



PLANNING COMMISSION ORDER 2023-09

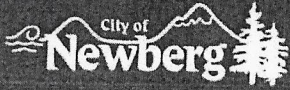
AN ORDER APPROVING MAJOR MODIFICATION MAMD323-0001 TO A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT AND CONDITIONAL USE PERMIT AT HIGHWAY 99W AND E CRESTVIEW DRIVE, YAMHILL COUNTY TAX LOT R3216AC 13800

RECITALS

1. On February 14, 2023, J.T. Smith Companies, LLC applied for a Major Modification to previously approved Planned Unit Development PUD18-0001 and Conditional Use Permit CUP18-0004 for a property located at Highway 99W and E Crestview Drive, Yamhill County Tax Lot R3216AC 13800.
2. After proper notice, the Newberg Planning Commission held a public hearing on June 8, 2023, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission amended findings of Exhibit "A" and conditions of approval in Exhibit "B" requiring the addition of an evergreen vegetative buffer composed of a species that will adequately screen the project from nearby uses along western and northern portions of the development site.
4. The Newberg Planning Commission finds that the application meets the applicable Newberg Municipal Code criteria as shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Major Modification Application MAMD323-0001 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. Planned Unit Development PUD18-0001 is hereby modified, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
3. Conditional Use Permit CUP18-0004 is hereby modified, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
4. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
5. This order shall be effective on June 23, 2023, unless appealed prior to this date.
6. This order shall expire one year after the effective date above if the applicant does not

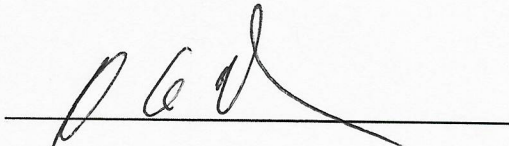


apply for final plan approval by that time, unless an extension is granted per Newberg Development Code 15.240.020.


7. The conditional use permit shall expire one year after the effective date above if the applicant does not gain final plan (Step 2 of the PUD process) approval for Phase 2 of the phasing plan by that time, unless an extension is granted per Newberg Development Code 15.225.100.

Adopted by the Newberg Planning Commission this 8th day of June 2023.

ATTEST:



Planning Commission Chair



Planning Commission Secretary

Exhibit “A” to Planning Commission Order 2023-09
Findings –MAMD323-0001 Major Modification to PUD18-0001/CUP18-0004

The Newberg Municipal Code (NMC) criteria and development standards are written in *italic bold* font and the findings are written in regular font. The NMC criteria will be presented first, and followed by the findings of fact.

Findings of fact with underlined font indicate subsequent inclusion into Conditions of Approval.

FINDINGS FOR REVIEW PROCEDURES (NMC CHAPTER 15.100)

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).*

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.

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.

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

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

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.

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.

Finding: The Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) was previously approved for residential and commercial uses that included construction of 299 single-family and multi-family dwelling units. The proposed major modification to Phase 2 of the Crestview Crossing PUD/CUP would modify the previously approved 110 single-family dwellings to allow the construction of 196 multi-family dwellings. The proposed project would elevate the total number of dwelling units produced as part of the Crestview Crossing PUD/CUP from 299 to 385 dwelling units.

As shown in Sheet C202, the Applicant proposes to build 196 multi-family dwellings in eight (8) garden-style apartments as well as construct an on-site community recreation facility for use by the development's residents. The request constitutes a substantive modification to an approved application. Pursuant to sub-section H, the Applicant may modify the application after the Planning Commission hearing and request a new Planning Commission hearing to consider the application.

Therefore, a Type III procedure including a quasi-judicial hearing before the Planning Commission is required.

FINDINGS FOR CONDITIONAL USE PROCEDURES (NMC CHAPTER 15.225)

Chapter 15.225 Conditional Use Procedures

15.225.060 General conditional use permit criteria – Type III.

A conditional use permit may be granted through a Type III procedure only if the proposal conforms to all the following criteria:

A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

Finding: The proposed project will construct 196 multi-family apartment units in place of the previously approved 110 single-family homes identified as Phase 2 of the Crestview Crossing PUD/CUP. The development site is located within the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts. Pursuant to NMC Section 15.305.020, multi-family dwellings are considered a "permitted" use in R-2 district, and a "conditionally permitted" use in the C-2 district. Further, in C-2 areas, the permitted density must be stated in the conditional use permit.

According to the application materials, impacts to adjacent and abutting land uses will be minimal based on the following:

- North: A private street and a 71-foot-wide stormwater tract are located between the proposed multi-family development and the nearest properties to the north. The northernmost multi-family building will be located approximately 226 feet from the northern property line. To the west of the property is Spring Meadow Park and Spring Meadow Subdivision with lots averaging 8,000 square feet.
- West: The majority of the site's western boundary will abut Spring Meadow Park which will provide a natural buffer between the subdivision to the west of the proposed development. One lot within Spring Meadow Subdivision, located at 1812 E Leo Lane, will directly abut the development in the northwest corner. The nearest multi-family

building will be located 22 feet from the shared property line with 1812 E Leo Lane. Enhanced plantings, including trees and shrubs will be planted along the northwest property line to provide an additional buffer as shown Landscaping Plan (Sheets L101-L104).

- South: The southern portion of the development site is bordered by Highway 99W (E Portland Road).
- East: The eastern portion of the development site is bordered by E Crestview Drive.

Because of the project's scope and proximity to nearby residential areas, landscaping must be installed to ensure adequate screening and buffering from the proposed on-site uses.

Project elements associated with landscaping are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued, unless security equal to 110 percent of the cost of the landscaping as determined by the Community Development Director is filed with the city, insuring such installation within six months of occupancy.

The project's proposed buildings will include three stories and not exceed the maximum height allowance of 48 feet that was previously approved under the original Crestview Crossing PUD/CUP. The proposed modification will not exceed the maximum allowable density for Planned Unit Developments pursuant NMC 15.240.020(F).

Pursuant to NMC 15.240.020(I) related to Planned Unit Development regulations, the proposal includes a request for modification of the lot coverage standard for the R-2 district subject to NMC 15.405.040(B)(2) which allows up to 60 percent maximum lot coverage, up to 30 percent maximum parking coverage, and up to 70 percent combined maximum lot and parking coverage. The proposed project would have a building coverage of approximately 25.8 percent, parking lot coverage of approximately 34.9 percent, and combined lot coverage of 60.7 percent. As proposed the project meets the standard for maximum building and combined lot coverage for the R-2 zone, but exceeds the standard for maximum parking coverage for the R-2 zone. As described in NMC 15.240.020(I), the hearing authority may modify certain regulations associated with Planned Unit Developments including fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks. Because this request for modification of certain regulations is subject to Planned Unit Development regulations within NMC 15.240.020(I), the request is evaluated under that finding.

The proposed project is near the commercial development and will provide a convenient and functional living, working and shopping environment. The development will provide connection to Spring Meadow Park which is adjacent to the development site, includes a pedestrian connection to the commercial development portion of the Crestview Crossing PUD/CUP, and is located less than two miles from the City's downtown area.

A revised Transportation Impact Analysis was provided to address the proposed modifications. Wastewater, water and stormwater services are proposed to serve the development as shown on the Composite Utility Plan (Sheet C240-242, Appendix E).

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

B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

Finding: The proposed project will be accessed via an extension of E Jory Street at the roundabout intersection at E Crestview Drive. E Crestview Drive will connect into E Portland Road, which provides easy access to Downtown Newberg, local commercial and other areas, and the Portland Metro area via Highway 99W. The proposed project will provide pedestrian and vehicle access to the commercial site within the Crestview Crossing PUD/CUP for residents within the development.

Pedestrian pathways are provided throughout the development, connecting the planned development neighborhood to on-site natural areas, Spring Meadow Park, and the Crestview Crossing commercial development.

The proposed project includes 2.04 acres of open space and landscaped areas which account for approximately 29 percent of the development site and are shown in the Landscape Plan (Sheets L101-L104). The project's open space, landscaping, and field house for community activities contribute to the development's design.

The criterion is met.

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

Finding: Findings relating to site design criteria, development standards, planned unit development regulations, and public improvement standards are provided elsewhere in this staff report. The application will be consistent with this code if the proposed project complies with the applicable standards found in NMC Chapters 15.200, 15.240, 15.405, 15.505.

CONCLUSION: Because the proposed development meets NMC 15.225.060 sub-sections A, B, and C with the recommended conditions of approval, City staff recommends approval of the Conditional Use Permit to allow residential use on C-2 zoned property.

FINDINGS FOR PLANNED UNIT DEVELOPMENT REGULATIONS (NMC CHAPTER 15.240)

Chapter 15.240 PD Planned Unit Development Regulations

15.240.020 General provisions.

A. Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.

Finding: The application materials indicate that the subject property is under single ownership of Newberg Crestview, LLC.

The criterion is met.

B. Processing Steps – Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:

1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.

2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.

Finding: The application materials acknowledge and indicate compliance with the two-step process described in this code sub-section.

The criterion is met.

C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.

Finding: The Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) was previously approved for residential and commercial uses that included construction of 299 single-family and multi-family dwelling units. The proposed major modification to Phase 2 of the Crestview Crossing PUD/CUP would modify the previously approved 110 single-family dwellings to allow the construction of 196 multi-family dwellings.

As shown in Sheet C202, the Applicant proposes to build 196 multi-family dwellings in eight garden-style apartments as well as construct an on-site community recreation facility for use by the development's residents. The request constitutes a substantive modification to an approved application. No additional changes to the phasing schedule of Crestview Crossing PUD/CUP are proposed.

The criterion is met.

D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

Finding: The application materials acknowledge requirements associated with lapse of approval and indicate that the developer intends to follow through with site development.

The criterion is met.

E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

Finding: The application materials acknowledge requirements associated with resubmittal following expiration.

The criterion is met.

F. Density. Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:

1. Maximum Density.

a. Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:

District Density Points

R-1 175 density points per gross acre, as calculated in subsection (F)(1)(b) of this section

R-2 310 density points per gross acre, as calculated in subsection (F)(1)(b) of this section

R-3 640 density points per gross acre, as calculated in subsection (F)(1)(b) of this section

District Density Points

- RP 310 density points per gross acre, as calculated in subsection (F)(1)(b) of this section*
- C-1 As per required findings*
- C-2 As per required findings*
- C-3 As per required findings*

b. Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant's discretion by 25 percent for deed-restricted affordable dwelling units and/or middle housing dwelling units as follows:

Density Point Table

<i>Dwelling Type</i>	<i>Density Points: Standard Dwelling</i>	<i>Density Points: Income-Restricted Affordable Dwelling Unit</i>
<i>Studio and efficiency</i>	<i>12</i>	<i>9</i>
<i>One-bedroom</i>	<i>14</i>	<i>11</i>
<i>Two-bedroom</i>	<i>21</i>	<i>16</i>
<i>Three-bedroom</i>	<i>28</i>	<i>21</i>
<i>Four or more bedrooms</i>	<i>35</i>	<i>26</i>

Duplex, triplex or quadplex dwellings shall be counted as a single dwelling unit, inclusive of all bedrooms in the combined dwelling units, for purposes of calculating density points. Four townhouse dwellings or cottage dwellings shall count as one standard dwelling, inclusive of all bedrooms in the combined dwelling units.

The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.

2. Approved Density. The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval only if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.

3. Easement Calculations. *Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.*

4. Dedications. *Density calculations may include areas dedicated to the public for recreation or open space.*

5. Cumulative Density. *When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.*

Finding: The proposed project is a major modification of the Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) which includes 33.13 acres of property. The proposed multi-family project is located within the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts. According to this code section, the maximum allowable density for any project in R-2 is 310 points per gross acre and in C-2 as required per findings. The previously approved Crestview Crossing included combination of single-family and multi-family dwellings with the following bedroom counts and density point allocations:

	Number of Bedrooms	Rate (in Density Points)	Density Points
One Bedroom	27	14	378
Two Bedroom	24	21	504
Three Bedroom	80	28	2,240
Four and Four+ Bedroom	168	35	5,880
TOTAL	299	n/a	9,002 <i>(previously approved density)</i>

The proposed project will construct 196 multi-family apartment units on the subject property that is 298,179 square feet (6.85 acres) in size, in lieu of the construction of 110 single-family homes. The application materials provide density point calculations for:

- Maximum allowable density points for the overall Crestview Crossing PUD/CUP are 9,688.45 based on zoning district and acreage;
- 3,570 density points for areas in the Crestview Crossing PUD/CUP subject to the major modification;
- 4,536 density points for areas in the Crestview Crossing PUD/CUP not subject to the major modification; and
- 8,106 density points for the overall Crestview Crossing PUD/CUP as proposed.

The proposed project will construct 196 multi-family dwelling units including 99 one-bedroom, 76 two-bedroom, and 21 three-bedroom dwelling units which would result in 3,570 density points for the Phase 2 area. The Phase 2 area and areas of the Crestview Crossing PUD/CUP which are not part of the major modification would result in 8,106 density points (cumulative density).

The criterion is met.

G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:

1. R-1, R-2, R-3 and RP Zones.

a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.

b. Accessory buildings and uses.

c. Dwellings, single, manufactured, and multifamily.

d. Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.

2. C-1, C-2 and C-3 Zones.

a. When proposed as a combination residential-commercial planned unit development, uses and buildings as listed in subsection (G)(1) of this section and those listed as permitted outright or conditionally in the use district wherein the development will be located.

b. When proposed as a residential or commercial planned unit development, uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

3. M-1, M-2 and M-3 Zones. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

4. M-4 Zone. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located. Proposed sites, structures and uses must work together to support a common theme, product or industry. Applicants for an industrial planned development in M-4 must demonstrate conformance with any adopted master plan for the subject area and provide a plan describing how the proposed structures and uses will work together to support a common theme, product or industry. Prior to subdivision, covenants must limit occupancy to the types of industrial and related uses identified in the development plan.

Finding: The Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) was previously approved for residential and commercial uses that included construction of 299 single-family and multi-family dwelling units. The proposed major modification to Phase 2 of the Crestview Crossing PUD/CUP would modify the previously approved 110 single-family dwellings to allow the construction of 196 multi-family dwellings. The proposed project would elevate the total number of dwelling units produced as part of the Crestview Crossing PUD/CUP from 299 to 385 dwelling units. As shown in Sheet C202, the Applicant proposes to build 196 multi-family dwellings in eight (8) garden-style apartments as well as construct an on-site community

recreation facility for use by the development's residents. The request constitutes a substantive modification to an approved application.

