



## Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132  
503-537-1240 • Fax 503-537-1272 • [www.newbergoregon.gov](http://www.newbergoregon.gov)

NOTICE OF DECISION: FRIENDSVIEW UNIVERSITY VILLAGE  
DR2-15-009 CONCEPT MASTER PLAN/DR2-15-010 PHASE 1 DESIGN  
REVIEW/VAR-15-002 VARIANCE TO HEIGHT AND SETBACK

February 26, 2016

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Friendsview Retirement Community  
1301 E. Fulton Street  
Newberg, OR 97132

The Newberg Community Development Director has approved the proposed design review DR2-15-009 for the Friendsview University Village Concept Master Plan, design review DR2-15-010 for Phase 1 of the project, and VAR-15-002 for a height & setback variance for Phase 1, subject to the conditions listed in the attached report. The decision will become effective on March 14, 2016 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 March 11, 2016.**

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. **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](mailto:steve.olson@newbergoregon.gov).

Sincerely,

Steve Olson, Senior Planner

DECISION AND FINDINGS

DR2-15-009 CONCEPT MASTER PLAN/DR2-15-010 PHASE 1 DESIGN REVIEW/  
VAR-15-002 VARIANCE TO HEIGHT AND SETBACK

FILE NO: DR2-15-009 Concept Master Plan/ DR2-15-010 Phase 1 Design Review/ VAR-15-002

REQUEST: Friendsview University Village – Design review approval for a Concept Master Plan, design review approval for Phase 1 of the project, and a variance request to building height and front setback standards.

LOCATION: 805, 814 & 815 Center Street; 801, 1003, 1006, 1007, 1014, and 1100 Cherry Street

TAX LOT: 3217CB-500, 600, 700, 800, 900, 1001, 1700, 1800, 1900, 2000

APPLICANT: LRS Architects (Dean Masukawa)

OWNER: Friendsview Retirement Community

ZONE: I (Institutional)

PLAN DISTRICT: PQ (Public/Quasi-public)

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/  
Correspondence Received
4. Application (by reference)



## Section I: Application Information

- A. **DESCRIPTION OF APPLICATION:** The applicant, LRS Architects, representing Friendsview Retirement Community, has requested design review approval for the Friendsview University Village concept master plan. This project would be developed in phases, and would consist of independent living units. At its final stage, University Village would be a grouping of three and four story buildings totaling approximately 175 units with approximately 230 parking spaces. Covered pedestrian walkways, pathways, and pedestrian parks will connect these buildings to the main campus of Friendsview and the community. Most of the land in the concept master plan is owned by Friendsview Retirement Community and is zoned Institutional; the full build out of the master plan will be conditional on future property purchases by Friendsview, the conversion of those properties to the Institutional zone, and approval of a future street vacation application for a portion of Center Street.

The applicant has also requested design review approval for phase 1 of the University Village project. Phase I of University Village will include the demolition of 3 existing single family or duplex homes and the construction of an approximately 77,500 square foot, four story building with 38 independent living units. In phase I, the building will include 38 resident parking spaces in the ground floor garage and 7 new surface parking spaces. Phase 1 also includes a variance request to reduce the front setback from 25 feet to 15 feet for one corner of the building, and a variance request to allow one other corner of the building to exceed the height limit. The proposed building is 49 feet tall, which is below the 50 foot height limit on most of the site. There is a 30 foot height limit, however, for buildings within 50 feet of a R-2 residential zone. One corner of the proposed building extends to within 38 feet of a residential zone, so the applicant has requested a variance to the 30 foot height limit for this corner.

B. **SITE INFORMATION:**

1. Location: 805, 814 & 815 Center Street; 801, 1003, 1006, 1007, 1014, and 1100 Cherry Street. A new address will be assigned for phase 1 of the project.
2. Size: Phase 1 covers approximately 2.5 acres.
3. Topography: Flat.
4. Current Land Uses: Phase 1 contains some single-family homes, which will be removed.
5. Natural Features: No significant natural features.
6. Adjacent Land Uses:
  - a. North: railroad tracks, residential condominiums
  - b. East: Friendsview Retirement Community main campus
  - c. South: single-family residential, George Fox University
  - d. West: single-family residential
7. Access and Transportation:

**Concept Plan:** Cherry Street vacation has been approved, and is close to being finalized. The applicant proposes to vacate Center Street at phase two. Access to the development will be from Fulton Street, a major collector street. Fulton Street is fully improved with pavement, curb and setback 4' sidewalk. Secondary access is provided through the existing Friendsview driveway on Fulton St.

