, 102, 103, 124, 125, 149, 150, 151, 152, 153, 154, and 155 in accordance with Ordinance No. 2023-2912 for lot width requirements.

The criterion will be met if the aforementioned conditions of approval are adhered to.

***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.***

**Finding:** The proposed lots are under 15,000 square feet. Therefore, this criterion does not apply.

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

**Finding:** The proposed lots conform to the lot area requirements for lots in the SD/LDR zone.

The Engineering Division has noted that some of the right-of-way widths do not meet the cross-section requirements. This is detailed in 15.505.030(C) below. To comply with the conditions of approval lot sizes represented could change. The Applicant shall provide a revised preliminary plat prior to submitting a final plat so that minimum lot sizes can be evaluated against the minimum identified in the Springbrook Master Plan Development Standards Matrix.

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

***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).*

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and the lot frontage is established in the Development Standards Matrix (Attachment 1, Exhibit B). The minimum lot frontage is 32 feet except for attached units which has a lot width minimum of 20 feet.

The Engineering Division has noted that some of the right-of-way widths do not meet the cross-section requirements. This is detailed in 15.505.030(C) below. To comply with the conditions of approval lot width represented could change. The Applicant shall provide a revised preliminary plat prior to submitting a final plat so that minimum lot dimensions and frontage can be evaluated against the minimum identified in the Springbrook Master Plan Development Standards Matrix.

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

Lots for the proposed Quadplex units only have a 16-foot-wide access easement identified. Because access width is identified as 16 feet it does not meet the 25-foot width requirement. The Applicant shall revise the quadplex lots to identify a 25-foot-wide access easement, or request a Type III modification to the Springbrook Master Plan Development Standards Matrix per NMC 15.326.060 to establish an alternative access easement width that differs from 15.405.030(D)(1)(a).

No new private streets are proposed.

The criterion will be met if the aforementioned conditions of approval are adhered to.

*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.*

**Finding:** This criterion is not applicable because the zoning is not R-2 for the property.

*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.*

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and the lot frontage is established in the Development Standards Matrix (Attachment 1, Exhibit B). The minimum lot frontage is 32 feet except for attached units which has a lot width minimum of 20 feet.

The Engineering Division has noted that some of the right-of-way widths do not meet the cross-section requirements. This is detailed in 15.505.030(C) below. To comply with the conditions of approval lot width represented could change. The Applicant shall provide a revised preliminary plat prior to submitting a final plat so that minimum lot dimensions and frontage can be evaluated against the minimum identified in the Springbrook Master Plan Development Standards Matrix.

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

*d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.*

**Finding:** Not applicable because the proposed development is not in the AR zone.

*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. [Ord. 2889 § 2 (Exh. B § 27), 12-6-21; Ord. 2880 § 2 (Exh. B § 38), 6-7-21; Ord. 2830 § 1 (Exh. A), 4-2-18; Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2720 § 1(15), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.567.]*

**Finding:** NMC 15.405(D)(2) does not apply because townhouses are not proposed, no legally created lots of record are in existence, no lots were previously approved with substandard widths, and there are no existing private streets.

**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.*

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and the lot coverage is established in the Development Standards Matrix (Attachment 1, Exhibit B).

*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.*

*b. R-2 and RP: 60 percent.*

*c. AR and R-3: 60 percent.*

*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.*

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

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and the lot coverage is established in the Development Standards Matrix (Attachment 1, Exhibit B).

(1) Maximum Lot Coverage: 55%, except 60% for attached dwelling units

(2) Maximum Parking Lot Coverage: 30%

(3) Maximum Combined Lot Parking Lot Coverage: 65%, except 70% for attached dwelling units

This section of NMC will be reviewed during the building permit review process. This section is not applicable at this stage of the subdivision review process because it is more appropriately reviewed during the building permit review process.

*C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code. [Ord. 2889 § 2 (Exh. B § 28), 12-6-21; Ord. 2880 § 2 (Exh. B § 39), 6-7-21; Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2746 § 1 (Exh. A § 1), 8-15-11; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.568.]*

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and the lot coverage is established in the Development Standards Matrix (Attachment 1, Exhibit B).

### ***Chapter 15.410 YARD SETBACK REQUIREMENTS***

#### ***15.410.010 General yard regulations.***

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

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

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

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

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

*F. In the AI airport industrial district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.*

***G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel. [Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.550.]***

**Finding:** No yard or open space provided around any building for the purpose of complying with the provisions of this code are considered as providing a yard or open space for any other building. No yard or open space on adjoining property are considered as providing required yard or open space for another lot or development site. No front yards provided around any building for the purpose of complying with the regulations of this code are used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.

Criteria D through G are not applicable as no buildings cover a lot line, there are dwellings proposed above non-residential buildings, the proposed subdivision is not in the AI Airport Industrial District and is not in the AR Airport Residential District.

***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.***
- 2. R-3 and RP districts shall have a front yard of not less than 12 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.***

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and setbacks are established in the Development Standards Matrix (Attachment 1, Exhibit B).

Front Yard Setback: Minimum 15 feet, except minimum 10 feet for porches and similar entry features  
Minimum 20 feet for garage

Interior Yard Setbacks: R-1

This section of NMC will be reviewed during the building permit review process. This section is not applicable at this stage of the subdivision review process because it is more appropriately reviewed during the building permit review process.

***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.***
- 2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.***
- 3. All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.***

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and setbacks are established in the Development Standards Matrix (Attachment 1, Exhibit B).

Interior Yard Setbacks: R-1

This section of NMC will be reviewed during the building permit review process. This section is not applicable at this stage of the subdivision review process because it is more appropriately reviewed during the building permit review process.

***15.410.040 Setback and yard restrictions as to schools, churches, public buildings.***

- A. Building Setback. No buildings shall be erected, used or maintained for a school, church or public or semi-public building or use, institution or similar use under the regulations of this code unless such building is removed at least 25 feet from every boundary line of any property included in any residential district.***
- B. Required Yard. No required front or interior yard of the lot on which such building or use is located shall be used for play or parking purposes. [Ord. 2451, 12-2-96. Code 2001 § 151.553.]***

**Finding:** These criteria are not applicable because no schools, churches or public buildings are proposed.

***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.*

*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.*

*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. [Ord. 2763 § 1 (Exh. A § 13), 9-16-13; Ord. 2602, 9-20-04; Ord. 2451, 12-2-96. Code 2001 § 151.554.]*

**Finding:** The above criteria are not applicable because no planned future streets apply to the application. Staff concurs with the Applicant's finding.

***15.410.060 Vision clearance setback.***

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

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

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

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

***D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict. [Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.555.]***

**Finding:** Vision clearance triangles have been provided and are demonstrated within the Preliminary Plans on some plan sheets included as Attachment 1, 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.

The Applicant shall comply with Vision Clearance setback requirements of 15.410.060.

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

***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.***

**Finding:** Not applicable because no depressed areas are proposed.

***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.*

**Finding:** Not applicable because no accessory buildings are proposed.

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

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

**Finding:** The Applicant indicates the listed required yard intrusions are understood but are not anticipated as part of the 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.*

**Finding:** The Springbrook Master Plan identifies the style for fences along E Mountainview Drive. Per the Collina at Springbrook Architecture & Design Guidelines all fences are required to be reviewed by the Architectural Review Committee (RAC) as part of the CC&Rs.

Retaining walls are also proposed throughout the proposed subdivision to address contour changes. The retaining walls are located in 10-foot easements. Wall heights range from 2 feet to +/- 7 feet in height. Because retaining walls are above 4 feet in height, the Applicant shall submit for and obtaining building permits for any retaining walls above 4 feet in height including the foundation.

#### ***Chapter 15.415 BUILDING AND SITE DESIGN STANDARDS***

##### ***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.*

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and building height limits are established in the Development Standards Matrix (Attachment 1, Exhibit B).

Building Height: R-1 (30 feet)

This section of NMC will be reviewed during the building permit review process. This section is not applicable at this stage of the subdivision review process because it is more appropriately reviewed during the building permit review process.

***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. [Ord. 2720 § 1(11), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.538.]*

**Finding:** New public streets and alleys are proposed with each lot having frontage on a public street. No private streets are proposed.

The criterion is met.

***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:***

***1. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (A)(1)(a) and (b) of this section. Any detached structure with more than 50 percent of its street-facing facade separated from the street property line by a dwelling is exempt from meeting these standards.***

***a. The entrance must be within eight feet of the longest street-facing wall of the dwelling unit; and***

*b. The entrance must either:*

*i. Face the street (see Appendix A, Figure 26);*

*ii. Be at an angle of up to 45 degrees from the street (see Appendix A, Figure 27);*

*iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Appendix A, Figure 28); or*

*iv. Open onto a porch (see Appendix A, Figure 29). The porch must:*

*(A) Be at least 25 square feet in area; and*

*(B) Have at least one entrance facing the street or have a roof.*

*2. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. (See Appendix A, Figure 30.)*

*3. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (A)(2)(a) and (b) of this section.*

*a. The garage or off-street parking area is separated from the street property line by a dwelling; or*

*b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.*

**Finding:** The proposed Collina at Springbrook subdivision is governed by the Springbrook Master Plan and building height limits are established in the Development Standards Matrix (Attachment 1, Exhibit B).

The applicant is proposing quadplex development for Lots 43, 44, 45, 46, 99, 100, 102, 103, 124, 125, 149, 150, 151, 152, 154, and 155. The revisions to the Springbrook Master Plan Development Standards Matrix has the following proposed language for the design of the quadplexes that draws from NMC 15.415.050(a)(1-3). That language is reflected above. The specifics contained in the proposed Development Standards Matrix revision is listed below.

\*\*\* Quadplex development standards within the Springbrook District west of Hess Creek:

1. Quadplex dwellings may be constructed as attached or detached dwellings.
2. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (A)(1)(a) and (b) of this section. Any detached structure with more than 50 percent of its street-facing facade separated from the street property line by a dwelling is exempt from meeting these standards.
  - a. The entrance must be within eight feet of the longest street-facing wall of the dwelling unit; and A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard. Those oriented towards the common courtyard instead of a street must:
  - b. The entrance must either:
    - i. Face the street;
    - ii. Be at an angle of up to 45 degrees from the street; or
    - iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or
    - iv. Open onto a porch. The porch must:
      - (A) Be at least 25 square feet in area; and
      - (B) Have at least one entrance facing the street or have a roof.
3. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard.
4. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (A)(2)(a) and (b) of this section.
  - a. The garage or off-street parking area is separated from the street property line by a dwelling; or
  - b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.

Staff identifies several corrections that need to be made to the proposed language. First the Applicant is not proposing triplexes and references to them should be removed. Second, there is reference to (A)(1)(a) and (b) which does not tie to anything in the Development Standards Matrix. Because the proposed language is unclear, the Applicant shall revise the proposed language related to design of quadplexes in the Springbrook Master Plan Development Standards Matrix for clarity and submit new language for review and approval to the Planning Division prior to submittal of Building Permits for the quadplexes.

Once final language is approved this section of NMC will be reviewed during the building permit review process. This section is not applicable at this stage of the subdivision review process because it is more appropriately reviewed during the building permit review process.

## ***Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS***

### ***15.420.010 Required minimum standards.***

#### ***B. Required Landscaped Area.***

**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.**

**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**

**Finding:** Staff compared the proposed street trees to the approved street tree list approved by the City Council.

E Mountainview Drive is a designated Minor Arterial. Street trees are shown at approximately 40 feet on center which meets the approximately 50 feet on center requirement. The tree species and size (caliper) are not identified. The type of plant materials in the planter strip has not been identified.

N Villa Road is a Major Collector. Street trees are shown at approximately 40 feet on-center which meets the approximately 35-40 feet on center requirement. The tree species and size (caliper) are not identified. The type of plant materials in the planter strip has not been identified.

E Foothills Drive is a Major Collector. Street trees are shown at approximately 35-40 feet on-center which meets the approximately 35-40 feet on center requirement. The tree species and size (caliper) are not identified. The type of plant materials in the planter strip has not been identified.

N Center Street, E Dartmouth Street, E Henry Road, E Vintage Street, E Edgewood Drive, N Aldersgate Drive, E Sunset Drive, E Hillsdale Drive, and Local Streets A-G are all local streets. Street trees are shown at 30 – 40 feet on-center which meets the approximately 35 to 40 feet on center requirement. The tree species and size (caliper) are not identified. The type of plant materials in the planter strip has not been identified.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3c Street Tree Plan has two applicable conditions that would continue to be imposed by the proposed Subdivision.



- “Raywood Ash trees are required to be planted along Aldersgate Ln to ensure continuity with the adjacent Westpark Subdivision.”

**Finding:** The species of trees along N Aldersgate Drive have not been identified. Per Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3c these trees are required to be Raywood Ash. The Applicant shall identify street trees along N Aldersgate Drive as Raywood Ash as part of the Public Improvement Permit application.

- “Use Crimson Century Maple along the portion of Henry Road just east of Center Street to match the tree plan for the north side of Henry Road.”

**Finding:** The species of trees along E Henry Road have not been identified. Per Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3c these trees are required to be Crimson Century Maple. The Applicant shall identify street trees along E Henry Road as Crimson Century Maple as part of the Public Improvement Permit application.

Because the species and caliper of street trees have not been identified, and the type of ground cover or plant materials including size and spacing have not been identified, The Applicant shall provide the species and caliper of street trees in conformance with the City approved Street Tree List, and identify the type of ground cover or plant materials including size and spacing in accordance with 15.420.010(B) for each phase of the subdivision as part of the Public Improvement Permit application.

The criterion can be met with adherence to the aforementioned condition of approval.

*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. [Ord. 2889 § 2 (Exh. B § 34), 12-6-21; Ord. 2880 § 2 (Exh. B §§ 42, 43), 6-7-21; Ord. 2720 § 1(16, 17), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2513, 8-2-99; Ord. 2451, 12-2-96. Code 2001 § 151.580.]*

**Finding:** If the landscaping cannot be completed prior to issuance of occupancy the Applicant may place a security on file per NMC 15.420.010(C).

The criterion can be met with adherence to the aforementioned condition of approval.

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

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

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

*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.*

*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.*

*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.*

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

***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.*

**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.

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

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

	Median		Pedestrian Space	Planting Strip		
	Central Business District/Urban Application	Low Density Application		Frequent On-Street Parking	Infrequent On-Street Parking	Without On-Street Parking
Plant Material	Trees, shrubs and ground cover		Trees, shrubs and ground cover (where applicable)	Trees in tree wells with grates	Trees and ground cover	Trees, shrubs and ground cover
Tree and Shrub Arrangement	Single row of trees planted in 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	Flowering Cherry ( <i>Prunus serrulata</i> , several varieties), Flowering Dogwood ( <i>Cornus</i> species, several varieties), Hawthorn	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

	(Acer rubrum), Londos Plana (Platanus acerifolia)	(Crataegus species, several species), Red Sunset Maple (Acer rubrum), Red Oak (Quercus rubra)				
Shrub and Ground Cover Characteristics (i.e., environmental tolerance, mature size)	Pollutant and reflected heat tolerant	Pollutant and reflected heat tolerant	2.5 feet maximum height, pollutant and reflected heat tolerant	Not applicable	2.5 feet maximum height, pollutant and reflected heat tolerant	2.5 feet maximum height, pollutant and reflected heat tolerant
Examples of Recommended Shrub Species	Lonicera japonica (Privet Honeysuckle), Sargent Juniper (Juniperus sargentii), Cotoneaster (Cotoneaster, various varieties), Winter Creeper (Euonymus fortunei)	Lonicera japonica (Privet Honeysuckle), Sargent Juniper (Juniperus sargentii), Cotoneaster (Cotoneaster, various varieties), Winter Creeper (Euonymus fortunei)	Sargent Juniper (Juniperus sargentii), Cotoneaster (Cotoneaster, low varieties), Winter Creeper (Euonymus fortunei)	Not applicable	Sargent Juniper (Juniperus sargentii), Cotoneaster (Cotoneaster, prostrate varieties)	Sargent Juniper (Juniperus sargentii), Cotoneaster (Cotoneaster, various varieties), Winter Creeper (Euonymus fortunei)

**Finding:** 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.

Street furniture is not planned for this area.