The proposed project is located within the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts. Pursuant to NMC Section 15.305.020, multi-family dwellings are permitted outright in the R-2 district, and conditionally permitted use in the C-2 district.

The criterion is met.

H. Professional Coordinator and Design Team. Professional coordinators and design teams shall comply with the following:

1. Services. A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall ensure that the required plans are prepared. Plans and services provided for the city and between the applicant and the coordinator shall include:

a. Preliminary design;

b. Design development;

c. Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and

d. Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.

2. Address and Attendance. The coordinator or the coordinator's professional representative shall maintain an Oregon address, unless this requirement is waived by the director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.

3. Design Team Designation. Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice the team member's profession in the State of Oregon.

4. Design Team Participation and Waiver. Unless waived by the director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all three steps.

5. Design Team Change. Written notice of any change in design team personnel must be submitted to the director within three working days of the change.

6. Plan Certification. Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each

professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.

Finding: The application materials indicate professional coordination provided by the Applicant/developer, J.T. Smith Companies LLC, with professional engineering provided by 3J Consulting Inc. Further the application materials (Narrative) acknowledge the requirements.

The criterion is met.

I. Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this code and those regulations. Departures from the hearing authority upon a finding by the engineering director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this code.

Finding: The proposed project will construct 196 multi-family apartment units on a development site that is located within the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts. The development site is 6.85 acres in size including approximately 1.16 acres of R-2 zoned area and 5.69 acres of C-2 zoned area.

The proposed project includes requests to modify certain regulations associated with building height and parking lot coverage.

- **Height:** The project requests modification of the maximum allowable building height for a main building in the R-2 zoning district which is 35 feet subject to NMC 15.415.020. In the C-2 zoning district there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary. R-1 zoned property abuts the western boundary of the development site.

The Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) previously approved a maximum building height of 48 feet for multi-family residential structures approved in the PUD. The proposed major modification requests approval of multi-family residential structures - building styles A2, A3, and A4 - which have a maximum height of approximately 37 feet and 4 inches. The proposed project also includes a field house with a maximum height of 25 feet and 4 inches.

Buildings #1, #5, and #6 are located less than 50 feet from R-1 zoned property that abuts the western boundary of the development site. Buildings #5 and #6 will be sited adjacent

to Spring Meadow Park. Building #1 will be sited within 22 feet of an R-1 zoned property.

Because the height of the proposed buildings exceed the maximum allowable height for R-2 zoning district, abut residential uses, and include a building sited less than 50 feet from R-1 zoned property, it is recommended that the request be approved by the hearing body with the condition that the applicant shall provide a sun exposure plan diagram meeting the requirements of NMC 15.240.020(K) and 15.05.030 during Step 2 Final Plans phase of PUD review for Building #1 of the application materials. The sun exposure plan shall verify if Building #1 intrudes into the sun exposure plane and whether it would adversely affect the occupants or potential occupants of adjacent properties. If sun exposure does not meet the requirement of the NMC, then the applicant must adjust their plans in order to meet this condition of approval.

- **Lot Coverage, Parking Coverage, and Combined Lot and Parking Coverage:** The proposed project requests modification for the lot coverage standards of the R-2 zone per 15.405.040(B)(2) which allows up to 60 percent maximum lot coverage, up to 30 percent maximum parking coverage, and up to 70 percent combined maximum lot and parking coverage.

The proposed project, which was modified by the applicant on June 2, 2023, will have a building coverage of approximately 25.8 percent, parking coverage of approximately 36.3 percent, and a combined building and parking coverage of 62.1 percent. Table 1 below shows a comparison between the initial and modified proposals.

Table 1. Comparison of Lot, Parking, and Combined Coverage

	Maximum Allowed for R-2 NMC 15.405.040(B)(2)	Initial Proposal	Modified Proposal
Lot Coverage	Up to 60 percent	25.8 percent	25.8 percent
Parking Coverage	Up to 30 percent	34.9 percent	36.3 percent
Combined Lot and Parking Coverage	Up to 70 percent	60.7 percent	62.1 percent

The modified project proposal would include parking lot coverage that still exceeds the maximum of 30 percent allowed in the R-2 zone. Because the proposed parking coverage will exceed the maximum allowable parking coverage, it does not meet the criterion for NMC 15.440.030.

Pursuant to NMC 15.240.010, the City’s Planned Unit Development regulations are intended to:

- Encourage comprehensive planning in areas of sufficient size to provide developments at least equal in the quality of their environment to traditional lot-by-lot development and that are reasonably compatible with the surrounding area;
- Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations;

- Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types;
- Provide for economy of shared services and facilities; and
- Implement the density requirements of the comprehensive plan and zoning districts through the allocation of the number of permitted dwelling units based on the number of bedrooms provided.

Further, the purpose of development standards evaluated in site design review, which include parking coverage and the minimum number of required parking spaces, is to “promote functional, safe and innovative site development compatible with the natural and manmade environment. The following provisions are intended to discourage unsightly development, improve the quality of new development in the city, coordinate the site planning process with existing and proposed development, and provide a pleasant working and living environment in the city. Furthermore, these provisions are intended to coordinate the site development process through review of the architecture of the structure(s), signs, landscaping, and other design elements on the site.”

Because the modified proposal meets the requirements for the minimum number of required parking spaces pursuant to NMC 15.440.030, maximum allowable density for Planned Unit Developments pursuant to NMC 15.240.020(F), and maximum combined parking and lot coverage pursuant to NMC 15.405.040(B)(3), the hearing body has the authority to grant modification of the parking coverage pursuant to NMC 15.405.040(B)(2) as requested in the modified proposal.

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

J. Lot Coverage. Maximum permitted lot and parking area coverage as provided in this code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.

Finding: The proposed project will construct 196 multi-family apartment units on a development site that is located within the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts. The development site 6.85 acre as in size including approximately 1.16 acres of R-2 zoned area and 5.69 acres of C-2 zoned area.

Pursuant to NMC 240.020(I), the project requests a modification for the lot coverage standards of the R-2 zone per 15.405.040(B)(2) which allows up to 60 percent maximum lot coverage, up to 30 percent maximum parking coverage, and up to 70 percent combined maximum lot and parking coverage. The proposed project will have a building coverage of approximately 25.8 percent, parking lot coverage of approximately 34.9 percent, and a combined building and parking lot coverage of 60.7 percent. The proposed parking lot coverage exceeds the maximum of 30 percent allowed in the R-2 zone. However, as proposed, the project would exceed the maximum parking coverage of 30 percent.

The proposed project does not comply with the lot coverage standards because the proposed parking coverage will exceed the maximum allowable parking coverage of 30 percent pursuant to NMC 15.405.040(B)(2) whose purpose is to limit the amount of impervious surface and storm drain runoff on residential lots, to provide open space and recreational space on the same lot for occupants of that lot, and to limit the bulk of residential development to that appropriate in the applicable zone.

However, as proposed, the project seeks to provide less than the minimum number of required off-street parking spaces and complies with the standard for maximum combined building and covered. Allowing the project to exceed the maximum allowable parking coverage while providing less than the minimum number of off-street parking spaces required would be consistent with:

- NMC 15.240.010(B) to provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations; and
- NMC 15.405.040(A)(1) to limit the amount of impervious surface and storm drain runoff on residential lots.

Because the proposed project is consistent with the goals of NMC 15.240.010(B) and 15.405.040(A)(1), it is recommended that the hearing body allow the requested modification of the maximum allowable parking coverage.

K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of “sun exposure plane” in NMC 15.05.030). The hearing authority may further modify heights to:

- 1. Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.***
- 2. Protect lines of sight and scenic vistas.***
- 3. Enable the project to satisfy required findings for approval.***

Finding: The proposed project will construct 196 multi-family apartment units on a development site that is located within the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts. The development site 6.85 acre as in size including approximately 1.16 acres of R-2 zoned area and 5.69 acres of C-2 zoned area. The maximum allowable building height for a main building in the R-2 zoning district is 35 feet. In the C-2 zoning district there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary. R-1 zoned property abuts the western boundary of the development site.

The Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) previously approved a maximum building height of 48 feet for multi-family residential structures approved in the PUD. The proposed major modification requests approval of multi-family residential structures - building styles A2, A3, and A4 - which have a maximum height of approximately 37 feet and 4 inches. The proposed project also includes a field house with a maximum height of 25 feet and 4 inches.

Buildings #1, #5, and #6 are located less than 50 feet from R-1 zoned property that abuts the western boundary of the development site. Buildings #5 and #6 will be sited adjacent to Spring Meadow Park. Building #1 will be sited within 22 feet of an R-1 zoned property.

Because the height of the proposed buildings exceed the maximum allowable height for R-2 zoning district, abut residential uses, and include a building sited less than 50 feet from R-1 zoned property, the applicant shall provide a sun exposure plan diagram meeting the requirements of NMC 15.240.020(K) and 15.05.030 during Step 2 Final Plans phase of PUD review for Building #1 of the application materials. The sun exposure plan shall verify if Building #1 intrudes into the sun exposure plane and whether it would adversely affect the occupants or potential occupants of adjacent properties. If sun exposure does not meet the requirement of the NMC, then the applicant must adjust their plans in order to meet this condition of approval.

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

L. Dedication, Improvement and Maintenance of Public Thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:

1. Streets and Walkways. Including, but not limited to, those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.

2. Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.

a. An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC 15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.

i. A plan for managing on-street parking, maintenance and financing of maintenance of the private street, including a draft reserve study showing that the future homeowners association can financially maintain the private street;

ii. A plan demonstrating that on- and off-street parking shall be sufficient for the expected parking needs and applicable codes;

iii. Proposed conditions, covenants and restrictions that include a requirement that the homeowners association shall be established in perpetuity and shall continually employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions;

iv. Evidence that the private street is of sufficient width and construction to satisfy requirements of the fire marshal and city engineer; and

v. The PUD shall be a Class I planned community as defined in ORS Chapter 94.

b. If the PUD is established, the homeowners association shall provide an annual written report on the anniversary date of the final approval of the PUD approval to the community development director that includes the following:

i. The most recent reserve study.

ii. The name and contact information for the retained community management association.

iii. A report on the condition of the private street and any plans for maintenance of the private street.

3. Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.

Finding: The proposed major modification requests extension of E Jory Street, a public road.

While the Applicant has not proposed a cul-de-sac, for the end of E Jory Street that is not practical to extend west for a street connection due to the existing development pattern of the property to the west. Therefore, a cul-de-sac or other public turnaround is required. The applicant will need to submit revised plans that include a cul-de-sac meeting the requirements of NMC Section 15.505.030(L) with driveways to the northern and southern portions of the site. Alternatively, the applicant could propose an alternative configuration to achieve a public turnaround at the west end of E Jory Street that also provides access to the northern and southern portions of the site.

The submitted plans show a 10-foot public utility easement along the frontage of the entire property. There is also a 10-foot wall easement shown in front of the PUE along the frontage south of E Jory Street. The applicant will be required to record all required and needed easements prior to approval of the final plat and/or include all required and needed easements on the final plat.

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

M. Underground Utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.

Finding: The application materials indicate that all on-site utilities will be located underground.

The criterion is met.

N. Usable Outdoor Living Area. All dwelling units shall be served by outdoor living areas as defined in this code. Unless waived by the hearing authority, the outdoor living area must equal at least 10 percent of the gross floor area of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor living space may be offered for dedication to the city, in fee or easement, to be incorporated in a city-approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.

Finding: The application materials indicate that all dwellings and the development as a whole are served by usable outdoor living areas. Sheets A201 through A209 depict the outdoor and storage areas available to all dwelling unit types in each of the three building styles for the development. The community field house includes both indoor and outdoor recreation areas and is integrated into an adjacent play area. The Open Space Plan (Sheet C250) depicts landscaping and shared outdoor space throughout the development occupying 2.04 acres of the 6.94 acre site – or 29 percent of the site.

The criterion is met.

O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.

Finding: The Applicant has acknowledged this requirement, the proposed major modification will not require alternation of natural features.

The criterion is met.

P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.

Finding: The application materials acknowledge the requirement and the possibility of a performance bond being required.

Project elements associated with landscaping are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued, unless security equal to 110 percent of the cost of the landscaping as determined by the Community

Development Director is filed with the city, insuring such installation within six months of occupancy.

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

Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories.

Finding: See Finding for NMC 15.220.060.

15.240.030 Preliminary plan consideration – Step one.

A. Preapplication Conference. Prior to filing an application for preliminary plan consideration, the applicant or coordinator may request through the director a preapplication conference to discuss the feasibility of the proposed planned unit development and determine the processing requirements.

Finding: The Applicant attended a pre-application conference, File No. PRE22-0032, on November 11, 2022.

The criterion is met.

B. Application. An application, with the required fee, for preliminary plan approval shall be made by the owner of the affected property, or the owner's authorized agent, on a form prescribed by and submitted to the director. Applications, accompanied by such additional copies as requested by the director for purposes of referral, shall contain or have attached sufficient information as prescribed by the director to allow processing and review in accordance with these regulations. As part of the application, the property owner requesting the planned development 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 based on the city's decision on the planned development.

Finding: The application materials were received by the City of Newberg's Community Development Department on February 14, 2023. The application materials were deemed complete on March 6, 2023.

The criterion is met.

C. Type III Review and Decision Criteria. Preliminary plan consideration shall be reviewed through the Type III procedure. Decisions shall include review and recognition of the potential impact of the entire development, and preliminary approval shall include written affirmative findings that:

- 1. The proposed development is consistent with standards, plans, policies and ordinances adopted by the city; and***

2. The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and

3. Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:

a. Public facility planning by the appropriate agencies; or

b. A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project; or

c. Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development; and

4. The provisions and conditions of this code have been met; and

5. Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and

6. There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and

7. Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and

8. Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.

Finding: The application will be reviewed as a Type III procedure including a quasi-judicial public hearing before the Newberg Planning Commission. See findings related to NMC Section 15.100.050 (Type III procedure – Quasi-judicial hearing) are provided elsewhere within this staff report.

