

Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

NOTICE OF DECISION

801 N. Meridian Street: Habitat ReStore Design Review – DR2-15-008

November 4, 2015

Rick Rogers
Newberg Area Habitat for Humanity
PO Box 118
Newberg, OR 97132

The Newberg Community Development Director has approved the proposed design review DR2-15-008 for a ReStore building at 801 N. Meridian Street, tax lot 3218DD-100, subject to the conditions listed in the attached report. The decision will become effective on November 19, 2015 unless an appeal is filed.

You may appeal this decision to the Newberg Planning Commission within 14 calendar days of this decision in accordance with Newberg Development Code 15.100.170. 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 \$440 to the Planning Division within 14 days of the date of this decision.

The deadline for filing an appeal is 4:30 pm on November 18, 2015.

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

Design review approval is only valid for one year from the effective date above. If building or construction permits are not issued within this time period, then design review approval becomes null and void and no construction may take place. If design review approval on your project is approaching its expiration date, contact the Planning Division regarding extension opportunities.

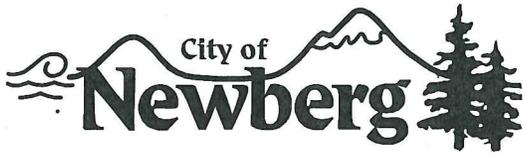
Please note that final building plans submitted for building permit review must comply with the attached conditions. If you have already applied for a building permit then it is your responsibility to make sure that your plans are revised as needed to comply with the attached conditions. **You must comply with all conditions required through the design review process before final occupancy will be granted.**

If you have any questions; please contact me at 503-537-1215 or steve.olson@newbergoregon.gov.

Sincerely,

Steve Olson, Associate Planner

cc: file DR2-15-008



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DECISION AND FINDINGS

801 N. Meridian Street: Habitat for Humanity ReStore design review

FILE NO: DR2-15-008
REQUEST: Design review approval for a ReStore, a secondhand building materials store
LOCATION: 801 N. Meridian Street
TAX LOT: 3218DD-100
APPLICANT: Newberg Area Habitat for Humanity (Rick Rogers)
OWNER: Same
ZONE: M-2 (light industrial)
OVERLAYS: None

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Section I: Application Information

Section II: Findings

Section III: Conditions

Attachments:

1. Aerial Photo
2. Site Plan
3. Public Comments Received
(none)
4. Application (by reference)



Section I: Application Information

- A. DESCRIPTION OF APPLICATION:** The applicant, Newberg Area Habitat for Humanity, has requested design review approval for a 8,646 square foot ReStore building. The ReStore primarily sells used building materials. The site will have 19 parking spaces, and a covered loading area. The site is currently graveled and used as a parking lot. It was previously the site of a heating oil distributor, and has been monitored and cleared for use by the Oregon Department of Environmental Quality.
- B. SITE INFORMATION:**
1. Location: 801 N. Meridian Street, just south of the railroad tracks
 2. Size: 27,635 square feet
 3. Topography: Flat
 4. Current Land Uses: Parking lot
 5. Natural Features: none
 6. Adjacent Land Uses:
 - a. North: Railroad tracks, then light industrial automotive repair (M-2 zone)
 - b. East: Across Meridian Street is single-family residential (R-2 zone)
 - c. South: Single-family residential (R-2 zone)
 - d. West: Light industrial building and lot (M-2 zone)
 7. Access and Transportation: Access to the site is from Meridian Street, a 2-lane minor collector under the City of Newberg's jurisdiction. The site has an existing driveway in poor condition with access from Meridian Street.
 8. Utilities:
 - a. Wastewater: The property is served by a 6-inch public wastewater line on Meridian Street. The applicant proposes to connect to the existing wastewater line near the center of the property.
 - b. Water: The property is served by a 6-inch water line on Meridian Street with an existing lateral. The applicant proposes to connect to the existing water line on the southern side of the property.
 - c. Storm: The closest stormwater line to the applicant's site is at Vermillion St and Meridian Street. There is also a stormwater ditch on the north side of the railroad tracks however it may not be feasible to connect to the ditch. The applicant proposes to use concrete pavers for the parking lot and to construct a splash pond, bioswale, and a series of 4 raingardens to manage the stormwater from the site.