**Phase One:** Access to the development will be from Center Street and the existing driveway access to the existing Friendsview development on Fulton Street. Center Street connects to Fulton Street. Center Street is 32' paved width with curb and gutter. No sidewalks exist on Center Street.

8. Utilities:

- a. Sanitary Sewer: There is an existing 6" sewer line in Cherry Street which will serve this development. The sewer line has a high point within Cherry Street and flows East and West from there, then South to Fulton Street. There are several existing sanitary sewer laterals on this line.
- b. Water: There is an existing 6" waterline which is looped from Fulton Street North through Center Street, East through Cherry Street and South to Fulton Street through the Friendsview Property. A portion of the waterline is proposed to be relocated at the Corner of Center Street and Cherry Street. There are several existing water services and meters along this line.
- c. Storm: The development has proposed to use LIDA design approaches for the stormwater quality and quantity control for all net new impervious area. A new 8" storm line is proposed to be installed along Cherry Street which will connect to an existing 8" storm line that flows south to Fulton Street.
- d. Other: Overhead utility lines loop from Fulton Street, North to Cherry Street, East to the existing Friendsview property, and South to Fulton Street. Overhead lines along the North side of Cherry Street will be placed underground as part of phase one development. Future development will require undergrounding of all overhead lines.

**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. 1/16/16: The Director deemed the application complete.
2. 1/14/16: The applicant mailed notice to the property owners within 500 feet of the site.
3. 1/8/16: The applicant posted notice on the site.
4. 1/29/16: The 14-day public comment period ended.

5. 2/26/16: The Community Development 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. PGE: Reviewed, no conflict. Have met with the owner, engineer and architect to discuss this project. There are some issues to resolve before PGE completes a design for new power and removing the overhead line along the north side of Cherry Street.
2. Newberg School District: Reviewed, no conflict.
3. Waste Management (Dave Huber, 503-462-0508): Meeting requested with applicant. The proposed enclosure will not meet new standards.
4. Newberg Fire Dept: The entire complex must meet requirements of the Oregon Fire Code, including access and water supply. The current drawings do not meet access requirements in Phase 3; the Fire Dept. needs ladder truck access and a turnaround. Phase 1 shows an elevated structure across the access route, which would need to be reviewed and approved by the Fire Marshal. Supply a detailed drawing showing the elevated structure. Show FDCs and hydrants for each phase of development.
5. Oregon Dept. of Transportation – Rail: (the full comment, including a fence detail, is included in Attachment 3)

ODOT Rail and Public Transit Division comments for file No DR2-15-009/DR2-15-010/VAR-15-002 are as follows:

1. Based on the site map it shows the development is parallel to the railroad tracks. A continuous fence will be needed to separate the development from the tracks to restrict trespassing on railroad property and for the safety of the public. This includes no gates or access to the railroad property. I noticed a gate which led to railroad property and many sections of fence which were missing. I will attach a railroad fencing detail example. Suggest short fence/landscaping in close proximity to railroad crossing for line of sight of vehicles.
2. Experience has taught us that once developed complaints ensue about neighboring train whistles, noise, vibrations, and odors. I would caution such use especially in such close proximity to a public at-grade crossing due to train whistles. We would recommend the contractor use noise deadening building materials, fencing, and bushes to lessen the noise.
3. Be conscious of property setbacks from the property lines to include the roof overhanging so that the roof does not overhang off of or adjacent to other property and/or water does not sheet off of the roof to another property or railroad property. Excess water can cause damage to the railroad tracks, ballast, ties, and crossing. Noted on site visit last week shed/garage buildings on current Friendsview property abuts directly next to property line with no set back. There needs to be a setback for all structures.