The proposed project will be reviewed under the full set of City development standards, applicable criteria, policies, and plans to determine its compliance. Consistency with standards, plans, policies and ordinances are discussed throughout this report including those standards relating to conditional use procedures, Planned Unit Development (PUD) regulations, lot requirements, yard setback requirements, building and site design standards, landscaping and outdoor area standards, exterior lighting, utility installation, off-street parking, bicycle parking,

private walkways, and public improvement standards related to streets, public utilities, water supply, stormwater, and wastewater.

The criterion is met.

D. Conditions. Applications may be approved subject to conditions necessary to fulfill the purpose and provisions of these regulations.

Finding: The application materials acknowledge that conditions may be imposed to fulfill the purpose and provisions of the City's regulations.

The criterion is met.

15.240.040 Final plan consideration – Step two.

A. Application. An application, with the required fee, for final plan approval shall be submitted in accordance with the provisions of this code, and must be in compliance with all conditions imposed and schedules previously prescribed.

B. Referral. Referral of final plans and supportive material shall be provided to appropriate agencies and departments.

C. Decision Type I Procedure. The final plan consideration shall be reviewed through the Type I procedure. Upon receipt of the application and fee, final plans and required supportive material, the director shall approve, conditionally approve or deny the application for final plan approval. The decision of the director to approve or deny the application shall be based on written findings of compliance or noncompliance with approved preliminary plans and city standards, plans, policies and ordinances. Minor variations from approved preliminary plans may be permitted if consistent with the general character of the approved preliminary plans.

D. Conditions. Applications may be approved subject to such conditions as are necessary to fulfill the purpose and provisions of this code.

E. Performance Agreement.

1. Preparation and Signatures. A duly notarized performance agreement binding the applicant, and the applicant's successors in interest, assuring construction and performance in accordance with the approved final plans shall be prepared by the city and executed by the applicant and city prior to issuance of a building permit.

2. Return. Unless an executed copy of the agreement is returned to the director within 60 days of its delivery to the applicant, final plan approval shall expire, necessitating the reapplication for final plan reapproval.

3. Filing. The director shall file a memorandum of the performance agreement with the Yamhill County recorder.

4. Improvement Petitions and Dedications. Improvement petitions and all documents required with respect to dedications and easements shall be submitted prior to completion of the agreement.

5. Project Changes. The director may permit project changes subsequent to execution of the agreement upon finding the changes substantially conform to final approved plans and comply with city standards, plans, policies and ordinances. Other modifications are subject to reapplication at the appropriate step.

6. Compliance. Compliance with this section is a prerequisite to the issuance of a building permit.

Finding: The application materials acknowledge the Step Two process for Planned Unit Development (PUD) review. Because the application materials acknowledge the requirements of this code section, but do not provide details related to when it would occur the applicant shall participate in Step Two (Final PUD Plan Review), including submission of an application with required fee for a Type I review that shall be subject to such conditions are necessary.

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

FINDINGS FOR DEVELOPMENT STANDARDS (NMC DIVISION 400)

Chapter 15.405 Lot Requirements

15.405.010 Minimum and maximum lot area.

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

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

<i>Zone</i>	<i>Minimum lot area for single family</i>	<i>Minimum lot area for duplex dwelling</i>	<i>Minimum lot area for triplex dwelling</i>	<i>Minimum lot area for quadplex dwelling</i>	<i>Minimum lot area for townhouse</i>	<i>Minimum lot area for cottage cluster</i>	<i>Minimum lot area per dwelling unit for multifamily</i>
<i>R-1</i>	<i>5,000 SF</i>	<i>5,000 SF</i>	<i>5,000 SF</i>	<i>7,000 SF</i>	<i>1,500 SF</i>	<i>7,000 SF</i>	<i>Per conditional use review</i>
<i>R-2</i>	<i>3,000 SF</i>	<i>3,000 SF</i>	<i>5,000 SF</i>	<i>7,000 SF</i>	<i>1,500 SF</i>	<i>7,000 SF</i>	<i>3,000 SF</i>
<i>R-3</i>	<i>2,500 SF</i>	<i>2,500 SF</i>	<i>4,500 SF</i>	<i>6,000 SF</i>	<i>1,500 SF</i>	<i>6,000 SF</i>	<i>1,500 SF</i>
<i>R-P</i>	<i>3,000 SF</i>	<i>3,000 SF</i>	<i>5,000 SF</i>	<i>7,000 SF</i>	<i>1,500 SF</i>	<i>7,000 SF</i>	<i>3,000 SF</i>
<i>AR</i>	<i>5,000 SF</i>	<i>5,000 SF</i>	<i>5,000 SF</i>	<i>7,000 SF</i>	<i>1,500 SF</i>	<i>7,000 SF</i>	<i>—</i>

2. In the AI, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.

3. In the M-1, M-2, M-3, and M-E districts, each lot or development site shall have a minimum area of 20,000 square feet.

4. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.

5. Within the commercial and mixed employment district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

Finding: The development site is a single tax lot, R3216AC 13800, which is approximately 6.85 acres in size. The development site exceeds the minimum lot standards for both the R-2 and C-2 zoning districts in which it is located.

The criteria are met.

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.

2. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

3. In the R-2, AR and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

4. In the R-3 district, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

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.

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.

Finding: The proposed project is a major modification to a Planned Unit Development and Conditional Use Permit. Therefore, the application materials were reviewed pursuant to NMC Section 15.240.020(F), a points-based density criteria for PUD's.

Because the density of the project is evaluated under NMC Section 15.240.020(F), this criterion is not applicable.

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.

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) which was previously approved for 110 single-family dwellings. The proposed project will construct 196 multi-family dwellings in eight (8) garden-style apartments and a community field house.

Pursuant to sub-section C, the project will be required to comply with NMC Section 15.240.020(F) which is discussed elsewhere in this staff report.

The criterion is met.

15.405.030 Lot dimensions and frontage.

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

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The development site is a single, existing tax lot (R3216AC 13800) which is approximately 6.85 acres in size. The width of the existing tax lot will not be modified.

The criterion is met.

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

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The development site is a single, existing tax lot (R3216AC 13800) which is approximately 6.85 acres in size. The depth-to-width of the existing tax lot will not be modified.

The criterion is met.

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

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The development site is a single, existing tax lot (R3216AC 13800) which is approximately 6.85 acres in size. The area of the existing tax lot will not be modified except as necessary to comply with other code sections.

The criterion is met.

D. Frontage.

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

a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).

b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line, except that duplex, triplex, quadplex and cottage cluster project lots in the R-3 zone shall have a minimum width of 25 feet at the front building line.

c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.

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

2. The above standards apply with the following exceptions:

a. Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B).

b. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.

c. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

d. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. However, existing single-family detached dwellings on existing private streets may be converted to duplex, triplex, or quadplex dwellings.

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The development site is a single, existing tax lot (R3216AC 13800) which is approximately 6.85 acres in size. The frontages of the development

site that were previously approved under the Crestview Crossing PUD/CUP will not be modified except as necessary to comply with other code sections.

The criterion is met.

15.405.040 Lot coverage and parking coverage requirements.

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

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.

C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code.

Finding: The proposed project is a major modification of Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004).

Pursuant to NMC 15.240.020(I), the proposed project requests modification of certain regulations relating to the development of Planned Unit Developments. See the finding for Section NMC 15.240.020(I) regarding lot coverage requirements for the proposed project.

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.

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The proposed project will construct 196 multi-family dwellings in eight (8) garden-style apartments and a community field house. The proposed project will occur on an existing tax lot, R3216AC 13800, which is 6.85 acres in size and is located in the R-2 and C-2 zoning districts. The previously approved Crestview Crossing PUD/CUP included setback reductions related to the subject property. As shown in the application materials (Sheets C201-C204 and L101-L102).

The proposed project will not rely on yard or open space areas on adjoining properties to comply provide yard setbacks. The proposed project does not include any buildings that will occur over a property or lot line. The proposed project does not propose to add dwelling above nonresidential buildings.

The criteria are met.

15.410.020 Front yard setback.

A. Residential (see Appendix A, Figure 10).

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.

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.

B. Commercial.

1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-1 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. Said yard shall be landscaped and maintained.

2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet. In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front

yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

4. All lots or development sites in the C-4 district will comply with the front yard requirements described in NMC 15.352.040(E).

C. Industrial. All lots or development sites in the M-1, M-2 or M-3 districts shall have a front yard of 20 feet. Lots or development sites in the AI district shall have a front yard of 10 feet. Lots or development sites in the M-4 district shall have a front yard of 20 feet where abutting Highway 219, arterials, and collectors, and a front yard of 10 feet along other streets.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have a front yard of 25 feet. Outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, are not permitted within the required setback.

E. Mixed Employment. All lots or development sites in the M-E district shall have no minimum front yard requirements. The maximum allowable front yard shall be 10 feet. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained. Lots or development sites within the riverfront overlay subdistrict will comply with the front yard requirements described in NMC 15.352.060(E).

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The proposed project will construct 196 multi-family dwellings in eight (8) garden-style apartments and a community field house. The proposed project will occur on an existing tax lot, R3216AC 13800, which is 6.85 acres in size and is located in the R-2 and C-2 zoning districts. The previously approved Crestview Crossing PUD/CUP included setback reductions related to the subject property. As shown in the application materials (Sheets C201-C204 and L101-L102).

The previously approved Crestview Crossing PUD/CUP included the approval of 10-foot front yard setbacks in the R-2 and C-2 zoning districts. None of the proposed buildings have a front yard setback of less than 10 feet.

The criteria are met.

15.410.030 Interior yard setback.

A. Residential.

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

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.

B. Commercial.

1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.

2. All lots or development sites in the C-3 district shall have no interior yard requirements.

3. All lots or development sites in the C-4 district will comply with the interior yard requirements described in NMC 15.352.040(E).

C. Industrial and Mixed Employment. *All lots or development sites in the AI, M-1, M-2, M-3, M-4, and M-E districts shall have no interior yards where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.*

D. Institutional and Community Facility. *All lots or development sites in the I and CF district shall have interior yards of not less than 10 feet, except outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, shall have an interior yard setback of 25 feet when abutting a residential district.*

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The proposed project will construct 196 multi-family dwellings in eight (8) garden-style apartments and a community field house. The proposed project will occur on an existing tax lot, R3216AC 13800, which is 6.85 acres in size and is located in the R-2 and C-2 zoning districts. The previously approved Crestview Crossing PUD/CUP included setback reductions related to the subject property. As shown in the application materials (Sheets C201-C204 and L101-L102).

The previously approved Crestview Crossing PUD/CUP included approval of 2.5-foot interior yard setbacks in the R-2 and C-2 zoning districts. None of the proposed buildings have less than a 2.5-foot interior yard setback.

The criteria are met.

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.

Finding: The proposed project does not include a school, church, or public building.

Because the proposed project does not include a school, church, or public building, the criterion is not applicable.

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.

Finding: The proposed project does not use the required front or interior yard setback areas play or parking purposes.

The criterion is met.

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.

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). Streets adjacent to the proposed modification of the approved PUD and CUP have been improved.

The criteria are met.

B. Planned Street Right-of-Way Widths. Planned street right-of-way widths are established as indicated in subsection (C) of this section for the various categories of streets shown in the transportation system plan.

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). Streets adjacent to the proposed modification of the approved PUD and CUP have been improved.

The criterion is met.

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.

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). Streets adjacent to the proposed modification of the approved PUD and CUP have been improved.

The subject property is adjacent to E Jory Street, west of E Crestview Drive, and north of Highway 99W. Both E Jory Street and E Crestview Drive are newly built as part of Phase 1 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). E Crestview Drive is classified as a major collector under the jurisdiction of the City of Newberg. E Jory Street is classified as a minor collector under the jurisdiction of the City of Newberg. Highway 99W is identified as a major arterial and under the jurisdiction of the Oregon Department of Transportation.

Along the E Crestview Drive frontage:

- Building #2 is 51 feet from the right-of-way centerline,
- Building #3 is 53 feet from the right-of-way centerline,
- Building #4 is 53 feet from the right-of-way centerline,
- Field House is 59 feet from the right-of-way centerline.

Along the E Jory frontage:

- Building #3 is 43 feet from the right-of-way centerline, and
- Building #4 is 41 feet from the right-of-way centerline.

Along Highway 99W frontage:

- Building #8 is 79 feet from the right-of-way centerline, and
- Building #7 is 79 feet from the right-of-way centerline.

The criteria are met.

15.410.060 Vision clearance setback.

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

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

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

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

D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict.

Finding: The proposed project's application materials (Sheets C201-C204 and L201-202) depict buildings where vision clearance setbacks will be required including those for Building #2, #3, #4, #7, and #8. Neither the buildings nor other site features depicted in the application materials intrude on the required vision clearance setback areas.

The criteria are met.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

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

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

Finding: The project will not have depressed areas in any required yard setbacks.

Because the project will not have depressed areas in any required yard setbacks the criterion is not applicable.

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: The project will not have site accessory buildings in any required yard setbacks.

Because the project will not site accessory buildings in any required yard setbacks the criterion is not applicable.

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).***

The project will not add any building features that project more than five feet into any required yard setbacks.

Because the project will not add any building features that project more than five feet into any required yard setback the criterion is not applicable.

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 application materials indicate that no fencing surrounding the R-2 areas of the subject property shall exceed 6 feet in height and no fencing surrounding the C-2 zoned areas of the subject property shall exceed 8 feet in height.

The criteria are met.

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

1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.

2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:

a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, or townhouse dwelling on a single lot.

b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.

c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).

d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.

3. In any commercial or industrial district, except C-1, C-4, M-1, and M-E, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district and the M-E district within the riverfront overlay subdistrict are described in NMC 15.352.040(H).

4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

Finding: The proposed project includes designated parking areas with a total of 282 parking spaces the 196-unit development. As shown in the Circulation Plan (Sheet C280), primary access to the proposed development is provided from E Jory Street west of E Crestview Drive, with additional emergency ingress and egress provided at an additional entrance located along E Crestview Drive towards the northern portion of the development site.

The criteria are met.

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

Finding: The project does not propose to add public telephone booths and public transit shelters into any required yard setbacks.

Because the project does not propose to add public telephone booths and public transit shelters into any required yard setbacks the criterion is not applicable.

G. Hangars within the AR airport residential district may be constructed with no yard setbacks to property lines adjacent to other properties within the airport residential or airport industrial districts.

Finding: The project does not propose hangars into any required yard setbacks.

Because the project does not propose to hangars into any required yard setbacks the criterion is not applicable.