- d. Other: A fire hydrant is located on Fulton Street approximately 300 ft from the southwest corner of the applicant's property. The applicant's property is served by overhead power lines with a 3-ft wide sidewalk in poor condition adjacent to Meridian Street. Applicant proposes to construct a 5-ft sidewalk connecting to asphalt on the north and to the existing 3-ft sidewalk to the south.

C. **PROCESS:** The Design Review request is a Type II application and follows the procedures in Newberg Development Code 15.100.030. Following a 14 day public comment period, the Community Development Director makes a decision on the application based on the criteria listed in the attached findings. The Director's decision is final unless appealed. Important dates related to this application are as follows:

1. 10/6/15: The Community Development Director deemed the application complete.
2. 9/28/15: The applicant mailed notice to the property owners within 500 feet of the site.
3. 9/29/15: The applicant posted notice on the site.
4. 10/20/15: The 14-day public comment period ended.
5. 11/4/15: The Director issued a decision on the application.

D. **AGENCY COMMENTS:** The application was routed to several public agencies for review and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following agency comments:

1. Newberg School District: *Reviewed; no conflict*
2. PGE: *Reviewed; no conflict*
3. Waste Management (Jack Miller): *Reviewed; no conflict. Did not see any provisions for trash.*
4. Newberg Fire Department: *Fire flow testing is required. Knox box is required.*

E. **PUBLIC COMMENTS:** As of the writing of this report, the city has not received any written public comments.

F. **ANALYSIS:**

1. **Fire access:** The site plan shows a proposed fire access lane across the property to the west. The applicant also plans to install a sprinkler system in the building. The Fire Marshall commented that this access across the neighbor's property is not required as long as the applicant installs a complete fire sprinkler system throughout their building.

Section II: Findings –File DR2-15-008
801 N. Meridian Street: Habitat ReStore design review

A. Design Review; Criteria That Apply - Newberg Development Code 15.220.050(B):

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

Finding: The industrial site north of the railroad tracks has simple metal structures. The sites to the east and south are single-family homes with wood frame construction, wood siding, and peaked roofs. The proposed ReStore building is 23 feet tall at its tallest point, which is no taller than the two-story residential houses in the R-2 zone. The main building is setback over 60 feet from Meridian Street, which improves its compatibility with the residential houses across the street. The covered loading area is setback over 20 feet from Meridian Street, so the mass of the building is well back from the street. The front building façade will be a mix of corrugated metal siding and roughsawn plywood boards with battens, which gives the building more visual texture and interest than a plain metal industrial building. The 20 foot deep front yard along Meridian Street, and the southern landscape buffer along the residential neighbor, help blend the overall design with the surrounding area. No trash enclosure is proposed, as the applicant only expects to need one roll-out can per week. As proposed, the design is superior to the industrial buildings to the north, and compatible with nearby residential structures.

The exterior lighting appears to be minimal, and may already meet the light trespass requirements. The applicant will need to supply a photometric plan to verify that light trespass will not exceed 0.5 foot-candles at the southern and eastern property lines, and manufacturer's information sheets that verify the lights will be shielded.

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

Finding: Based on 1 space: 600 square feet of building area (bulk retail category), 15 parking spaces are required. The applicant has provided 19 parking spaces. Two bicycle parking spaces are also supplied. A private walkway connects the front door directly to the public sidewalk. As proposed, the parking lot design complies with the development code requirements.

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

Finding: The M-2 zone requires a 20 foot front yard setback, and a 10 foot setback for buildings from residential properties. The M-2 zone does not have a set height limit, although the height is limited to 30 feet within 50 feet of a residential zone boundary. The proposed building is 23 feet tall at the highest

point, complies with the required setbacks, and does not create a vision clearance issue at the driveways. The proposed project meets the height restrictions and public access requirements, setback, vision clearance and yard requirements of the Code.