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

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

15.420.020(A)(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.

15.420.020(A)(5) Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.

15.420.020(B)(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.

15.420.020(B)(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 within 300 feet of the Community Building shall have only street trees protected by tree grates.

15.420.020(B)(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.

15.420.020(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.

The criterion can be met with adherence to the aforementioned conditions of approval.

### ***Chapter 15.425 EXTERIOR LIGHTING***

**Finding:** Pathway lighting, where required, will be provided.

Lighting for each home will be addressed with future construction and is anticipated to meet the requirements of NMC 15.425.

This requirement will be reviewed during the building permit review application.

### ***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.]*

**Finding:** The submitted narrative and plans propose all utilities will be placed underground.

There are existing overhead utility lines along a portion of the E Mountainview Drive frontage between N Villa Road and approximately 150-feet east of N Thorne Street. These overhead lines within the limits of the E Mountainview Drive improvements are required to be undergrounded. Because the submitted materials do not clearly indicate the undergrounding of the existing overhead utility lines along the E Mountainview Drive frontage between N Villa Road and approximately 150-feet east of N Thorne Street, with the public improvement permit application the Applicant is to include plans for undergrounding of the existing overhead utility lines along the E Mountainview frontage between N Villa Road and an existing utility pole located approximately 150-feet east of N Thorne Street.

Plans submitted with the public improvement permit application to show all utilities installed underground.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3a Engineered Construction Plans, General Utilities has one applicable condition that would continue to be imposed by the proposed Subdivision.

- “Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
  - General Utilities
    - All utilities crossing or fronting the site must be undergrounded, subject to City standards and exceptions, including power, cable, and telephone lines.”

**Finding:** To comply with Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3a Engineered Construction Plans, General Utilities the Applicant shall:

Submit engineered construction plans for review and approval. Pay appropriate plan review fees.  
Submit plans showing storm and street information on one sheet; water and sanitary on another sheet.  
The plans must include the following:

- General Utilities
  - All utilities crossing or fronting the site must be undergrounded, subject to City standards and exceptions, including power, cable, and telephone lines.

This criterion will be met if the aforementioned conditions of approval are adhered to.

## ***Chapter 15.435 SIGNS***

### ***15.435.040 General requirements – All signs.***

***A. All signs shall comply with the standards contained in the current edition of the Oregon Structural Specialty Code. If the standards of that code and this development code conflict, this development code shall prevail. All signs shall be kept in repair and in a proper state of preservation as required under the current edition of the Oregon Structural Specialty Code.***

***B. No sign shall have bright or flashing lights shining on a public way that blind or impair the vision of drivers. No sign shall be constructed such that it may be confused with any traffic sign, signal or device.***

***C. In the C-3 zone, animated signs are prohibited.***

***D. All signs shall comply with the vision clearance standards of NMC 15.410.060.***

***E. Signs located in the airport overlay subdistrict shall comply with the height and visual interference restrictions of that district. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2731 § 3, 10-18-10; Ord. 2565, 4-1-02; Ord. 2561, 4-1-02; Ord. 2499, 11-2-98. Code 2001 § 151.593.]***

**Finding:** No signage was proposed as part of the subdivision application. If signage is proposed in the future, the Applicant shall comply with signage requirements of Chapter 15.435 SIGNS and the Springbrook Master Plan Development Standards Matrix.

## ***Chapter 15.440 OFF STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS***

### ***15.440.010 Required off-street parking.***

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

**Finding:** The Applicant states that the proposed lot sizes are adequate to allow for the option of two car garages or driveway parking that will meet the standard for single-family dwellings. Duplex dwellings and quadplex dwellings are required to provide 1 off-street parking space. Final review of off-street parking requirements will be reviewed at the time of the building permit review process.

<i>Table for 15.440.030</i>	
<i>Use</i>	<i>Minimum Parking Spaces Required</i>
<i>Residential Types</i>	
<i>Dwelling, single-family</i>	<i>2 for each dwelling unit on a single lot</i>
<i>Dwelling, duplex</i>	<i>1 for each dwelling unit</i>
<i>Dwelling, triplex</i>	<i>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</i>
<i>Dwelling, quadplex</i>	<i>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</i>
<i>Dwelling, townhouse</i>	<i>1 for each dwelling unit</i>
<i>Dwelling, cottage</i>	<i>1 for each dwelling unit</i>

**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. [Ord. 2880 § 2 (Exh. B § 49), 6-7-21.]*

**Finding:** Garage size requirement will be reviewed at the time of review of Building Permits to determine compliance.

**Division 15.500 Public Improvement Standards**  
**Chapter 15.505 PUBLIC IMPROVEMENT STANDARDS**

**15.505.010 Purpose.**

*This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development. [Ord. 2810 § 2 (Exhs. B, C), 1219-16.]*

**15.505.020 Applicability.**

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

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

This criterion is met.

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

**Finding:** The narrative and plans reference the Newberg Public Works Design and Construction Standards. Final plans demonstrating all public improvements meet the requirements of the most recent Newberg Public Works Design and Construction Standards are required with the submittals for the public improvement permits.

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

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

**Finding:** The submitted plans propose new streets to serve the proposed subdivision and detail improvements to existing streets adjacent to the proposed subdivision. These plans will be addressed in more detail in the appropriate sections below. The Applicant is required to submit final construction plans and obtain a public improvement permit for the proposed new streets and improvements to existing streets. Plans will be fully reviewed for compliance with city standards including NMC 15.505.030 and the Public Works Design and Construction Standards as part of the public improvement permit plan review process.

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

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

**Finding:** The submitted materials include a proposed water service plan. See Section 15.505.040 for additional details and conditions.

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

**Finding:** The submitted plans include a proposed wastewater collection system. See Section 15.505.040 for additional details and conditions.

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

**Finding:** The submitted materials include a proposed stormwater management plan. See Section 15.505.050 for additional details and conditions.

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

**Finding:** The submitted plans show utility easements. See Section 15.505.040 (F) for additional details and conditions.

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

**Finding:** Any required public improvements for this project must be completed prior to building permits being issued.

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

#### ***15.505.030 Street standards.***

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

- 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.***
- 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means***

*direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.*

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

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

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

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

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

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

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

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

**Finding:** The submitted materials include a variety of transportation improvements within and adjacent to the proposed subdivision. These include the extension of N Villa Road north of E Mountainview Drive, new local streets to serve the subdivision, completion of improvements to N Aldersgate Drive and to E Henry Road, modifications to E Mountainview Drive west of N Villa Road and improvements to E Mountainview Drive east of N Villa Road.

#### **Extension of N Villa Road, a Major Collector Street**

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 for future expansion projects. The original Springbrook Master Plan showed N Villa Road as a major collector extending from the current intersection with E



Mountainview Drive to the northern boundary of the district. It crossed the northern reach of Hess Creek and connected to N Aspen Way at a bend in the road. The applicant conducted an additional study of Hess Creek and the adjacent topography in this northern connection point.

To minimize the impacts to the creek and also improve the safety for the intersection with N Aspen Way, the Applicant has proposed an amendment to the Springbrook Master Plan which moves N Villa Road so it extends further north to intersect with a future east/west E Madison Drive extension that would intersect with N Aspen Way north of the bend. The applicant suggests the amendment improves sight distance and overall safety of the intersection. Exhibit A sheet SP-09 of the preliminary plans and the amended Street Classification Map for the Amended Master Plan in Exhibit B show the proposed alignment of N Villa Road.

With the proposed alignment of N Villa Road and future connection to N Aspen Way avoiding crossing the main channel of Hess creek, the proposed alignment of N Villa Road is an acceptable amended alignment of N Villa Road north of E Mountainview Drive.

### **Local Streets to Serve the Collina at Springbrook Subdivision**

The Applicant is showing new local residential streets to serve the proposed development.

The proposed local residential street cross-sections on sheet SP-01 of the preliminary plans meets the minimum cross section of a local residential street that conforms to the Newberg Municipal Code (NMC) and the Newberg Public Works Design and Construction Standards. The minimum cross section includes a minimum 5-foot-wide planter that is inclusive of the curb based on the NMC definition of the curb line.

While the proposed local residential street cross-sections meet the minimum cross section of a local residential street that conforms to the Newberg Municipal Code (NMC) and the Newberg Public Works Design and Construction Standards, they do not meet the combined standards within the Newberg Municipal Code, the Newberg Public Works Design and Construction Standards, and the Newberg Transportation System Plan. The following cross-section meets the City's standard for a local residential street and requires a minimum 56-feet of right of way:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 7-foot parking lane
- 9-foot travel lane
- 9-foot travel lane
- 7-foot parking lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The Applicant shall submit final plans for public improvement permits to show local residential streets consisting of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, minimum 4.5-foot planter, 0.5-foot curb, 7-foot parking lane, 9-foot travel lane, 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, minimum 4.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way.

The Applicant is required to dedicate sufficient right-of-way to achieve a minimum of 54-feet of right-of-way to construct the local residential streets to serve the subdivision.

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

### **Completion of Improvements to N Aldersgate Drive, a Local Residential Street**

The Applicant is showing a ½ street improvement of N Aldersgate Drive, a local residential street. Improvements proposed for N Aldersgate Drive complete the partial street improvement constructed when the adjacent subdivision developed. The Applicant states in the narrative that the required vacation of right-of-way at the E Edgewood and N Aldersgate Drive intersection will be made with a future application prior to submittal of the adjacent phases.

The proposed local residential ½ street cross-section on sheet SP-01 of the preliminary plans meets the minimum cross section of a local residential street that conforms to the Newberg Municipal Code (NMC) and the Newberg Public Works Design and Construction Standards. The minimum cross section includes a minimum 5-foot-wide planter that is inclusive of the curb based on the NMC definition of the curb line.

While the proposed local residential street cross-sections meets the minimum cross section of a local residential street that conforms to the Newberg Municipal Code (NMC) and the Newberg Public Works Design and Construction Standards, they do not meet the combined standards within the Newberg Municipal Code, the Newberg Public Works Design and Construction Standards, and the Newberg Transportation System Plan. The following cross-section meets the City's standard for a local residential street and requires a minimum 56-feet of right of way:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 7-foot parking lane
- 9-foot travel lane
- 9-foot travel lane
- 7-foot parking lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The Applicant shall submit final plans for public improvement permits to show completion of street improvements to N Aldersgate Drive, a local residential street, consisting of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, minimum 4.5-foot planter, 0.5-foot curb, 7-foot parking lane, 9-foot travel lane, 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, minimum 4.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way.

The Applicant is required to dedicate sufficient right-of-way to achieve a minimum of 54-feet of right-of-way to construct the remaining improvements to N Aldersgate Drive, a local residential street.

The required vacation of right-of-way at the E Edgewood and N Aldersgate Drive intersection is to occur with a separate application prior to submittal of public improvement permits for phases adjacent to this location.

This criterion will be met if the aforementioned conditions of approval are adhered to.

### **Improvements proposed for E Henry Road, a Local Residential Street**

Improvements proposed for E Henry Road between the extension of N Center Street and N Estate Street include a traffic circle that was evaluated against other options in the Kittleson & Associates October 2022 Memorandum. The proposed traffic circle is consistent with the Northwest Newberg Specific Plan that includes a traffic circle with a 50-foot diameter landscaped island at the N Center Street at E Henry Road intersection. This will serve as a traffic calming measure for E Henry Road along the south side of Tom Gail Park and for N Center Street at this location. Kittleson & Associates October 2022 Memorandum states that the traffic circle would function acceptably using stop-control on either the east-west or north-south approaches. The city does not support stop-control on either approach of a traffic circle as this would not allow the through movements from all approaches typically expected with a traffic circle. In Supplemental Information #1 the Applicant provided a Transportation Addendum memorandum dated April 17, 2023, that provided additional explanation for why stops signs on the N Center Street approaches of the traffic circle were recommended. The April 17, 2023, memorandum provides a recommendation for the city to consider yield signs at a minimum. Because the city does not support stop-control on either the east-west or north-south approaches of the traffic circle, street improvement plans for the traffic circle at the intersection of N Center Street with E Henry Road are to include yield signs.

As part of the Deferred Improvement Agreement associated with the Chehalem Park and Recreation District's Tom Gail Park, full street improvements are required when development of the property to the south develops. The Applicant's submitted materials include a letter from the Chehalem Park and Recreation District Superintendent dated January 26, 2023, stating that Chehalem Park and Recreation District and Pahlisch Homes have been coordinating and will be working together to dedicate the needed right-of-way and easements for the planned development.

The proposed local residential street improvements for E Henry Road shown in the preliminary plans do not fully match the cross section of a local residential street that conforms to the combined standards within the Newberg Municipal Code, the Newberg Public Works Design and Construction Standards, and the Newberg Transportation System Plan. The following cross-section meets the City's standard for a local residential street and requires a minimum 56-feet of right of way:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 7-foot parking lane
- 9-foot travel lane
- 9-foot travel lane
- 7-foot parking lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The Applicant's materials show improvements for the south side of the E Henry Road improvements that appear to be generally consistent with cross-section elements meeting the City's minimum standard for a local residential street. However, proposed improvements on the north side of E Henry Road along the southern frontage of Tom Gail Park show incorporation of an existing walkway within Tom Gail Park, outside of the public right-of-way. This appears to be in place of installing the sidewalk at the location described above for meeting the combined standards within the Newberg Municipal Code, the Newberg Public Works Design and Construction Standards, and the Newberg Transportation System Plan. The submitted plans do show this existing walkway within a proposed pedestrian access easement. A travel lane, curb and planter strip are also shown along the north side of the proposed E Henry Road improvements. The submitted materials do not clearly indicate the width of the travel lanes and planter strips for the E Henry Road improvements.

In review of submitted materials and the Deferred Improvement Agreement associated with the Chehalem Park and Recreation District's Tom Gail Park, the proposed incorporation of the existing walkway within Tom Gail Park into the E Henry Road improvements is acceptable provided the walkway is in good condition, meets ADA requirements and is within a public pedestrian access easement. The Applicant is required to provide a public pedestrian access easement, meeting City of Newberg requirements, for the sidewalk shown on the north side of the E Henry Road improvements that is within Tom Gail Park and outside of the public right-of-way.

Determination of the condition of the existing walkway within Tom Gail Park on the north side of the E Henry Road improvements is to occur as part of the public improvement permit process. Any portions of the walkway found to be in poor condition or not meeting ADA standards will be required to be replaced as part of the E Henry Road improvements.

Because the Applicant's submitted materials do not clearly indicate the width of the travel lanes and planter strips for the E Henry Road improvements, the Applicant shall provide plans for public improvement permits to show the E Henry Road improvements consisting of the following:

- south of the center line along the Collina frontage:
  - 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, minimum 4.5-foot planter, minimum 5-foot sidewalk, 1-foot from back of walk to right-of-way.

- north of the center line along the Tom Gail Park frontage:
  - 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, minimum 4.5-foot planter, minimum 5-foot sidewalk, 1-foot from back of walk to right-of-way – except where for the area of the existing sidewalk outside of the right-of-way is to be within a public pedestrian access easement.

The Applicant is required to dedicate sufficient right-of-way to achieve a minimum of 54-feet of right-of-way to construct the local residential streets to serve the subdivision.

Determination of the limits of the public pedestrian access easement along the southern frontage of Tom Gail Park is to occur as part of the public improvement permit process.

This criterion will be met if the aforementioned conditions of approval are adhered to.

### **Improvements to E Mountainview Drive – West of N Villa Road, a Minor Arterial Street**

The Applicant is showing a ½ street improvement of E Mountainview Drive, a minor arterial street, to serve the Collina at Springbrook subdivision by providing left turn lanes at the intersection of E Mountainview Drive at N Center Street and at the intersection of E Mountainview Drive at N Villa Road. Where left turn lanes are not proposed a landscaped median is proposed. This proposed median is along E Mountainview Drive between the intersection with N Center Street and the intersection with N Villa Road. The south side of E Mountainview Drive is developed with paved travel lane, bike lane, curb, planter strip and sidewalk within the existing right-of-way.