Chapter 15.415 Building and Site Design Standards

15.415.010 Main buildings and uses as accessory buildings.

A. Hereinafter, any building which is the only building on a lot is a main building.

B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.

C. In any residential district, there shall be no more than two accessory buildings on any lot or development site.

Finding: The Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) was previously approved for residential and commercial uses that included construction of 299 single-family and multi-family dwelling units. The proposed major modification to Phase 2 of the Crestview Crossing PUD/CUP would modify the previously approved 110 single-family dwellings to allow the construction of 196 multi-family dwellings.

The proposed multi-family development is considered the primary use of the development site and the eight multi-family residential buildings are considered main or principal uses on the development site. A community recreation building is proposed and represents an accessory building for use of future residents of the proposed project.

The criteria are met.

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.

B. Commercial, Industrial and Mixed Employment.

1. In the C-1 district no main building or accessory building shall exceed 30 feet in height.

2. In the AI, C-2, C-3, M-E, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.

3. In the C-4 district, building height limitation is described in NMC 15.352.040(J)(1).

4. In the M-E district within the riverfront overlay subdistrict, building height limitation is described in NMC 15.352.060.

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

D. Institutional. The maximum height of any building or structure will be 75 feet except as follows:

- 1. Within 50 feet of an interior property line abutting a C-1, R-1, R-2 or R-P district, no main building may exceed 30 feet.*
- 2. Within 50 feet of an interior property line abutting an R-3 district, no main building may exceed 45 feet.*
- 3. Within 100 feet of a property line abutting a public street or railroad right-of-way, or within 100 feet of property lines abutting parcels with an R-1, R-2, R-3, R-P, C-1, C-2, C-3, M-1, M-2, or M-3 zoning designation, no main building may exceed 50 feet in height.*
- 4. To utilize the maximum permitted height standard, at least 80 percent of the building's ground coverage must be beyond the setback area designated in subsection (D)(3) of this section. The maximum encroachment may not exceed 25 feet.*

E. Alternative Building Height Standard. As an alternative to the building height standards above, any project may elect to use the following standard (see Figure 24 in Appendix A). To meet this standard:

- 1. Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and*
- 2. Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.*

F. Buildings within the airport overlay subdistrict are subject to the height limits of that subdistrict.

Finding: The proposed project is a major modification to the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) which includes requests to modify certain regulations associated with building height, parking lot coverage, and the number of required parking spaces pursuant to procedures within NMC Section 15.240.020(I).

See finding for NMC Section 15.240.020(I) for further information related to building height limitations for the proposed project.

15.415.030 Building height exemptions.

Roof structures and architectural features for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or

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

Finding: The proposed project is a major modification to the Phase 2 portion of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The proposed project will construct 196 multi-family apartment units. The project requests approval of eight multi-family residential structures - building styles A2, A3, and A4 - each of which have a maximum height of approximately 37 feet and 4 inches. The proposed project also includes a field house with a maximum height of 25 feet and 4 inches.

Neither the multi-family residential structures nor the field house possesses any projecting roof features that would allow or be used for the purpose of providing additional floor space. Further, no roof structure or architectural feature is proposed which would reach 18 feet above the height of any proposed building.

The criterion is met.

15.415.040 Public access required.

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city.

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The subject property is adjacent to E Jory Street, west of E Crestview Drive, and north of Highway 99W. Both E Jory Street and E Crestview Drive are newly built as part of Phase 1 of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The proposed project does not create new private streets.

Access to the proposed development is provided from E Jory Street west of E Crestview Drive. Both streets are newly built as part of Phase 1 of the existing Crestview Crossing PUD/CUP.

The criterion is met.

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

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Finding: The project does not propose to construct or modify triplex, quadplex, townhouse, or cottage cluster dwellings.

Because the project does not propose to construct or modify triplex, quadplex, townhouse, or cottage cluster dwellings the criterion are not applicable.

15.415.060 Home occupation.

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Finding: The project does not propose a home occupation.

Because the project does not propose a home occupation, the criteria are not applicable.

Chapter 15.420 Landscaping and Outdoor Areas

15.420.010 Required minimum standards.

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

1. Private Areas. Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.

2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any multifamily residential development, as follows:

a. One- or two-bedroom units: 200 square feet per unit.

b. Three- or more bedroom units: 300 square feet per unit.

c. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.

3. In the AR airport residential district a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement.

Finding: The proposed project is a major modification to the Phase 2 portion of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The proposed project will construct 196 multifamily apartment units. The project requests approval of eight multi-family residential structures which include building styles A2, A3, and A4. The application materials (Narrative, Sheets A201-A209, C201-204, and L101-L104) depict and describe the private and shared outdoor recreation areas that will be available to residents of the development. Further, the application materials indicate that enclosed storage areas are provided for each of the proposed dwelling units.

The project proposes to build 99 one-bedroom, 76 two-bedroom, and 21 three-bedroom units. Based on the usable recreation space required pursuant to subsection A.2, a minimum of 41,300 square feet usable recreation area is required.

The Narrative indicates that “each unit will have a private balcony of at least 48 square feet, for a total private patio area of at least 9,408 square feet. Additionally, the multi-family site will have an open space area of 89,019 square feet. The total combined private and public recreation area on site is 98,427 square feet, which exceeds the minimum requirement.”

Because the application materials do not include accessible outdoor private areas of at least 48 square feet that are enclosed, screened or otherwise private, the Applicant shall modify private outdoor area designs associated with ground-level dwelling units provided in building styles A2, A3, and A4 to enclose, screen, or otherwise provide privacy for unit residents, guests, and neighbors to meet the requirements of NMC 15.420.010(A)(1).

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

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

1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.

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

3. The following landscape requirements shall apply to the parking and loading areas:

a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.

c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.

d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).

e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

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

g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be

maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.

h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:

i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).

ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.

a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.

b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.

c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.

d. All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or

come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.

e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

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

5. Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought-resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.

6. Required landscaping shall be continuously maintained.

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

8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.

9. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.

Finding: The proposed project is a major modification to the Phase 2 portion of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) which will construct 196 multi-family dwelling units in eight apartment buildings. The application materials include a Landscape Plan (L101-L104) and Open Space Plan (C250) which the proposed project's approach to open space and landscaping for the development. The Open Space Plan indicates

that the subject property is 6.94 acres (302,306.4) in size, includes 2.04 (88,862.4 square feet) acres of open space and landscaping. The proposed landscaping area covers 29% of the subject property. Landscaping strips are provided which provide separation between parking, loading, and drive aisle areas from street frontages.

The proposed project includes 282 parking spaces and loading areas, and therefore must provide at least 7,050 square feet of defined landscaped areas, which are depicted in the Landscape Plan and Open Space Plan. The Landscaping Plan depicts landscaping buffers between parking and all proposed buildings. Landscaping adequately surrounds and defines the parking areas and are spread through the parking areas of the development. Additional landscaping and open space areas are provided via an on-site dog park area, picnic and play areas adjacent to the community Field House, along pedestrian pathways, and perimeters of proposed buildings.

The northern portion of the development site, which abuts residentially zoned areas is enclosed by fencing.

1. Lot area landscaped: The subject property is 6.94 acres (302,306.4) in size, and the proposed project includes 2.04 (86,249 square feet) acres of open space and landscaping. The proposed landscaping area covers 28.5% of the subject property. The criterion is met for NMC15.420.010(B)(1)
2. Areas not otherwise improved shall be landscaped: The Landscape Plan indicates that all unimproved areas shall be landscaped. The criterion is met for NMC15.420.010(B)(2).
3. Parking and loading areas: The proposed project includes 282 parking spaces and loading areas, and therefore must provide at least 7,050 square feet of defined landscaped areas, which are depicted in the Landscape Plan and Open Space Plan. The Landscaping Plan depicts landscaping buffers between parking and all proposed buildings. Landscaping adequately surrounds and defines the parking areas and are spread through the parking areas of the development. Additional landscaping and open space areas are provided via an on-site dog park area, picnic and play areas adjacent to the community Field House, along pedestrian pathways, and perimeters of proposed buildings.

Because the line of parking stalls located immediately north of Building #7 possesses 8 parking stalls in a continuous row it exceeds the standard identified in NMC 420.010(B)(3)(h) which states that no more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director. The Applicant shall modify the proposed parking configuration to comply with NMC 15.420.010(B)(3)(h); provide a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see NMC. Title 15, Appendix A, Figure 13); or provide tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see NMC Title 15, Appendix A, Figure 14).

On June 8, 2023, during a public meeting, the Newberg Planning Commission found that the proposed project did not provide adequate screening and buffering between the proposed Building #1 and the westernmost parking of the project and residential

properties located west of the subject property. According to the Planning Commission, because the project lacked adequate screening and buffering in a specified portion of the site, it was necessary to require the addition of an evergreen vegetative buffer composed of a species that will adequately screen the project from nearby uses along the boundary of the development site immediately north of Building #1, immediately west of Building #1, and along the western portion of the property located between Building #1 and #5. The Planning Commission found that adequate screening would be achieved if the evergreen vegetative buffer of trees were planted ten (10) feet on center or as appropriate based on the selected species, and attaining a height of no less than thirty (30) feet in height soon after the Building #1's anticipated occupancy. Some of the trees due to planter width along the parking between Building #1 and Building #5 may be planted in Spring Meadow Park if the Developer and Chehalem Park and Recreation District reach an agreement to allow the planting on the park property. Prior to issuance of building permits, the Applicant shall plant Leyland Cypress or similar trees that are expected to reach a height of thirty (30) feet as determined by a certified arborist.

4. Trees, Shrubs and Ground Covers: The proposed project will provide approximately 159 street trees as well as a mixture of ground covers and shrubs along the development site's street frontages which will have no adjacent on-street parking based on their functional classifications. The criterion is met for NMC 15.420.010(B)(4).
5. Automatic, underground irrigation systems: Application materials (Narrative) acknowledge that automatic, underground irrigation systems will be provided for all landscaped areas. The criterion is met for NMC 15.420.010(B)(5).
6. Landscaping maintenance: Application materials (Narrative) acknowledge that landscaping will be continuously maintained by the project's property management company. The criterion is met for NMC 15.420.010(B)(6)
7. Height of tree species under overhead utility lines: Because all utilities for the project will be located underground, the criterion for The criterion is met for NMC 15.420.010(B)(7) is not applicable.
8. Approved site development master plan: Because the application materials do not rely on an approved site development master plan, the criterion for NMC 15.420.010(B)(8) is not applicable.
9. Landscaping requirements and standards for parking in the M-4 zone: Because the subject property is not located in the M-4 zone, the criterion for NMC 15.420.010(B)(9) is not applicable.

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

C. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash,

certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant.

Finding: The application materials acknowledge this requirement.

Because the applicant has acknowledged but not described how this requirement will be met, project elements associated with landscaping are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued, unless security equal to 110 percent of the cost of the landscaping as determined by the Community Development Director is filed with the city, insuring such installation within six months of occupancy.

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

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.

Finding: The proposed project is a major modification to the Phase 2 portion of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) and will not affect the previously approved landscaping and amenities within the abutting public rights-of-way.

1. Street trees: The proposed project includes sidewalk areas along the Highway 99W, E Crestview Drive, and E Jory Drive frontages of the subject property. The project will provide approximately 159 street trees as well as a mixture of ground covers and shrubs

along the development site's street frontages which will have no adjacent on-street parking based on their functional classifications. The project complies with the street tree requirements pursuant to NMC 15.420.010(B)(4).

2. Pedestrian spaces: The Landscape Plan (Sheets L101-L104) includes shrub and ground cover plantings, which are expected to contribute to maintaining clear sightlines and safety. The Landscape Plan indicates that 2,678 shrubs and 5,655 groundcover plants will be planted as part of the project. Of these plants, 1,197 shrubs and 5,655 groundcover plants will be evergreen, or approximately 82 percent of the overall shrub and groundcover plantings. Because less than 90 percent of the shrubs and groundcover plants will be evergreen, the project does not meet the required minimum standard for NMC 15.420.020(A)(2).

The applicant shall modify the planting schedule to ensure that at least 90 percent of the shrub and evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.

Project elements associated with landscaping are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued, unless security equal to 110 percent of the cost of the landscaping as determined by the Community Development Director is filed with the city, insuring such installation within six months of occupancy.

3. Pedestrian-scale lighting: The proposed project includes sidewalk areas along the Highway 99W, E Crestview Drive, and E Jory Drive frontages of the subject property which will rely on public streetlights for pedestrian-scale lighting. The previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) included an approved lighting plan that addressed streetlights and the finding NMC 15.505.030(U) regarding streetlights indicates that no further public streetlights are required. The proposed project also includes private pedestrian pathways that will utilize a combination of wall- and pole-mounted lighting throughout the development.

Because streetlights will provide lighting for the sidewalk areas and private pedestrian pathways will be illuminated as shown in the Lighting Plan (Sheet C260), the standard for NMC 15.420.020(A)(3) is met.

4. Street furniture: No street furniture is included in the proposed project. Because street furniture is not included in the proposed project, the standard for NMC 15.420.020(A)(4) is not applicable.
5. Paving and curb cuts: The proposed project includes curb cuts leading from each of the eight apartment building into and through the designated parking areas as well as to Spring Meadow Park. The application materials (Narrative) acknowledge ADA accessibility standards for walkways pursuant to NMC 15.505.030(S) and 15.420.020(A)(5), but do not describe or depict how the improvements will comply with

the requirements. Because the application materials do not describe or depict the manner in which compliance will be achieved, the standard for NMC 15.420.020(A)(5) is not met.

The applicant will be required to provide adequate ADA-compliant accommodations along all pedestrian paths including connections to public rights-of-way and Spring Meadow Park.

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

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.

Finding: The proposed project is a major modification to the Phase 2 portion of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) and will not affect the previously approved landscaping and amenities within the abutting public rights-of-way.

1. Planting strips: The Landscape Plan (Sheets L101-L104) depicts and describes a mix of low ground cover, shrubs and trees. The subject property will have adjacent on-street parking. The Landscape Plan meets the requirements regarding planting strips for this section.

2. Street trees: The proposed project will provide approximately 159 street trees as well as a mixture of ground covers and shrubs along the development site's street frontages which will have no adjacent on-street parking based on their functional classifications. The project complies with the street tree requirements pursuant to NMC 15.420.010(B)(4).