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

Finding: The Development Code requires at least 15% of the site to be landscaped, including the front yard setback area, and a minimum 5 foot wide landscape buffer between parking areas and property lines. The proposed landscaping plan shows that almost 22% of the site will be landscaped, primarily in rain gardens to treat the stormwater. The southern landscape buffer along the residential property is required to include a hedge or fence that is 75% opaque to obscure the view of the parking area. The applicant will install slats in the chain link fence along this border, and will include extensive landscaping in a 8.6 foot wide landscape buffer. The site plan shows street trees along the Meridian Street frontage; these street trees should be added to the landscaping plan so it shows all of the proposed landscaping. The Development Code requires either underground irrigation systems, or the use of drought-resistant plant species and an alternative irrigation plan during the first year when the plants are getting established. The applicant has proposed to use drought-resistant plants, and will hand sprinkle the plants until they are established. Following compliance with design review conditions, the landscape plan and parking lot complies with NMC 15.420.010. All areas subject to the final design review plan and not otherwise improved are landscaped.

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

Finding: The proposal shows a wall-mounted sign over the front door, but it does not have dimensions on the elevation illustration. The M-2 zone allows 1 square foot of signage for every foot of building frontage for major attached signs. There is 93 feet of building frontage on the front façade, so the proposed major attached sign meets the Development Code as long as it is not larger than 93 square feet. A separate design review process is required for all signage that is submitted separately from this application

6. Manufactured Home, Mobile Home and RV Parks. Manufactured home, mobile home, and recreational vehicle parks shall also comply with the standards listed in NMC 15.445.050 et seq. in addition to the other criteria listed in this section.

Finding: Not applicable. The development proposal is not a manufactured home, mobile home, or RV park.

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.304.010 through 15.328.040. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

Finding: The site is zoned M-2. A store selling secondhand goods is a permitted use in the zone.

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

Finding: Not applicable - project is not within a sub-district.

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

Finding: The applicant proposes to construct street improvements including two driveways, a 5-ft sidewalk, curb, street trees, and street lighting. Driveways, curbs and sidewalks must comply with Public Works Design and Construction Standards 5.14 and 5.26. Street lighting must be updated to comply with Public Works Design and Construction Standards 5.17.

Meridian Street has been designated as a critical bike route in the City's ADA/ Pedestrian/ Bike Route Improvement Plan and connects downtown with George Fox University, Joan Austin Elementary School and residential areas. The applicant must comply with Public Works Design and Construction Standards 5.15 for pavement marking.

Wastewater: All new construction shall be connected to the city wastewater system per NMC 13.010.070. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public wastewater system or appurtenance without first obtaining a written permit from the director. Plans for all public and private wastewater systems shall be reviewed and approved by the director prior to construction. The plans shall conform to the requirements of the State Department of Environmental Quality, as well as city standards.

Finding: The applicant proposes to connect to the existing 6-inch public wastewater line on Meridian Street. Wastewater lines must be separated from water lines by 10 ft (Public Works Design and Construction Standard 3.2.4). This requirement is met.

Water: All new construction shall be connected to the city water system per NMC 13.15.045. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public water system or appurtenance without first obtaining a written permit from the director. Plans for all public water systems shall be reviewed and approved by the director prior to construction.

Finding: The applicant proposes to connect to the existing 6-inch public water line on Meridian Street. Water lines must be separated from wastewater lines by 10 ft and from stormwater and utility lines by 3 ft. The proposed water and stormwater lines may not meet the minimum separation distance. The applicant must show locations of stormwater and electrical utility lines that adhere to Public Works Design and Construction Standard 3.2.4.

The location of fire hydrants must comply with Public Works Design and Construction Standards 3.3.5

Newberg Fire Department commented that: 1) Fire flow testing is required; 2) Knox box is required; 3) Fire access - The site plan shows a proposed fire access lane across the property to the west. The applicant also plans to install a sprinkler system in the building. The fire access across the neighbor's property is not required as long as the applicant installs a complete fire sprinkler system throughout their building.

This requirement is met.

