

NOTICE OF DECISION
615 N COLLEGE STREET CONDITIONAL USE PERMIT MAJOR MODIFICATION,
DESIGN REVIEW AND PARKING DETERMINATION – CUP223-0002/MISC123-
0009

August 14, 2023

Debbie Cleek
The Bookin Group
1120 SW Taylor Street, Suite 555
Portland, OR 97205

cc: All persons who provided public comment

On August 10, 2023, the Newberg Planning Commission approved a Major Modification to CUP-2-90 with a Design Review and Parking Determination (MISC123-0009) for a shelter at 615N College Street, tax lot R3218DD 02900, subject to the conditions listed in the attached Order. The Commission's decision will become effective on August 25, 2023, unless an appeal is filed.

An affected party may appeal the Commission's decision to the City Council within 14 calendar days of the Commission's written decision in accordance with Newberg Development Code §15.100.170. Affected parties include the applicant, any party entitled to receive notice of the hearing, anyone providing written or oral comments at the hearing, and anyone providing written comments prior to the close of the hearing. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$1,239.00 plus the 5% Technology Fee to the Planning Division.

The deadline for filing an appeal is 4:30 pm on August 24, 2023.

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

The Major Modification to the Conditional Use Permit, Design Review and Parking Determination is effective only when the exercise of right granted is commenced within one year of the effective date listed above. If you are approaching the expiration date, please contact the Planning Division regarding extension opportunities.

If you have any questions, please contact me at 503-537-1212 or doug.rux@newbergoregon.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Rux".

Doug Rux, AICP
Community Development Director

Attachment: Order 2023-12

AN ORDER APPROVING MAJOR MODIFICATION MAMD323-0002 TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (CUP-2-90) INCLUDING A DESIGN REVIEW, AND PARKING DETERMINATION (MISC123-0009) AT 615 N COLLEGE STREET COUNTY TAX LOT R3218DD 02900

RECITALS

1. On March 23, 2023, Debbie Cleek of The Bookin Group on behalf of YCAP applied for a Major Modification to previously approved Conditional Use Permit approval (CUP-2-90) including a Design Review, and Parking Determination for a property located at 615 N College Street, Yamhill County Tax Lot R3218DD 02900.
2. After proper notice, the Newberg Planning Commission held a public hearing on June 8, 2023, to consider the applications. The Commission continued the hearing to June 22, 2023, and did not take testimony.
3. The Commission continued the hearing on June 22, 2023, and at the request of the Applicant continued the hearing to August 10, 2023. No testimony was taken.
4. The Commission continued the hearing on August 10, 2023, considered testimony and deliberated.
5. The Newberg Planning Commission finds that the applications meet 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 MAMD323-0002 including a Design Review, and Parking Determination (MISC123-0009) is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. Conditional Use Permit CUP-2-90 is hereby modified, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
3. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
4. This order shall be effective on August 25, 2023, unless appealed prior to this date.
5. The Conditional Use Permit modification and Design Review shall expire one year after the effective date above if the applicant does not commence and complete the improvements, unless an extension is granted per Newberg Development Code

15.225.100 and 15.220.020(C).

Adopted by the Newberg Planning Commission this 10th day of August 2023.

ATTEST:

A handwritten signature in blue ink, appearing to be "M. A.", written over a horizontal line.

Planning Commission Chair

A handwritten signature in blue ink, appearing to be "K. Bates", written over a horizontal line.

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions of Approval

**Exhibit “A” to Planning Commission Order 2023-12
Findings –MAMD323-0002 Major Modification to CUP-2-90 including a
Design Review, and Parking Determination MISC123-0009**

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: CUP-2-90 was previously reviewed by the Planning Commission in February 1990 for the operation of a homeless shelter submitted by Newberg Human Resources. The submitted request MAMD323-0002 and MISC123-0009 are applications to modify the previous approval. Because the original application required a Type III review as a Conditional Use by the Planning Commission the Major Modification is also required to be reviewed by the Planning

Commission. Therefore, a Type III procedure including a quasi-judicial hearing before the Planning Commission is required for the Major Modification, Parking Determination, and Design Review associated with the Conditional Use Permit.

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 modifies a prior Conditional Use Permit approval from 1990 (CUP-2-90).

Location: The location of the site is located at 615 N College Street and is zoned R-2 (Medium Density Residential). Shelter uses fall into the 15.303.351 Community services category. The site when originally approved as a homeless shelter was in the M-2 (Light Industrial) zone in 1990. In 1995 the site was rezoned to R-2 by Ordinance No. 95-2396. Community Services is a use allowed by Conditional Use in the R-2 zone. The location of the site is centrally located in Newberg being ¼ mile from the downtown core of E Hancock Street and E First Street where general commercial services and other community services are provided.

Size: The site's size is 7,063 square feet. The existing structure on the site, according to the submitted application material, is 3,300 square feet within a two-story residential structure. The proposed modular building is 497 square feet in size.

Design & Operating Characteristics: The site's design is a building with parking and landscaping. The operating characteristics are as a shelter. Surrounding uses to the west, south and east are single family homes on comparable sized lots. To the north is land owned by ODOT and a railroad line. The area to the north is zoned M-2 (Light Industrial). There were conditions of approval for CUP-2-90 that included:

A. A minimum ten-foot-wide landscape buffer shall be provided between the new parking area and the property line to the west of the site. The landscape buffer should retain or replace the existing plant material on the site.

B. The new parking area, in combination with the existing driveway, should be no greater than 40 feet in width. The remaining front yard area should remain landscaping.

C. Final landscaping and parking plans should be submitted to City staff for review and approval.

The conditions of approval were requirements to ensure the site was compatible in design with surrounding properties.

The Applicant is proposing to make renovations to the existing structure to increase bed capacity. There are conflicting numbers on the capacity in the Applicant narrative that indicate capacity will be increased by 9 beds up to 24 beds with an existing capacity of 15 beds. In another section it indicates the existing capacity is 16 beds and will increase to 24 beds, an increase of 8 beds. For purposes of this analysis staff is using the ending number of 24 beds. The existing two-story house is approximately 3,300 square feet with a site footprint of approximately 2,100 square feet. As part of the application a 497 square foot modular accessory structure is proposed to be added to the west side of the site to accommodate administration and office functions. The application material is somewhat conflicting. The written narrative indicates the accessory structure will be 2,500 square feet while the site drawings indicate the structure will be 497 square feet. The modular structure shall be placed on a foundation as determined and approved through the Building Permit review process.

The modular structure will accommodate two private consultation rooms and a meeting room to be used for counseling, case management, clinical appointments, etc. The modular will have a restroom and connected to water and wastewater systems. An ADA accessible ramp will be provided to the modular building. Because of the conflicting information in the application materials the Application shall be limited to a maximum of 24 beds and the accessory modular structure will be limited to 497 square feet. The modular structure shall be placed on a foundation as determined and approved through the Building Permit review process.

To retain compliance with CUP-2-90 the applicant shall:

- a. Maintain a minimum ten-foot-wide landscape buffer between the parking area and the property line to the west of the site.
- b. The parking area, in combination with the existing driveway, shall be no greater than 40 feet in width. The remaining yard area shall remain landscaping except for the trash enclosure area.
- c. The four (4) parking spaces for length and width shall be located outside of the public right-of-way.