3. Shrubs and ground covers: The Landscape Plan (Sheets L101-L104) indicates that 2,678 shrubs and 5,655 groundcover plants will be planted as part of the project. Of these plants, 1,197 shrubs and 5,655 groundcover plants will be evergreen, or approximately 82 percent of the overall shrub and groundcover plantings. Because less than 90 percent of the shrubs and groundcover plants will be evergreen, the project does not meet the required minimum standard for NMC 15.420.020(B)(3).

The applicant shall modify the planting schedule to ensure that at least 90 percent of the shrub and evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.

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

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 proposed project is a major modification to the Phase 2 portion of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) and will not affect the previously approved landscaping and amenities within the abutting public rights-of-way. Additionally, the application materials (Narrative) acknowledge that all landscaping will be maintained for the duration of the planting and all street trees and shrubs will be pruned to maintain the health and structure of the plants.

The criterion is met.

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

Finding: The subject property is not located in the airport industrial (AI) or airport residential (AR) districts.

Because the subject property is not located in the airport industrial (AI) or airport residential (AR) districts the criterion is not applicable.

Chapter 15.425 Exterior Lighting

15.425.020 Applicability and exemptions.

A. Applicability. Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:

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

Finding: The application materials include a Lighting Plan (Sheet C260) which includes the development site's exterior lighting layout, luminescence calculations; luminaire make, model, and wattage; and additional information as described and depicted in the Lighting Plan, exterior lighting:

- Galleon Wall Luminaire GWC-SA1A-730-U-SLC or equivalent: 34W LED, Type 2 Wall Pack Light., 7000 lumens, 30 LEDS

- Galleon Wall Luminaire GWC-SA1A-730-U-SL3 or equivalent: 34W LED, Type 3 Wall Pack Light, 7000 lumens, 30 LEDES
- Galleon Area and Roadway Luminaire GLEON-SA3A-730-U-T4FT or equipment: 96W LED Type T4FT Double Showbox on a 25-foot pole at 180 double-arm arrangement, with 6-foot arms

The criteria are met.

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

1. Public street and airport lighting.

2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.

3. Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

4. Temporary Lighting. In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:

a. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event.

b. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart.

5. Lighting activated by motion sensor devices.

6. Nonconforming lighting in place as of September 5, 2000. Replacement of nonconforming lighting is subject to the requirements of NMC 15.205.010 through 15.205.100.

7. Light Trespass onto Industrial Properties. The lighting trespass standards of NMC 15.425.040 do not apply where the light trespass would be onto an industrially zoned property.

Finding: The proposed project does not request any exemptions related to exterior lighting.

1. Public street and airport lighting: Public street lighting associated with public improvements required under the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) have already been installed at lot frontages of the subject property. Because no additional exemptions related to public street or airport lighting are requested, the criterion is not applicable.
2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting: Because no 2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting is proposed, the criterion is not applicable.
3. Construction or emergency lighting: Because no construction or emergency lighting is proposed, the criterion is not applicable.
4. Temporary Lighting: Because no temporary lighting is proposed, the criterion is not applicable.
5. Lighting activated by motion sensor devices: Because no lighting activated by motion sensor devices is proposed, the criterion is not applicable.
6. Nonconforming lighting: Because no nonconforming lighting is proposed, the criterion is not applicable.
7. Light Trespass onto Industrial Properties: Because the subject property is not industrial and is not adjacent to industrial property, the criterion is not applicable.

Because no exemptions related to exterior lighting were requested the criteria are not applicable.

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

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

Finding: The proposed project does not request Alternative materials and methods of construction, installation, or operation.

Because proposed project does not request Alternative materials and methods of construction, installation, or operation the criterion is not applicable.

15.425.040 Requirements.

A. General Requirements – All Zoning Districts.

- 1. Low-level light fixtures include exterior lights which are installed between ground level and six feet tall. Low-level light fixtures are considered nonintrusive and are unrestricted by this code.***

2. Medium-level light fixtures include exterior lights which are installed between six feet and 15 feet above ground level. Medium-level light fixtures must either comply with the shielding requirements of subsection (B) of this section, or the applicant shall show that light trespass from a property has been designed not to exceed one-half foot-candle at the property line.

3. High-level light fixtures include exterior lights which are installed 15 feet or more above ground level. High-level light fixtures must comply with the shielding requirements of subsection (B) of this section, and light trespass from a property may not exceed one-half foot-candle at the property line.

B. Table of Shielding Requirements.

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

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

Finding: The application materials include a Lighting Plan (Sheet C260) which includes the development site's exterior lighting layout, luminescence calculations; luminaire make, model, and wattage; and additional information as described and depicted in the Lighting Plan, exterior lighting:

- Galleon Wall Luminaire GWC-SA1A-730-U-SLC or equivalent: 34W LED, Type 2 Wall Pack Light., 7000 lumens, 30 LEDS
- Galleon Wall Luminaire GWC-SA1A-730-U-SL3 or equivalent: 34W LED, Type 3 Wall Pack Light, 7000 lumens, 30 LEDS
- Galleon Area and Roadway Luminaire GLEON-SA3A-730-U-T4FT or equipment: 96W LED Type T4FT Double Showbox on a 25-foot pole at 180 double-arm arrangement, with 6-foot arms

The criteria are met.

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.*

Finding: The submitted plans show utilities installed underground.

This criterion is met.

Chapter 15.435 Signs

15.435.020 Applicability and exemptions.

A. All signs placed or maintained anywhere within the city shall comply with the standards of this chapter, with the exception of the following:

- 1. Public signs.*
- 2. Signs that are required to be placed by law and that are no more than 50 percent larger than the minimum size required by law or, if there is no minimum size specified, signs with lettering height no more than four inches.*
- 3. Signs painted on or attached to windows that do not cover more than 50 percent of the surface of that window.*
- 4. Signs located entirely within a building and not on a window.*
- 5. Signs not legible from the public right-of-way.*

B. If any of the signs listed above require permits under the current edition of the Oregon Structural Specialty Code, the sign shall be placed only following issuance of such permit.

C. Nothing in this chapter shall be construed to allow placement of a sign on a property without the authority of the property owner.

Finding: The project does not propose any new or modified signage per 15.435.020(A-C).

Because no signs are proposed the criteria are not applicable.

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

1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

Finding: The proposed project will construct 196 multi-family apartment units on a development site that is located within the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts. The development site 6.85 acre as in size including approximately 1.16 square feet of R-2 zoned area and 5.69 acres of C-2 zoned area. The proposed project provides required parking on the development site which it serves.

The criterion is met.

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

1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

Finding: The proposed project will construct 196 multi-family apartment units on a development site that is located within the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts. The development site 6.85 acre as in size including approximately 1.16 acres of R-2 zoned area and 5.69 acres of C-2 zoned area. The proposed project provides required parking on the development site which it serves.

The criterion is met.

C. Off-street parking is not required in the C-3 district, except for:

- 1. Dwelling units meeting the requirements noted in NMC 15.305.020.**
- 2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.**
- 3. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.**

Finding: The subject property is located in the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts.

Because the subject property is located in the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts the criterion is not applicable.

D. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses. For maximum number of off-street parking spaces refer to subsection (F) of this section.

Finding: The subject property is located in the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts.

Because the subject property is located in the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts the criterion is not applicable.

E. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

Finding: The proposed project is a major modification to Phase 2 of the Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) to construct 196 multi-family dwellings. Pursuant to NMC Sections 15.303.200, multi-family dwellings are considered residential use.

Because the proposed project is considered a residential use the criterion is not applicable.

F. Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to NMC 15.440.030, multiplied by a factor of:

- 1. One and one-fifth spaces for uses fronting a street with adjacent on-street parking spaces; or**
- 2. One and one-half spaces for uses fronting no street with adjacent on-street parking;**
or

3. A factor determined according to a parking analysis.

Finding: The proposed project will construct 196 multi-family apartment units on a subject property that is 298,179 square feet (6.85 acres) in size and zoned both R-2 and C-2. The development site includes frontages on Highway 99W, E Crestview Drive, and E Jory Street. None of the streets adjacent to the development site include on-street parking.

Pursuant NMC 15.440.030, the minimum number of required parking spaces is 294. The proposed project seeks to provide 282 parking stalls, or 95.9 percent of the minimum number of required parking spaces. The maximum number of parking spaces is not being exceeded.

The criterion is met.

15.440.020 Parking area and service drive design.

A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.

Finding: See finding for NMC 15.440.070.

B. Groups of three or more parking spaces, except those in conjunction with a single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, townhouse dwelling or cottage cluster project on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

Finding: As shown in the Circulation Plan (Sheet C280), primary access to the proposed development is provided from E Jory Street west of E Crestview Drive, with additional emergency ingress and egress provided at an additional entrance located along E Crestview Drive towards the northern portion of the development site. The driveway access and service drives depicted will not require backward movement or other maneuvering of a vehicle within a street.

Project elements associated with parking lot design and striping, signage, pedestrian access and circulation, and bicycle access, are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued.

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

C. Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.

Finding: The proposed project does not request a gate across any private drive or private street areas.

Because the proposed project does not request a gate across any private drive or private street areas the criterion is not applicable.

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

1. A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other nonsecured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications (refer to Federal Aviation Administration Advisory Circular No. 150/5300-13 regarding airport design, and AC/5370-10B regarding construction standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the private airport owner, and the FAA for airspace review.

Finding: The subject property is not located in the airport industrial (AI) or airport residential (AR) districts.

Because the subject property is not located in the airport industrial (AI) or airport residential (AR) districts the criterion is not applicable.

15.440.030 Parking spaces required.

<i>Use</i>	<i>Minimum Parking Spaces Required</i>
Residential Types	
<i>Dwelling, multifamily and multiple single-family dwellings on a single lot</i>	
<i>Studio or one-bedroom unit</i>	<i>1 per dwelling unit</i>
<i>Two-bedroom unit</i>	<i>1.5 per dwelling unit</i>
<i>Three- and four-bedroom unit</i>	<i>2 per dwelling unit</i>
<i>Five- or more bedroom unit</i>	<i>0.75 spaces per bedroom</i>
<i>• Unassigned spaces</i>	<i>If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the director.</i>

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

Notes:

* "1-E" refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.

** "3.-G(1)" refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

Finding: The proposed project is a major modification of the Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) and will construct 196 multi-family apartment units on a subject property that is 298,179 square feet (6.85 acres) in size and zoned both R-2 and C-2. Pursuant NMC 15.440.030, the minimum number of parking spaces required is:

Dwelling Type	Number of Dwellings Proposed	Rate Parking Spaces per Dwelling Unit	Parking Spaces Required
Studio or one-bedroom unit	99	1	99
Two-bedroom unit	76	1.5	114
Three- and four-bedroom unit	21	2	42
Five- or more bedroom unit	0	.75 / bedroom	0
Visitor spaces	196 (Total)	.2 spaces / dwelling	39
TOTAL			294

Because the modified proposal would provide 295 parking stalls and the minimum required number of off-street parking spaces is 294, the minimum number of parking spaces would be provided.

The criterion is met.

15.440.040 Parking requirements for uses not specified.

The parking space requirements for buildings and uses not set forth herein shall be determined by the director through a Type I procedure. Such determination shall be based upon the requirements for the most comparable building or use specified herein.

Finding: The proposed project's use, "dwelling, multifamily," is specified in NMC Section 15.303.200 as a type of residential use.

Because the project's use is specified in NMC Section 15.303.200 the criterion is not applicable.

15.440.050 Common facilities for mixed uses.

A. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided below.

Finding: The proposed project is a major modification of the Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) and will construct 196 multi-family apartment units. The proposed project does not include common facilities for mixed uses.

Because the proposed project does not include common facilities for mixed uses the criterion is not applicable.

B. Joint Uses of Parking Facilities. The director may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility; provided, that:

- 1. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.*
- 2. The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have provided parking.*
- 3. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of the ordinance, shall be recorded in the office of the county recorder and copies of the instrument filed with the director.*

Finding: The proposed project is a major modification of the Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) and will construct 196 multi-family apartment units. The proposed project does not include joint use of parking facilities.

Because the proposed project does not include joint use of parking facilities the criterion is not applicable.

C. Commercial establishments within 200 feet of a commercial public parking lot may reduce the required number of parking spaces by 50 percent.

Finding: The proposed project's use, "dwelling, multifamily," is specified in NMC Section 15.303.200 as a type of residential use.

Because the proposed use is not commercial the criterion is not applicable.

15.440.060 Parking area and service drive improvements.

All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:

A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.

Finding: The application materials (Narrative) acknowledge this requirement.

The applicant shall design and construct all parking areas and service drives to include surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers.

The applicant shall design and construct all parking areas and service drives to be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.

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

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

Finding: The application materials (Sheets C201-C204, C280, and L101-L102) indicate that all off-street parking is delineated from public streets, alleys, and public rights-of-way.

The criterion is met.

C. All parking areas, except those required in conjunction with a single-family detached, duplex, triplex, quadplex or townhouse dwelling, or cottage cluster project, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

Finding: The application materials (Narrative and C202-C204) acknowledge this requirement.

Project elements associated with parking lot design and striping, signage, pedestrian access and circulation, and bicycle access, are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued.

The criterion is met.

D. All parking areas, including service drives, except those required in conjunction with single-family detached, duplex, triplex, quadplex or townhouse dwellings or cottage cluster projects, shall be screened in accordance with NMC 15.420.010(B).

Finding: See Finding for NMC 15.420.010(B).

E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.

Finding: The application materials include a Lighting Plan (Sheet C260) which includes the development site's exterior lighting layout, luminescence calculations; luminaire make, model, and wattage; and additional information as described and depicted in the Lighting Plan. The Lighting Plan indicates installation of Galleon Area and Roadway Luminaire or equivalent luminaires. Based on luminaire specifications and the photometric analysis, lights provided to illuminate parking areas shall reflect the light away from any properties and limit light trespass.

The criterion is met.

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

Finding: See finding for NMC 15.440.070.

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

1. Single-family detached, duplex, triplex, quadplex, and townhouse dwellings: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.

Finding: The application materials (Sheets C201-C204) indicate that the project will not site parking areas in the required front yard setback of any proposed building.

The criterion is met.

H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

Finding: The application materials (Sheets C201-C204) indicate that the project will only utilize standard size 90-degree parking stalls measuring 9 feet by 18 feet in size. The proposed project does not request a reduction in size for parking stalls.