Stormwater: Projects that create new impervious areas of 500 square feet or more shall use techniques or create stormwater facilities that maintain the water quality and beneficial uses of the receiving watercourse per NMC 13.25.270 and NMC 13.25.280. No person shall undertake a ground disturbing project without having provided erosion and sediment controls that address erosion caused by wind or rain per NMC 13.25.040.

Finding: A stormwater line is available at Vermillion Street and Meridian Street. There is also a stormwater ditch on the north side of the railroad tracks, however it may not be feasible due to right-of-way and elevation issues. The applicant proposes to manage stormwater from the site through the use of concrete pavers, a splash pond, bioswale, and a series of 4 raingardens. Overflow is to Meridian Street via a 4-inch PVC pipe. The applicant must submit a stormwater report showing that the proposed stormwater management adheres to the design requirements for stormwater quality and quantity (Public Works Design and Construction Standards 4.6 to 4.9) and conveyance (Public Works Design and Construction Standard 4.5). The applicant must submit a proposed maintenance agreement for the stormwater management methods to the Engineering Services Department for review and approval.

The driveway and parking area pavers must be designed to support a 60,000 lb. fire truck.

The acreage of the property is 0.62 acres and development will disturb more than 500 square feet but less than 1 acre of land. Before making improvements, the applicant must obtain an erosion and sediment control (ESC) permit. The applicant must conform to the requirements of the Newberg ESC Manual until permanent vegetation has been established on the disturbed areas of the site and a grading permit must be obtained from the City if more than 50 cubic yards of soil will be excavated.

The Oregon Department of Environmental Quality has an easement over the property due to prior contamination and clean-up on the site. The applicant is required to contact DEQ and obtain approval for any grading and construction on the site. The applicant must comply with any DEQ requirements, and supply a copy of the approval to the City prior to the City issuing a grading permit or building permit.

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

Finding: A traffic study conducted for the developed property showed that the property would not create additional traffic during the AM peak hours because it would not be open for business and that it would create an additional 28 trips during the PM peak hours. Additional traffic delays from the development of the property were 0.5 seconds or less, and the studied intersections would continue to meet City standards for operations. The analysis of the traffic patterns determined that no additional improvements were necessary for the development of the property. This requirement is met.

CONCLUSION: Based on the above mentioned findings, the project meets the criteria required within the Newberg Development Code, subject to completion of the attached conditions.

Section III: Conditions –File DR2-15-008
801 N MERIDIAN STREET: HABITAT FOR HUMANITY

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

1. **Permit Submittal:** Submit a building permit application and 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. ADA accessible route
 - b. Bicycle parking plan
 - c. Existing and proposed sewer, water, and storm sewer connections
 - d. Fire department connection (FDC)
 - e. Grading plan
 - f. Landscaping plan
 - g. Lighting plan
 - h. Mechanical details
 - i. O.S.S.C. Chapter 11 (ADA) requirements relating to access from the public way, parking spaces and signage
 - j. On-site walks
 - k. Parking lot design, including ADA compliant spaces
 - l. Plumbing details
 - m. Proposed and existing roadways
 - n. Sign details
 - o. Structural details
 - p. Utility plan
 - q. Vision clearance areas

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. **Utility Plan:**
 - a. The locations of water, wastewater, stormwater, and utility lines must comply with the requirements of the Public Works Design and Construction Standards.
 - b. The locations and fire flows of fire hydrants near the site must comply with the requirements of the Fire Code and the Public Works Design and Construction Standards.
 - c. The utility plan must show that all new utility lines are installed underground including power, cable, and telephone lines.