Harmony in scale: The existing structure was a residential building constructed to be compatible with other residential buildings in the vicinity. The addition of the accessory modular building is similar to other accessory structures in size within the vicinity. The overall site layout is in harmony with surrounding development.

Bulk: The existing structure on site is two-story with a building footprint of approximately 2,100 square feet. The proposed modular building is 497 square feet and is a one-story structure of 13 feet 8.5 inches in height. The existing home bulk is in character with existing homes. The accessory modular structure is in similar bulk as other accessory structures within the neighborhood identified as within ¼ mile of the subject site.

Review of aerial photography of properties with one block of the proposed site consisting of one- and two-story structures. Some of the properties have accessory structures of varying sizes to accommodate garages and other accessory storage purposes.

Coverage and density: The existing site coverage is approximately 2,100 square feet based on staff calculation from aerial imagery and would be approximately 30% percent of the site. No lot cover age calculation was provided by the Applicant. With the proposed 497 square foot accessory modular building the site coverage will be approximately 37% subtracting the existing shed square footage that would be removed from the site. NMC 15.405.040(B)(1)(b) has a maximum building coverage of 60 percent. The addition of the modular building appears to keep the lot coverage under 60%. 15.405.040(B)(1)(2) has a maximum parking coverage of 30 percent. There is conflicting information in the application submittal and aerial imagery on where the parking is actually located. The submitted Site Plan shows parking entirely on the site, though the dimensions of the parking have not been provided. Aerial imagery shows that the parking is partially on site and in the public right-of-way. Staff cannot tell what the parking coverage is for the site. 15.405.040(B)(1)(3) has a required maximum combined coverage of 70 percent. Staff is not able to determine the combined building and parking coverage of the site.

Because no information has been provided on existing building coverage, proposed coverage after removing the shed and adding the modular building, and uncertainty on parking coverage based on property lines and parking dimensions, the Applicant shall provide to the Planning Division prior to submittal of Building Permits the existing building coverage, proposed building coverage after removal of the shed and addition of the modular building, provide clarity if the parking is all on the site or not on the site and the square footage of the parking coverage along with the percentage of parking coverage on site, and the combined building and parking coverage. No onsite parking shall be allowed within the public right-of-way.

Availability of public facilities and utilities;

- a. Water: There is an 8-inch water line located on N College Street with a 3/4-inch service lateral serving the property. Fire flow will need to be confirmed by a fire flow test.
- b. Wastewater: There is a 21-inch wastewater line located on E Vermillion Street.
- c. Stormwater: There is a 12-inch storm line located in E Vermillion Street with a curb inlet in the right-of-way adjacent to Vermillion Street and an outlet in the railroad right-of-way to the west.

Generation of traffic and the capacity of surrounding streets:

The submitted materials describe an increase in staff which is estimated to increase the trips to and from the site by 12 trips per day. The requested modification to the approved conditional use does not increase traffic enough to warrant a traffic study.

The criterion will be met if the aforementioned conditions of approval are 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: Location: The location of the site is at 615 N College Street and is zoned R-2 (Medium Density Residential). Shelter uses fall into the category of 15.303.351 Community services. The site was originally approved as a shelter in the M-2 (Light Industrial) zone in 1990. In 1995 the site was rezoned to R-2 by Ordinance No. 95-2396. Community Services is a use allowed by Conditional Use in the R-2 zone. The location of the site is centrally located in Newberg being ¼ mile from the downtown core of E Hancock Street and E First Street where general commercial services and other community services are provided.

Design: The site's design is a residential building with parking and landscaping. The operating characteristics are for a shelter. Surrounding uses to the west, south and east are single family homes on comparable sized lots. To the north is land owned by ODOT and a railroad line. The area to the north is zoned M-2 (Light Industrial).

The existing two-story house is approximately 3,300 square feet with a site footprint of approximately 2,100 square feet. As part of the application a 497 square foot modular accessory structure is proposed to be added to the west side of the site to accommodate administration and office functions. The application material is somewhat conflicting. The written narrative indicates the accessory structure will be 2,500 square feet while the site drawings indicate the structure will be 497 square feet. The modular structure will accommodate two private consultation rooms and a meeting room to be used for counseling, case management, clinical appointments, etc. The modular will have a restroom and connected to water and wastewater systems. An ADA accessible ramp will be provided to the modular building. The existing shed of approximately 72 square feet on the site will be removed, the fencing facing E Vermillion Street will be rebuilt, permeable pavers will be placed between the existing residential structure and the new modular, a new garbage enclosure will be constructed, and the existing accessible ramp connection to N College Street will be modified to meet current requirements. One street tree on E Vermillion Street is proposed to be replaced with a tree allowed per the City's approved street tree list. A new Ash tree is proposed on N College Street. Two existing street trees on N College Street are proposed to be retained.

Site Planning: The site was originally designed as a single-family residence and was converted to a shelter in 1990. Site design improvements are noted above under Design.

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

The criterion is met.

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

Finding: Findings relating to site design criteria, development standards, 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 15.404, 15.410, 15.415, 15.420, 15.425, 15.430, 15.435, 15.440, and 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 Major Modification to the existing Conditional Use Permit.

FINDINGS FOR STREETS AND SIDEWALKS (NMC ARTICLE I. STREET AND SIDEWALK CONSTRUCTION)

Chapter 12.05 Street and Sidewalks

12.05.090 Permits and certificates.

A. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is \$30,000 or more except as the city engineer may require on building permits of lesser value in accordance with NMC 12.05.040, the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:

1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.

Finding: The sidewalks along both frontages are not in compliance with City of Newberg Public Works Design and Construction Standards. ODOT has curb-to-curb jurisdiction on N College Street (Highway 219) in the vicinity of the project.

The Applicant will be required to replace any sidewalks along the site's frontage of N College Street (Highway 219) and E Vermillion that are in poor condition or not in full compliance with City and Federal ADA standards.

Determination of any sidewalk panels to be replaced will occur as part of the permit process. If the ADA pedestrian curb ramp on the corner of N College Street and E Vermillion Street is determined to need modification or to be rebuilt, the Applicant will need to contact ODOT District 3 Permits office at 503-986-2900. The Applicant will also be required to install a Type A setback sidewalk with planter strip and curb along the E Vermillion Street frontage where a sidewalk and curb does not currently exist.

The driveway approach is to be reconstructed to meet city Public Works Design and Construction Standards and is to be aligned for access to the onsite parking area.

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 a new accessory structure and site improvements that fall under 15.220.020(A)(1)(g) for an institutional addition under 1,000 square feet under the Community Services category. The application is bundled with the proposed Major Modification to the Conditional Use (CUP-2-90) approved in 1990.

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 CUP-2-90. The design review portion of the application, if approved, will be good for a one-year period unless an extension is requested. The Applicant is not requesting a phasing plan approval and is not requesting a modification to a design review.

The criteria are met.