4. For improved safety at the Meridian St. crossing, all accesses shall be removed off Meridian St. for Friendsview University Village development and access shall be from Fulton St. Access in close proximity to a crossing can be a hazard. This will improve the safety of the crossing. This will need future review by ODOT Rail when further construction details are available.

5. Any roadway improvements, sidewalk improvements, including ADA ramps, truncated domes, etc, on Meridian St and/or Meridian and Fulton intersection will need to have further review by ODOT Rail. This could lead to a ODOT Crossing Order which requires the public authority (City of Newberg) to file a ODOT Crossing Application for the improvements. See link to ODOT Rail Crossing Safety page with crossing application. <http://www.oregon.gov/ODOT/RAIL/Pages/crosssafe.aspx> Please call or email me and I'll be happy to work with you or explain which improvements may require an application.

6. There are also other permits and such which may be needed from the railroad in addition to a ODOT Crossing Order as described in #5. Please be conscious there is a difference between a Crossing Order from ODOT and permits from the railroad.

If there are any further changes from what is currently being reviewed, ODOT Rail will need to review the development again.

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

**F. ANALYSIS:**

a. Concept master plan: The Concept Master Plan shows a four-phase development. Parts of the master plan are aspirational, as they depend on future property purchases, conversion of the zoning on those purchases to Institutional, and vacation of both the Cherry Street and Center Street rights-of-way. Each phase of the concept master plan will still require a type 2 design review application before it is built (similar to the design review application for Phase 1 that has been submitted), along with any associated variance or adjustment applications. The traffic study encompassed all four of the phases, however, so if the future phases of the development do not increase the number of trips beyond what is anticipated in the concept master plan then a new traffic study will not be required for future phases. The concept master plan approval expires in 10 years.

b. Phase 1 of University Village:

i. Design review: The building is compatible with the main Friendsview campus buildings, and could be compatible with the single-family development to the west with the addition of some buffer landscaping.

ii. Variances: The building height and setback variance requests only affect a small portion of the proposed building, and have a minimal impact on adjacent properties. The triangular shape of the development site creates an unusual situation with some practical difficulties, so the variance requests are reasonable.

Section II: Findings –File DR2-15-009/DR2-15-010/VAR-15-002  
Friendsview University Village – Concept master plan design review, Phase 1 design  
review & variance request

**CONCEPT MASTER PLAN - DESIGN REVIEW. DR2-15-009**

**A. 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 Concept Master Plan shows a four-phase development. Parts of the master plan are aspirational, as they depend on future property purchases, conversion of the zoning on those purchases to Institutional, and vacation of both the Cherry Street and Center Street rights-of-way. Each phase of the concept master plan will still require a type 2 design review application before it is built (similar to the design review application for phase 1 that has been submitted), along with any associated variance or adjustment applications.

With that qualification, the proposed University Village structures are compatible with the structures on the main Friendsview campus to the east. The buildings are four stories tall, with pitched gable and hipped roofs, covered outdoor decks and window bays. Each building will have a brick veneer base, similar to the existing manor building, and the upper floors will have cementitious lap and panel siding. The phase 1 and phase 4 buildings are adjacent to single-family homes, and will be setback at least 25 feet from the adjoining property lines. The applicant is preserving two large trees just west of the phase 1 building. The applicant will need to add trees and shrubs to the landscaping buffer along the shared property lines of the single-family homes to partially obscure the view of the Friendsview buildings, and to break up their mass. Exterior lights will be directed onto the site so as to not adversely affect the adjoining properties. As conditioned, the overall design will be compatible with the surrounding uses and structures.

***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 parking space per living unit in a continuing care retirement community, 175 units require 175 parking spaces. The applicant plans to provide 230 spaces in the concept master plan, so the minimum requirement is met. The project provides adequate on-site circulation for residents, and does not use the public streets as part of the parking lot circulation pattern. Most of the parking will be under the buildings, which minimizes the impact on the site.

The Fire Department commented: The entire complex must meet requirements of the Oregon Fire Code, including access and water supply. The current drawings do not meet access requirements in Phase 3;

the Fire Dept. needs ladder truck access and a turnaround. Phase 1 shows an elevated structure across the access route, which would need to be reviewed and approved by the Fire Marshal. Supply a detailed drawing showing the elevated structure. Show FDCs and hydrants for each phase of development.