The proposed ½ street improvement cross section of E Mountainview Drive, a minor arterial street, shown on sheet SP-01 of the preliminary plans does not match the cross section of a minor arterial street, Mountainview Drive, shown on sheet 5.0 of Exhibit C: Subdivision Plan Set of Exhibit 7 to Ordinance No. 2007-2678 as amended by Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, subdivision, subsection 3a Engineered Construction Plans, Streets.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, subdivision, subsection 3a Engineered Construction Plans:

“Streets

- A 2-foot minimum shy distance is required from the edge of all medians to the 12 ft wide travel lane. A 6-foot wide bike lane is required on the minor arterial.”

The following cross-section is shown on sheet 5.0 of Exhibit C: Subdivision Plan Set of Exhibit 7 to Ordinance No. 2007-2678 as amended by Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, subdivision, subsection 3a Engineered Construction Plans, Streets and requires a minimum 74-feet of right of way:

- 8-foot meandering sidewalk, partially in and partially out of the right-of-way.

- 10.5-foot planter
- 0.5-foot curb
- 6-foot bike lane
- 12-foot travel lane
- 2-foot minimum shy distance between edge of median and 12-foot-wide travel lane
- 12-foot median or left turn lane
- 2-foot minimum shy distance between edge of median and 12-foot-wide travel lane
- 12-foot travel lane
- 6-foot bike lane
- 0.5-foot curb
- +/-5-foot planter
- +/-5-foot sidewalk
- 0.5-foot from back of walk to right-of-way

Because the Applicant has proposed a roadway cross-section that does not match the cross section of a minor arterial street, Mountainview Drive, shown on sheet 5.0 of Exhibit C: Subdivision Plan Set of Exhibit 7 to Ordinance No. 2007-2678 as amended by Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, subdivision, subsection 3a Engineered Construction Plans, Streets, the Applicant shall provide plans for public improvement permits to show construction of required ½ street improvements to E Mountainview Drive, a minor arterial street, conforming to Ordinance No. 2007-2678 consisting of the following: 8-foot meandering sidewalk, partially in and partially out of the right-of-way with a public access easement for any portion of the sidewalk outside of the right-of-way, 10.5-foot planter, 0.5-foot curb, 6-foot bike lane, 12-foot travel lane, 2-foot minimum shy distance between edge of median and 12-foot-wide travel lane, 12-foot turn lane/median, 2-foot minimum shy distance between edge of median and 12-foot-wide travel lane, 12-foot travel lane, 6-foot bike lane, 0.5-foot curb, +/-5-foot planter, +/-5-foot sidewalk, 0.5-foot from back of walk to right-of-way. Alternatively, the applicant has the option to submit a Type II application for modification of street right-of-way and improvement width per NMC 15.505.030(H).

The Applicant is required to dedicate sufficient right-of-way to achieve a minimum of 74-feet of right-of-way to construct the required improvements to E Mountainview Drive, minor arterial street. Alternatively, the applicant has the option to submit a Type II application for modification of street right-of-way and improvement width per NMC 15.505.030(H).

The preliminary plans show proposed marked crosswalks across E Mountainview Drive at its intersection with N Center Street. The submitted materials do not clearly provide justification for the installation of marked crosswalks at the locations shown as part of this development. Also shown are proposed rectangular rapid flashing beacons for the marked crosswalk across the eastern leg of the E Mountainview Drive at N Center Street intersection.

The submitted materials indicate that a queuing analysis will be provided at a future date for the proposed marked crossing with rectangular rapid flashing beacons. Because the Applicant has not provided documentation clearly justifying the installation of marked crosswalks across E



Mountainview Drive at its intersection with N Center Street or for the installation of rectangular rapid flashing beacons at this intersection, with public improvement permit submittals the Applicant is to provide documentation clearly justifying the installation of marked crosswalks across E Mountainview Drive at its intersection with N Center Street and for the installation of rectangular rapid flashing beacons at this intersection. This documentation is to include the queuing analysis referenced in the preliminary plans.

This criterion will be met if the aforementioned conditions of approval are adhered to.

### **Improvements to E Mountainview Drive – East of N Villa Road, a Minor Arterial Street**

The City of Newberg Transportation System Plan (TSP) includes the expansion project E11a for E Mountainview Drive arterial safety improvements between N Villa Road and N Alice Way. Improvements noted in the TSP include adding bike lanes and sidewalks to both sides of E Mountainview Drive between N Villa Road and N Alice Way.

The portion of E Mountainview Drive crossing Hess Creek has been referred to in the community as “the dip”. This portion of E Mountainview Drive needs to be completely rebuilt to raise the roadway up and widen the creek crossing to provide bike lanes and sidewalks. The Applicant believes the cost of this full improvement is not proportionate to the impacts created by the proposed Collina at Springbrook Subdivision project. The Applicant’s documents present a rationale for deferring roadway improvements of E Mountainview Drive at the “dip” that crosses over Hess Creek. The study reviewed traffic safety considerations and found that vehicle crash data was relatively small. The primary concern was pedestrian and bicycle safety.

The Applicant is proposing an improvement intended to address bicycle and pedestrian safety through “the dip”. The submitted plans propose the construction of a 12-foot-wide bicycle/pedestrian bridge over Hess Creek, parallel to, and north of, E Mountainview Drive. Additionally, a paved pathway is proposed to connect the bridge to the E Mountainview Drive sidewalk west of Hess Creek, and to N Alice Way east of Hess Creek. This shared use path and bridge is proposed to be privately built and maintained within a public access easement.

The preliminary plans do not adequately show how bicycles and pedestrians can safely cross from the south side of E Mountainview Drive to the north side at N Villa Road and access the proposed shared use path and bridge across Hess Creek. The preliminary plans show proposed marked crosswalks across E Mountainview Drive at its intersection with N Thorne Street. However, the submitted materials do not clearly provide justification for the installation of marked crosswalks at the locations shown as part of this development. There are also sight distance issues east of the N Villa Road and E Mountainview Drive intersection that are not clearly addressed by the submitted materials. Marked crosswalks across E Mountainview Drive are not to be installed without appropriate documentation and justification, including addressing sight distance or other issues, and receiving approval of the City of Newberg Engineer or authorized representative.

To aid in providing a safe alternative to street improvements along E Mountainview Drive through “the dip”, a traffic signal at the intersection of N Villa Road at E Mountainview Drive would provide a safe location for bicycles and pedestrians to cross E Mountainview Drive to and from the proposed shared use path. This requires that the shared use path be extended to N Villa Road on the north side of E Mountainview Drive. The proposed 12-wide paved shared use path with 2-foot-wide shoulders

and proposed 12-foot-wide shared use bridge across Hess Creek will need to be within a public access easement and be privately maintained.

Mitigation measures for this project not constructing street improvements for the full length of the E Mountainview Drive frontage east of N Villa Road are to include alternative safety improvements for all modes of transportation including bicycles and pedestrians. These mitigation measures are to include:

- Traffic signal and associated improvements at the intersection of N Villa Road at E Mountainview Drive.
- A minimum 12-wide paved shared use path with 2-foot-wide shoulders within a public access easement east of the E Mountainview Drive at N Villa Road intersection.
  - The 12-foot wide shared use path with 2-foot-wide shoulders is to extend from N Villa Road to the proposed shared use bridge across Hess Creek and is to include provisions for bike access to the shared use path.
  - The 12-foot wide shared use path with 2-foot-wide shoulders is also to extend from the proposed shared use bridge to the east side of the E Mountainview Drive intersection with N Alice Way and is to include provisions for bike access to the shared use path from E Mountainview Drive.
  - The limits of the public access easement for the shared use path is to be confirmed as part of the public improvement permit process.
- An E Mountainview Drive at N Villa Road intersection designed to address and route eastbound pedestrian and bicycle traffic to the planned shared use bridge to be confirmed as part of the public improvement permit process.
- A minimum 12-wide shared use bridge across Hess Creek. The shared use bridge is to be privately maintained by an HOA or other entity. A private maintenance agreement is to be recorded and provided to the City of Newberg.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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

- 1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and*
- 2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.*

**Finding:** The submitted plans propose right-of-way dedication and full street improvements for all proposed new streets within Collina at Springbrook. Included are extensions of existing local residential streets E Hillsdale Drive, E Sunset Drive, E Edgewood Drive, E Vintage Street, E Dartmouth Street, N Center Street, N Estate Street and N Aldersgate Drive. Also included is the

extension of major collectors N Villa Road and E Foothills Drive. See Section 15.505.030(C) for additional details and conditions.

Partial street improvements are proposed on N Aldersgate and E Mountainview Drive. See Section 15.505.030(C) for additional details and conditions.

With the Applicant's construction of the extensions of major collectors N Villa Road and E Foothills Drive there is a potential opportunity for Transportation System Development Charge credits. The adopted Transportation System Plan – Addendum Riverfront 2021 (TSP) Appendix includes Tech Memo 10 Finance Program that identifies funding of Project E07, Foothills Drive Extension, and Project E08, Villa Road Extension, as 100% Developer funded. Appendix A of the Transportation System Development Charge Methodology Report adopted with Resolution 2017-3375 includes an Improvement Fee Project List that identifies the portion of Project E07, Foothills Drive Extension, and E08, Villa Road Extension, as providing capacity for new users at 100%. Based on the information in Tech Memo 10 Finance Program in Appendix A of the adopted Transportation System Plan and the Improvement Fee Project List in Appendix A of the adopted Transportation System Development Charge Methodology Report a portion of the costs for the Foothills Drive extension and the Villa Road extension may be eligible for SDC credits. Final determination of Transportation System Development Charge credits would occur as part of the public improvement permit process.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3a Engineered Construction Plans, Streets has one applicable condition with multiple parts that would be modified or would continue to be imposed by the proposed Subdivision.

- “Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
  - “Streets
    - Specify the exact extent of streets to be constructed with the subdivision. If in any case street right-of-way is dedicated without construction of the actual street, enter into a subdivision agreement regarding future completion of the street within that right-of-way.

**Finding:** With the proposed subdivision it is no longer anticipated that street right-of-way dedication would occur without construction of the actual streets needed. The language in Ordinance No. 2007-2678 is revised to read:

Specify the exact extent of streets to be constructed with the subdivision.

- Provide construction plans for review for the street improvement required on Aldersgate Ln. The frontage must be fully improved with sidewalks, street trees, curb and gutters, with the width of the improvement to be determined during approval of the construction drawings. Also, construct short segments of streets east of Aldersgate Ln. to Vill Road.
- Provide construction plans for any other streets, including spur entrance roads, that will be constructed as part of the subdivision.

- A 2-foot minimum shy distance is required from the edge of all medians to the 12 ft wide travel lane. A 6-foot wide bike lane is required on the minor arterial.

**Finding:** To comply with Ordinance No. 2007-2678 the Applicant shall:

Provide construction plans for review for the street improvement required on Aldersgate Ln. The frontage must be fully improved with sidewalks, street trees, curb and gutters, with the width of the improvement to be determined during approval of the construction drawings. Also, construct short segments of streets east of Aldersgate Ln. to Villa Road.

Provide construction plans for any other streets, including spur entrance roads, that will be constructed as part of the subdivision.

A 2-foot minimum shy distance is required from the edge of all medians to the 12 ft wide travel lane. A 6-foot wide bike lane is required on the minor arterial.

- Present a revised drawing for the Mountainview Drive section through the Hess Creek crossing. It is recommended that the section through the crossing be narrowed to the extent possible by narrowing or eliminating the median in this section. Bike lanes are required through the section. The section must accommodate sidewalks on the south side. Verify the design meets vertical curve standards. The design will need proper barriers on each side. It is recommended that iron or similar railing be considered rather than fencing.

**Finding:** The revised proposal provides a shared use path and bridge east of N Villa Road as an alternative to sidewalks and bike lanes through the “dip” in E Mountainview Drive at Hess Creek. The language in Ordinance No. 2007-2678 is revised to read:

Present a revised drawing for the Mountainview Drive section through the Hess Creek crossing. It is recommended that the section through the crossing be narrowed to the extent possible by narrowing or eliminating the median in this section. Bike lanes are required through the section. The section must accommodate sidewalks on the south side. Verify the design meets vertical curve standards. The design will need proper barriers on each side. It is recommended that iron or similar railing be considered rather than fencing. Alternatively, design and construction of bike lanes and sidewalks in the segment of E Mountainview Drive east of N Villa Road through the “dip” at Hess Creek may be deferred provided:

- the applicant constructs a shared use path and bridge through this segment that meets the requirements of the city engineer and;
- completes intersection improvements at N Mountainview Drive that address safety mitigation measures for all modes of transportation that meets the requirements of the city engineer for not constructing the full-width street section with sidewalks and bike lanes on both sides through this segment of E Mountainview Drive through the “dip”. This would include safety mitigation measures for not raising the segment of E Mountainview Drive through the ”dip”.

- Ensure that manhole lids do not conflict with the edges of the medians. Modifications of median widths and/or adjustments to the separation between storm and sanitary lines may be necessary to correct this problem.
- Verify that future streets will fit within the proposed corner radii and right-of-way as shown on the plat (proposed boundaries of tracts). Tract lines may require adjustment to accommodate changes in the master plan layout.

**Finding:** To comply with Ordinance No. 2007-2678 the Applicant shall:

Ensure that manhole lids do not conflict with the edges of the medians. Modifications of median widths and/or adjustments to the separation between storm and sanitary lines may be necessary to correct this problem.

Verify that future streets will fit within the proposed corner radii and right-of-way as shown on the plat (proposed boundaries of tracts). Tract lines may require adjustment to accommodate changes in the master plan layout.

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

#### ***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.***

**Finding:** The submitted plans propose improvements to E Mountainview Drive, E Henry Road and N Aldersgate Drive where adjacent to the Collina at Springbrook subdivision. See Section 15.505.030(C) for additional details and conditions.

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



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

**Finding:** There are several locations identified where this project will contribute to impacts to transportation infrastructure. These include E Mountainview Drive east of N Villa Road, the N Villa Road at E Mountainview Drive intersection, the E Foothills at N College Street intersection, and the N Springbrook Road at E Haworth Avenue intersection.

### **E Mountainview Drive east of N Villa Road and the N Villa Road at E Mountainview Drive Intersection**

The Applicant believes the reconstruction of E Mountainview Drive over the Hess Creek crossing would not be proportional to the overall impact of the Collina at Springbrook subdivision. A parallel bicycle/pedestrian bridge and associated shared use path is proposed to provide safety improvements as an alternative to street improvements along the E Mountainview Drive frontage through “the dip” that are believed to be commensurate with the proposed impacts of this development.

As noted in previous sections of this report, although the traffic analysis submitted did not find that signal warrants are met at this time for the N Villa Road at E Mountainview Drive intersection, there is a need for a traffic signal at the intersection of N Villa Road at E Mountainview Drive as part of safety improvements for all modes of transportation associated with mitigation measures for this project not constructing street improvements for the full length of the E Mountainview frontage east N Villa Road.

With the Applicant’s construction of a traffic signal at the intersection of N Villa Road at E Mountainview Drive there is an opportunity for Transportation System Development Charge credits. System Development Charge (SDC) credits are for excess capacity beyond what is required for the demand created by the development. Refer to Newberg Municipal Code section 13.05.040 for additional information on SDCs and SDC credits. The adopted Transportation System Plan – Addendum Riverfront 2021 (TSP) Appendix includes Tech Memo 10 Finance Program that identifies funding of Project I03 as 50% City funded, and 50% Developer funded. Appendix A of the Transportation System Development Charge Methodology Report adopted with Resolution 2017-3375 includes an Improvement Fee Project List that identifies the portion of Project I03 as providing capacity for new users at 100%. Based on the information in Tech Memo 10 Finance Program in Appendix A of the adopted Transportation System Plan and the Improvement Fee Project List in Appendix A of the adopted Transportation System Development Charge Methodology Report it is anticipated that a minimum of 50% of the cost for a traffic signal at the intersection of N Villa Road at E Mountainview Drive would be eligible for SDC credits. Final determination of Transportation System Development Charge credits would occur as part of the public improvement permit process.