15.220.030 Site design review requirements.

A. Type I. Applications for Type I permit decisions shall be submitted upon forms established by the director. The application shall include a site development plan, drawn to scale, with the following as appropriate to the nature of the use:

- 1. Access to site from adjacent right-of-way, streets and arterials;*
- 2. Parking and circulation areas;*
- 3. Location and design of buildings and signs;*
- 4. Orientation of windows and doors;*
- 5. Entrances and exits;*

- 6. Private and shared outdoor recreation spaces;*
- 7. Pedestrian circulation;*
- 8. Outdoor play areas;*
- 9. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;*
- 10. Areas to be landscaped;*
- 11. Exterior lighting;*
- 12. Special provisions for handicapped persons;*
- 13. Other site elements and spaces which will assist in the evaluation of site development;*
- 14. Proposed grading, slopes, and proposed drainage;*
- 15. Location and access to utilities; and*
- 16. Streets, driveways, and sidewalks.*

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: The Applicant submitted for a Major Modification to CUP-2-90 including a Design Review, and Parking Determination on March 31, 2023. The Major Modification is being processed as a Type III application and the Parking Determination and Design Review are processed as Type I applications but are bundled with the Type III Major Modification application. The Applicant submitted a narrative and drawings for the Design Review.

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:

1. Parking. Parking areas shall meet the requirements of NMC 15.440.010.

Finding: See NMC Chapter 15.440 for details on Parking.

2. 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 NMC Chapter 15.405, Chapter 15.415, Chapter 15.425, Chapter 15.430, Chapter 15.505 for details on Setbacks and General Requirements.

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

Finding: See NMC Chapter 15.420 for details on Landscaping.

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

Finding: See NMC Chapter 15.435 for details on Signs.

5. 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.

Finding: The site is in the R-2 zone and Community Services are a Conditional Use under the Institutional and Public Uses category. Additional details are contained in this staff report.

6. Sufficient Infrastructure. For all triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster developments, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:

a. Connection to a public wastewater system capable of meeting established service levels.

b. Connection to a public water system capable of meeting established service levels.

c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.

d. Storm drainage facilities capable of meeting established service levels for storm drainage.

Finding: NMC 15.220.050(A)(6) is not applicable because the application is not for triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster developments.

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

...

Finding: NMC 15.220.050(B) is not applicable because the Design Review is a Type I review.

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>	—

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 site is a single tax lot, R3218DD 02900, which is 7,063 square feet in size. The site exceeds the minimum lot standards for R-2 of 3,000 square feet.

The criterion is 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.

Finding: Not applicable as the site is not in the R-1 zone.

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.

Finding: Not applicable as the site is not in a proposed subdivision. The site is within the Deskins Third Addition subdivision platted in 1892.

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

dwelling or cottage cluster projects shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

Finding: Not applicable because the site is not in excess of 15,000 square feet and is not proposed for multiple single-family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects.

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.

Finding: Not applicable because the site is not in the R-3 district.

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

Finding: The site is an existing lot platted in 1892 as part of the Deskins Third Addition. No modifications to the lot size are proposed.

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: This criterion is not applicable because the site is not proposed to be divided as part of a subdivision.

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 Applicant is not requesting an exception to NMC 15.405.020(A-C). Because no exception is requested the criteria are not applicable.

15.405.030 Lot dimensions and frontage.

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

Finding: The lot exists and is not proposed to 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 lot is existing and is not proposed to 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 lot is existing and is not proposed to be modified.

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.

Finding: The site has frontage on two streets, N College Street and E Vermillion Street. Both frontages exceed 25 feet and meet the requirement. The lot is in the R-2 zone and has a width of 69 feet on N College Street and 102 feet on E Vermillion Street exceeding the 25-foot minimum.

The lot is not in the R-1 zone thus the 35-foot requirement is not applicable.

The lot is not in the AR zone and the requirement for 45 feet at the front building line is not applicable.

The criteria are met.

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: No exceptions are requested or identified in the application. Because no exceptions are requested or identified the requirements of NMC 15.405.030(D)(2) are not applicable.

15.405.040 Lot coverage and parking coverage requirements.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards; however, cottage cluster projects shall be

exempt from the standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

1. Maximum Lot Coverage.

a. R-1: 40 percent, except:

i. Fifty percent if all structures on the lot are one story; and

ii. Sixty percent for townhouse dwellings.

b. R-2 and RP: 60 percent.

c. AR and R-3: 60 percent.

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

3. Combined Maximum Lot and Parking Coverage.

a. R-1: 60 percent.

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

Finding: The existing site coverage is approximately 2,100 square feet based on staff calculation from aerial imagery and would be approximately 30% percent of the site. No lot coverage calculation was provided by the Applicant. With the proposed 497 square foot accessory modular building the site coverage will be approximately 37% subtracting the existing shed square footage of 72 square feet that would be removed from the site. NMC 15.405.040(B)(1)(b) has a maximum building coverage of 60 percent. The addition of the modular building appears to keep the lot coverage under 60%. 15.405.040(B)(1)(2) has a maximum parking coverage of 30 percent. There is conflicting information in the Applicant submittal and aerial imagery on where the parking is actually located. The submitted Site Plan shows parking entirely on the site, though the dimensions of the parking have not been provided but the narrative indicates they are 18 feet in depth by 40 feet (total) in width. Aerial imagery shows that the parking is partially on site and in the public right-of-way. Staff cannot tell what the parking coverage is for the site. 15.405.040(B)(1)(3) has a required maximum combined coverage of 70 percent. Staff is not able to determine the combined building and parking coverage of the site.

Because no information has been provided on existing building coverage, proposed coverage after removing the shed is removed and adding the modular building, uncertainty on parking coverage based on property lines and parking dimensions, the Applicant shall provide to the Planning Division prior to submittal of Building Permits the existing building coverage, proposed building coverage after removal of the shed and addition of the modular building, provide clarity if the parking is all on the site or not on the site and the square footage of the parking coverage along with the percentage of parking coverage on site, and the combined building and parking coverage. No onsite parking shall be allowed to extend within the public right-of-way.

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

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: This criterion is not applicable because the site is not in any other district.

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.

Finding: No yard or open space provided around any building for the purpose of complying with the provisions of this code is proposed as providing a yard or open space for any other building.

This criterion is met.

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.

Finding: No yard or open space on adjoining property is proposed to be considered as providing required yard or open space for another lot.

This criterion is met.

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.

Finding: Parking is proposed off of E Vermillion Street which is not in a front yard. The front yard is the yard facing N College Street.

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.

Finding: Not applicable because a building is not existing or proposed that crosses a contiguous property line.

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.

Finding: Not applicable because a dwelling is not proposed above a non-residential building.

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.

Finding: Not applicable because the site is not in the AR airport industrial district.

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: Not applicable because the site is not in the AR airport residential district.

15.410.020 Front yard setback.

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

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

Finding: The submitted site plan does not have any distance dimensions identified to the existing rights-of-way to N College Street or E Vermillion Street to determine if setbacks are met. The Applicant states they are met. Because no dimensions have been identified staff cannot determine if setback requirements are met. The Applicant shall submit a revised site plan identifying the existing building setbacks to N College Street and E Vermillion Street that prior to submittal of Building Permits.

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

2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.

Finding: Not applicable because the site is not in the R-3 or RP districts.

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.

Finding: Not applicable because no garage or carport is proposed.

4. Cottage cluster projects in any zone in which they are permitted shall have a front yard of not less than 10 feet. Any garage, carport, or parking areas that are part of a cottage cluster shall be set back at least 20 feet from the nearest property line of the street to which access will be provided; however, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

Finding: Not applicable because a cottage cluster is not proposed.