Because the project does not request a reduction in size for parking stalls the criterion is not applicable.

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

Finding: The proposed project does not include affordable housing.

Because the project does not include affordable housing the criterion is not applicable.

The criterion is met.

J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.

Finding: The proposed project does not include a request to install transit-related facilities and uses such as transit shelters or park-and-ride lots.

Because the project does not request to install transit-related facilities and uses such as transit shelters or park-and-ride lots the criterion is not applicable.

15.440.070 Parking tables and diagrams.

The following tables provide the minimum dimensions of public or private parking areas:

Diagram 1 – 15.440.070 Parking tables and diagrams.

Table of Dimensions (In Feet)

<i>Angle – °</i>	<i>Basic Stall</i>		<i>Back to Back</i>	<i>Aisles</i>	
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D (One-Way)</i>	<i>E (Two-Way)</i>
30°	18	16.8	25.8	12	20
38°	14.6	18.2	29.3	12	20
45°	12.7	19.1	31.8	12	20
52°	11.4	19.7	33.9	13	20
55°	11	19.9	34.6	14	20
60°	10.4	20.1	35.7	15	20
70°	9.6	20	36.9	18	20
80°	9.1	19.3	37	20	20

Diagram 2 – 15.440.070 Parking tables and diagrams.

Notes:

1. *Bumpers must be installed where paved areas abut street right-of-way (except at driveways).*
2. *No stalls shall be such that cars must back over the property line to enter or leave stall.*
3. *Stalls must be clearly marked and the markings must be maintained in good condition.*
4. *The sketches show typical situations to illustrate the required standards. For further information or advice, contact the community development department at 537-1210.*

Table of Dimensions (In Feet)

<i>Stall Width with Corresponding Aisle Width</i>						
<i>Stall Width = X</i>	9	9.5	10	10.5	11	12
<i>Aisle Width = Y</i>	24	24	22	22	20	20

Diagram 3– 15.440.070 Parking tables and diagrams.

Notes:

1. *Bumpers must be installed where paved areas abut street right-of-way (except at driveways).*
2. *No stalls shall be such that cars must back over the property line to enter or leave stall.*
3. *Stalls must be clearly marked and the markings must be maintained in good condition.*
4. *The sketches show typical situations to illustrate the required standards. For further information or advice, contact the planning department.*

Finding: The proposed project will construct 196 multi-family apartment units including 282 parking stalls. Each of the parking stalls depicted in the application materials (Sheets C201-C204) is provided at a standard size for 90 angle parking of 9 feet by 18 feet which is consistent with diagrams 2 and 3 of this code section.

Drive aisles provide circulations throughout the development site at a standard width of no less than 24 feet.

The criteria are met.

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.

Finding: The proposed project does not include any residential garage structures.

Because the project does not include any residential garage structures the criteria are not applicable.

15.440.080 Off-street loading.

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

1. The following standards shall be used in establishing the minimum number of berths required:

<i>Gross Floor Area of the Building in Square Feet</i>	<i>No. of Berths</i>
<i>Up to 10,000</i>	<i>1</i>
<i>10,000 and over</i>	<i>2</i>

2. A loading berth shall contain a space 10 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

3. Additional off-street loading requirements within the C-4 district are described in NMC 15.352.040(H)(7).

4. Where a facility includes an aircraft hangar, the off-street loading requirement is not required since loading may occur through the hangar doors.

Finding: The proposed project is a major modification of the Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) to construct 196 multi-family dwelling units. The proposed project will not receive and distribute materials and merchandise by truck.

Because the project will not receive and distribute materials and merchandise by truck the criteria are not applicable.

B. The following provisions shall apply to off-street loading facilities:

1. The provision and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that

show property that is and will remain available for exclusive use as off-street loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of loading space required by this code. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until such time as the increased off-street loading requirements are met.

2. Owners of two or more buildings may agree to utilize jointly the same loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the city attorney in the form of deeds, leases or contracts to establish the joint use.

3. A plan drawn to scale, indicating how the off-street loading requirements are to be fulfilled, shall accompany an application for a building permit.

4. Design Requirements for Loading Areas.

a. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces of asphaltic concrete or portland cement concrete, maintained adequately for all-weather use and so drained as to avoid flow of water across the sidewalks.

b. Loading areas adjacent to residential zones designed to minimize disturbance of residents.

c. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.

d. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

e. Vision clearance standards as identified in NMC 15.410.060 shall apply.

Finding: The proposed project does not include off-street loading facilities.

Because project does not include off-street loading facilities the criteria are not applicable.

Article II. Bicycle Parking

15.440.100 Facility requirements.

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

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

Notes:

a. Short-term bicycle parking is parking intended to be used for durations less than two hours. Short-term bicycle parking shall consist of a stationary rack or other approved structure to which the bicycle can be locked securely and shall be located within 50 feet of the main building entrance or one of several main entrances, and no further from an entrance than the closest automobile parking space. Shelter or cover may be required for a specified percentage of short-term parking.

b. Long-term bicycle parking is parking intended to be used for durations over two hours. Long-term parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of fully sheltered and secure parking.

Finding: The proposed project is a major modification of the Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) to construct 196 multi-family dwellings in eight apartment buildings. Pursuant to this code section, a minimum of 49 bicycle parking spaces area required. The application materials (Narrative and Sheets C201-C204) and supplemental information provided by the applicant indicate that 50 bicycle parking spaces will be provided within the development site.

The criterion is met.

15.440.110 Design.

A. Bicycle parking facilities shall consist of one or more of the following:

- 1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.*
- 2. An enclosed locker.*

3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.

4. Other facility designs approved by the director.

Finding: The proposed project is a major modification of the Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) to construct 196 multi-family dwellings in eight apartment buildings. Pursuant to this code section, a minimum of 49 bicycle parking spaces area required. The application materials (Narrative and Sheets C201-C204) and supplemental information provided by the applicant indicate that 50 bicycle parking spaces will be provided within the development site. The supplemental materials provided by the applicant indicate that 25 “staple” style bike racks designed to accommodate two bicycles per rack will be provided at the locations indicate on the project’s Site Plan. The supplemental materials are included within Attachment 1.

The criteria are met.

B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.

Finding: The proposed project is a major modification of the Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) to construct 196 multi-family dwellings in eight apartment buildings. Pursuant to this code section, a minimum of 49 bicycle parking spaces area required. The application materials (Narrative) indicate that 50 bicycle parking spaces will be provided within the development site. The application materials (Sheets C201-C204) depict concrete pads where the bicycle parking racks will be installed and which fulfill the dimensional standard.

The criterion is met.

C. All spaces shall be located within 50 feet of a building entrance of the development.

Finding: The proposed project is a major modification of the Crestview Crossing PUD/CUP (PUD18-0001/CUP18-0004) to construct 196 multi-family dwellings in eight apartment buildings. The application materials (Sheets C201-C204) site bicycle parking facilities in front of each of the proposed apartments. In each case, the proposed bicycle parking facilities are sited no more than 18 feet from the nearest entrance.

The criterion is met.

D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority responsible for maintenance of that right-of-way.

Finding: The proposed project will site required bicycle parking facilities on the development site. The project does not propose placement of bicycle parking facilities in the public right-of-way adjacent to the development site.

Because the project does not propose placement of bicycle parking facilities in the public right-of-way adjacent to the development site the criterion is not applicable.

Article III. Private Walkways

15.440.140 Private walkway design.

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

Finding: The proposed project's application materials (Narrative, Sheets C201-C204, and Sheets L101-L102) acknowledge this requirement, but do not describe or depict how the project will comply with the requirements. Because the application materials do not describe or depict the manner in which compliance will be achieved, the standard for NMC 15.440.140(A) is not met.

The applicant will be required to provide adequate ADA-compliant accommodations along all pedestrian paths including connections to public rights-of-way and Spring Meadow Park.

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

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

Finding: The proposed project's application materials (Narrative, Sheets C201-C204, and Sheets L101-L102) acknowledge this requirement.

Project elements associated with parking lot design and striping, signage, pedestrian access and circulation, and bicycle access, are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued.

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

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

Finding: The proposed project's application materials (Narrative, Sheets C201-C204, and Sheets L101-L102) acknowledge this requirement.

Project elements associated with parking lot design and striping, signage, pedestrian access and circulation, and bicycle access, are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued.

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

D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.

Finding: The proposed project's application materials (Narrative, Sheets C201-C204, and Sheets L101-L102) acknowledge this requirement including depictions pedestrian pathway striping within the development parking and circulation areas.

Project elements associated with parking lot design and striping, signage, pedestrian access and circulation, and bicycle access, are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued.

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

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

Finding: The proposed project's application materials (Narrative, Sheets C201-C204, and Sheets L101-L102) acknowledge this requirement.

Project elements associated with parking lot design and striping, signage, pedestrian access and circulation, and bicycle access, are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued.

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

F. The review body may require on-site walks to connect to development on adjoining sites.

Finding: The proposed project's application materials (Narrative, Sheets C201-C204, and Sheets L101-L102) indicate that the development will connect to public right-of-way frontages along Highway 99W, E Jory Street, and E Crestview Drive as well as to Spring Meadow Park.

The criterion is met.

G. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards.

Finding: The proposed project's application materials (Narrative, Sheets C201-C204, and Sheets L101-L102) indicate that the development will connect to public right-of-way frontages along Highway 99W, E Jory Street, and E Crestview Drive as well as to Spring Meadow Park.

Pedestrian walkways within the development connecting public rights-of-way to the adjacent Spring Meadow Park, the public pedestrian walkways and associated improvements are to be maintained by a homeowners' association or similar entity.

Project elements associated with parking lot design and striping, signage, pedestrian access and circulation, and bicycle access, are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued.

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

FINDINGS FOR PUBLIC IMPROVEMENT STANDARDS (NMC CHAPTER 15.505)
Chapter 15.505 Public Improvement Standards

15.505.020 Applicability.

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

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

Finding: The submitted plans show the existing public improvements completed under the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The proposed plans show connections to public utilities.

The Applicant will be required to submit final plans which meet the requirements of the Newberg Public Works Design and Construction Standards as part of the public improvements permit application.

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 street improvements required under the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) have been completed adjacent to this site. No further street improvements are required.

This criterion is not applicable.

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 plans show a connection to the water line stubbed to the property line at the termination of E Jory Street.

This criterion is met.

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 show a connection to the wastewater line stubbed to the property line at the termination of E Jory Street.

This criterion is met.

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

Finding: The application materials include a new preliminary stormwater management plan prepared by Kathleen Freeman, PE of 3J Consulting. The findings of this report will be discussed in finding for NMC Section 15.505.050.

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 a 10-foot public utility easement proposed along the entire frontage of the property.

The 10-foot proposed easement shown on the preliminary plans will need to be included on the final plat prior to final plat approval.

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

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards.

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

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

15.505.030 Street standards.

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

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

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

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

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

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

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

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

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

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

Finding: Streets adjacent to the proposed major modification of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) have been improved per 15.505.030(A-D) .

The criteria are met.

E. Improvements to Existing Streets.

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

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

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

Finding: Improvements to existing streets required by the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) have been completed. No further improvements to existing streets will be required.

This criterion is met.

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

Finding: The improvements completed as part of previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) addressed those impacts. The requested modification does not increase impacts on any public facility except the storm system. The improvements proposed are roughly proportional to the additional run off created by the modification from single-family residential to a multifamily residential use.

This criterion is met.

G. Street Width and Design Standards.

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

Table 15.505.030(G) Street Design Standards

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

* 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.

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

a. Exception.

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

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

a. Exception.

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

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

a. Exception.

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

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

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.*

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.

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

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

b. Sidewalk width is six feet.

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

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.

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: Street improvements were completed as part of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). No further street improvements are required for the requested major modification per 15.505.030(G).

These criteria are not applicable.

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

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

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

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

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

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

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

Finding: Street improvements were completed as part of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). No further street improvements are required for the requested major modification per 15.505.030(H).

These criteria are not applicable.

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

Finding: Street improvements were completed as part of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). No further street improvements are required for the requested major modification per 15.505.030(I).

This criterion is not applicable.

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

Finding: Street improvements were completed as part of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). No further street improvements are required for the requested major modification per 15.505.030(J).

This criterion is not applicable.

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

Finding: The requested major modification to previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) includes the plans submitted for a multi-family development which is accessed at a termination of E Jory Street. This development blocks any connection of E Jory Street to the west. The connection is not possible, however, with the development pattern of the property to the west. That property has adequate connection opportunities. Additional connection is not required per 15.505.030(K).

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: E Jory Street is not practical to extend west for a street connection due to the existing development pattern of the property to the west. Meeting the criteria 15.505.030(L)(1)(a) and (b).

While the applicant has not proposed a cul-de-sac, for the end of E Jory Street that is not practical to extend west for a street connection due to the existing development pattern of the property to the west, a cul-de-sac or other public turnaround is required. The Applicant will need to submit revised plans that include a cul-de-sac meeting the requirements of NMC Section 15.505.030(L) with driveways to the northern and southern portions of the site. Alternatively, the applicant could propose an alternative configuration to achieve a public turnaround at the west end of E Jory Street that also provides access to the northern and southern portions of the site.

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

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.

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 requested modification does not include alleys.

The criterion is 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.

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

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

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

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

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

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 block lengths in the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) are less than the maximum allowed per 15.505.030(O) . Therefore, the requested modification does not increase the block lengths.

The Applicant has proposed pedestrian connections to the adjacent Spring Meadow Park. For the proposed pedestrian walkways within the development connecting public rights-of-way to the adjacent Spring Meadow Park, the public pedestrian walkways are to be a minimum of 6-feet wide with public access easements to be included on the final plat. See Section 15.505.030(S) for additional findings and conditions.

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

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

Finding: The requested modification does not include private streets.

This criterion is not applicable.

Q. Traffic Calming.

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

- a. Serpentine alignment.*
- b. Curb extensions.*
- c. Traffic diverters/circles.*
- d. Raised medians and landscaping.*
- e. Other methods shown effective through engineering studies.*

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

Finding: A roundabout at E Crestview and E Jory Street was approved with the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). No further traffic calming is required for the requested major modification.

This criterion is not applicable.