See Section 15.505.030(C) for additional details and conditions.



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

**N Springbrook Road at E Haworth Avenue Intersection, Project I09 of the TSP.**

As noted previously in this report, improvements for this intersection are identified in the City of Newberg Transportation System Plan (TSP) as Project I09. These improvements for this intersection are also identified in the Springbrook Master Plan as one of several mitigation measures for transportation facilities that will be impacted by the Springbrook Master Plan development. This proposed development is responsible for contributing a proportionate share of the cost of these future improvements.

While the Applicant assessed the proportionate share contribution to the future traffic signal at E Haworth Avenue and N Springbrook Drive, the submitted traffic analysis document references that it is anticipated that City staff will review the proportionate share calculations at the time of site plan approval to account for other in process developments and updated traffic count information obtained by the City. It is the Applicant's responsibility to provide recent traffic counts and an analysis that account for other in process developments for determination of the project's proportionate share of the N Springbrook Road at E Haworth Avenue intersection.

Because the proposed project will have an impact on the N Springbrook Road at E Haworth Avenue intersection, the Applicant will be required to participate in funding improvements at the N Springbrook Road and E Haworth Avenue intersection that are indicated in the City of Newberg Transportation System Plan (TSP) as Project I09. The Traffic Impact Fee formula developed to capture the proportional impact of developments is based on the most significant a.m. or p.m. proportional volume contribution. The trips referenced in the formula come from the traffic study required for the development.

$$\frac{(\text{Cost in the TSP for improvements}) \times (\text{Trips directly related to the development})}{(\text{Total trips through the intersection})} = \text{the proportionate share of the development}$$

The applicant has submitted a transportation addendum memo dated April 25, 2023 that includes traffic counts collected in April 2023 at the N Springbrook Road and E Haworth Avenue intersection for use in the above calculation. The addendum memo also provided the trips related to the proposed Collina at Springbrook Subdivision as described in the October 2022 memorandum.

Weekday AM Peak Hour Vehicle Trips directly related to the development:	42
Weekday PM Peak Hour Vehicle Trips directly related to the development:	57
Total AM Peak Hour Vehicle Trips entering the intersection (April 2023):	1,013
Total PM Peak Hour Vehicle Trips entering the intersection (April 2023):	1,386

The most significant impact of the proposed Collina at Springbrook Subdivision occurs in the AM Peak Hour.

Based on the most significant impact identified in the April 2023 transportation addendum memo the Traffic Impact Fee proportionate share of the Collina at Springbrook Subdivision is:

$$\text{Traffic Impact Fee} = (\$400,000) \times (42) / (1,013 + 42) = \$15,924$$

Prior to final plat approval the Applicant is responsible for payment of the Traffic Impact Fee amount of \$15,924 for development's proportionate share of the cost of future improvements at the E Haworth Avenue at N Springbrook Road intersection.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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

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

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

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

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

<i>Type of Street</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes</i>	<i>Median Type</i>	<i>Striped Bike Lane (Both Sides)</i>	<i>On-Street Parking</i>
<i>Limited residential, parking one side</i>	<i>40 – 46 feet</i>	<i>26 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>One side</i>
<i>Local commercial/ industrial</i>	<i>55 – 65 feet</i>	<i>34 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>No*</i>	<i>Yes*</i>

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

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

**Finding:** The plans submitted propose the extension of a major collectors (N Villa Road and E Foothills Drive), improvements to a minor arterial (E Mountainview Drive) and many new residential streets and improvements/extensions to/of existing local residential streets (E Henry Road, E Dartmouth Street, N Aldersgate Drive, E Edgewood Drive, E Vintage Street, N Estate Street, N Center Street, E Sunset Drive, E Hillsdale Drive). See Section 15.505.030(C) for additional details and conditions.

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

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

**Finding:** The proposed extensions of N Villa Road and E Foothills Drive, major collectors, includes 12-foot-wide travel lanes. The proposed improvements to E Mountainview Drive, a minor arterial include 12-foot-wide travel lanes as well.

This criterion is met.

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

**Finding:** The plans submitted show bike lanes that are 6 feet wide on the proposed improvements to E Mountainview Drive and on the proposed extensions of N Villa Road and E Foothills Drive.

This criterion is met.

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

**Finding:** The submitted plans propose parking lanes on the west side of the proposed extension of N Villa Road for the segment extending north of Local Street B. The dimensions of the proposed parking lanes are 8 feet wide.

This criterion is met.

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

**Finding:** The submitted plans propose 12-foot-wide turn lanes in portions of the proposed extension of N Villa Road (the intersection of N Villa Road and E Mountainview Drive). The submitted plans also propose 12-foot-wide turn lanes in E Mountainview Drive consistent with improvements for a minor arterial.

This criterion is met.

The submitted plans do not show center/left turn lanes at the intersection of E Foothills Drive, a major collector, and N Villa Road, a major collector. Submitted materials do include a Collina at Springbrook Transportation Addendum Memorandum dated April 17, 2023. The memorandum of April 17, 2023, prepared by Kittelson and Associates includes a recommendation for a northbound left-turn lane on N Villa Road at the future E Foothills Drive intersection with a minimum of 50-feet of storage for the northbound left-turn lane. The Applicant shall revise plans for public improvement permits to show construction of a northbound left-turn lane on N Villa Road at the future E Foothills Drive intersection with a minimum of 50-feet of storage for the northbound left-turn lane for that phase of the subdivision.

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

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

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

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

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

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

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

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

**Finding:** Limited residential streets have not been proposed.

This criterion is not applicable.

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

*a. Exception.*

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

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

**Finding:** The submitted plans propose 5-foot-wide sidewalks on both sides of all proposed new public streets. The plans submitted for the improvements to E Mountainview Drive propose a meandering 8-foot side sidewalk outside of the public right-of-way. This is different than the typical 5-foot sidewalk standard for a minor arterial. See Section 15.505.030(C) for additional details and conditions.

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

**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 curbside sidewalks are allowed, the following shall be provided:*

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

*b. Sidewalk width is six feet.*

**Finding:** The submitted plans propose planter strips along the proposed minor arterial (E Mountainview Drive) improvements, major collector (N Villa Road and E Foothills Drive) extensions, and local residential streets within the subdivision. The planter strip proposed on E Mountainview Drive is shown as “varied” due to the meandering sidewalk design. It is shown in the

cross section as within an area designated as a 10-foot public utility easement. See Section 15.505.030(C) for additional details and conditions.

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

**Finding:** The submitted plans do show an existing slope and public utility easement on the north side of E Mountainview Drive. No new slope easements are proposed. The Applicant does not believe they will be necessary for the stability of the proposed streets. Because the Applicant has not submitted detailed construction plans, determination if any slope easements are required is to occur as part of the permit plan review process.

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

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

**Finding:** The submitted plans show two intersections proposed with E Mountainview Drive. One is with a local residential street (N Center Street). The other is with a major collector (N Villa Road). Both proposed intersections include turn lanes in both directions off the minor arterial. The N Villa Road/E Mountainview Drive intersection plans propose cross walks across E Mountainview Drive. (The plans also show cross walks across E Mountainview Drive from N Thorne Street to a path proposed to the proposed Hess Creek bridge crossing.) The N Center Street/E Mountainview Drive intersection plan proposes sidewalks across the local residential street and rectangular rapid flashing beacons which are identified as contingent on a queuing analysis. This crossing approach cannot be approved without adequate study. See Section 15.505.030(C) for additional details and conditions.

The plans also propose an intersection between the proposed extension of N Center Street and E Henry Road. Both are local residential streets. The proposal includes a traffic circle that was evaluated against other options in the Kittleson & Associates October 2022 Memorandum. See Section 15.505.030(C) for additional details and conditions.

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

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

**Finding:** The Applicant has not requested modification of street standards for the purposes of ingress and egress.

This criterion is not applicable.

***H. Modification of Street Right-of-Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow***



*modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:*

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

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

**Finding:** 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 this section of E Mountainview Drive can be fully reconstructed, the Applicant has proposed to establish a pedestrian/bicycle bridge across Hess Creek. Such a structure and associated shared use path 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 and bikes from the N Villa Road at 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 with 2-foot-wide gravel shoulders, along with the shared use bridge over Hess Creek is proposed to be constructed with Phase 1 of Collina at Springbrook. See Section 15.505.030(C) for additional details and conditions.

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

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

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

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

**Finding:** The proposed modification to address safely providing alternative bike and pedestrian facilities east of the intersection of N Villa Road and E Mountainview Drive does not change vehicular access through this portion of E Mountainview Drive. See Section 15.505.030(C) and Section 15.505.030(F) for additional details and conditions.

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

**Finding:** The submitted plans show several phases of development. The submitted narrative describes temporary turnarounds planned at the edge of each phase line where streets are planned to continue. The submitted plans do not include the temporary turnarounds. The Applicant is required to submit plans for temporary turnarounds meeting the standards of this section with the public works improvement permit application materials. This includes provisions for a turnaround where the extension of N Villa Road is shown ending at the northern property line of the development.

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

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

**Finding:** The site of the proposed subdivision 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 Applicant's narrative describes the planned street layout as requiring the minimum necessary for cut or fill. The plans show the proposed termination of the extension of N Villa Road approximately 4 feet above existing ground level. While this seems excessive, the Applicant has provided supplemental documentation to demonstrate that suitable recognition to surrounding topographical conditions has been given. The Applicant will be required to provide plans that provide for a suitable and safe transition from the end of the proposed road to the surrounding existing ground.

The submitted plans show a series of retaining walls in the northern portion of the proposed subdivision. These proposed retaining walls are adjacent to previously developed lots fronting E Oak Knoll Court. The online GIS shows one of these lots with a swimming pool adjacent to the retaining wall system proposed for this project. The proposed retaining walls appear to be specified to comply with minimum heights required by building codes to exempt the need for engineering design. The Applicant will be required to submit designs for the proposed retaining walls which address existing surcharge loads and are prepared by a licensed geotechnical engineer.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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

**Finding:** The submitted plans include the future plans for extension of N Villa Road to the future E Madison Street. The submitted narrative describes the termination of proposed streets extending “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.***

**Finding:** Cul-de-sacs have not been proposed as part of the project.

This criterion is not applicable.

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

**Finding:** The submitted plans include streets that are in alignment with existing named streets bearing the names of the existing street. All other proposed new streets are shown on the plans with temporary identifiers. The submitted narrative describes a submittal for approval by the director and fire chief of new street names that do not unnecessarily duplicate or resemble the name of any existing or platted street in the city.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 4g Documents & Submittals Required has one applicable condition that would continue to be imposed by the proposed Subdivision.

- Name any proposed new streets. The proposed street names are subject to review and approval by the City Planning Division and the Fire Marshal.

**Finding:** To comply with Ordinance No. 2007-2678 the Applicant shall:

Name any proposed new streets. The proposed street names are subject to review and approval by the City Planning Division and the Fire Marshal.

Because not all street names with the development have not been determined yet, the Applicant is required to coordinate with the Planning Division to determine appropriate street names and install street name signs at all public street intersections within the development.

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

***N. Platting Standards for Alleys.***

- 1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.***
- 2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.***
- 3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.***
- 4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.***

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

**Finding:** The plans propose alley rights-of-way to be 20 feet in width with 10-foot corner cutoffs where alleys intersect. The Applicant states that proposed grades do not exceed 12 percent and that no centerline radii on curves of less than 100 feet have 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.*

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

***3. Exceptions.***

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

**Finding:** Submitted materials state that 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.

This criterion is 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.*

**Finding:** Submitted materials state that 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.*

**Finding:** Submitted materials state that 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.

This criterion is met.

*d. Institutional campuses located in an R1 zone may apply the standards for the institutional zone.*

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

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

**Finding:** The exceptions noted in 15.505.030(O)(3)(d), (e) and (f) are not applicable.

This criterion is met.

*4. Public Pedestrian Walkways and Bicycle Access. The approval authority in approving a land use application with conditions may require a developer to provide an access way where the creation of a street consistent with street spacing standards is infeasible and the creation of a cul-de-sac or dead-end street is unavoidable. A public walkway provides a connection through a block that is longer than established standards or connects the end of the*



*street to another right-of-way or a public access easement. A public walkway shall be contained within a public right-of-way or public access easement, as required by the city. A public walkway shall be a minimum of 10 feet wide and shall provide a minimum six-foot-wide paved surface or other all-weather surface approved by the city (see subsection (S) of this section for public walkway standards).*

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

**Finding:** The submitted plans propose several public pedestrian walkways and bicycle accesses to provide mid-block access in several locations throughout Collina at Springbrook. These pedestrian walkways are shown as tracts and are identified as having a public pedestrian access easement over its entirety. The cross section shows the pavement as 6 feet wide. The tracts are wider than 10 feet. See Section 15.505.030(S) for additional details and conditions.

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

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

This criterion is not applicable.

#### *Q. Traffic Calming.*

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

*a. Serpentine alignment.*

*b. Curb extensions.*

*c. Traffic diverters/circles.*

*d. Raised medians and landscaping.*

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

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

**Finding:** 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. See Section 15.505.030(C) for additional details and conditions.

#### *R. Vehicular Access Standards.*

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

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

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

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

<sup>1</sup> *“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.*

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

<sup>3</sup> *The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding*

*Table 15.505.R. Access Spacing Standards*

<i>Roadway Functional Classification</i>	<i>Area<sup>1</sup></i>	<i>Minimum Public Street Intersection Spacing (Feet)<sup>2</sup></i>	<i>Driveway Setback from Intersecting Street<sup>3</sup></i>
--	-------------------------	--	--

*flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.*

**Finding:** The submitted plans propose two intersections along a minor arterial (E Mountainview Drive). The proposed extension of N Villa Road intersects with E Mountainview Drive on the east side of the proposed subdivision. The proposed extension of N Center Street intersects E Mountainview Drive on the west side of the proposed subdivision. The centerline to centerline spacing between the proposed N Villa Road extension and the proposed N Center Street extension exceeds 500-feet along E Mountainview Drive.

Also shown on the submitted plans are two proposed intersections along a major collector (N Villa Road) north of the N Villa Road intersection with E Mountainview Drive. The centerline to centerline spacing between E Mountainview Drive and proposed local residential street B exceeds 400-feet along N Villa Road. The centerline to centerline spacing between local residential street B and proposed local residential street D also exceeds 400-feet along N Villa Road.

The submitted plans include extensions of existing streets that intersect with the proposed extension of N Villa Road. These streets include E Vintage Street, E Edgewood Drive, E Sunset Drive, E Foothills Drive and E Hillsdale Drive. The centerline to centerline spacing between E Edgewood Drive and E Sunset Drive exceeds 400-feet.

The centerline to centerline spacings between the extensions of existing streets E Vintage Street and E Edgewood Drive, E Sunset Drive and E Foothills Drive, and E Foothills Drive and E Hillsdale Drive along N Villa Road are approximately 300-feet which is less than the minimum public street spacing standard of 400-feet along a major collector. The centerline to centerline spacing of proposed local residential street D and the extension of E Vintage Street along N Villa Road is also approximately 300-feet. Exceptions allowed in 15.505.030(R)(10)(a) have been found to be applicable to these extensions of existing streets. The extensions of these existing streets being constrained by the existing development pattern and alignments of these streets west of the proposed development.

The proposed plans show lots 71, 205, 206, 223, 226, 270, 337 with driveways that are not 150 feet from the intersection of the proposed extension of N Villa Road (major collector). The proposed driveways are, however, placed as far away from the intersections as possible.

This requirement is met.