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: NMC 15.410.020(B-E) are not applicable because the site is not in a Commercial, Industrial, Institutional and Community Facility, or a Mixed Employment district.

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.

Finding: The submitted site plan does not have any dimensions identified to the interior (south) lot line to determine if setbacks are met. Because no dimensions have been identified staff cannot determine if setback requirements are met. The Applicant shall submit a revised site plan identifying the existing building setbacks (interior south lot line) prior to submittal of Building Permits.

The accessory modular building on one of the submitted plans identifies a 5-foot setback to the west interior yard which meets the criterion. No setback distance is provided to the E Vermillion Street right-of-way. The application Narrative indicates it is 20 feet. The Applicant shall submit a revised site plan identifying the setback distance for the accessory modular building to the E Vermillion Street right-of-way that meets the requirement of 15.410.030(A)(1) prior to submittal of Building Permits.

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

2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.

Finding: Not applicable because the site is not in the RP district.

3. All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.

Finding: Not applicable because a townhouse dwelling is not proposed.

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: NMC 15.410.030(B-D) are not applicable because the site is not in a Commercial, Industrial and Mixed Employment, Institutional or Community Facility district.

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: Not applicable because the proposal does not include a school, church or public building.

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: Not applicable because there are no future streets proposed. Right-of-way exists to the east and north of the site for N College Street and E Vermillion Street respectively.

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: Not applicable because there are no future streets proposed. Right-of-way exists to the east and north of the site for N College Street and E Vermillion Street respectively.

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: 15.410.050(C) and (D) are not applicable because there are no future streets proposed. Right-of-way exists to the east and north of the site for N College Street and E Vermillion Street respectively.

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 do not show any proposed improvements where vision clearance setbacks will be required at the intersection of N College Street and E Vermillion Street.

The criteria of 15.410.060(A-D) 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: Not applicable because the lot is not a through lot.

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

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

Finding: Not applicable because no projecting building features are proposed for the existing structure or for the proposed accessory modular building.

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 fencing will be replaced north of the accessory modular building. The front yard for this site is the east fronting on N College Street. The height of the fence is not indicated. The Topographic Survey shows the location of the fence on the west property line which is setback from the property line into the lot. It is unclear if this fence is to be replaced to accommodate the accessory modular building. Any fencing replaced along the north side of the accessory modular building and along the west and north property line shall comply with NMC 15.410.070(D)(1) and (3).

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

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: A service drive exists from E Vermillion Street onto the site to access the existing parking. The parking is not in a front yard. No Recreational vehicles, boat trailers, camperettes parking is proposed. No parking off an alley is proposed. The proposed parking is proposed in an interior yard.

NMC 15.410.070(E)(3) and (4) are not applicable as the lot is not in the commercial, industrial, or institutional district.

The criterion are met or not applicable.

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

Finding: 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 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 existing house is the main building on the site. The site is not in the RP district. The site is in the R-2 district which limits the number of accessory buildings to two. The existing shed is identified in the application materials to be removed. A new accessory modular building is proposed that is 497 square feet in area. There will be only one accessory building on the site.

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.

Finding: Not applicable because the site is not in the R-1 district.

2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.

Finding: The existing main building is existing and no modifications to the building height are proposed. The Applicant indicates the existing main building meets the height requirement.

The criterion is met.

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.

Finding: Not applicable because the site is not in the R-3 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.

Finding: The proposed accessory modular building is proposed to be 13 feet 8.5 inches in height which is less than 16 feet and meets the requirement.

5. No cottage cluster dwelling shall exceed 25 feet in height in any zone where the use is permitted.

Finding: Not applicable because a cottage cluster is not proposed.

6. Single-family dwellings permitted in commercial or industrial districts shall not exceed 35 feet in height, or the maximum height permitted in the zone, whichever is less.

Finding: Not applicable because a single-family structure in a commercial or industrial district is not proposed.

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: Not applicable because the proposal is not in a Commercial, Industrial or Mixed Employment district and an alternative building height calculation is not being requested.

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: Not applicable because 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 are not proposed.

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 site abuts both N College Street and E Vermillion Street, public streets. No new streets are proposed. There are no private streets abutting the site.

The criterion is met.

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

...

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 criteria are not applicable.

15.415.060 Home occupation.

...

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: Not applicable because a multi-family development is not proposed.

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: Chapter 15.420.010*A) and (B) are not applicable because the application addresses and activity in a single-family dwelling.

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: Not applicable because the application addresses and activity in a single-family dwelling.

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 a Conditional Use approved in 1990 (CUP-2-90) and a design review of the accessory modular building. The project site fronts on N College Street and E Vermillion Street. N College Street has a wide grass landscape strip that includes two existing street trees. One additional street tree is proposed.

E Vermillion Street is partially improved, and an existing street tree is proposed to be removed and replaced. The Site Plan also shows an existing landscaped area at the western edge of the E Vermillion Street right-of-way that is to be restored with landscaping.

No street furniture or pedestrian lighting is proposed or required.

The criteria are met.

B. Planting Strip Landscaping. All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant

material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).

1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.

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

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

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

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

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

b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).

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

Finding: Existing planter strips are provided on N College Street and E Vermillion Street. One additional street tree is proposed along N College Street and is noted to be a tree from the Preferred Tree list. E Vermillion Street is partially improved, and an existing street tree is proposed to be removed and replaced with a tree from the Preferred Tree list.

The planter strip on N College Street is grass. The planter strip on E Vermillion Street is grass. The Site Plan also shows an existing landscaped area at the western edge of the site along E Vermillion Street is to be restored with landscaping.

A revised Site Plan shall be submitted prior to submittal of Building Permits that identifies the proposed street tree along N College Street and replaced street tree along E Vermillion Street. The trees shall be selected from the City of Newberg Preferred Tree List and the species and size noted on the plan.

A revised Site Plan shall be submitted prior to submittal of building permits that identifies the species of landscaping size to be restored in the western end of the landscape strip along E Vermillion Street.

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

Finding: All landscaping within the right-of-way and on the site shall be maintained in conformance with 15.420.020(C).

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: Not applicable because the subject property is not located in the airport industrial (AI) or airport residential (AR) districts.

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 Site Lighting Plan which includes the developments exterior lighting layout, luminescence calculations; luminaire make, model, and wattage; and additional information as described and depicted in the Site Lighting Plan.

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.

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>Fixture Lamp Type</i>	<i>Shielded</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 Site Lighting Plan 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 Site Lighting Plan.

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 Design Review for this application is a Type I as part of the Conditional Use Permit application. The use falls under the Institutional and Public Uses category as Public Service, Community Services. The addition is less than 1,000 square feet and thus is a Type I Site Design Review.

In the initial application no information was provided on undergrounding new utility lines to serve the accessory modular building. The Applicant has submitted supplemental information on July 25, 2023, clarifying that utility lines connecting the accessory modular building to the main building will be undergrounded. The supplemental information further indicates that the Applicant believes that the existing overhead utilities that serve the main building must also be undergrounded. The Applicant further addresses the exception criteria under NMC 15.430.010(C).