***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 Institutional zone requires a 25 foot front setback, 10 foot interior setback, and a 25 foot setback from properties zoned residential. The zone does not have a lot coverage limit. The maximum height in the zone is 75 feet, but is reduced to 50 feet within 100 feet of a property line abutting a public street or railroad right-of-way. Within 50 feet of an interior property line abutting a R-2 district, the height is limited to 30 feet.

The Concept Master Plan shows a four-phase development. Parts of the master plan are aspirational, as they depend on future property purchases, conversion of the zoning on those purchases to Institutional, and vacation of both the Cherry Street and Center Street rights-of-way. Each phase of the concept master plan will still require a type 2 design review application before it is built (similar to the design review application for Phase 1 that has been submitted), along with any associated variance or adjustment applications. The concept master plan shows that the development, in its final phase, will meet the required front and interior setbacks, assuming that Center Street is vacated in the future and the conversion to the Institutional zone occurs. Phase 1 of the project does not meet the front setback or height limits; the applicant has applied separately for variances to those standards for phase 1. The phase 4 building exceeds the height limit, so that would need to be addressed through a design change or other method at a future date.

Following compliance with design review conditions, the proposed project will meet the height restrictions and public access requirements, setback, coverage, 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:** 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. Each ground floor unit has a patio that is larger than 48 square feet, and each unit has storage (located in the parking garage). The site has over 110,000 square feet of usable outdoor recreation space, which exceeds the 35,000 square feet of space the code requires. The code requires a minimum of 15% landscaping; the concept master plan exceeds that and provides 39% landscaping. As noted in the design compatibility finding, the landscape plan will need to add trees and shrubs to the landscaping buffer along the shared property lines of the single-family homes to partially obscure the view of the Friendsview buildings, and to break up their mass

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

**Finding:** Not applicable – separate sign applications will be submitted at a future date.

**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:** Most of the site is zoned Institutional, in which a continuing care retirement home is a permitted use. The zone does not have a density limit, so the density on the site is limited by the parking standard, height limit, setbacks, and other development standards. The concept master plan shows a four-phase development. Parts of the master plan are aspirational, as they depend on future property purchases, conversion of the zoning on those purchases to Institutional, and vacation of both the Cherry Street and Center Street rights-of-way. Each phase of the concept master plan will still require a type 2 design review application before it is built (similar to the design review application for Phase 1 that has been submitted), along with any associated variance or adjustment applications. If the property purchases and conversion to Institutional zone occur as anticipated then the concept master plan will comply with the Institutional 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:** Phase 1 is in the Institutional zone and not within a subdistrict, but some phases of the concept master plan currently have R-2 zoning with an Institutional Overlay zoning subdistrict. The applicant intends to purchase these properties and convert them to the Institutional zone before applying to develop them in future phases. If that occurs as anticipated then the concept master plan will not be within a zoning subdistrict.

**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 concept master plan shows a four-phase development. Parts of the master plan are aspirational, as they depend on future property purchases, conversion of the zoning on those purchases to Institutional, and vacation of both the Cherry Street and Center Street rights-of-way. Each phase of the concept master plan will still require a type 2 design review application before it is built (similar to

the design review application for phase 1 that has been submitted), along with any associated variance or adjustment applications.

The concept master plan meets the applicable development code and municipal code requirements as detailed below and as conditioned. For all utilities, detailed construction plans are required, and utilities serving more than one tax lot must have recorded easements granting the appropriate rights to each parcel. As conditioned: submit construction plans for review and approval, submit easements for review, and record approved easements.

No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved and all necessary permits have been obtained.

All survey monuments on the subject site or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.

***Water: All lots and parcels shall be served by the water system of the City per NMC 15.510.040. Plans for connections to the public water system shall be reviewed and approved by the director prior to construction.***

**Findings:** There is an existing 6" waterline which is looped from Fulton Street North through Center Street, East through Cherry Street and South to Fulton Street through the Friendsview Property. The standard minimum waterline size is 8" and this line is does not meet current standards. There are several existing water services and meters along this line. As conditioned: submit construction plans for review and approval at each future phase.

Existing Water line services to be abandoned at the main line.