***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.***

**Finding:** The submitted plans show several lots with frontages along more than one public street or alley, it is not clear if all proposed driveway locations are shown for all lots. Because it's unclear where property access is being taken from for all lots, access shall be taken from the street with the lesser functional classification.

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

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

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

**Finding:** The submitted materials show most lots with only one driveway. They do not propose lots with more than one driveway and only The submitted materials do propose one driveway with a private access easement for each quadplex. For each proposed quadplex, the plans show three lots will access a shared driveway, with an adjacent lot accessing the street. The separation between the proposed shared driveway and the adjacent driveway for the lot associated with each proposed quadplex is unclear. Because the separation between the proposed shared driveway and the adjacent driveway for the lot associated with each proposed quadplex is unclear, plans submitted with permit applications shall clearly show the lot frontage separation between driveways associated with each quadplex as a minimum of 22-feet or submit for a Type III modification of the Springbrook Development Standards Matrix per NMC 15.326.060.

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

The submitted plans show two driveways on duplex lots planned in the interior of the subdivision north of E Mountainview Drive. The separation between the two driveways for the lot associated with each proposed duplex is unclear. Because the separation between the proposed two driveways for the lot associated with each proposed duplex is unclear, plans submitted with permit applications shall

clearly show the lot frontage separation between driveways associated with each duplex lot as a minimum of 22-feet.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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

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

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

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

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

**Finding:** The submitted plans show proposed alleys A through F. Alleys A, C, D, E and F are adjacent to proposed lots that have frontage on major collectors (N Villa Drive and E Foothills Drive). Alley B is adjacent to proposed lots that have frontage on a minor arterial (E Mountainview Drive). Lots that have frontage on an alley and the only other frontage is on collector or arterial streets (N Villa Road, E Foothills Drive and E Mountainview Drive) shall take access from the alley.

Alley A and Alley B provide through access to streets on both ends for access to proposed lots 1, 2, 3, and 4 with no other access frontage. These alleys also provide access for lots 5, 6, 7, 8 and 9 that the only other frontage is on a major collector (N Villa Road) for a total of 9 lots. The submitted plans do not show additional parking spaces. The submitted narrative proposes two garage parking spaces and two driveway parking spaces for each lot.

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

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

**Finding:** The submitted materials describe 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.

This criterion is met.

***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).*

**Finding:** 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.*

**Finding:** The submitted plans show shared driveways are proposed for the quadplex lots planned in the interior of the subdivision north of E Mountainview Drive. The plans show three lots will access a shared driveway, with an adjacent lot accessing the street. A private shared access is also shown for proposed lots 338 through 341. The plans show private access and utility easements and public emergency access easements. The narrative describes access and maintenance easements for the shared driveways to be recorded with the final plat. The Applicant will be required to submit and record shared access easements and maintenance plans for all proposed shared driveways prior to the final plat.

The proposed access easements for the shared driveways for each proposed quadplex are shown as 16 feet wide. The proposed access easement for the shared driveway for proposed lots 338 through 341 is shown as 20-feet wide. To adequately provide emergency vehicle access and separate wastewater, water and stormwater service laterals to each lot served by a shared access driveway, access and utility easements for shared driveways are to be 25-feet wide with a 20-foot-wide paved surface. or submit a Type III modification of the Springbrook Development Standards Matrix per NMC 15.326.060.

This criterion will be met if the aforementioned conditions of approval are adhered to.

*c. No more than four lots may access one shared driveway.*

**Finding:** The plans show three lots accessing a shared driveway within each proposed detached quadplex. The plans also show four lots adjacent to the proposed shared private access for lots 338 through 341.

This criterion is met.



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

**Finding:** The plans do not show shared driveways to be posted as no parking fire lanes. Shared driveways are to be posted as no parking fire lanes where required by the fire marshal.

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

*e. Where three lots or three dwellings 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.*

**Finding:** The submitted plans do not show additional parking spaces for the proposed shared driveway adjacent to the four lots, 338 through 341. The plans show shared driveways for proposed quadplex lots. Shared driveways are not shown on the proposed duplex lots. One additional parking space over those otherwise required shall be provided for each dwelling on the lots served by the shared access driveway adjacent to lots 338 through 341.

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

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

**Finding:** The Applicant has not proposed a frontage street and none have been determined to be required.

This criterion is not applicable.

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

**Finding:** The proposed development does not abut an ODOT or Yamhill County right-of-way.

This criterion is not applicable.

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

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

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

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

**Finding:** The Applicant has requested Director approval to allow driveway access on portions of N Villa Road (major collector). Driveway access to the proposed extension of N Villa Road is only restricted where there is access available from a road of lower classification. The Applicant did have Kittelson and Associates evaluate the safety of driveways on the extension of N Villa Road in their October 7, 2022, memo. No exception is required.

This criterion is not applicable.

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

**Finding:** No exception is required.

This criterion is not applicable.

#### *S. Public Walkways.*

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

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

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

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

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

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

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

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

**Finding:** The proposed public walkways are described as within an easement a minimum 15 feet in width, a paved surface, meet the requirements of the ADA, and do create the most direct and practical connections between rights-of-way. The proposed public walkways are shown within tracts to be maintained by a homeowners' association. Proposed public walkways through blocks do not exceed 250 feet in length. Most of the public walkways are shown on the plans as 6-foot wide. With permit submittals the Applicant is to submit plans showing all public walkways as a minimum 10-foot in width, conforming to the City of Newberg Public Works Design and Construction Standards, and meeting ADA requirements.

As part of the public improvement permit process the Applicant shall provide documentation of a homeowner's association, or similar entity, responsible for the maintenance of the public walkways and associated improvements. A maintenance agreement, or agreements, for the public walkways are to be recorded and provided to the City as part of the public improvement permit process.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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

**Finding:** Analysis on street trees was provided under NMC 15.420.010(B)(4) and NMC 15.420.020(A-D). The Applicant shall comply with the conditions of approval for NMC 15.420.010(B)(4) and NMC 15.420.020(A-D).

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 4g Documents & Submittals Required has one applicable condition that would continue to be imposed by the proposed Subdivision.

- “Provide a bond for the street tree planting as part of the public improvements.”

**Finding:** To comply with Ordinance No. 2007-2678 the Applicant shall Provide a bond for the street tree planting as part of the public improvements.

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

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

**Finding:** The submitted plans show some proposed streetlights. With public improvement permit submittals, the Applicant is required to submit final plans with a street lighting analysis and plan for PGE Option A street lights necessary to meet City standards. Street lighting analysis, and plans if additional PGE Option A street lights are necessary, is to include the E Mountainview Drive frontage.

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

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

*1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.*

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

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

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

**Finding:** The project site is not located adjacent to existing or planned transit facilities.

This criterion is not applicable.

**15.505.040 Public utility standards.**

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

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

*C. General Standards.*

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

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

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

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

**Finding:** The Applicant's plans indicate that all lots within the development are being linked to the water distribution system.

This criterion is met.

*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.*

**Finding:** The submitted plans show new 8- and 12-inch water lines serving the development. Connections are shown to the existing system at E Henry Road, N Estate Street, N Aldersgate Drive,

E Edgewood Drive, E Foothills Drive, E Sunset Drive, E Hillsdale Drive, and E Mountainview Drive at both intersections. The existing 12-inch water main within E Foothills Drive is shown extended from Foothills Drive, down N Villa Road, and connecting to E Mountainview Drive. This provides a looped 12-inch system. The proposed water lines within the proposed internal local streets will provide additional looped connections. Six fire hydrants are proposed. The current master plan includes a proposed developer constructed 12-inch water line to be installed parallel to the existing 12-inch waterline in E Mountainview Drive between N Villa Road and N Herman Street. An existing 24-inch line extends east of N Herman Street along E Mountainview Drive. The parallel 12-inch water main in E Mountainview Drive included in the current water master plan is in place of the 24-inch water line shown in the Springbrook Master Plan along E Mountainview Drive between N Center Street and N Zimri Drive as required to serve the development. This new required parallel 12-inch water line in E Mountainview Drive is not shown in the submitted preliminary plans. The Applicant is required to submit construction plans and obtain a public improvement permit for the proposed water system improvements.

New water mains in E Foothills Drive and N Villa Road are to be 12-inch as shown on the preliminary plans consistent with the current water master plan.

The Applicant is also required to install the new 12-inch water line parallel to the existing 12-inch waterline in E Mountainview Drive east of N Villa Road along the E Mountainview Drive frontage consistent with the current water master plan.

This criterion will be met if the aforementioned conditions of approval are adhered to.

*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.*

**Finding:** The proposed water service is shown stubbed at the northern termination of N Villa Road.

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.*

**Finding:** The submitted plans show new 8- and 12-inch water lines serving the development. Plans will be fully reviewed for compliance with city standards including NMC 13.15 and the Public Works Design and Construction Standards as part of the public improvement permit plan review process.

All onsite fire hydrants are to be public fire hydrants served by public water lines. Onsite public water lines not within public street rights-of-way, including those serving onsite fire hydrants, are to be in a 15-foot-wide public water line easement.

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

Non-potable/irrigation water mains 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 are shown to be



extended in anticipation of future non-potable water availability. A temporary connection to potable lines is to be made with double-check valves until non-potable water is available. 10-inch non-potable/irrigation water mains are shown to 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 Non-potable/irrigation water 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. The minimum pipe size for City water mains, including non-potable water mains, is 8-inches.

The Applicant will be required to submit final plans for the proposed non-potable water system with the public works improvement permit application. Plans will be fully reviewed for compliance with city standards including the Public Works Design and Construction Standards as part of the public improvement permit plan review process.

Meters for irrigation of open spaces or other locations are to be temporarily connected to potable water service lines until non-potable water is available.

The minimum pipe size for City water mains, including non-potable water mains, is 8-inches.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3a Engineered Construction Plans, Streets has three applicable conditions that would be modified or would continue to be imposed by the proposed Subdivision.

- “Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
  - “Water
    - Show water connections to each “lot”.
    - Every water line tee is required to have 2 valves.
    - Every water line cross is required to have 3 valves.
    - All waterlines serving fire hydrants must be minimum 8-inch diameter and be located within public easements. Maximum fire hydrant spacing is 500 ft apart. Verify that the location and installation of all fire hydrants meets the Fire Code and City of Newberg specifications.
    - Hydrant locations must be coordinated with the location of medians and landscape tracts. In some cases, modifications to the medians, street widths, or hydrant locations may be needed. Verify that the location of all fire hydrants meets the fire Code. Location shall be approved by the Newberg Fire Marshal.”
  - “Re-use Waterline
    - A re-use waterline is to be installed in Mountainview Dr, Crestview Dr, Springbrook Rd and Villa Rd. Re-use lines shall also be extended within residential roads as necessary to reach developed parks and open spaces that will require irrigation.”

- “General Utilities
  - Each lot must have separate private utility laterals to the main.”

**Finding:** Tualatin Fire and Rescue (TVFR) now serves Newberg. Non-Potable (Re-use) water lines have already been installed in E Crestview Drive and N Springbrook Road. The language in Ordinance No. 2007-2678 is revised to read:

- Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
  - Water
    - Show water connections to each “lot”.
    - Every water line tee is required to have 2 valves.
    - Every water line cross is required to have 3 valves.
    - All waterlines serving fire hydrants must be minimum 8-inch diameter and be located within public easements. Maximum fire hydrant spacing is 500 ft apart. Verify that the location and installation of all fire hydrants meets the Fire Code and City of Newberg specifications.
    - Hydrant locations must be coordinated with the location of medians and landscape tracts. In some cases, modifications to the medians, street widths, or hydrant locations may be needed. Verify that the location of all fire hydrants meets the fire Code. Location shall be approved by the Fire Marshal.
  - Re-use Waterline
    - A re-use waterline is to be installed in Mountainview Dr, Crestview Dr, Springbrook Rd and Villa Rd. Re-use lines shall also be extended within residential roads as necessary to reach developed parks and open spaces that will require irrigation.
  - General Utilities
    - Each lot must have separate private utility laterals to the main or to a double water service where allowed per the Public Works Design and Construction Standards.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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

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

**Finding:** The submitted narrative describes the existing on-site septic system will be decommissioned prior to the development of the site, in accordance with Yamhill County standards. The Applicant is required to abandon or remove the septic system in accordance with Yamhill County Standards. The Applicant will need to provide a certification from Yamhill County of the septic system abandonment/removal as part of the public improvement permit process.

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

***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.***

**Finding:** The submitted plans propose wastewater gravity service to all proposed lots.

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.***

**Finding:** Wastewater collection lines are currently available within E Mountainview Drive and along portions of N Aldersgate Drive. The majority of proposed wastewater collection system is shown connected to the existing system at the intersection of E Mountainview Drive and N Center Street which drains to the southwest. A small portion of the proposed wastewater collection system along N Villa Road will connect to an existing manhole at N Thorne Street and E Mountainview Drive which drains to the Hess Creek trunk line. A portion of the lots along N Aldersgate Drive are shown connecting to an existing 8-inch sanitary sewer line within Aldersgate Drive. All proposed mains will be 8-inch. The Applicant has determined that deficiencies within these systems have not been identified and that wastewater will be able to flow to the N College Street trunk line without issue. The Applicant will be responsible for verifying that the capacity of the existing wastewater lines are adequate for the development.

All necessary easements required for the construction of these facilities are to be obtained by the Applicant and granted to the City pursuant to City requirements.

This criterion will be met if the aforementioned conditions of approval are adhered to.

***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.***

**Finding:** Preliminary plans indicate that the Applicant will be able to meet requirements of the Public Works Design and Construction Standards.

The Applicant has determined that deficiencies within these systems have not been identified and that wastewater will be able to flow to the N College Street trunk line without issue. The design of wastewater facilities is described as taking future extensions into account to serve adjacent upstream properties. The Applicant will be required to submit final plans for the wastewater collection system with the public works permit application.

The proposed wastewater facilities are to be sized to provide adequate capacity during peak flows from the entire area potentially served by the facilities.

This criterion will be met if the aforementioned conditions of approval are adhered to.

***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.***

**Finding:** The project does not include temporary wastewater service facilities.

This criterion is not applicable.

***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.***

**Finding:** The design of wastewater facilities is described as, and the preliminary plans indicate, taking 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.***

**Finding:** The submitted plans show new 8-inch wastewater lines serving the development. The Applicant is required to submit construction plans and obtain a public improvement permit for the proposed wastewater service. Plans will be fully reviewed for compliance with city standards including NMC 13.10 the Public Works Design and Construction Standards as part of the public improvement permit plan review process.

Service laterals for wastewater service are to be provided from a public wastewater main to each lot or dwelling under separate ownership. Including lots adjacent to proposed shared access driveways.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3a Engineered Construction Plans, Streets has two applicable conditions that would continue to be imposed by the proposed Subdivision.

- “Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
  - “Sewer
    - Show sewer lateral connections to each “lot”.”
  - “General Utilities
    - Each lot must have separate private utility laterals to the main.

**Finding:** The language in Ordinance No. 2007-2678 is revised to read:

- Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
  - Sewer
    - Show sewer lateral connections to each “lot”.
  - General Utilities
    - Each lot must have separate private utility laterals to the main or to a double wye service branch where allowed per the Public Works Design and Construction Standards.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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

**Finding:**

**Existing Easements**

The submitted plans show:

- a. A 5-foot slope and public utilities easement and a storm sewer easement along the north side of E Mountainview Drive. A 10-foot public utility easement is also shown adjacent to E Mountainview Drive. The existing access is shown with a note describing the existing right-of-way and adjacent public utility easement to be vacated. It is not clear which easement the note is referring to.
- b. An existing 10-foot public utility easement associated with the plat of the Springbrook District along the west side of the lots adjacent to the improvements proposed to N Aldersgate Drive.
- c. An existing 10-foot private retaining wall drainage easement north of proposed lots 188 through 193 on existing developed tax lots 12300 through 12600.
- d. An existing 20-foot public utility easement directly west of proposed lots 332, 341, 342, 343 and tract U.
- e. An existing 20-foot drainage easement across an unidentified lot south of tax lots 3.2.08 3200 and a 20-foot drainage tract across tax lots 5600 and 5500.