As stated above the Design Review for this application is a Type I as part of the Conditional Use Permit application. The use falls under the Institutional and Public Uses category as Public Service, Community Services. The addition is less than 1,000 square feet and thus is a Type I Site Design Review. Per NMC 15.430.010(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." The Applicant is not proposing to relocate the existing overhead utilities to the main existing building, the accessory modular building is under 1,000 square feet, and the site is not being annexed. Thus, undergrounding the overhead utility lines to the main existing building is not required. Underground of utilities to the accessory modular building is required. The Applicant shall show new utilities installed underground in conformance with NMC 15.430.010 Underground utility installation for the accessory modular building.

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

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 application material indicates no signage is proposed.

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 proposal identifies that there are four (4) existing off-street parking spaces for this project in the R-2 zone.

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: Not applicable because the site is not in the C-2 district.

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: Not applicable because the site is not in the C-3 district.

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: Not applicable because the site is not in the C-4 district.

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: Not applicable because the site is not a commercial, office, or industrial development proposing more than 20 parking spaces.

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: Not applicable because the site is in a residential district and not a commercial or industrial use.

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: Not applicable because the parking is for a single-family dwelling being used as a shelter a commercial parking lot design is not required.

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: The proposed parking is four (4) spaces accessed off a service drive that connects to E Vermillion Street. The existing structure is a single-family dwelling that is occupied by a Community Services use and is exempt.

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>
<i>Residential Types</i>	
<p><i>Dwelling, multifamily and multiple single-family dwellings on a single lot</i></p> <p><i>Studio or one-bedroom unit</i> <i>Two-bedroom unit</i> <i>Three- and four-bedroom unit</i> <i>Five- or more bedroom unit</i></p> <ul style="list-style-type: none"> • <i>Unassigned spaces</i> • <i>Visitor spaces</i> 	<p><i>1 per dwelling unit</i> <i>1.5 per dwelling unit</i> <i>2 per dwelling unit</i> <i>0.75 spaces per bedroom</i></p> <p><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></p> <p><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></p>
<ul style="list-style-type: none"> • <i>On-street parking credit</i> • <i>Available transit service</i> 	<p><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></p> <p><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></p>
<p><i>Commercial neighborhood district (C-1)</i></p>	<p><i>1 for each dwelling</i></p>

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: Parking for a shelter is not specifically listed in NMC 15.440.030. See NMC 15.440.040 for the required parking for a shelter.

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, "Community Services," is not specified in NMC Section 15.303.200 as a type of use. The Applicant requested a parking determination under this section of the NMC.

The Applicant has provided the following information.

Number of employees: YCAP anticipates that when the new services are fully operational there will be 5 part-time daytime staff with limited hours between 9:00 am and 5:00 pm, 3 early-evening staff when sheltering begins (between 5:00pm-9:00pm) and 2 overnight staff (9:00pm-9:00am). This equates to roughly 11 staff on-site in a 24-hour period, with the greatest number of employees on-site at one time being roughly 6. Staff will generally drive to the site. Parking for the staff is provided with the 4 parking spaces that exist on the site. If additional staff are present they could park in the portion of the driveway that is located in the right-of-way, in tandem with the cars parked on-site in the driveway, providing the potential for 8 parking spaces. These tandem spaces will work because the operation is quite small, and all staff will be nearby to let each other out of the parking spaces if they are parked in. Additionally, on-street parking is available on Vermillion Street on both sides of the intersection with College Street.

Parking for clients: It is very rare for the individuals and families served by YCAP to own a vehicle. The vast majority of the clients arrive to the site on foot, by bicycle or via public transportation. In the rare instance that a client does arrive by private vehicle there is on-street parking available to accommodate them. Any parking for clients would occur in the evening/nighttime hours.

Bicycle parking: Although there is no formal bike parking on the site, bicycles can be stored in the backyard of the facility which is securely fenced. YCAP also intends to add a bicycle rack to the site with the modular building where guest will be able to secure their bikes.

Nearby bus stops: There are no bus stops located within ¼ mile of the site.

Pick up/drop off, or other occasional parking needs: Currently cleaning of the facility is complete by on-site staff. YCAP is considering using a janitorial service for a weekly deep clean. If this occurs, the cleaning staff would likely be on the site for 2-3 hours during the daytime and would be able to park on the street. A weekly medical clinic currently occurs on site on Thursday evenings, with the expanded services this will be rescheduled to the daytime and split between behavioral health and general health to two different weekdays. These services required 2-3 staff members for a couple of hours and parking on the street can also accommodate this occasional use.

Peak parking load: *The peak parking load for the site will occur during the daytime, when highest number of staff will be on shift. YCAP is planning for 5 part-time staff members during the day. Generally, these staff will not all be on the site at the same time since they will all be providing limited services or will be working at other locations as well as this shelter. Occasionally these staff members may all attend a meeting on the site at the same time. Additionally, these staff members could overlap with the evening staff. Therefore, it is anticipated that the peak parking load would be 6 spaces, occurring either at the start of the day or in the late afternoon/early evening. Because the area surrounding the site is primarily residential the peak parking hours for the neighborhood would be during nights and on weekends. As such, the peak parking needs of the shelter will occur opposite of the peak parking needs of the residential neighborhood assuring that there will be adequate on-street parking when the peak parking need for the shelter occurs.*

Other: *YCAP is purchasing two vehicles to use between both of their navigation centers (Newberg and McMinnville) that will be used to pick up and transport clients to the facility. These cars will be stored at the McMinnville main office. The vehicles are intended to provide people with RV's and/or clients living out of their cars access to the shelter and services without them bringing over-sized vehicles to the shelter.*

This shelter has been operational on this site since 1990, so YCAP has a good understanding of the parking needs of their clients and can extrapolate this knowledge to anticipate the future parking needs of their clients once the shelter expands. Therefore, they feel confident that the 4 on-site parking spaces plus the available on-street parking is adequate to serve the needs of the shelter without causing impacts or spillover into the surrounding neighborhood

It should be noted that recently adopted State rules (OAR 660-012-0430(3)g) eliminated parking for all emergency and transitional shelters in the metropolitan areas. This rule change recognizes that most individuals using emergency shelters do not own a vehicle, therefore removing this potential barrier to building and expanding a shelter would help get more of these critically needed facilities operational faster.

The parking layout does not meet all of the layout the standards of 15.440, but if no additional parking is required for the site, then no changes to the existing parking on the site would be proposed, and this existing non-conforming situation could continue.

The Applicant has provided analysis on parking demand based on the number of staff that would be present at the site over a 24-hour period. The highest demand for staffing is during the daytime hours. During this time there could be up to 6 staff at the site. The Applicant notes the opportunity for tandem parking within the right-of-way. Tandem parking is not allowed in the Development Code except for affordable housing projects. Parallel parking is allowed on local residential streets (E Vermillion Street). No street parking is allowed on N College Street. The analysis in 15.505.030 indicates that street and driveway improvements are required that would not allow tandem parking in the right-of-way portion of the driveway. Staffing for evening and night hours is limited to 2 – 3 individuals.

The Applicant notes that individuals and families served at the facility own a vehicle and arrive by foot, bike or public transportation. If individuals or families arrive at the facility in the evening by vehicle there would be 1 – 2 available parking spaces based on the staffing level listed in the application.

