



May 12, 2023

Doug Rux, Community Development Director
City of Newberg
414 E First Street
Newberg, OR 97132

RE: Supplemental Information for Land Use Applications SUB322-0002/ZMA22-0001/MISC322-002/MISC222-0005

Dear Doug:

AKS Engineering & Forestry LLC is working with Pahlisch Homes, Inc on the Collina land use application (SUB322-0002/ZMA22-0001/MISC322-002/MISC222-0005). Following our last meeting, and in support of previously submitted materials, we include the following materials for your review:

Summary of Requested Changes to the Draft Conditions of Approval

A “track changes” version of the draft conditions has been provided with our requested revisions. Some of the revisions add language to allow for a secondary review for a design alternative.

Supplemental Findings Regarding Street Cross-Sections

Many of our previous conversations have involved street cross-section requirements and the differing standards of the Springbrook Master Subdivision submitted in 2007, the Public Works Construction and Design Standards, the Transportation System Plan, and the Newberg Municipal Code. In support of the proposed street designs, we would like to supplement our findings.

For NMC 15.505.030(G)(1):

Each street classification proposed meets the corresponding requirements of Table 15.505.030(G) – Street Design Standards and contains the required street elements. Proposed right-of-way widths meet the minimum standards for streets. The proposed rights-of-way contain the required elements for each type of street proposed at the widths prescribed by code. The Newberg Municipal Code provides the controlling regulation regarding street width and composition standards and the proposed street elements meet the minimum widths for all applicable local, collector, and arterial streets.

For NMC 15.505.030(G)(8):

The proposed planter strips, provided between the sidewalk to curb line (the edge of the vehicular roadway or “face of curb” per NMC 15.05.030), measure at least five feet in width, as specified in NMC 15.505.030(G)(8), for each classification of street within the Collina at Springbrook development.

Villa Road Property Owner Support Letter

As a supplement to the grading exhibits and memorandum submitted on April 27, 2023, we submit this letter from the owner of the property located north of the planned N Villa Road terminus.

We appreciate your review of these materials and look forward to discussing them on May 18, 2023. Please feel free to contact me with any other questions or concerns you may have.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



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Cc: Kaaren Hofmann, City of Newberg
Brett Musick, City of Newberg
Ana Bozich, Pahlisch Homes
Mike Robinson, Pahlisch Homes
Julia Kuhn, Kittelson & Associates
Chris Brehmer, Kittelson & Associates

Attachment: Summary of Requested Changes to the Draft Conditions of Approval
Villa Road Property Owner Support Letter

Exhibit “E”: Conditions
File MISC322-0002/ZMA22-0001/SUB322-0002/MISC222-0005

A. Springbrook Master Plan

1. 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.
2. 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. 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.
 - ~~2.~~ Costs of the N Villa Road/E Mountainview Drive traffic signal, included as Project #103 of the *Transportation System Development Charge Methodology Report* (March 2017), shall be 100% SDC creditable over the cost of improvements needed to serve the development.
- 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 in accordance with subsection (D) of this section.~~ Modifications to the phasing schedule or phasing elements will be addressed through a Type II application for phasing modification.
- f. CC&Rs

1. Prior to recording the Collina at Springbrook CC&Rs the Applicant shall submit a final copy for review and concurrence by the City.
- g. 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.
- h. Lot 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 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.
 3. The Applicant shall revise the quadplex lots to identify a 25-foot-wide access easement or submit a Type II application for modification to the Springbrook Development Standards Matrix.
- 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.
- k. Street Trees & Planting Strips
1. 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.
 2. 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).

3. 15.420.020(A)(1) Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).
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.
5. 15.420.020(A)(5) Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.
6. 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.
7. 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 ~~used frequently~~ within 300 feet of the Community Building shall have only street trees protected by tree grates.
8. 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.
- 9. 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.
- 10. The Applicant shall comply with the conditions of approval for NMC 15.420.010(B)(4) and NMC 15.420.020(A-D).
- l. 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.
- 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 – General

1. The Applicant shall provide plans for public improvement permits that comply with the applicable requirements of NMC 15.505.
2. Modifications to street standards or adjustments to those standards specified within these conditions will require application for a Type II Modification.

op. Streets – Local

1. The Applicant shall ~~revise~~provide 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, ~~5~~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, 5.5-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 ~~5654~~-feet of right-of-way to construct the local residential streets to serve the subdivision.

q. Streets – N Aldersgate Drive

1. The Applicant shall ~~revise~~provide 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, ~~5~~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, 5.5-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 ~~546~~-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.

r. Streets - Traffic Circle E Henry Road/N Center Street

1. The Applicant is to provide a supplemental report to Kittleson & Associates October 2022 Memorandum, or other documentation, justifying why stop-control on either the east-west or north-south approaches of the traffic circle is proposed. This additional documentation is to be provided for City Engineering review prior to public improvement permit approval.

s. 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 ~~revise~~ 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:
9-foot travel lane, 7-foot parking lane, 0.5-foot curb, minimum ~~5~~ 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:
9-foot travel lane, 7-foot parking lane, 0.5-foot curb, minimum ~~5~~ 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 ~~56~~ 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.
- t. Streets – E Mountainview Drive
1. The Applicant shall ~~provide~~ revise plans for public improvement permits to show construction of required ½ street improvements to E Mountainview Drive, a minor arterial street, consisting of the following: An 8-foot meandering sidewalk, 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5.5-foot planter, 0.5-foot curb, 6-foot bike lane, 12-foot travel lane, 12-foot turn lane/8-foot median with two 2-foot buffers, 12-foot travel lane, 6-foot bike lane, 0.5-foot curb, 5.5-foot planter, 5-foot sidewalk, 1-foot from

back of walk to right-of-way. Where the 8-foot meandering sidewalk is not constructed within the right-of-way, a Public Access easement shall be provided.