Fire flow and domestic water flow calculations shall be submitted to the Engineering Services Department for the proposed development that conform to the City Building Division, and Fire Marshal requirements indicating that minimum fire flow and domestic flow service pressure and flows are available to the entire development. If required to provide fire and domestic water flow, upsize existing water line.

Utilities serving more than one lot shall have appropriate easements recorded.

Waterline shall remain public and within a 15' public utility easement along Center St, Cherry St, and the Friendsview property.

***Sewer: Per NMC 13.10.070A All new construction shall be connected to the city wastewater system. 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.***

**Findings:** There is an existing 6" sewer line in Cherry Street which will serve this development. The sewer line has a high point within Cherry Street and flows East and West from there, then South to Fulton. The standard minimum sanitary sewer line size is 8" and this line does not currently meet the standards. There are several existing sanitary sewer laterals on this line. As conditioned: Submit construction plans for review and approval at each future phase.

At the time that lots are consolidated and Center Street is vacated, all sanitary sewer within the development shall be privately owned and maintained. Applicant shall install manholes at the private to public transitions near the Fulton Street Right of Way.

All new restaurants/commercial kitchens employing an oil or grease process shall install an approved oil/grease trap before discharging to the waste water system per Newberg Municipal Code section 13.10.080.

Sewer flow calculations shall be submitted verifying sufficient capacity in onsite and offsite sewer facilities. If necessary to provide sanitary sewer service, upsize sewer pipes.

Utilities serving more than one lot shall have appropriate easements recorded.

In accordance with Newberg Municipal Code this design review does increase the impacts to the public wastewater system and is therefore not exempt from sanitary SDC charges.

***Stormwater: NMC 13.25.040 No person shall undertake a ground disturbing project without having provided erosion and sediment controls that address erosion caused by wind or rain. 13.25.260 & 13.25.270 Projects that create a 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. 13.25.280 Prior to an applicant receiving a permit for a project, the director shall determine the stormwater requirements of the project. They shall provide a summary of the project, design flow calculations, and proposed methods for treating stormwater to the director for review and approval in accordance with requirements specified in the design standards manual.***

**Findings:** The developer has submitted a preliminary stormwater report dated October 30, 2015. The stormwater design utilizes Low Impact Development Approach (LIDA) for water quality and quantity control of the net new impervious areas within phase one. At full build-out of the concept master plan, the net new impervious area is less than the existing impervious area. Therefore, there will be no requirements for water quality and quantity control for future phases of improvements. Stormwater will discharge into a new 8-inch storm drain pipe in Center Street which connects to an existing 8" storm pipe flowing south to Fulton St. The stormwater design appears to comply with the engineering standards design manual, but will be reviewed in detail when construction plans are submitted. As conditioned: Submit construction plans for review and approval at each future phase.

At full build-out of the concept master plan, all onsite stormwater systems shall be privately owned and maintained.

Approval of this project is conditioned on the applicant meeting the city's stormwater code (ordinance No. 2021-2754) and the engineering standards manual.

Submit a final engineer's storm water report per the City of Newberg Engineering Design Standards Manual.

Utilities serving more than one tax lot shall have appropriate easements recorded.

A DEQ 1200-C permit is required for erosion control. Applicant shall submit to the City a copy of the approved DEQ 1200-C permit prior to grading.

***Streets/Frontage Improvements: A development requiring a Type II design review abutting or adjacent to an existing road of inadequate width shall dedicate additional right-of-way to and improve the street to the width specified in NMC 15.505.060.***

**Findings:** Full build out of the concept master plan anticipates that Center Street will be vacated. Access to the development will be from Fulton Street, with one driveway access through the existing Friendsview driveway and one driveway access at the existing Center Street intersection. A pedestrian plaza is proposed which will not allow vehicle traffic to loop through from the new developed area to the existing developed area. Fulton Street is fully developed with the exception that the existing 4' sidewalks do not meet the standard of 5'. As conditioned: submit construction plans for review and approval, submit easements for review, and record approved easement.