The application materials indicate that YCAP will have two vehicles that will operate between their McMinnville facility and the Newberg facility to transport clients. The cars will be stored at the McMinnville facility. The vehicles are intended to address the transportation needs of people with recreational vehicles and people living out of their cars that need services. To ensure that recreation vehicles are not at the site and individuals are not living in their cars at the site, No parking of recreation vehicles or individuals living in their cars will be allowed on the site's off-street parking spaces.

The Applicant references OAR 660-012-0430(3)(g) related to eliminating parking for emergency and transition shelters in metropolitan areas. Newberg is classified as rural and is not in a metropolitan area, thus the provision does not apply.

Based on the application material submitted and staff analysis of staffing and service needs four parking spaces are required to serve the shelter.

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

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: Not applicable because the use is a mixed-use proposal.

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: Not applicable because the Applicant is not proposing joint use parking.

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

Finding: Not applicable because the application does not propose commercial use.

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 existing parking and service drive are asphalt and meet the requirement.

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 parking area is accessed from a service drive connecting to E Vermillion Street. There is no parking proposed between the curb and sidewalk or in the right-of-way. There are conditions addressing the driveway in 15.505.030 and a requirement that no parking is allowed in the driveway apron within the right-of-way.

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: Not applicable because the proposal is a use in a single-family dwelling.

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: Not applicable because the proposal is a use in a single-family dwelling.

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 submitted Site Lighting Plan identifies illumination for the parking area. The lighting is directed away from abutting or adjacent residential areas.

The criterion is met.

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

Finding: Not applicable because the parking is for a single-family residential use.

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 proposed parking is not within a required front yard. 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: Not applicable because a reduction in size of parking stalls is not requested.

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

Finding: Not applicable because the application is not for an affordable housing project.

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: Not applicable because transit improvements are not proposed or required for the application.

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)

Angle – °	Basic Stall		Back to Back	Aisles	
	A	B	C	D (One-Way)	E (Two-Way)
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)

Stall Width with Corresponding Aisle Width						
Stall Width = X	9	9.5	10	10.5	11	12
Aisle Width = Y	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: Not applicable because the application is not proposing or required to provide a commercial type parking area.

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: Not applicable because a parking garage is not proposed or required.

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: Not applicable because loading is not required for a residential use and the use does not distribute or receive by trucks.

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: Not applicable because off-street loading is not required for the proposed use and improvements.

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: Not applicable because multi-family, commercial, industrial, office, and institutional development is proposed. The Applicant indicates bike parking is available on the site in an the back yard within a fenced area.

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: Not applicable because multi-family, commercial, industrial, office, and institutional development is proposed.

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: Not applicable because multi-family, commercial, industrial, office, and institutional development is proposed.

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

Finding: Not applicable because multi-family, commercial, industrial, office, and institutional development is proposed.

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: Not applicable because multi-family, commercial, industrial, office, and institutional development is proposed.

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, Site Plan) identify an ADA accessible path from N College Street into the facility on the south side of the existing building structure. No dimensions have been provided on the accessible path. 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 the accessible pedestrian path including connections to public rights-of-way (N College Street).

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 existing walkways to the main building entrance are 2 feet 8 inches in width and do not meet the requirement. The walkway for the proposed ADA accessible route on the south side of the existing building is 2 feet 8 inches in width and does not meet ADA requirements. To meet the requirements of 15.440.140(B) the two walks leading to the main building entrance

shall be improved to be 4 feet in width. The ADA accessible route on the south side of the existing building shall meet ADA width requirements.

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

Finding: The existing walkways to the main building entrance are concrete. The walkway for the proposed ADA accessible route on the south side of the existing building up to the fence line is concrete. Improvements of the walkways to meet width and ADA requirements shall be constructed of portland cement or brick.

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: Not applicable because there are no paths that cross a drive aisle.

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

Finding: There are two pedestrian paths leading to the main building. The first is an L-shaped route that goes from the sidewalk in N College Street to the building and a corresponding path from E Vermillion Street to the main building entrance. A second route is the ADA accessible route that extends from N College Street along the south side of the existing main building to an entrance on the south side of the building. Walkways connect the building to an abutting public street and meet the requirement.

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

Finding: The adjoining sites are detached single-family housing where walks would not be desired other than the public sidewalks in the right-of-way.

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: Staff has not identified requirements to modify walkways.

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).

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

This criterion is met.

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

Finding: The submitted materials do not show public improvements. Plans submitted with a public improvement permit application are to meet the requirements of the current City of Newberg Public Works Design and Construction Standards.

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 application is not a Type II design review, partition, or subdivision. N College Street (Highway 219) is under the jurisdiction of ODOT and is improved along the project site's frontage. E Vermillion Street is minimally improved along the property frontage. A setback sidewalk exists along with a planter strip and a tree adjacent to the paved travel lane for approximately half of the property's E Vermillion Street frontage. A wooden curb exists for about half of the property's E Vermillion Street frontage extending west of a curb ramp at the intersection with N College Street and terminating at an existing driveway approach that is approximately 12 feet wide. There does not appear to be an existing curb along the remainder of the property frontage of this portion of E Vermillion Street. Sidewalks, Planter strips and curbs will be discussed in *15.505.030 (G)(7)* below.

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 that the lot is served by the municipal water system.

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 materials show that the lot is served by the municipal wastewater system.

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 submitted materials describe the additional stormwater runoff created by the new impervious area of the new modular building as “handled onsite”. If there is a net increase of 500 square feet or more in impervious area the Applicant will be required to submit plans for stormwater management that meet the requirements of Chapters 13.20 and 13.25 NMC with the public works improvement permit application.

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

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

Finding: The submitted materials do not show any easements. No easements are required.

This criterion is met.

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.

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

- 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.***
- 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.***
- 3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.***

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

- 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.***
- 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.***
- 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.***
- 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.***
- 5. Developments outside the city that tie into or take access from city streets.***

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

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

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

Finding: The submitted materials do not show street improvements. Sidewalks, Planter strips and curbs will be discussed in *15.505.030(G)(7)* below.

This criterion is not applicable.

E. Improvements to Existing Streets.

- 1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.*
- 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: This application is not a partition, subdivision, or Type II Design Review. N College Street (Highway 219) is under the jurisdiction of ODOT and is improved along the project site's

frontage. E Vermillion Street is minimally improved along the property frontage. A setback sidewalk exists along with a planter strip and a tree adjacent to the paved travel lane for approximately half of the property's E Vermillion Street frontage. A wooden curb exists for about half of the property's E Vermillion Street frontage extending west of a curb ramp at the intersection with N College Street and terminating at an existing driveway approach that is approximately 12 feet wide. There does not appear to be an existing curb along the remainder of the property frontage of this portion of E Vermillion Street. Sidewalks, Planter strips and curbs will be discussed in *15.505.030(G)(7)* below.

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 required include sidewalks, planter strips, curb, and driveway apron from E Vermillion Street. The use of the facility justifies these improvements.

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>
<i>Arterial Streets</i>						
<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>

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>
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.*

Finding: The proposed development has frontage on E Vermillion Street and N College Street. The right-of-way width on E Vermillion Street is adequate. The right-of-way width on N College Street is approximately 60 feet. While the minimum requirement for the cross section of a minor arterial is 69 feet of right-of-way, N College Street (Highway 219) is under the jurisdiction of ODOT and is developed along the project site’s frontage.