R. Vehicular Access Standards.

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

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

Table 15.505.R. Access Spacing Standards

<i>Roadway Functional Classification</i>	<i>Area¹</i>	<i>Minimum Public Street Intersection Spacing (Feet)²</i>	<i>Driveway Setback from Intersecting Street³</i>
<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>

Table 15.505.R. Access Spacing Standards

<i>Roadway Functional Classification</i>	<i>Area¹</i>	<i>Minimum Public Street Intersection Spacing (Feet)²</i>	<i>Driveway Setback from Intersecting Street³</i>
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¹ *“Urban” refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).*

“CBD” refers to intersections within the central business district (C-3 zone).

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

² *Measured centerline to centerline.*

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

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

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

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.

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.

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.

7. Shared Driveways.

a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

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

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

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

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

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.

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.*

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.

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: Regarding the proposed major modification to a previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004):

- Access and Spacing: The requested major modification takes access off a termination of E Jory Street. The location of E Jory Street met the access spacing standards in the approved Crestview Crossing PUD/CUP. The requested major modification does not alter the access spacing.
- Properties with Multiple Frontages: The proposed multifamily development has frontage on Highway 99W, E Crestview Drive, and E Jory Street. Access is taken off E Jory Street which is the lesser classification.
- Driveways: The proposed multifamily development two locations of access, directly from the termination of E Jory and onto E Crestview Drive from the northern portion of the development site. The driveways are located approximately 100 feet from one another.
- Alley Access: The proposed multifamily development does not include alleys.
- Closure of Existing Accesses: The proposed multifamily development is new and has no existing access.

- Shared Driveways: The proposed multifamily development does not include a shared driveway to a separate lot.
- Frontage Streets and Alleys: The proposed multifamily development will take access off an existing street.
- ODOT or Yamhill County Right-of-Way: The previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) had the necessary approvals from Yamhill County and ODOT. The applicant has not proposed a vehicular access to ODOT right-of-way.
- Exceptions: No exceptions are required.

The criteria are met.

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 project includes pedestrian connections to the adjacent Spring Meadow Park. Pedestrian walkways within the development connecting public rights-of-way to the adjacent Spring Meadow Park, the public pedestrian walkways and associated improvements are to be maintained by a homeowners' association or similar entity. See Section 15.505.030(O)(4) for additional findings and conditions.

This criterion will be met if the aforementioned condition of approval is 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: The proposed project will provide approximately 159 street trees as well as a mixture of ground covers and shrubs along the development site's street frontages which will have no adjacent on-street parking based on their functional classifications.

The criterion is met. See also finding for NMC 15.420.010(B)(4).

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

Finding: The previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) included an approved lighting plan that addressed streetlights. The major modification does not require further public streetlights.

This criterion is not applicable.

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.*

Finding: Yamhill County Transit (YCT) has indicated that there is a YCT stop along the Highway 99W frontage of the site and has requested a landing pad at this stop. The Applicant is required to comply with Yamhill County Transit (YCT) requirements for installation of a transit landing pad at the YCT stop along the development site's Highway 99W frontage (Stop ID "784527", "Newberg - WB Hwy 99W & Providence Dr -Providence H").

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

15.505.040 Public utility standards.

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

C. General Standards.

- 1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.*
- 2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.*

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

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

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

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

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

Finding: The submitted plans show the proposed multifamily development connecting to the water line stubbed out in the termination of E Jory Street.

The Applicant will be required to submit final plans for the water connection which meet the requirements of the City of Newberg Public Works Design and Construction Standards with the public works improvement permit application.

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

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

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

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

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

4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All

wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.

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

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

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

Finding: The submitted plans show a connection to the existing wastewater collection line that extends from the termination of E Jory Street into the property.

The Applicant will be required to submit final plans for the wastewater connection which meet the requirements of the City of Newberg Public Works Design and Construction Standards with the public works improvement permit application.

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

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

Finding: The submitted plans show a 10-foot public utility easement along the frontage of the entire property. There is also a 10-foot wall easement shown in front of the PUE along the frontage south of E Jory Street.

The Applicant will be required to record all required and needed easements prior to approval of the final plat and/or include all required and needed easements on the final plat.

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

15.505.050 Stormwater system standards.

B. Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that

impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.

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

Finding: The submitted plans propose a proprietary stormwater treatment/detention system to manage run off from a portion of the multifamily development proposed. A portion of the runoff from the new impervious area was already accounted for in the stormwater management methods previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The proposed proprietary system is shown discharging to an existing private storm line at the northwest corner of the intersection of E Crestview Drive and E Jory Street. This private storm line connects to the private storm drain system within Phase 1 of the existing Crestview Crossing PUD/CUP.

The Applicant will be required to submit final plans for the proposed private stormwater management system which meet the City of Newberg Public Works Design and Construction Standards with permit applications.

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

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

1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.

2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.

3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

Finding: The submitted material includes a preliminary stormwater management plan completed by Kathleen Freeman, PE of 3J Consulting. The plan describes the use of a proprietary stormwater treatment system called BayFilter Manhole with seven BF-545 media cartridges proposed to treat a portion of the new impervious area created by the multifamily development

proposed. The other portion is accounted for in the stormwater pond previously approved in the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The report cites site constraints, grading constraints, and onsite infiltration infeasibility as reasons for not implementing Low Impact Development Approaches. The report also assumes the soils onsite are classified as D soil with the lowest infiltration potential.

The Applicant will be required to submit a final stormwater report with permit applications. This includes demonstrating compliance with the stormwater facility hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards. The report is also to demonstrate that the combined stormwater management methods from the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) and the requested PUD major modification to build multifamily housing instead of single-family housing meet the requirements of the City of Newberg Public Works Design and Construction Standards.

The Applicant will be required to obtain a DEQ 1200 C erosion control permit prior to any ground disturbing activity.

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

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

Finding: The submitted preliminary stormwater management plan appears to comply with the City of Newberg Public Works Design and Construction Standards.

The Applicant will be required to submit final construction plans for the stormwater management system which meet the requirements of the City of Newberg Public Works Design and Construction Standards with the permit application.

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

FINDINGS FOR LAND USE APPLICATION SPECIFIC CRITERIA (NMC DIVISION 15.200)

Chapter 15.220 Site Design Review

15.220.020 Site design review applicability.

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

1. Type I.

a. Single-family dwellings;

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

2. Type II.

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

3. Exemptions to Type I and Type II Process. The following development activities are exempt from Type I or Type II standards:

- a. Replacement of an existing item such as a roof, floor, door, window or siding.*

b. Plumbing and/or mechanical alterations which are completely internal to an existing structure.

Finding: The proposed project includes new development which is not specifically identified within subsection (A)(1) of this section. Therefore, a Type II site design review is required.

B. Development in Accord with Plans. Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved as part of a final decision on a site design review.

Finding: Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved as part of a final decision. Further, the applicant shall be required to demonstrate compliance with any conditions of approval issued approved as part of a final decision.

The criterion is met.

C. Site Design Review Time Limit. An approved site design review plan intended to be constructed in a single phase shall be valid for one year from the date of the notice of final decision. A building permit must be acquired within this time period or the design review approval shall terminate. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

- 1. The land use designation of the property has not been changed since the initial design review approval; and*
- 2. The applicable standards in this code which applied to the project have not changed.*

D. Phased Design Review Approval. If a site plan is approved to be constructed in phases, completion of each phase shall extend the expiration of the original design review approval by 12 months from the date of its expiration. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (C) of this section. The extension of a phase under subsection (C) of this section shall also extend any subsequent phases. The total number of extensions shall not extend the original design review approval more than five years from its original approval date. An applicant with a project containing two or more phases may elect to submit a master site development plan, with the following options:

- 1. The applicant may provide all of the detailed information for a Type II site design review approval, per the requirements of NMC 15.220.030(B), for all phases of the project. Once the master site development plan is approved:*

a. Each subsequent phase of development is permitted outright upon a showing that the proposed phase is being constructed in substantial compliance with the approved plan. This review of substantial compliance will be undertaken by

means of a Type I procedure. A phase of development will be considered to be within substantial compliance if the actual characteristics of the project, e.g., total gross square feet of development, employees, vehicle trips, parking spaces, are within five percent of those projected in the approved master site development plan; providing, that the project still is in compliance with all applicable development standards in effect at the time of the approval, or existing applicable development standards, if these are less stringent than the standards in effect at the time of approval. In lieu of minor modifications by the five percent rule established above, the applicant may request minor adjustments through the administrative adjustment provisions in NMC 15.210.010 et seq.

b. If at the time of construction a subsequent phase of development is not in substantial compliance with the approved plan as defined above, the proposed changes will be subject to review by means of a Type II procedure, including any necessary variances to the applicable development standards in effect at the time of the new application. Those aspects of the phase which do not vary from the approved plan will be reviewed under the provisions of subsection (D)(1)(a) of this section, and not subject to the review required in this subsection.

2. Institutions and other large developments that anticipate significant development over time, but cannot provide detailed information about future projects or phases of development in advance, can develop a concept master site development plan which addresses generic site development and design elements including but not limited to general architectural standards and materials, landscaping standards and materials, on-site vehicular and pedestrian circulation, institutional sign program, and baseline traffic and parking studies and improvement programs. The applicant will be required to undergo Type II site design review, per the requirements of NMC 15.220.030(B), for each project or phase of development at the time of construction, including demonstration of substantial compliance with the generic development and design elements contained within the approved concept master site development plan. The more detailed and comprehensive the generic elements in the concept master site development plan are, the more reduced is the scope of discretionary review at the time of actual construction of a project or phase of development. For purposes of this subsection, "substantial compliance" will be defined as noted in subsection (D)(1)(a) of this section.

3. An applicant that submits a concept master site development plan which meets the requirements of subsection (D)(2) of this section may at the same time submit a master site development plan for one or more of the initial phases contained in the concept master site development plan, which are described in sufficient detail to receive complete design review approval in advance, under the provisions of subsection (D)(1) of this section. The concept master site development plan and master site development plan will be filed as separate applications but reviewed concurrently.

4. The approval(s) granted in this section shall be in effect as follows:

a. Once a master site development plan has been approved, completion of each phase shall extend the expiration of the original site design review approval by 12 months from the date of its expiration. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (C) of this section. The extension of a phase under subsection (C) of this section shall also extend to any subsequent phases. The total number of extensions shall not extend the original site design review approval by more than five years from its original approval date.

b. Institutions submitting a concept master site development plan shall be held to the same requirement provided in subsection (D)(2)(a) of this section, unless the plan specifically includes an expiration date. In no case shall a concept master site development plan cover a period exceeding 10 years.

E. Modification to an Approved Design Review. Following design review approval, an applicant may make modifications to the plan consistent with the following procedures. The director will determine whether the proposed modification is a minor or a major modification.

1. Minor modifications are those which are in substantial compliance with the layout, uses and conditions of the original design review. Generally, the characteristics of the project, such as the layout or size of buildings, number of units, number of parking spaces, landscaping areas, and similar changes, are within five percent of those in the original proposal. The director may approve a minor modification under a Type I procedure upon finding that the modification is substantially consistent with the approved design review, is consistent with the provisions of this code and the conditions of approval, and does not have substantially greater impacts on surrounding properties than the original plan. Changes shall meet all development code requirements.

2. Other modifications are major modifications. A change in the whole application or substantive parts of an application shall be considered a new application. The modified application shall be reviewed under the same procedure as the original application. The criteria for approval shall be those for design review.

3. All applications for modifications under this provision shall be considered new applications for the 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.

4. The city council shall establish a fee for modification of approved design review by resolution.

Finding: The proposed project is a major modification to the Phase 2 portion of the Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). On November 1, 2019, the City approved MISC119-0071 to extend the Crestview Crossing PUD/CUP. On November 8, 2021, the City approved FPSB21-0001 for a final plat subdivision of Phase 1 of the Crestview Crossing PUD/CUP.

The proposed project will be required to comply with the NMC provisions relating to time limits and phasing of design review approvals.

The criteria are met.

15.220.030 Site design review requirements.

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

1. Site Development Plan. A site development plan shall be to scale and shall indicate the following as appropriate to the nature of the use:

- a. Access to site from adjacent right-of-way, streets and arterials;***
- b. Parking and circulation areas;***
- c. Location and design of buildings and signs;***
- d. Orientation of windows and doors;***
- e. Entrances and exits;***
- f. Private and shared outdoor recreation spaces;***
- g. Pedestrian circulation;***
- h. Outdoor play areas;***
- i. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;***
- j. Areas to be landscaped;***
- k. Exterior lighting;***
- l. Special provisions for handicapped persons;***
- m. Other site elements and spaces which will assist in the evaluation of site development;***

- n. Proposed grading, slopes, and proposed drainage;*
- o. Location and access to utilities including hydrant locations; and*
- p. Streets, driveways, and sidewalks.*

2. Site Analysis Diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics on the site and within 100 feet of the site:

- a. Relationship of adjacent lands;*
- b. Location of species of trees greater than four inches in diameter at four feet above ground level;*
- c. Existing and proposed topography;*
- d. Natural drainage and proposed drainage and grading;*
- e. Natural features and structures having a visual or other significant relationship with the site.*

3. Architectural Drawings. Architectural drawings shall be prepared which identify floor plans and elevations.

4. Landscape Plan. The landscape plan shall indicate:

- a. The size, species and approximate locations of plant materials to be retained or placed on the site together with a statement which indicates the mature size and canopy shape of all plant materials;*
- b. Proposed site contouring; and*
- c. A calculation of the percentage of the site to be landscaped.*

5. Special Needs for Handicapped. Where appropriate, the design review plan shall indicate compliance with handicapped accessibility requirements including, but not limited to, the location of handicapped parking spaces, the location of accessible routes from the entrance to the public way, and ramps for wheelchairs.

6. Existing Features and Natural Landscape. The plans shall indicate existing landscaping and existing grades. Existing trees or other features intended to be preserved or removed shall be indicated on the plans.

7. Drives, Parking and Circulation. Proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number

of access points shall be indicated on the plans. Dimensions shall be provided on the plans for parking aisles, back-up areas, and other items as appropriate.

8. Drainage. The direction and location of on- and off-site drainage shall be indicated on the plans. This shall include, but not be limited to, site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project.

9. Buffering and Screening. Buffering and screening of areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be shown on the plans.

10. Signs and Graphics. The location, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features shall be shown on the plans.

11. Exterior Lighting. Exterior lighting within the design review plan shall be indicated on the plans. The direction of the lighting, size and type of fixtures, and an indication of the amount of lighting shall be shown on the plans.