As part of phase one, 5' curbside sidewalk shall be installed along the west side of Center Street, from Fulton Street to the northern end of Center Street, in order to provide a direct pedestrian access to Fulton Street. The phase one development of independent-living apartments will increase the number of Friendsview residents walking and driving on Center Street. A continuous sidewalk to Fulton Street is necessary for pedestrian safety, due to the impact of the phase one development. The Center Street right-of-way is narrow, and is not wide enough to construct a 5' sidewalk behind the existing curb. In order to construct the 5' curbside sidewalk either: 1) dedication of Right-of-Way or an easement is necessary from Tax Lot 1000; or 2) if Right-of-Way or an easement is not provided, relocation of the existing curb to provide for a 5' sidewalk is required. It is anticipated that Center Street will be vacated in a future phase of the development, at which time the sidewalk will become a private walkway. The City will not require the curbside sidewalk along Center Street to be replaced with a setback sidewalk at a future phase.

As part of phase two, the 4' sidewalks along the Fulton Street frontage shall be replaced with 5' minimum sidewalks with minimum 4.5' landscaped planter strips. Dedicate Right-of-Way as necessary along the Fulton Street frontage to accommodate.

As part of phase two, a standard commercial driveway shall be installed at the existing Center Street intersection with Fulton Street. A minimum 10' wide concrete apron/sidewalk shall be installed at the existing Friendsview driveway, separating the public road from the private drive.

As part of phase four, frontage improvements along the frontage of phase four improvements are required including 5' sidewalk and minimum 4.5' landscaped planter strip along Fulton Street and Meridian Street. Dedicate Right-of-Way as necessary.

Easements shall be maintained for public utility systems maintenance, including a standard turnaround per Engineering Standard Detail #529.

The development will require substantial heavy construction traffic. Developer shall be responsible for the repair and replacement of any off-site city infrastructure, including streets, which are damaged by construction activities.

Overhead utility lines currently exist and loop from Fulton Street, North to Cherry Street, East to the existing Friendsview property, and South to Fulton Street. At full build-out of the concept master plan, all overhead lines shall be placed underground, per Newberg Development Code section 15.430.010.

Transportation SDC's – In accordance with Newberg Municipal Code this design review does increase the impacts to the public transportation system and is therefore not exempt from transportation SDC charges.

ODOT Rail and Public Transit Division comments for file No DR2-15-009/DR2-15-010/VAR-15-002 are as follows:

1. Based on the site map it shows the development is parallel to the railroad tracks. A continuous fence will be needed to separate the development from the tracks to restrict trespassing on railroad property and for the safety of the public. This includes no gates or access to the railroad property. I noticed a gate which led to railroad property and many sections of fence which were missing. I will attach a railroad fencing detail example. Suggest short fence/landscaping in close proximity to railroad crossing for line of sight of vehicles.
2. Experience has taught us that once developed complaints ensue about neighboring train whistles, noise, vibrations, and odors. I would caution such use especially in such close proximity to a public at-grade crossing due to train whistles. We would recommend the contractor use noise deadening building materials, fencing, and bushes to lessen the noise.
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4. For improved safety at the Meridian St. crossing, all accesses shall be removed off Meridian St. for Friendsview University Village development and access shall be from Fulton St. Access in close proximity to a crossing can be a hazard. This will improve the safety of the crossing. This will need future review by ODOT Rail when further construction details are available.
5. Any roadway improvements, sidewalk improvements, including ADA ramps, truncated domes, etc, on Meridian St and/or Meridian and Fulton intersection will need to have further review by ODOT Rail. This could lead to a ODOT Crossing Order which requires the public authority (City of Newberg) to file a ODOT Crossing Application for the improvements. See link to ODOT Rail Crossing Safety page with crossing application.  
<http://www.oregon.gov/ODOT/RAIL/Pages/crosssafe.aspx> Please call or email me and I'll be happy to work with you or explain which improvements may require an application.
6. There are also other permits and such which may be needed from the railroad in addition to a ODOT Crossing Order as described in #5. Please be conscious there is a difference between a Crossing Order from ODOT and permits from the railroad.

If there are any further changes from what is currently being reviewed, ODOT Rail will need to review the development again.

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

**Finding:** The concept master plan shows a four-phase development. The applicant provided a traffic study based on the full build-out of the concept master plan. A traffic study was completed and has shown that no improvements are needed as a result of this development.