2. The Applicant is required to dedicate sufficient right-of-way to achieve a minimum of ~~7236~~-feet of right-of-way to the centerline to construct the required improvements to E Mountainview Drive, minor arterial street.
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.
4. 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.
5. 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. ~~An minimum 12-8-foot~~-wide paved shared use path ~~with 2-foot wide shoulders~~-within a public access easement west of the E Mountainview Drive/N Villa Road intersection to N Center Street.
 - c. ~~The A 12-foot wide~~ shared use path 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 A 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.
 - ~~d-e.~~ An E Mountainview Drive/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.
 - ~~e-f.~~ The limits of the public access easement is to be confirmed as part of the public improvement permit process.

2. 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.

u. Streets – E Foothills Drive/N College Street

- ~~1. The Applicant will be required to participate in funding improvements at the E Foothills Drive and N College Street intersection that are indicated in the City of Newberg Transportation System Plan (TSP) as Project I02. 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.~~

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

- ~~2. With public improvement permit submittals, the Applicant is 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 College Street at E Foothills Drive intersection.~~

Commented [GS1]: Submitted to the City April 26, 2023.

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.

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

2. With public improvement permit submittals, the Applicant is 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.

w. Streets - Turn Lanes

- ~~1. The Applicant is required to provide an analysis of the E Foothills Drive and N Villa Road intersection for determination on whether or not center/left turn lanes are needed at this intersection now or for future development prior to, or~~

~~with the public improvement permit application. The Applicant shall provide an eastbound left turn lane with 50 feet of vehicle storage on N Villa Road at the intersection of E Foothills Drive and N Villa Road as part of the Public Improvement Permit application for that Phase.~~

~~x.~~ Streets – SDC Credits

- ~~1. Costs of the Villa Road improvements, included as Project #E08 of the *Transportation System Development Charge Methodology Report*, shall be 100% creditable over the cost of improvements needed to serve the development.~~
- ~~2. Costs of the Foothills Drive improvements, included as Project #E07 of the *Transportation System Development Charge Methodology Report*, shall be 100% creditable over the cost of improvements needed to serve the development.~~

~~*y.~~ Streets - Slope Easements

- ~~1. Determination if any slope easements are required is to occur as part of the permit plan review process.~~

~~y.z.~~ 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.aa.~~ Streets - Topography

- ~~1. The Applicant is required to submit final plans for N Villa Road that give suitable recognition to surrounding topographical conditions. Specifically, the Applicant shall reduce the abrupt change in grade at the termination of the extension of N Villa Road.~~
- ~~2.1. 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.bb.~~ Street Names

- ~~1. 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.cc.~~ Intersections/Driveways/Alleys

- ~~1. The Applicant will be required to submit plans meeting the minimum 500-foot spacing standard for public street intersections away from a minor arterial with~~

the public works permit application submittal or modify the standards by submitting a Type II application for design exception.

2. Access shall be taken from the street with the lesser functional classification.
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 or submit a Type II application for modification of the Springbrook Development Standards Matrix.
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 occupancy.
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 II application to modify these standards.
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.

ee-dd. 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 provide to the City as part of the public improvement permit process.

dd-ee. 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-ff. 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.

ff-gg. 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-hh. 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.

hh-ii. 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.

ii-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. 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.

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. **Ziply:** The developer must coordinate trench/conduit requirements with Ziply. Contact the Engineering Division, Ziply, 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.

AUSTIN INDUSTRIES

April 28, 2023

Mr. Doug Rux, Community Development Director
Newberg Community Development Department, Planning Division
Newberg City Hall
414 E. First Street
Newberg, or 97132

Re: City of Newberg File Nos. City of Newberg File Nos. SUB322-0002/ZMA22-0001/MISC322-002/MISC222-0005 (the "Applications"); Collina at Springbrook

Dear Mr. Rux,

This letter is submitted on behalf of Aspen Way West LLC, the property owner for the Applications, in support of the conceptual grading plan proposed by the applicant for grading at the terminus of N. Villa Road on land to be retained by Aspen Way West LLC. I attached an exhibit related to this grading issue prepared by the applicant's civil engineer, AKS Engineering & Forestry, LLC for reference.

Aspen Way West LLC understands that the applicant is working with the City staff regarding the proposed Condition of Approval C.4.y and the applicant's desire to avoid having to adjust the road profile of N. Villa Road pursuant to that condition. Following the applicant's discussions with the City Engineering Division, it is our understanding that the Engineering Division agrees that grading at the north end of N. Villa Road is not a concern. It is also our understanding that the applicant submitted a memorandum from AKS, dated April 18, 2023, addressing this issue and the attached grading exhibit to the City in support of the applicant's argument. The AKS memorandum noted that the applicant designed N. Villa Road to continue north to the adjacent property so that a safe intersection could be accomplished by a future extension of Madison Drive and concluded that the proposed grading will not negatively impact the proposed grading of the project to the north.

This letter confirms that Aspen Way West LLC supports and will agree to the applicant's attached conceptual grading plan for the reasons provided in the AKS memorandum.

Very Truly Yours,



Austin Industries LLC, Manager, by Brian Naffin, its Manager

Cc: Mr. Mike Morse (via email)
Ms. Ana Bozich(via email)

Enclosure