### **Proposed Tracts and Easements**

The submitted plans propose:

- a. Twenty-two new tracts - Most of these tracts are planned as private open space dedicated to and maintained by the homeowners' association with public pedestrian access easements.
- b. Tracts B and C also show proposed sanitary sewer easements to benefit the city.
- c. Tracts F and J are shown dedicated to the city as storm water facilities. The city will be responsible for maintenance of these facilities.
- d. Tract U is proposed to be owned and maintained by the homeowners' association with a public pedestrian easement across it. This tract connects to an existing Tract A extending from E Oak Knoll Court west of the proposed development. This tract includes a 15-foot sanitary sewer easement and is owned by the city.
- e. Ten-foot-wide public utility easements (PUEs) are shown planned for franchise utilities along all public rights-of-way.
- f. Some corners of proposed street intersections are shown with vision clearance easements. Many are not.
- g. There are several 15- and 10-foot retaining wall easements along proposed pedestrian tracts running east west or just between the rear yards of adjacent properties throughout the proposed development described to benefit adjacent properties. These easements are shown with 5 feet on the uphill lot and 10 feet on the downhill lot or 5 feet on the uphill lot and 5 feet on the downhill lot.
- h. A 15-foot stormwater easement is shown running along the northern portion of tract A described to benefit the City.
- i. A private sanitary easement is shown between the back of lots 1 and 2 and the west side of the extension of N Villa Road.
- j. A 15-foot temporary construction easement is shown on the north side of Tax lot 900 adjacent to the south side of E Mountainview Drive. A 3-foot-wide offsite public pedestrian access easement is shown directly north of the 15-foot temporary construction easement.
- k. A temporary construction easement is shown east of Tract E for the construction of a bridge across Hess Creek.
- l. A 15-foot stormwater easement is shown dedicated to the city for the outfall from the stormwater facility in Tract F to Hess Creek.



- m. A 19-foot off site public pedestrian access easement is shown for the path to the proposed bridge and across the bridge to the north side of E Mountainview Drive opposite the connection to N Alice Way. This public pedestrian access easement is shown extending significantly around the outlet of the path on to the north side of E Mountainview Drive in the same location as well as along the north side of E Mountainview Drive directly east of the intersection with N Villa Drive through the existing dip.
- n. An offsite public access easement is shown adjacent to the north side of E Henry Road. There is also an offsite right-of-way dedication identified at the northeast corner of the intersection of the proposed traffic circle with E Henry Road and N Center Street. The Applicant submitted a letter from Chehalem Park and Recreation District supporting vacation of a portion of E Henry Road right-of-way, south of Tom Gail Park (Tax lot R3208 03501), west of Estate Street and east of N. Center Street and dedicating the needed right-of-way and easements for the planned development.
- o. a 20-foot private access and utility easement and stormwater and sanitary sewer easement to benefit the city and a public emergency access easement along the north side of proposed lots 338 through 340. These easements should benefit lot 341 which is adjacent to the west.

The Applicant will be required to submit final plans clarifying which public utility easement is being vacated along the north side of E Mountainview Drive.

Ten-foot-wide public utility easements (PUEs) are to be provided along all public rights-of-way within the development.

All easements proposed to benefit the city and needed temporary construction easements shall be submitted with the public works improvement permit application.

Easements deemed necessary to benefit the city as confirmed or identified during the public improvement permit process are to be recorded as part of the public improvement permit process.

All private easements shall be recorded and provided to the city as part of the permit process.

Easements to be recorded on easement forms approved by the City and designated on the final plat.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3a Engineered Construction Plans, Streets has one applicable condition that would continue to be imposed by the proposed Subdivision.

- “Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
  - “General Utilities
    - 10-foot wide utility easements are required along all frontages (no longer called “public utility easements”), except where all franchise utilities (phone, cable, gas, and electricity) indicate acceptance of an 8-foot easement.”

**Finding:** To comply with Ordinance No. 2007-2678 the Applicant shall:

- Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
  - “General Utilities
    - 10-foot wide utility easements are required along all frontages (no longer called “public utility easements”), except where all franchise utilities (phone, cable, gas, and electricity) indicate acceptance of an 8-foot easement.

This criterion will be met if the aforementioned conditions of approval are adhered to.

**15.505.050 Stormwater system standards.**

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

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

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

**Finding:** Stormwater treatment and detention facilities are proposed on site. The north and east portions of the site’s stormwater are proposed to flow to a stormwater facility within Tract F that includes a vegetated swale for water quality and a detention pond. This facility will outfall to Hess Creek. Existing flows to Hess Creek are overland. The proposed outfall will be piped. The submitted plans show an energy dissipater outfall structure. The Applicant will be required to submit final plans, with the public works improvement permit application, showing how erosion at the outfall to Hess Creek is minimized.

The west portion of the site’s stormwater is shown to flow to a stormwater facility within Tract D that will include an extended dry basin. The narrative describes depth of the mains leaving this facility require the existing storm manholes and 24-inch mains along N Center Street south of E Mountainview Drive to be replaced with deeper structures until such a distance down N Center Street where existing mains are sufficiently deep. The preliminary stormwater report described a visual investigation which did not identify any downstream impacts to the conveyance system. The

Applicant will be required to submit, with the public works improvement application, a downstream conveyance analysis to identify likely downstream impacts to the public storm system beginning in N Center Street and a recommended plan identifying the scope of the downstream conveyance upgrades anticipated.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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

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

**Finding:** A preliminary stormwater report prepared by AKS Engineering and Forestry was included with the application materials. Tract H is proposed as an amenity center with a pool and is identified in the hydro cad analysis of the preliminary stormwater report as a basin that flows directly to Hess Creek under post development conditions. The tract is shown as having enough impervious area to require stormwater management. The Applicant will be required to submit a stormwater management plan for Tract H with the building permit application.

A final stormwater report with downstream conveyance analysis and design will be required with the public works improvement permit application.

The submitted materials did not include an erosion control plan. The Applicant will be required to obtain a 1200-C Stormwater General Permit from Oregon Department of Environmental Quality prior to any ground disturbing activity.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3b Grading has one applicable condition that would continue to be imposed by the proposed Subdivision.

- “Obtain a DEQ 1200-C permit for grading. Submit a grading plan for review and approval.”

**Finding:** To comply with Ordinance No. 2007-2678 the Applicant shall:

Obtain a DEQ 1200-C permit for grading. Submit a grading plan for review and approval.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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

**Finding:** Preliminary plans show that all on-site stormwater is collected and conveyed to on-site stormwater facilities. Construction plans for this stormwater systems have not yet been submitted. The Applicant will be required to submit a final stormwater management plan with final construction plans meeting the requirements of the current Newberg Public Works Design and Construction Standards in accordance with NMC 13.20 and 13.25 Stormwater Management with the public works improvement permit application. This includes demonstrating compliance with the stormwater facility selection hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3a Engineered Construction Plans, Streets has one applicable condition that would be modified or would continue to be imposed by the proposed Subdivision.

- “Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
  - “Storm Drainage
    - Submit drainage calculations that specify the capacity of the storm system.
    - Catch basins are require on the uphill side of intersections.
    - Do not place any manholes at the centerline of the street.
    - Submit a storm water report that details the impact of the outfall into the stream that addresses erosion and provides measures to mitigate the erosion. Drainage on the NE side of Mountainview Dr can be (and should be) fully connected to the Mountainview-Springbrook line once the 12” storm line is replaced by a 30” line.”

**Finding:** The area referenced regarding drainage on the NE side of Mountainview Drive is not part of the currently proposed subdivision site. The language in Ordinance No. 2007-2678 is revised to read:

- Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
  - Storm Drainage
    - Submit drainage calculations that specify the capacity of the storm system.
    - Catch basins are require on the uphill side of intersections.
    - Do not place any manholes at the centerline of the street.

- Submit a storm water report that details the impact of the outfall into the stream that addresses erosion and provides measures to mitigate the erosion. Drainage on the NE side of Mountainview Dr can be (and should be) fully connected to the Mountainview-Springbrook line once the 12” storm line is replaced by a 30” line.

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

## **CONCLUSION**

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

## Exhibit “D”: Findings – File MISC222-0005

### Chapter 15.342

### STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT

#### *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. [Ord. 2880 § 2 (Exh. B §§ 22, 23), 6-7-21; Ord. 2451, 12-2-96. Code 2001 § 151.471.]*

**Finding:** Subsections B, G, H and J are applicable to the construction of the pedestrian bridge. Because the application is part of a bundle of land use applications the Stream Corridor is being processed as a Type III application per NMC 15.100.030(H) and 15.100.080(B).

The criterion is met.

*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. [Ord. 2451, 12-2-96. Code 2001 § 151.472.]*

**Finding:** The Applicant has provided information on the location of the Stream Corridor Overlay (SC) subdistrict, existing features, location of any wetlands or water bodies, approximate location of all trees that are more than six inches in diameter at breast height, topography, outline of disturbed areas, proposed erosion control fencing, and landscape plan per the requirements.

The 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.*

**Finding:** Sheet PO-05 shows the contours of the regraded area within the Stream Corridor. Re-grading and fill is proposed at the eastern end of the pedestrian bridge. Staff review of the General Landscape Notes did not find reference that the regraded and filled area within the Stream Corridor would be with native soil. Because this information was not provided, the Applicant shall add the following to the General Landscape Notes: 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.

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

***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.***

**Finding:** Eight species of plants and trees are proposed. Three species are trees, and five species are shrubs. No more than 50% of seed mix is grass. The total area of disturbance or impact is has not been identified within the Stream Corridor to determine compliance with the requirement for one tree and three shrubs shall be used for every 500 square feet of planting area. Areas to be replanted must be completed at the time of final inspection or completion of the work.

Because information is missing on the total area of disturbance or impact within the Stream Corridor to determine compliance with NMC 15.342.090(B)(4), the Applicant shall provide information for review to show compliance with NMC 15.342.090(B)(4) on the submitted building plans.

***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.***

**Finding:** No trees are proposed to be removed within the Stream Corridor as represented on Sheet PD-02.

This criterion is not applicable.

***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.***

**Finding:** All disturbed areas within the Stream Corridor are identified to be replanted to achieve 90 percent cover in one year as stated on Sheet PO-05.

The criterion is met.

***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.***

**Finding:** Erosion control fencing is identified on Sheet P0-05.

Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Stream Corridor has two applicable conditions that would continue to be imposed by the Stream Corridor application for the pedestrian bridge.

“2. Disturbed areas outside of permanent improvements (such as fill slopes and storm basins) must be restored with native soil and regraded and contoured to appear natural.”

Finding: Sheet PO-05 shows the contours of the regraded area within the Stream Corridor. Re-grading and fill is proposed at the eastern end of the pedestrian bridge. Staff review of the General Landscape Notes did not find reference that the regraded and filled area within the Stream Corridor would be with native soil. Because this information was not provided, to comply with Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Stream Corridor the Applicant shall add the following to the General Landscape Notes: 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.

“4. Submit a plan detailing protection measures for the stream and areas not to be disturbed during construction.”

Finding: Sheet PO-05 identifies that erosion control fencing is provided to protect the stream corridor area during construction of the pedestrian bridge and is in compliance with the condition of approval.

The criterion is met with the aforementioned conditions of approval.

***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. [Ord. 2451, 12-2-96. Code 2001 § 151.473.]*

**Finding:** The proposed restoration activities are on Tax Map R3208 05500 where the pedestrian bridge is proposed. The west mitigation area is outside of the Stream Corridor. The east mitigation area is within and outside of the Stream Corridor. Both of the pedestrian bridge abutments are outside of the designated Stream Corridor. The proposed mitigation areas are acceptable to the Community Development Director.

The criterion is met.

## **CONCLUSION**

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

## **Exhibit “E”: Conditions**

### **File MISC322-0002/ZMA22-0001/SUB322-0002/MISC222-0005**

#### **A. Springbrook Master Plan**

1. The condition of Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 2a “Relocate the public walkway at the east end of Sunset Drive so that it aligns with sidewalks on Sunset Drive.” is deleted from Ordinance No. 2007-2678.
2. The condition of Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 2a “Extend Edgewood Drive to Villa Road. Replace the proposed street connection just north of Edgewood Drive with public walkway, extending the existing public walkway from the west.” is deleted from Ordinance No. 2007-2678.
3. To comply with Ordinance No. 2007-2678: 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 (in some cases, such as south of Henry Road, it appears that the proposed lines stop short of the extensions needed). (Note: Detailed engineering may require additional or different utility improvements than those shown on the master plan).
4. To comply with Ordinance No. 2007-2678: 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.
5. The language in Ordinance No. 2007-2678 is revised to read: Mountainview Drive: Villa Road to Aspen Way: This should be improved full-width with curbs and sidewalks both sides. Construction of bike lanes and sidewalks in the segment of E Mountainview Drive east of N Villa Road through the “dip” may be deferred provided:
  - a. The Applicant constructs a shared use path and bridge through this segment that meets the requirements of the City Engineer and;
  - b. Completes intersection improvements at N Mountainview Drive that address safety mitigation measures for all modes of transportation that meets the requirements of the City Engineer for not constructing the full-width street section with sidewalks and bike lanes on both sides through this segment of E Mountainview Drive through the “dip”. This would include safety mitigation measures for not raising the segment of E Mountainview Drive through the ”dip”.



6. 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.
7. The language in Ordinance No. 2007-2678 is revised to read: College Street: The east side of N College Street from E Crestview Drive to the project site should be improved along with the development of the Mid-Rise Residential project.
8. To comply with Ordinance No. 2007-2678 the Applicant shall meet the following Local Street Standards condition in Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3a Streets:
  - a. 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:
    1. The street must be a local residential street.
    2. It is only allowed within the Low-Density Residential district.
    3. It may only be used on blocks less than 600 feet in length with outlets at each end (i.e. not on cul-de-sacs)
    4. The final design must be approved by the City Engineer and Fire Marshal.
    5. Hydrant placements, driveway restrictions near intersections, and other factors may require wider street widths in sections. Striping and signage for no parking shall not be a substitute for wider street widths.
    6. All lots fronting the street shall have a minimum of two off-street parking spaces exclusive of the garage.
    7. Buildings shall be limited to 30 feet in height, as measured by the Development Code.
    8. Driveways shall be designed to be offset so that the entire length of the street shall have no parking on one side.
    9. Notices of the last three restrictions above shall be placed in the deeds or CC&R's for each lot with such restrictions.
9. To comply with Ordinance No. 2007-2678 the Applicant shall meet the following:
  - a. Utility lines shall be extended within the public right-of-ways as much as is practical.
  - b. 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.

- c. 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.
10. The condition in Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3c Parks, pathways, and landscape tracts shall be modified to read: A public walkway shall be provided crossing east-west through Tract A.
11. The condition of Ordinance No. 2007-2678, Exhibit 3: AMENDMENTS TO DEVELOPMENT AGREEMENT AND MASTER PLAN, subsection 3d Tree management plan shall apply to the proposed Master Plan amendment. Tree management plan. Prior to 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.
12. To comply with Ordinance No. 2007-2678 the Applicant shall meet the following:
  - a. Well Protection Best Management Practices: The development shall follow the well protection best management practices as outlined in Exhibit S.
13. To comply with Ordinance No. 2007-2678 the Applicant shall meet the following:
  - a. Geotechnical: Incorporate the recommendations from the Report of Initial Geotechnical Engineering Services (May 17, 2007) into the design and construction of the site.
14. The Applicant shall submit a revised Collina at Springbrook Architecture Concepts & Design Guidelines for review and comment prior to final acceptance by the City of Newberg and the Applicant recording of the document.
15. Gateway features shall be designed to meet vision clearance standards, or to meet sight distance requirements as determined by an engineer.
16. At the time of submittal of individual building permits for homes within Collina at Springbrook, Architectural Review Committee (ARC) approval documentation shall be submitted with the Building Permit application.