This criterion is met.

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

a. Exception.

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

Finding: The Applicant is not proposing street improvements to N College Street (minor arterial) and none that impact lane width are required. N College Street (Highway 219) is under the jurisdiction of ODOT and is improved along the project site’s frontage

This criterion is not applicable.

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

a. Exception.

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

Finding: E Vermillion Street is a residential street and does not require bike lanes. N College is a minor arterial and does require bike lanes. N College Street is improved along the site's frontage.

This criterion is met.

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

a. Exception.

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

Finding: No parking lanes are proposed, and none are required.

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

Finding: The Applicant is not proposing street improvements which include center turn lanes and none are required.

This criterion is not applicable.

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

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

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

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

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

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

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

Finding: The Applicant is not proposing limited residential streets.

This criterion is not applicable.

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

a. Exception.

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

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

Finding: E Vermillion Street is minimally improved along the property frontage. A setback sidewalk exists along with a planter strip and a tree adjacent to the paved travel lane for approximately half of the property's E Vermillion Street frontage. A wooden curb exists for about half of the property's E Vermillion Street frontage extending west of a curb ramp at the intersection with N College Street and terminating at an existing driveway approach that is approximately 12 feet wide. There does not appear to be an existing curb along the remainder of the property frontage of this portion of E Vermillion Street.

The Applicant will be required to install a Type A setback sidewalk with planter strip, and curb along the E Vermillion Street frontage where a sidewalk does not currently exist.

Reconstruction of the driveway approach and installation of additional curbs where they are currently missing on E Vermillion Street is also required. The Applicant will be required to submit plans for these improvements with the Public Works Improvement Permit application.

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

8. Planter Strips. *Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-*

side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:

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

b. Sidewalk width is six feet.

Finding: Planter strips are present on both frontages of the proposed development except where there is no sidewalk on E Vermillion Street. The Applicant will be required to install a planter strip with the sidewalk improvements along E Vermillion Street.

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

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

Finding: No slope easements are proposed or required.

This criterion is not applicable.

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

Finding: The Applicant is not proposing improvements to intersections, and none are required.

This criterion is not applicable.

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

Finding: The Applicant is not requesting modifications to street standards.

This criterion is not applicable.

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

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

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

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

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

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

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

Finding: The Applicant is not requesting a modification to right-of-way or width of streets.

This criterion is not applicable.

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

Finding: The Applicant is not proposing a temporary turn around and it is not required.

This criterion is not applicable.

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

Finding: The Applicant is not proposing a new layout of any streets.

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 Applicant is not proposing new streets, and none are required.

This criterion is not applicable.

L. Cul-de-Sacs.

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

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

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

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

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

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

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

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

Finding: The Applicant is not proposing a cul-de-sac.

This criterion is not applicable.

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

Finding: The Applicant is not naming new streets.

This criterion is not applicable.

N. Platting Standards for Alleys.

- 1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.*
- 2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.*
- 3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.*
- 4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.*
- 5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.*

Finding: The Applicant is not proposing an alley.

This criterion is not applicable.

O. Platting Standards for Blocks.

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

review may require installation of streets or walkways as necessary to meet the standards below.

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

3. Exceptions.

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

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

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

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

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

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

Finding: The Applicant is not proposing to alter the existing block length or perimeter. This criterion is not applicable.

4. Public Pedestrian Walkways and Bicycle Access. *The approval authority in approving a land use application with conditions may require a developer to provide an access way where the creation of a street consistent with street spacing standards is infeasible and the creation of a cul-de-sac or dead-end street is unavoidable. A public walkway provides a connection through a block that is*

longer than established standards or connects the end of the street to another right-of-way or a public access easement. A public walkway shall be contained within a public right-of-way or public access easement, as required by the city. A public walkway shall be a minimum of 10 feet wide and shall provide a minimum six-foot-wide paved surface or other all-weather surface approved by the city (see subsection (S) of this section for public walkway standards).

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

Finding: No public pedestrian walkway or bicycle access is required.

This criterion is not applicable.

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

Finding: The Applicant is not proposing a public street.

This criterion is not applicable.

Q. Traffic Calming.

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

a. Serpentine alignment.

b. Curb extensions.

c. Traffic diverters/circles.

d. Raised medians and landscaping.

e. Other methods shown effective through engineering studies.

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

Finding: The Applicant is not proposing traffic calming and it is not required.

This criterion is not applicable.

R. Vehicular Access Standards.

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

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

Table 15.505.R. Access Spacing Standards

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

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.

Finding: The submitted materials show the existing driveway does not meet the minimum required distance from the intersection with N College Street, a minor arterial. A good portion of the driveway and an area currently used for parking is in the E Vermillion Street right-of-way.

The Applicant will be required to reconstruct the existing driveway with an apron design meeting city Public Works Design and Construction Standards as part of the required sidewalk improvements.

The new driveway approach is to be located as far from the N College Street intersection as possible.

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

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

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

Finding: This property has multiple frontages. Access is taken off the street with a lesser classification.

This criterion is met.

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

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

Finding: The property has only one access.

This criterion is not applicable.

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

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

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

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

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

Finding: The Applicant is not proposing an alley.

This criterion is not applicable.

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

Finding: The Applicant is not proposing to close an existing access.

This criterion is not applicable.

7. Shared Driveways.

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

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

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

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

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

Finding: The Applicant is not proposing a shared driveway.

This criterion is not applicable.

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

Finding: No frontage street is required.

This criterion is not applicable.

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

Finding: The proposed development does abut an ODOT right-of-way but is not proposing to take access from that right-of-way.

This criterion is not applicable.

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

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

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

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

Finding: The Applicant is not requesting an exception to access standards.

This criterion is not applicable.

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

Finding: The applicant is not requesting an exception to access standards.

This criterion is not applicable.

S. Public Walkways.

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

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

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

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

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

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

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

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

Finding: Not applicable because the application is a Type I review.

This criterion is not applicable.

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

Finding: Existing planter strips are provided on N College Street and E Vermillion Street. One additional street tree is proposed along N College Street and is noted to be a tree from the Preferred Tree list. E Vermillion Street is partially improved, and an existing street tree is proposed to be removed and replaced with a tree from the Preferred Tree list.

The planter strip on N College Street is grass. The planter strip on E Vermillion Street is grass. The Site Plan also shows an existing landscaped area at the western edge of the site along E Vermillion Street is to be restored with landscaping.

A revised Site Plan shall be submitted prior to submittal of Building Permits that identifies the proposed street tree along N College Street and replaced street tree along E Vermillion Street. The trees shall be selected from the City of Newberg Preferred Tree List and the species noted on the plan.

A revised Site Plan shall be submitted prior to submittal of building permits that identifies the type of landscaping to be restored in the western end of the landscape strip along E Vermillion Street.

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

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

Finding: There is a streetlight at the corner of E Vermillion Street and N College Street.

This criterion is met.

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

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

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

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

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

4. Lighting at the transit facility.

Finding: No transit improvements are proposed or required.

This criterion is not applicable.

15.505.040 Public utility standards.

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

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

C. General Standards.

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

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

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

1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water

service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

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

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

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

Finding: No new connections to the public water system are proposed or required.