4. **Construction Plans:** For all utilities and public street improvements, detailed construction plans must be submitted to the Engineering Services Department for review and approval. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved and all necessary

permits have been obtained. Please note that additional Engineering Services Department plan review application and fees apply for review of plans. The plans must note the following:

- a. Streets:
 - i. Meridian Street must be improved with sidewalks, curbs, street trees, and street lighting that complies with the Newberg Development Code and the Public Works Design and Construction Standards. Driveways, curbs and sidewalks must comply with Public Works Design and Construction Standards 5.14 and 5.26. Street lighting must be updated to comply with Public Works Design and Construction Standards 5.17.
 - ii. Driveways must comply with the Newberg Development Code and Public Works Design and Construction Standards.
 - iii. Meridian Street bike route: The plans must comply with Public Works Design and Construction Standards 5.15 for pavement marking.
 - b. Wastewater and water lines must comply with the requirements of the Public Works Design and Construction Standards. Water lines must be separated from wastewater lines by 10 ft and from stormwater and utility lines by 3 ft. The proposed water and stormwater lines may not meet the minimum separation distance. The applicant must show locations of stormwater and electrical utility lines that adhere to Public Works Design and Construction Standard 3.2.4.
 - c. The location of fire hydrants must comply with Public Works Design and Construction Standards 3.3.5.
 - d. An engineer's stormwater report must be submitted to the Engineering Services Department that complies with the requirements of the Public Works Design and Construction Standards. The stormwater report must show that the proposed stormwater management adheres to the design requirements for stormwater quality and quantity (Public Works Design and Construction Standards 4.6 to 4.9) and conveyance (Public Works Design and Construction Standard 4.5).
 - e. A maintenance agreement for the proposed stormwater facilities must be submitted to the Engineering Services Department for review and approval.
5. **Erosion and Sediment Control Plans:** Before starting construction, submit an Erosion and Sediment Control (ESC) plan to the Engineering Services Department for review and approval and obtain a City of Newberg ESC permit. Conform to the requirements of the City's ESC Manual until permanent vegetation has been established on the site. Obtain a grading permit from the City if more than 50 cubic yards of soil will be excavated at the site.
6. **Department of Environmental Quality:** The applicant is required to contact DEQ and obtain approval for any grading and construction on the site. The applicant must comply with any DEQ requirements, and supply a copy of the approval to the City prior to the City issuing a grading permit or building permit.

7. **Fire access and protection:**
 - a. Fire flow testing is required.
 - b. A Knox box is required.
 - c. Fire access: Access across the neighbor's property is not required as long as the applicant installs a complete fire sprinkler system throughout their building. If the building is not completely sprinkled then a recorded copy of an access easement across the western neighbor's property, as shown on the site plan, would be required.
 - d. The driveway and parking area pavers must be designed to support a 60,000 lb. fire truck.

8. **Signage:** Submit sign details which include :
 - a. Size of the wall-mounted sign over the entrance (can be up to 93 square feet).
 - b. A separate design review process is required for all signage that is submitted separately from this application.

9. **Disabled/ADA Requirements:** Coordinate with the Building Division to comply with O.S.S.C. Chapter 11 requirements.

10. **Landscape Plan:** Submit a revised landscape plan, subject to review and approval by the City Planner, with the following additions or modifications :
 - a. Add the street trees that are shown on the site plan.

11. **Lighting Plan:** Supply a photometric plan to verify that light trespass will not exceed 0.5 foot-candles at the southern and eastern property lines, and manufacturer's information sheets that verify the lights will be shielded.

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. **Public Works Requirements:** All public improvements shall be completed and accepted prior to occupancy. The applicant shall be responsible for the repair and replacement of any off-site city infrastructure, including streets, which are damaged by construction activities.

3. **Design Review Conditions:** Contact the Planning Division (503-537-1240) to verify that all design review conditions have been completed.

4. **Site Inspection:** Contact the Building Division (503-537-1240) for Building, Mechanical, and Plumbing final inspections. Contact the Fire Department (503-537-1260) for Fire Safety final inspections. Contact Yamhill County (503-538-7302) for electrical final inspections. Contact the Planning Division (503-537-1240) for landscaping final inspections.

C. DEVELOPMENT NOTES

1. Systems development charges (SDCs) will be collected when building permits are issued. For questions regarding SDCs please refer to the City fee packet and contact the Engineering Service Department.
2. Fire resistive construction may be required. Contact the Building Division if you have questions about this issue.
3. The Building Division commented that the store will need two accessible bathrooms, and that if storage racks are taller than 8 feet then they will require permits.

Attachment 1: Aerial Photo