**B. Zone Map Amendment**

1. The Applicant will be required to adhere to this trip cap – 1,960 daily trips, 142 weekday AM, and 181 weekday PM peak hour trips for the development of the property located at the southeast corner of the intersection of E Mountainview Drive and N College Street.

**C. Subdivision**

1. The applicant is conditioned to complete construction (i.e. required public improvements, utilities, streets) for the subdivision phase per the approved phasing plan.
2. The applicant is conditioned to record the final plat within the subdivision approval period.
3. General Requirements for the Public Improvement Permit:  
The Public Works Design and Construction Standards require that the Applicant submit engineered construction plans for review and approval of all utilities, public street improvements, and any new public streets being constructed. Please note that additional Engineering Department plan review application and fees apply for review of plans. Submit any required easements for review and approval and record approved easements. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved and all necessary permits have been obtained.
  - a. Public utility infrastructure improvements not limited to street improvements, public walkways, water, wastewater, and stormwater will require permits from partner agencies to authorize different work tasks. All other agency permitting will be required prior to the City of Newberg issuing a Public Improvement Permit.
4. The Applicant must provide the following information for review and approval prior to construction of any improvements:
  - a. Community Building
    1. The Applicant will need to submit a separate Type II Design Review application for the community building.
  - b. Traffic Signal
    1. Based on the information in Tech Memo 10 Finance Program in Appendix A of the adopted Transportation System Plan and the Improvement Fee Project List in Appendix A of the adopted Transportation System Development Charge Methodology Report it is anticipated that a minimum of 50% of the cost for a traffic signal at the intersection of N Villa Road at E Mountainview Drive would be eligible for SDC credits. Final determination of Transportation System Development Charge credits would occur as part of the public improvement permit process.
    2. The Applicant is responsible for installation of a traffic signal at the intersection of N Villa Road and E Mountainview Drive as part of safety improvements for all modes of transportation, including bicycles and pedestrians, associated with mitigation measures for this project not constructing street improvements for the full length of the E Mountainview frontage east of N Villa Road.
  - c. Property Line Adjustment

1. Prior to recording of Phase 1 of the Collina at Springbrook Subdivision a Property Line Adjustment application shall be submitted for review.

d. Phasing

1. The Applicant is proposing a phased subdivision, the phasing shall comply with NMC 15.235.030E to include:
  - a. 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;
  - b. Public facilities shall be constructed in conjunction with or prior to each phase;
  - c. 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;
  - d. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary subdivision plat application; and
  - e. Modifications to the phasing schedule or phasing elements will be processed per NMC 15.235.030(D) and (E) as a Type III application.

e. CC&Rs

1. To comply with Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 4g Documents & Submittals Required the Applicant shall:
  - a. Provide written documentation that ensures that the Homeowners Association (HOA) will maintain the landscape tracts, water quality and flow control features of the storm water system. The HOA will also be responsible for leaf cleanup and root repair of street trees abutting the landscape tracts. Provide a copy of the documents forming the homeowners association.
2. Prior to recording the Collina at Springbrook CC&Rs the Applicant shall submit a final copy for review and concurrence by the City.

f. Department of State Lands (DSL)

1. Per the DSL letter dated February 2, 2023, the Applicant is to provide copies of any State and/or Federal permits related to the onsite wetlands and show compliance with any State and/or Federal permits, or provide documentation from State and/or Federal agencies that wetland/waters of the state related permits are not required, prior to issuance of permits from the City of Newberg.

2. To comply with Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3d the Applicant shall provide a copy of Department of State Lands and U.S. Army Corps of Engineers permits as needed.

g. General Conditions of Approval

1. Subdivision agreements are no longer required. The language in Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 4 is revised to read:

- a. The following improvements, dedications, easements, documents & submittals must be completed prior to final plat approval, or secured for in accordance with City policy:

1. Improvements Required

- A. Complete Construction of Aldersgate Lane abutting the proposed lots.
- B. Construct all approved public utility lines and any improvements required for stormwater mitigation.
- C. Complete required undergrounding of utilities crossing or fronting the street improved as part of the subdivision.
- D. Incorporate the recommendations from the Report of Initial Geotechnical Engineering Services into the design and construction of the site.

2. Vacations

- A. Any proposed right-of-way vacations must go through the applicable City or County vacation process. This process is required in the following areas (and any other areas where proposed tract or lot lines are shown over existing right-of-way), or the plat must be modified to show the existing right-of-way:

- i. Portions of Aspen Way

- ii. Portions of Zimri Dr

- iii. Identify on the plan the existing access road located at the northernmost point of the site the extends southwest from Aspen Way, and vacate if necessary.

3. Existing Septic

A. Abandon and obtain a demolition permit for any existing septic systems.

4. Existing Wells

A. "Existing wells located on the site must be shown on the plans and properly abandoned."

5. Existing Structures

A. Remove existing structures that would be crossed by lot or tract lines. If any structures are within setback lines for new property lines, either remove them, or provide a schedule for their removal, subject to Planning Director approval, and indicate that building code requirements will be met in the interim. A demolition permit is required prior to removal of any structure.

6. Dedications /Easements Required

A. There are current easements for existing public utilities located on the property. Some of the older easements have inadequate descriptions or use terms and conditions not found in the current standard City easement form. New easements with properly surveyed descriptions must be granted to the City of Newberg to take the place of these older inadequate easements. Copies of all existing easements must be submitted for final plat approval; however, existing easements may be submitted for review and/or reconstruction prior to the final plat approval process.

B. All existing easements must be shown on the plat.

7. Documents and Submittals Required

A. Submit a current title report (within 6 months) for the property. Include copies of all existing easements, codes covenants and restrictions pertaining to the property.

B. Resolve any boundary or deed discrepancies found.

h. Lot Requirements/Size/Frontage

1. The Applicant shall provide a revised preliminary plat prior to submitting a final plat so that minimum lot sizes can be evaluated against the minimum identified in the Springbrook Master Plan Development Standards Matrix.



2. The applicant shall submit a separate land division application to divide Lots 43, 44, 45, 46, 99, 100, 101, 102, 103, 124, 125, 149, 150, 151, 152, 153, 154, and 155 in accordance with Ordinance No. 2023-2912 to meet lot size requirements.
  3. The applicant shall submit a separate land division application to divide Lots 43, 44, 45, 46, 99, 100, 101, 102, 103, 124, 125, 149, 150, 151, 152, 153, 154, and 155 in accordance with Ordinance No. 2023-2912 for lot width requirements to meet lot width requirement.
  4. The Applicant shall provide a revised preliminary plat prior to submitting a final plat so that minimum lot dimensions and frontage can be evaluated against the minimum identified in the Springbrook Master Plan Development Standards Matrix.
  5. The Applicant shall revise the quadplex lots to identify a 25-foot-wide access easement, or request a Type III modification to the Springbrook Master Plan Development Standards Matrix per NMC 15.326.060 to establish an alternative access easement width that differs from 15.405.030(D)(1)(a).
  6. The Applicant shall revise the proposed language related to design of quadplexes for clarity and submit new language for review and approval prior to submittal of Building Permits for the quadplexes.
- i. Vision Clearance
1. The Applicant shall comply with Vision Clearance setback requirements of 15.410.060.
- j. Retaining Walls
1. The Applicant shall submit for and obtain building permits for any retaining walls above 4 feet in height including the foundation.
- k. Street Trees & Planting Strips
1. Per Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3c these trees are required to be Raywood Ash. The Applicant shall identify street trees along N Aldersgate Drive as Raywood Ash as part of the Public Improvement Permit application.
  2. Per Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3c these trees are required to be Crimson Century Maple. The Applicant shall identify street trees along E Henry Road as Crimson Century Maple as part of the Public Improvement Permit application.

3. The Applicant shall provide the species and caliper of street trees in conformance with the City approved Street Tree List, and identify the type of ground cover or plant materials including size and spacing in accordance with 15.420.010(B) for each phase of the subdivision as part of the Public Improvement Permit application.
4. If the landscaping cannot be completed prior to issuance of occupancy the Applicant may place a security on file per NMC 15.420.010(C).
5. 15.420.020(A)(1) Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).
6. 15.420.020(A)(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.
7. 15.420.020(A)(5) Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.
8. 15.420.020(B)(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.
9. 15.420.020(B)(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 within 300 feet of the Community Building shall have only street trees protected by tree grates.
10. 15.420.020(B)(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.

11. 15.420.020(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.

12. The Applicant shall comply with the conditions of approval for NMC 15.420.010(B)(4) and NMC 15.420.020(A-D).

13. The Applicant shall Provide a bond for the street tree planting as part of the public improvements.

1. Undergrounding Utilities

1. With the public improvement permit application the Applicant is to include plans for undergrounding of the existing overhead utility lines along the E Mountainview frontage between N Villa Road and an existing utility pole located approximately 150-feet east of N Thorne Street.
2. Plans submitted with the public improvement permit application to show all utilities installed underground.
3. To comply with Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Subdivision, subsection 3a Engineered Construction Plans, General Utilities the Applicant shall:
  - a. Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:

1. General Utilities

A. All utilities crossing or fronting the site must be undergrounded, subject to City standards and exceptions, including power, cable, and telephone lines.

m. Signs

1. The Applicant shall comply with signage requirements of Chapter 15.435 SIGNS and the Springbrook Master Plan Development Standards Matrix.

n. Permits

1. Final plans demonstrating all public improvements meet the requirements of the most recent Newberg Public Works Design and Construction Standards are required with the submittals for the public improvement permits.
2. The Applicant is required to submit final construction plans and obtain a public improvement permit for the proposed new streets and improvements to existing streets. Plans will be fully reviewed for compliance with city standards including NMC 15.505.030 and the Public Works Design and Construction Standards as part of the public improvement permit plan review process.
3. Any required public improvements for this project must be completed prior to building permits being issued.

o. Streets - Local

1. The Applicant shall submit final plans for public improvement permits to show local residential streets consisting of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, minimum 4.5-foot planter, 0.5-foot curb, 7-foot parking lane, 9-foot travel lane, 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, minimum 4.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way.
2. The Applicant is required to dedicate sufficient right-of-way to achieve a minimum of 54-feet of right-of-way to construct the local residential streets to serve the subdivision.

p. Streets – N Aldersgate Drive

1. The Applicant shall revise submit final plans for public improvement permits to show completion of street improvements to N Aldersgate Drive, a local residential street, consisting of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, minimum 4.5-foot planter, 0.5-foot curb, 7-foot parking lane, 9-foot travel lane, 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, minimum 4.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way.

2. The Applicant is required to dedicate sufficient right-of-way to achieve a minimum of 54-feet of right-of-way to construct the remaining improvements to N Aldersgate Drive, a local residential street.
  3. The required vacation of right-of-way at the E Edgewood and N Aldersgate Drive intersection is to occur with a separate application prior to submittal of public improvement permits for phases adjacent to this location.
- q. Streets - Traffic Circle E Henry Road/N Center Street
1. Street improvement plans for the traffic circle at the intersection of N Center Street with E Henry Road are to include yield signs.
- r. Streets – E Henry Road
1. The Applicant is required to provide a public pedestrian access easement, meeting City of Newberg requirements, for the sidewalk shown on the north side of the E Henry Road improvements that is within Tom Gail Park and outside of the public right-of-way.
  2. Determination of the condition of the existing walkway within Tom Gail Park on the north side of the E Henry Road improvements is to occur as part of the public improvement permit process. Any portions of the walkway found to be in poor condition or not meeting ADA standards will be required to be replaced as part of the E Henry Road improvements.
  3. The Applicant shall provide plans for public improvement permits to show the E Henry Road improvements consisting of the following:
    - a. south of the center line along the Collina frontage:
      1. 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, minimum 4.5-foot planter, minimum 5-foot sidewalk, 1-foot from back of walk to right-of-way.
    - b. north of the center line along the Tom Gail Park frontage:
      1. 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, minimum 4.5-foot planter, minimum 5-foot sidewalk, 1-foot from back of walk to right-of-way – except where for the area of the existing sidewalk outside of the right-of-way is to be within a public pedestrian access easement.

4. The Applicant is required to dedicate sufficient right-of-way to achieve a minimum of 54-feet of right-of-way to construct the local residential streets to serve the subdivision.
  5. Determination of the limits of the public pedestrian access easement along the southern frontage of Tom Gail Park is to occur as part of the public improvement permit process.
- s. Streets – E Mountainview Drive West of N Villa Road
1. The Applicant shall provide plans for public improvement permits to show construction of required ½ street improvements to E Mountainview Drive, a minor arterial street, conforming to Ordinance No. 2007-2678 consisting of the following: 8-foot meandering sidewalk, partially in and partially out of the right-of-way with a public access easement for any portion of the sidewalk outside of the right-of-way, 10.5-foot planter, 0.5-foot curb, 6-foot bike lane, 12-foot travel lane, 2-foot minimum shy distance between edge of median and 12-foot-wide travel lane, 12-foot turn lane/median, 2-foot minimum shy distance between edge of median and 12-foot-wide travel lane, 12-foot travel lane, 6-foot bike lane, 0.5-foot curb, +/-5-foot planter, +/-5-foot sidewalk, 0.5-foot from back of walk to right-of-way. Alternatively, the applicant has the option to submit a Type II application for modification of street right-of-way and improvement width per NMC 15.505.030(H).
  2. The Applicant is required to dedicate sufficient right-of-way to achieve a minimum of 74-feet of right-of-way to construct the required improvements to E Mountainview Drive, minor arterial street. Alternatively, the applicant has the option to submit a Type II application for modification of street right-of-way and improvement width per NMC 15.505.030(H).
  3. With public improvement permit submittals the Applicant is to provide documentation clearly justifying the installation of marked crosswalks across E Mountainview Drive at its intersection with N Center Street and for the installation of rectangular rapid flashing beacons at this intersection. This documentation is to include the queuing analysis referenced in the preliminary plans.
- t. Streets – E Mountainview Drive East of N Villa Road
1. Marked crosswalks across E Mountainview Drive are not to be installed without appropriate documentation and justification, including addressing sight distance or other issues, and receiving approval of the City of Newberg Engineer or authorized representative.
  2. Mitigation measures for this project not constructing street improvements for the full length of the E Mountainview Drive frontage east of N Villa Road are to include alternative safety improvements for all modes of transportation including bicycles and pedestrians. These mitigation measures are to include:



- a. Traffic signal and associated improvements at the intersection of N Villa Road at E Mountainview Drive.
  - b. A minimum 12-wide paved shared use path with 2-foot-wide shoulders within a public access easement east the E Mountainview Drive at N Villa Road intersection.
  - c. The 12-foot wide shared use path with 2-foot-wide shoulders is to extend from N Villa Road to the proposed shared use bridge across Hess Creek and is to include provisions for bike access to the shared use path.
  - d. The 12-foot wide shared use path with 2-foot-wide shoulders is also to extend from the proposed shared use bridge to the east side of the E Mountainview Drive intersection with N Alice Way and is to include provisions for bike access to the shared use path from E Mountainview Drive.
  - e. The limits of the public access easement for the shared use path is to be confirmed as part of the public improvement permit process.
  - f. An E Mountainview Drive at N Villa Road intersection designed to address and route eastbound pedestrian and bicycle traffic to the planned shared use bridge to be confirmed as part of the public improvement permit process.
3. A minimum 12-wide shared use bridge across Hess Creek. The shared use bridge is to be privately maintained by an HOA or other entity. A private maintenance agreement is to be recorded and provided to the City of Newberg.
  4. Based on the information in Tech Memo 10 Finance Program in Appendix A of the adopted Transportation System Plan and the Improvement Fee Project List in Appendix A of the adopted Transportation System Development Charge Methodology Report it is anticipated that a minimum of 50% of the cost for a traffic signal at the intersection of N Villa Road at E Mountainview Drive would be eligible for SDC credits. Final determination of Transportation System Development Charge credits would occur as part of the public improvement permit process.
- u. Construction of New Streets
    1. Based on the information in Tech Memo 10 Finance Program in Appendix A of the adopted Transportation System Plan and the Improvement Fee Project List in Appendix A of the adopted Transportation System Development Charge Methodology Report a portion of the costs for the Foothills Drive extension and the Villa Road extension may be eligible for SDC credits. Final determination of Transportation System Development Charge credits would occur as part of the public improvement permit process.
    2. The language in Ordinance No. 2007-2678 is revised to read:

- a. Specify the exact extent of streets to be constructed with the subdivision.
3. To comply with Ordinance No. 2007-2678 the Applicant shall:
    - a. Provide construction plans for review for the street improvement required on Aldersgate Ln. The frontage must be fully improved with sidewalks, street trees, curb and gutters, with the width of the improvement to be determined during approval of the construction drawings. Also, construct short segments of streets east of Aldersgate Ln. to Vill Road.
    - b. Provide construction plans for any other streets, including spur entrance roads, that will be constructed as part of the subdivision.
    - c. A 2-foot minimum shy distance is required from the edge of all medians to the 12 ft wide travel lane. A 6-foot wide bike lane is required on the minor arterial.
  4. The language in Ordinance No. 2007-2678 is revised to read:
    - a. Present a revised drawing for the E Mountainview Drive section through the Hess Creek crossing. It is recommended that the section through the crossing be narrowed to the extent possible by narrowing or eliminating the median in this section. Bike lanes are required through the section. The section must accommodate sidewalks on the south side. Verify the design meets vertical curve standards. The design will need proper barriers on each side. It is recommended that iron or similar railing be considered rather than fencing. Design and construction of bike lanes and sidewalks in the segment of E Mountainview Drive east of N Villa Road through the “dip” at Hess Creek may be deferred provided:
      1. The applicant constructs a shared use path and bridge through this segment that meets the requirements of the city engineer and;
      2. Completes intersection improvements at N Mountainview Drive that address safety mitigation measures for all modes of transportation that meets the requirements of the city engineer for not constructing the full-width street section with sidewalks and bike lanes on both sides through this segment of E Mountainview Drive through the “dip”. This would include safety mitigation measures for not raising the segment of E Mountainview Drive through the ”dip”.
  3. To comply with Ordinance No. 2007-2678 the Applicant shall:

- A. Ensure that manhole lids do not conflict with the edges of the medians. Modifications of median widths and/or adjustments to the separation between storm and sanitary lines may be necessary to correct this problem.
- B. Verify that future streets will fit within the proposed corner radii and right-of-way as shown on the plat (proposed boundaries of tracts). Tract lines may require adjustment to accommodate changes in the master plan layout.

v. Streets – N Springbrook Road/E Haworth Avenue

- 1. The Applicant will be required to participate in funding improvements at the N Springbrook Road and E Haworth Avenue intersection that are indicated in the City of Newberg Transportation System Plan (TSP) as Project I09. The Traffic Impact Fee formula developed to capture the proportional impact of developments is based on the most significant a.m. or p.m. proportional volume contribution. The trips referenced in the formula come from the traffic study required for the development.

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

- 2. Prior to final plat approval the Applicant is responsible for payment of the Traffic Impact Fee amount of \$15,924 for development's proportionate share of the cost of future improvements at the E Haworth Avenue at N Springbrook Road intersection.

w. Streets - Turn Lanes

- 1. The Applicant shall revise plans for public improvement permits to show construction of a northbound left-turn lane on N Villa Road at the future E Foothills Drive intersection with a minimum of 50-feet of storage for the northbound left-turn lane for that phase of the subdivision.

x. Streets - Slope Easements

- 1. Determination if any slope easements are required is to occur as part of the permit plan review process.

y. Streets - Temporary Turnarounds

- 1. The Applicant is required to submit plans for temporary turn arounds meeting the standards of this section with the public works improvement permit application materials. This includes provisions for a turnaround where the extension of N Villa Road is shown ending at the northern property line of the development.

z. Streets - Topography

1. The Applicant will be required to provide plans that provide for a suitable and safe transition from the end of the proposed road to the surrounding existing ground.
2. The Applicant will be required to submit designs for the proposed retaining walls which address existing surcharge loads and are prepared by a licensed geotechnical engineer.

aa. Street Names

1. To comply with Ordinance No. 2007-2678 the Applicant shall:
  - a. Name any proposed new streets. The proposed street names are subject to review and approval by the City Planning Division and the Fire Marshal.
  - b. The Applicant is required to coordinate with the Planning Division to determine appropriate street names and install street name signs at all public street intersections within the development.

bb. Intersections/Driveways/Alleys

1. Access shall be taken from the street with the lesser functional classification.
2. Plans submitted with permit applications shall clearly show the lot frontage separation between driveways associated with each quadplex as a minimum of 22-feet. or submit for a Type III modification of the Springbrook Development Standards Matrix per NMC 15.326.06015.220.020(D).
3. Plans submitted with permit applications shall clearly show the lot frontage separation between driveways associated with each duplex lot as a minimum of 22-feet.
4. Lots that have frontage on an alley and the only other frontage is on collector or arterial streets (N Villa Drive, E Foothills Drive and E Mountainview Drive) shall take access from the alley.
5. The Applicant will be required to submit and record shared access easements and maintenance plans for all proposed shared driveways prior to the final plat.
6. To adequately provide emergency vehicle access and separate wastewater, water and stormwater service laterals to each lot served by a shared access driveway, access and utility easements for shared driveways are to be 25-foot wide with a 20-foot-wide paved surface. or submit a Type III modification of the Springbrook Development Standards Matrix per NMC 15.326.060.

7. Shared driveways are to be posted as no parking fire lanes where required by the fire marshal.
8. One additional parking space over those otherwise required shall be provided for each dwelling on the lots served by the shared access driveway adjacent to lots 338 through 341.

cc. Public Walkways

1. With permit submittals the Applicant is to submit plans showing all public walkways as a minimum 10-feet in width, conforming to the City of Newberg Public Works Design and Construction Standards, and meeting ADA requirements.
2. As part of the public improvement permit process the Applicant shall provide documentation of a homeowner's association, or similar entity, responsible for the maintenance of the public walkways and associated improvements. A maintenance agreement, or agreements, for the public walkways are to be recorded and provided to the City as part of the public improvement permit process.

dd. Street Lights

1. With public improvement permit submittals, the Applicant is required to submit final plans with a street lighting analysis and plan for PGE Option A street lights necessary to meet City standards. Street lighting analysis, and plans if additional PGE Option A street lights are necessary, is to include the E Mountainview Drive frontage.

ee. Water

1. The Applicant is required to submit construction plans and obtain a public improvement permit for the proposed water system improvements.
2. New water mains in E Foothills Drive and N Villa Road are to be 12-inch as shown on the preliminary plans consistent with the current water master plan.
3. The Applicant is also required to install the new 12-inch water line parallel to the existing 12-inch waterline in E Mountainview Drive east of N Villa Road along the E Mountainview Drive frontage consistent with the current water master plan.
4. Plans will be fully reviewed for compliance with city standards including NMC 13.15 and the Public Works Design and Construction Standards as part of the public improvement permit plan review process.
5. All onsite fire hydrants are to be public fire hydrants served by public water lines. Onsite public water lines not within public street rights-of-way, including those serving onsite fire hydrants, are to be in a 15-foot-wide public water line easement.

6. Fire flow test results are to be submitted with permit applications to be reviewed by the Fire Marshall for approval.
7. The language in Ordinance No. 2007-2678 is revised to read:
  - a. Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
    1. Water
      - A. Show water connections to each “lot”.
      - B. Every water line tee is required to have 2 valves.
      - C. Every water line cross is required to have 3 valves.
      - D. All waterlines serving fire hydrants must be minimum 8-inch diameter and be located within public easements. Maximum fire hydrant spacing is 500 ft apart. Verify that the location and installation of all fire hydrants meets the Fire Code and City of Newberg specifications.
      - E. Hydrant locations must be coordinated with the location of medians and landscape tracts. In some cases, modifications to the medians, street widths, or hydrant locations may be needed. Verify that the location of all fire hydrants meets the fire Code. Location shall be approved by the Fire Marshal.
    2. Re-use Waterline
      - A. A re-use waterline is to be installed in Mountainview Dr, Crestview Dr, Springbrook Rd and Villa Rd. Re-use lines shall also be extended within residential roads as necessary to reach developed parks and open spaces that will require irrigation.
    3. General Utilities
      - A. Each lot must have separate private utility laterals to the main or to a double water service where allowed per the Public Works Design and Construction Standards.
  - ff. Non-potable Water
    1. The Applicant will be required to submit final plans for the proposed non-potable water system with the public works improvement permit application. Plans will be fully reviewed for compliance with city standards including the Public Works



Design and Construction Standards as part of the public improvement permit plan review process.

2. Meters for irrigation of open spaces or other locations are to be temporarily connected to potable water service lines until non-potable water is available.
3. The minimum pipe size for City water mains, including non-potable water mains is 8-inches.

gg. Wastewater

1. The Applicant is required to abandon or remove the septic system in accordance with Yamhill County Standards. The Applicant will need to provide a certification from Yamhill County of the septic system abandonment/removal as part of the public improvement permit process.
2. The Applicant will be responsible for verifying that the capacity of the existing wastewater lines are adequate for the development.
3. All necessary easements required for the construction of these facilities are to be obtained by the Applicant and granted to the City pursuant to City requirements.
4. The Applicant will be required to submit final plans for the wastewater collection system with the public works permit application.
5. The proposed wastewater facilities are to be sized to provide adequate capacity during peak flows from the entire area potentially served by the facilities.
6. The Applicant is required to submit construction plans and obtain a public improvement permit for the proposed wastewater service. Plans will be fully reviewed for compliance with city standards including NMC 13.10 the Public Works Design and Construction Standards as part of the public improvement permit plan review process.
7. Service laterals for wastewater service are to be provided from a public wastewater main to each lot or dwelling under separate ownership. Including lots adjacent to proposed shared access driveways.
8. The language in Ordinance No. 2007-2678 is revised to read:
  - a. Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
    1. Sewer
      - A. Show sewer lateral connections to each "lot".

## 2. General Utilities

- A. Each lot must have separate private utility laterals to the main or to a double wye branch where allowed per the Public Works Design and Construction Standards.

### hh. Easements

1. The Applicant will be required to submit final plans clarifying which public utility easement is being vacated along the north side of E Mountainview Drive.
2. Ten-foot-wide public utility easements (PUEs) are to be provided along all public rights-of-way within the development.
3. All easements proposed to benefit the city and needed temporary construction easements shall be submitted with the public works improvement permit application.
4. Easements deemed necessary to benefit the city as confirmed or identified during the public improvement permit process are to be recorded as part of the public improvement permit process.
5. All private easements shall be recorded and provided to the city as part of the permit process.
6. Easements to be recorded on easement forms approved by the City and designated on the final plat.
7. To comply with Ordinance No. 2007-2678 the Applicant shall:
  - a. Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
    1. "General Utilities
      - A. 10-foot wide utility easements are required along all frontages (no longer called "public utility easements"), except where all franchise utilities (phone, cable, gas, and electricity) indicate acceptance of an 8-foot easement.

### ii. Stormwater

1. The Applicant will be required to submit final plans, with the public works improvement permit application, showing how erosion at the outfall to Hess Creek is minimized.

2. The Applicant will be required to submit, with the public works improvement application, a downstream conveyance analysis to identify likely downstream impacts to the public storm system beginning in N Center Street and a recommended plan identifying the scope of the downstream conveyance upgrades anticipated.
3. The Applicant will be required to submit a stormwater management plan for Tract H with the building permit application.
4. A final stormwater report with downstream conveyance analysis and design will be required with the public works improvement permit application.
5. The Applicant will be required to obtain a 1200-C Stormwater General Permit from Oregon Department of Environmental Quality prior to any ground disturbing activity.
6. To comply with Ordinance No. 2007-2678 the Applicant shall:
  - a. Obtain a DEQ 1200-C permit for grading. Submit a grading plan for review and approval.
7. The Applicant will be required to submit a final stormwater management plan with final construction plans meeting the requirements of the current Newberg Public Works Design and Construction Standards in accordance with NMC 13.20 and 13.25 Stormwater Management with the public works improvement permit application. This includes demonstrating compliance with the stormwater facility selection hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards.
8. The language in Ordinance No. 2007-2678 is revised to read:
  - a. Submit engineered construction plans for review and approval. Pay appropriate plan review fees. Submit plans showing storm and street information on one sheet; water and sanitary on another sheet. The plans must include the following:
    1. Storm Drainage
      - A. Submit drainage calculations that specify the capacity of the storm system.
      - B. Catch basins are required on the uphill side of intersections.
      - C. Do not place any manholes at the centerline of the street.
      - D. Submit a storm water report that details the impact of the outfall into the stream that addresses erosion and provides measures to mitigate the erosion. Drainage on the NE side of Mountainview Dr can be (and

should be) fully connected to the Mountainview-Springbrook line once the 12” storm line is replaced by a 30” line.

**The Applicant must complete the following prior to final plat approval.**

1. **Substantially Complete the Construction Improvements:** Prior to final plat approval, the Applicant must substantially complete the construction improvements and secure for inspection with the Engineering Division (503-537-1273). In addition to those items listed below, the inspector will also be looking for completion of items such as sidewalks, street signs, streetlights, and fire hydrants.

ORS455.174 defines substantial completion as the completion of the:

- a. Water supply system;
- b. Fire hydrant system;
- c. Sewage disposal system;
- d. Storm water drainage system;
- e. Curbs;
- f. Demarcating of street signs acceptable for emergency responders; and
- g. Roads necessary for access by emergency vehicles.

**Final plat submission requirements and approval criteria:** In accordance with NDC final plans showing utility easements will be required prior to submitting for building permits. 15.235.070, final plats require review and approval by the director prior to recording with Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:

1. Submission Requirements:

The Applicant shall submit the final plat within two years, or as otherwise provided for in NMC 15.235.030. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

- a. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary paper copies of the plat are acceptable for review at the time of final plat application.
- b. Written response to any conditions of approval assigned to the land division.
- c. A title report for the property, current within six months of the final plat application date.
- d. Copies of any required dedications, easements, or other documents.

- e. Copies of all homeowner’s agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner’s association, including but not limited to a draft homeowner’s association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
  - f. Copies of any required maintenance agreements for common property.
  - g. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.
  - h. Any other item required by the city to meet the conditions of approval assigned to the land division.
2. **Approval Process and Criteria.** By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval.

**Filing and recording:** In accordance with NMC 15.235.080, a new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot. The final plat filing and recording requirements are as follows:

- 1. **Filing Plat with County.** Within 60 days of the city approval of the final plat, the Applicant shall submit the final plat to Yamhill County for signatures of county officials as required by ORS Chapter 92.
- 2. **Proof of Recording.** Upon final recording with the county, the applicant shall submit to the city a paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
- 3. **Prerequisites to Recording the Plat.**
  - a. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
  - b. No plat shall be recorded until the county surveyor approves it in the manner provided by ORS Chapter 92.

**Development Notes:**

- 1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.

2. **PGE:** PGE can provide electrical service to the project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
3. **Zipty:** The developer must coordinate trench/conduit requirements with Zipty. Contact the Engineering Division, Zipty, at 541-269-3375.
4. **Addresses:** The Planning Division will assign addresses for the new subdivision. Planning Division staff will send out notice of the new addresses after they receive a recorded copy of the final subdivision plat.

**D. Stream Corridor**

1. The Applicant shall add the following to the General Landscape Notes: 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.
2. The Applicant shall provide information for review to show compliance with NMC 15.342.090(B)(4) on the submitted building plans.
3. To comply with Ordinance No. 2007-2678, Exhibit 4: SUBDIVISION AND STREAM CORRIDOR CONDITIONS OF APPROVAL, Stream Corridor the Applicant shall add the following to the General Landscape Notes: 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.



**Exhibit "F": Proposed Zoning Map  
File ZMA22-0001**