This criterion is not applicable.

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: No new connections to the public wastewater system are proposed or required.

This criterion is not applicable.

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: No easements are proposed or required.

This criterion is not applicable.

15.505.050 Stormwater system standards.

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

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

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

Finding: The submitted plans show that the proposed modular is less than 500 SF and new hardscapes are shown as permeable pavers. Stormwater management will be required if there is a net increase in impervious area of 500 square feet or more.

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 plans show that the proposed modular is less than 500 SF and new hardscapes are shown as permeable pavers. Stormwater management will be required if there is a net increase in impervious area of 500 square feet or more.

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

Finding: The submitted materials do not include an erosion control plan. A City of Newberg Erosion Control Permit will be required.

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

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

Finding: The submitted plans show that the proposed modular is less than 500 SF and new hardscapes are shown as permeable pavers. Stormwater management and a maintenance agreement for a private stormwater facility will be required if there is a net increase in the impervious area of 500 SF or more.

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

CONCLUSION:

Based on the above findings, the application meets the required criteria within the Newberg Municipal Code, subject to completion of and adherence to the attached conditions of approval in Exhibit "B".

Exhibit “B” to Planning Commission Order No. 2023-12
Conditions of Approval – File MAMD323-0002
Major Modification to CUP-2-90 including Design Review, and Parking
Determination MISC123-0009

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. The Application shall be limited to a maximum of 24 beds and the accessory modular structure will be limited to 497 square feet. The modular structure shall be placed on a foundation as determined and approved through the Building Permit review process.
- b. To retain compliance with CUP-2-90 the applicant shall:
 - i. Maintain a minimum ten-foot-wide landscape buffer between the parking area and the property line to the west of the site.
 - ii. The parking area, in combination with the existing driveway, shall be no greater than 40 feet in width. The remaining front yard area shall remain landscaping except for the trash enclosure area.
 - iii. The four (4) parking spaces for length and width shall be located outside of the public right-of-way.
- c. The Applicant shall provide to the Planning Division prior to submittal of Building Permits the existing building coverage, proposed building coverage after removal of the shed and addition of the modular building, provide clarity if the parking is all on the site or not on the site and the square footage of the parking coverage along with the percentage of parking coverage on site, and the combined building and parking coverage. No onsite parking shall be allowed within the public right-of-way.

II. DESIGN REVIEW

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

1. **Permit Submittal:** Submit a building permit application, two (2) complete working drawing sets of the proposed project. Show all the features of the plan approved through design review, including the following:
 - a. Any required public improvement permit(s) for this project must be submitted, approved, and issued prior to building permits being

issued.

2. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
3. **Street/Public Sidewalks**
 - a. The Applicant will be required to replace any sidewalks along the site's frontage of N College Street (Highway 219) and E Vermillion that are in poor condition or not in full compliance with City and Federal ADA standards.
 - b. Determination of any sidewalk panels to be replaced will occur as part of the permit process. If the ADA pedestrian curb ramp on the corner of N College Street and E Vermillion Street is determined to need modification or to be rebuilt, the Applicant will need to contact ODOT District 3 Permits office at 503-986-2900. The Applicant will also be required to install a Type A setback sidewalk with planter strip and curb along the E Vermillion Street frontage where a sidewalk and curb does not currently exist.
 - c. The driveway approach is to be reconstructed to meet city Public Works Design and Construction Standards and is to be aligned for access to the onsite parking area.
4. **Site Design**
 - a. The Applicant shall provide to the Planning Division prior to submittal of Building Permits the existing building coverage, proposed building coverage after removal of the shed and addition of the modular building, provide clarity if the parking is all on the site or not on the site and the square footage of the parking coverage along with the percentage of parking coverage on site, and the combined building and parking coverage. No onsite parking shall be allowed to extend within the public right-of-way.
 - b. The Applicant shall submit a revised site plan identifying the existing building setbacks to N College Street and E Vermillion Street prior to submittal of Building Permits.
 - c. The Applicant shall submit a revised site plan identifying the exiting building setbacks (interior south lot line) prior to submittal of Building Permits.

- d. The Applicant shall submit a revised site plan identifying the setback distance for the accessory modular building to the E Vermillion Street right-of-way that meets the requirement of 15.410.030(A)(1) prior to submittal of Building Permits.
- e. Any fencing replaced along the north side of the accessory modular building and along the west and north property line shall comply with NMC 15.410.070(D)(1) and (3).
- f. A revised Site Plan shall be submitted prior to submittal of Building Permits that identifies the proposed street tree along N College Street and replaced street tree along E Vermillion Street. The trees shall be selected from the City of Newberg Preferred Tree List and the species and size noted on the plan.
- g. A revised Site Plan shall be submitted prior to submittal of Building Permits that identifies the species of landscaping and size to be restored in the western end of the landscape strip along E Vermillion Street.
- h. No parking of recreation vehicles or individuals living in their cars will be allowed on the site's off-street parking spaces.
- i. The Applicant will be required to provide adequate ADA-compliant accommodations along the accessible pedestrian path including connections to public rights-of-way (N College Street).
- j. To meet the requirements of 15.440.140(B) the two walks leading to the main building entrance shall be improved to be 4 feet in width. The ADA accessible route on the south side of the existing building shall meet ADA width requirements.
- k. Improvements of the walkways to meet width and ADA requirements shall be constructed of portland cement or brick.

5. Utilities

- a. The Applicant shall show new utilities installed underground in conformance with NMC 15.430.010 Underground utility installation for the accessory modular building.

6. Permits

- a. Plans submitted with a public improvement permit application are to meet the requirements of the current City of Newberg Public Works Design and Construction Standards.

- b. Any required public improvement permit(s) for this project must be submitted, approved and issued prior to Building Permits being issued.

7. **Streets**

- a. The Applicant will be required to install a Type A setback sidewalk with planter strip, and curb along the E Vermillion Street frontage where a sidewalk does not currently exist.
- b. Reconstruction of the driveway approach and installation of additional curbs where they are currently missing on E Vermillion Street is also required. The Applicant will be required to submit plans for these improvements with the Public Works Improvement Permit application.
- c. The Applicant will be required to install a planter strip with the sidewalk improvements along E Vermillion Street.
- d. The Applicant will be required to reconstruct the existing driveway with an apron design meeting city Public Works Design and Construction Standards as part of the required sidewalk improvements.
- e. The new driveway approach is to be located as far from the N College Street intersection as possible.

8. **Stormwater**

- a. If there is a net increase of 500 square feet or more in impervious area the applicant will be required to submit plans for stormwater management that meet the requirements of Chapters 13.20 and 13.25 NMC with the public works improvement permit application.
- b. Stormwater management will be required if there is a net increase in impervious area of 500 square feet or more.
- c. Stormwater management will be required if there is a net increase in impervious area of 500 square feet or more.
- d. A City of Newberg Erosion Control Permit will be required.
- e. Stormwater management and a maintenance agreement for a private stormwater facility will be required if there is a net increase in the impervious area of 500 SF or more.

B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY

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

C. DEVELOPMENT NOTES

- a. If applicable, systems development charges (SDCs) will be collected when building permits are issued. For questions regarding SDCs please contact the Engineering Division.