12. Trash and Refuse Storage. All trash or refuse storage areas, along with appropriate screening, shall be indicated on the plans. Refuse storage areas must be constructed of brick, concrete block or other similar products as approved by the director.

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

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

Finding: On February 14, 2023, the City received application materials for a major modification to the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004). The application materials were reviewed by staff and deemed complete on March 6, 2023.

The criteria are met.

15.220.050 Criteria for design review.

A. Type I. The following criteria are required to be met in order to approve a Type I design review request:

...

Finding: According to NMC 15.220.020 regarding site design review applicability, project which are not identified under NMC 15.220.020(A)(1) shall be reviewed under Type II procedures. Because the proposed project was not listed in the project types identified in NMC 15.220.020(A)(1), NMC 15.220.050(A) is not applicable.

B. Type II. The following criteria are required to be met in order to approve a Type II design review request:

1. Design Compatibility. The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

Finding: The proposed project will construct 196 multi-family dwellings units in 8 garden-style apartment buildings. Each of the proposed apartment buildings will be three stories in height. As described in the finding for NMC Section 15.220.060 regarding additional requirements for multi-family dwelling developments, the project will incorporate desirable site and building design elements including consolidation of green space, placement of parking lots to the rear and/or sides of the site, provision of good quality landscaping, landscaping at the edges of parking lots to screen and buffer visual impacts, use of street trees and vegetative screens, use of entry accents to buildings, use of appropriate outdoor lighting that enhances nighttime safety without causing glare, breaking up of building elements into smaller bays or components, use of variation in repeated building elements, use of high quality building materials, and provision of a front porch at main entries.

Further, the development site includes a network of active and passive open space areas as well as a field house to be used as a community recreation facility.

On June 8, 2023, during a public meeting, the Newberg Planning Commission found that the proposed project did not provide adequate screening and buffering between the proposed Building #1 and the westernmost parking of the project and residential properties located west of the subject property. According to the Planning Commission, because the project lacked adequate screening and buffering in a specified portion of the site, it was necessary to require the addition of an evergreen vegetative buffer composed of a species that will adequately screen the project from nearby uses along the boundary of the development site immediately north of Building #1, immediately west of Building #1, and along the western portion of the property

located between Building #1 and #5. The Planning Commission found that adequate screening would be achieved if the evergreen vegetative buffer of trees were planted ten (10) feet on center or as appropriate based on the selected species, and attaining a height of no less than thirty (30) feet in height soon after the Building #1's anticipated occupancy. Some of the trees due to planter width along the parking between Building #1 and Building #5 may be planted in Spring Meadow Park if the Developer and Chehalem Park and Recreation District reach an agreement to allow the planting on the park property. Prior to issuance of building permits, the Applicant shall plant Leyland Cypress or similar trees that are expected to reach a height of thirty (30) feet as determined by a certified arborist.

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

2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

Finding: See findings for NMC Sections 15.440.010 through 15.440.080.

The criterion is addressed in the aforementioned portions of this report.

3. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

Finding: See findings for NMC Sections 15.415.020, 15.415.030, 15.415.040, 15.415.050, and 15.415.060 regarding height restrictions and public access; 15.405.010, 15.405.020, 15.405.030, and 15.405.040 regarding lot dimension and coverage requirements; 15.410.010, 15.410.020, 15.410.030, 15.410.040, 15.410.050, 15.410.060, and 15.410.070 regarding yard setback and vision clearance requirements.

The criterion is addressed in the aforementioned portions of this report.

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

Finding: See findings for NMC Sections 15.420.010 and 15.420.020 regarding landscape requirements and landscape screening.

The criterion is addressed in the aforementioned portions of this report.

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

Finding: The project does not propose any new or modified signage. See finding for NMC 15.435.010

Because no signs are proposed the criteria are not applicable.

6. Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.

Finding: The project does not include any manufactured dwellings, mobile home or RV parks.

Because the project does not include any manufactured dwellings, mobile home or RV parks the criterion is not applicable.

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

Finding: The proposed project is a major modification to Phase 2 of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0003) which included a conditional use permit. The proposed project will construct 196 multi-family apartment units in place of the previously approved 110 single-family homes identified as Phase 2 of the Crestview Crossing PUD/CUP. The development site is located within the Community Commercial (C-2) and Medium Density Residential (R-2) zoning districts. Pursuant to NMC Section 15.305.020, multifamily dwellings are considered a “permitted” use in R-2 district, and a “conditionally permitted” use in the C-2 district. Further, in C-2 areas, the permitted density must be stated in the conditional use permit.

See findings for NMC Section 15.225.060 which addresses conditional use permit criteria associated with the proposed project.

The criterion is addressed in the aforementioned portions of this report.

8. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

Finding: The subject property is not located in an applicable subdistrict.

Because the subject property is not located in an applicable subdistrict the criterion is not applicable.

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

Finding: The proposed project is a major modification to Phase 2 of the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0003) which included a conditional use permit. The proposed project will construct 196 multi-family apartment units in place of the previously approved 110 single-family homes identified as Phase 2 of the Crestview Crossing PUD/CUP.

See findings for NMC Sections:

- 15.440.020, 15.440.060, 15.440.100, 15.400.140 regarding alternative circulation including parking area and service drive design and improvements, bicycle parking improvements, and private walkway design;
- 15.505.030 regarding roadway frontage improvements and street standards;
- 15.430.010 and 15.505.040 regarding utility improvements and easements; and
- 15.415.040 and 15.505.030 regarding access to public or private streets.

The criterion is addressed in the aforementioned portions of this report.

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.

Finding: The submitted materials include a Technical Memorandum from Zachary Bugg, PhD, and Diego Arguea, PE from Kittelson & Associates. The memo describes how the requested modification replacing 105 single-family homes with 196 apartment units effects traffic impacts on the adjacent roadway system. It references a transportation impact analysis performed in 2018 for the original application for a PUD/Conditional use at the proposed project location for comparison. The new memo describes traffic counts based on the 10th and 11th editions of the Institute of Transportation Engineers Trip Generation manual as each is relevant for each application's time period. The comparison of the originally approved PUD/Conditional use and the requested modification shows additional weekday trips, but there is a decrease in the trips occurring during the pm peak hour.

This criterion is met.

15.220.060 Additional requirements for multifamily residential projects.

The purpose of this section is to ensure that multifamily residential projects containing five or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the site design review process, an applicant for a new multifamily residential project must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for smaller multifamily projects with five to eight units and at least 20 points are required for multifamily projects with nine or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).

A. Site Design Elements.

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

9. Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).

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

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

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

B. Building Design Elements.

1. Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).

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

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

4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).

5. Building Materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).

6. Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).

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

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

9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points).

Finding: The application materials (plans and narrative) indicate the site and building design features that have been incorporated into the proposed project.

The table below shows the design requirements for multifamily residential projects pursuant to NMC 15.220.060 which ensure that multi-family residential projects containing five or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. The proposed project will construct 196 multi-family dwelling units and must obtain at least 20 points are required for multi-family projects with nine or more units.

Site Design Elements	Points Available	Points Awarded
1. Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of open space areas which can be consolidated into children’s play areas, gardens, and/or dog-walking areas (three points).	3	3
2. Preserve existing natural features, including topography, water features, and/or native vegetation (three points).	3	
3. Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more “pedestrian-friendly” environment (three points).	3	
4. Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other “pedestrian-friendly” amenities (three points).	3	3
5. Create “outdoor” rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).	2	
6. Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species (two points).	2	2
7. Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).	2	2
8. Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).	1	1
9. Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).	1	
10. Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).	1	
11. Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).	1	1

Site Design Elements	Points Available	Points Awarded
12. Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).	1	1
SUB-TOTAL, SITE DESIGN ELEMENTS	23	13

Building Design Elements.	Points Available	Points Awarded
1. Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).	3	
2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).	3	3
3. Break up large buildings into bays by varying planes at least every 50 feet (three points).	3	3
4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).	3	3
5. Building Materials. Use some or all of the following materials in new buildings: <ul style="list-style-type: none"> • wood or wood-like siding applied horizontally or vertically as board and batten; • shingles, as roofing, or on upper portions of exterior walls and gable ends; • brick at the base of walls and chimneys; • wood or wood-like sash windows; and • wood or wood-like trim (one point for each material described above).	5	4
6. Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).	2	
7. Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).	2	
8. Provide a front porch at every main entry as this is both compatible with the city's historic building pattern and helps to create an attractive, "pedestrian-friendly" streetscape (two points).	2	2
9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points).	2	
SUB-TOTAL, SITE DESIGN ELEMENTS	25	15

The proposed project is awarded 28 points.

The criteria are met.

CONCLUSION:

Based on the above findings, the application meets the required criteria within the Newberg Municipal Code, subject to completion of and adherence to the attached conditions of approval in Exhibit "B".

Exhibit “B” to Planning Commission Order No. 2023-09
Conditions of Approval – File MAMD323-0001
Major Modification to PUD18-0001/CUP18-0004

Conditions of Approval: Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.

I. CONDITIONAL USE PERMIT

a. Landscaping

1. Project elements associated with landscaping are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued, unless security equal to 110 percent of the cost of the landscaping as determined by the Community Development Director is filed with the city, insuring such installation within six months of occupancy.

II. PLANNED UNIT DEVELOPMENT

a. Sun Exposure Plan Diagram

1. The applicant shall provide a sun exposure plan diagram meeting the requirements of NMC 15.240.020(K) and 15.05.030 during Step 2 Final Plans phase of PUD review for Building #1 of the application materials. The sun exposure plan shall verify if Building #1 intrudes into the sun exposure plane and whether it would adversely affect the occupants or potential occupants of adjacent properties. If sun exposure does not meet the requirement of the NMC, then the applicant must adjust their plans in order to meet this condition of approval.

b. Landscaping

1. Project elements associated with landscaping are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued, unless security equal to 110 percent of the cost of the landscaping as determined by the Community Development Director is filed with the city, insuring such installation within six months of occupancy.

c. Cul-De-Sac or Alternative Configuration

1. The applicant will need to submit revised plans that include a cul-de-sac meeting the requirements of NMC Section 15.505.030(L) with driveways to the northern and southern portions of the site. Alternatively, the applicant could propose an alternative configuration to achieve a public turnaround at the west end of E Jory Street that also provides access to the northern and southern portions of the site.

d. Step Two – Final PUD Plan Review

1. The applicant shall participate in Step Two (Final PUD Plan Review), including submission of an application with required fee for a Type I review that shall be subject to such conditions are necessary.

e. Private Outdoor Areas for Ground-level Dwelling Units

1. The Applicant shall modify private outdoor area designs associated with ground-level dwelling units provided in building styles A2, A3, and A4 to enclose, screen, or otherwise provide privacy for unit residents, guests, and neighbors to meet the requirements of NMC 15.420.010(A)(1).

f. Parking and Loading Area Configuration

1. The Applicant shall modify the proposed parking configuration to comply with NMC 15.420.010(B)(3)(h); provide a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see NMC. Title 15, Appendix A, Figure 13); or provide tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see NMC Title 15, Appendix A, Figure 14).

g. Pedestrian Space Requirements

1. The Applicant shall modify the planting schedule to ensure that at least 90 percent of the shrub and evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.
2. The Applicant will be required to provide adequate ADA-compliant accommodations along all pedestrian paths including connections to public rights-of-way and Spring Meadow Park.

h. Parking Lot and Service Drive Design

1. Project elements associated with parking lot design and striping, signage, pedestrian access and circulation, and bicycle access, are required to be illustrated on the building permit plans and must be properly installed prior to Certificate of Occupancy being issued.
2. The Applicant shall design and construct all parking areas and service drives to include surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers.
3. The Applicant shall design and construct all parking areas and service drives to be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.

i. Homeowners' Association or Similar Entity Obligations

1. Pedestrian walkways within the development connecting public rights-of-way to the adjacent Spring Meadow Park, the public pedestrian walkways and associated improvements are to be maintained by a homeowners' association or similar entity.

j. Public Improvements and Public Utility Easements

1. The Applicant will be required to submit final plans which meet the requirements of the Newberg Public Works Design and Construction Standards as part of the public improvements permit application.
2. The 10-foot proposed easement shown on the preliminary plans will need to be included on the final plat prior to final plat approval.
3. Any required public improvement permit(s) for this project must be submitted, approved, and issued prior to building permits being issued.
4. For the proposed pedestrian walkways within the development connecting public rights-of-way to the adjacent Spring Meadow Park, the public pedestrian walkways are to be a minimum of 6-feet wide with public access easements to be included on the final plat.

k. Transit Improvements

1. The Applicant is required to comply with Yamhill County Transit (YCT) requirements for installation of a transit landing pad at the YCT stop along the development site's Highway 99W frontage (Stop ID "784527", "Newberg - WB Hwy 99W & Providence Dr -Providence H").

l. Public Utility Standards

1. The Applicant will be required to submit final plans for the water connection which meet the requirements of the City of Newberg Public Works Design and Construction Standards with the public works improvement permit application.
2. The applicant will be required to submit final plans for the wastewater connection which meet the requirements of the City of Newberg Public Works Design and Construction Standards with the public works improvement permit application.
3. The Applicant will be required to record all required and needed easements prior to approval of the final plat and/or include all required and needed easements on the final plat.

m. Stormwater System Standards

1. The Applicant will be required to submit final plans for the proposed private stormwater management system which meet the City of Newberg Public Works Design and Construction Standards with permit applications.
2. The applicant will be required to submit a final stormwater report with permit applications. This includes demonstrating compliance with the stormwater facility hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards. The report is also to demonstrate that the combined stormwater management methods from the previously approved Crestview Crossing PUD/CUP (PUD18-0001 / CUP18-0004) and the requested PUD major modification to build multifamily housing instead of single-family housing meet the requirements of the City of Newberg Public Works Design and Construction Standards.
3. The Applicant will be required to obtain a DEQ 1200 C erosion control permit prior to any ground disturbing activity.
4. The Applicant will be required to submit final construction plans for the stormwater management system which meet the requirements of the City of Newberg Public Works Design and Construction Standards with the permit application.

n. Planning Commission Directed Condition of Approval – Screening and Buffering

1. Prior to issuance of building permits, the Applicant shall plant Leyland Cypress or similar trees that are expected to reach a height of thirty (30) feet as determined by a certified arborist.