Parts of the master plan are aspirational, as they depend on future property purchases, conversion of the zoning on those purchases to Institutional, and vacation of both the Cherry Street and Center Street rights-of-way. Each phase of the concept master plan will still require a type 2 design review application before it is built (similar to the design review application for Phase 1 that has been submitted), along with any associated variance or adjustment applications. The traffic study encompassed all four of the phases, however, so if the future phases of the development do not increase the number of trips beyond what is anticipated in the concept master plan then a new traffic study will not be required for future phases. The concept master plan approval expires in 10 years.

**B. Additional Criteria That Apply - Newberg Development Code 15.220.060:**

**15.220.060 Additional requirements for multi-unit residential projects.**

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

**Finding:** The multi-unit residential project contains more than 7 units. The project therefore must score at least 20 points according to the guidelines. The table below shows the point values obtained.

Design Review – concept master plan	Possible Points	Points
<i>Site Design Elements</i>		
Consolidate green space	3	3
Preserve existing natural features	3	2
Use front setback to build a street edge	3	3
Place parking lots on sides or back of projects	3	3
Create "outdoor rooms"	2	2

Provide good quality landscaping	2	2
Landscape at edges of parking lots	2	2
Use street trees and vegetative screens	1	1
Use site furnishings to enhance open space	1	
Keep fences "neighborly"	1	
Use entry accents	1	
Use appropriate outdoor lighting	1	1
<i>Building Design Elements</i>		
Orient buildings toward the street	3	
Respect the scale and patterns of nearby buildings	3	2
Break up large building planes into bays	3	3
Provide variation in repeated units	3	
Building materials:	1 each	4
a) wood or wood-like siding		
b) shingles on roof or upper portions		
c) brick at base of walls or chimneys		
d) wood or wood-like sash windows		
e) wood or wood-like trim		
Incorporate historical architectural elements	2	
Keep car shelters accessory to building	2	2
Provide a front porch at every main entry	2	
Use slope roofs at a pitch of 3:12 or steeper	2	2
Total (a minimum score of 20 is required)		32 (exceeds minimum)

**Conclusion:** The concept master plan shows a four-phase development. Parts of the master plan are aspirational, as they depend on future property purchases, conversion of the zoning on those purchases to Institutional, and vacation of both the Cherry Street and Center Street rights-of-way. If the property purchases, zoning conversions and street vacations take place then the concept master plan, as conditioned, will be able to comply with the Development Code criteria. Each phase of the concept master plan will still require a type 2 design review application before it is built (similar to the design review application for Phase 1 that has been submitted), along with any associated variance or adjustment applications. The traffic study encompassed all four of the phases, however, so if the future phases of the development do not increase the number of trips beyond what is anticipated in the concept master plan then a new traffic study will not be required for future phases. The concept master plan approval expires in 10 years.

## PHASE 1 - DESIGN REVIEW. DR2-15-010

### A. 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 proposed building is compatible with the structures on the main Friendsview campus to the east. The building is four stories tall, with pitched gable and hipped roofs, covered outdoor decks and window bays. The building will have a brick veneer base, similar to the existing manor building, and the upper floors will have cementitious lap and panel siding. The phase 1 building is adjacent to single-family homes, and will be setback over 25 feet from the adjoining property lines. The applicant is preserving two large trees just west of the phase 1 building. The applicant will need to add trees and shrubs to the landscaping buffer along the western property line, adjacent to the single-family home, to partially obscure the view of the Friendsview building, and to break up its visual mass. Exterior lights will be directed onto the site so as to not adversely affect the adjoining properties. As conditioned, the overall design will be compatible with the surrounding uses and structures.

*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 parking space per living unit in a continuing care retirement community, 38 units require at least 38 parking spaces. The applicant plans to provide 50 spaces in phase 1, so the minimum requirement is met. The project provides adequate on-site circulation for residents, and does not use the public streets as part of the parking lot circulation pattern. Most of the parking will be under the building, which minimizes the impact on the site.

The Fire Department commented: The entire complex must meet requirements of the Oregon Fire Code, including access and water supply. Phase 1 shows an elevated structure across the access route, which would need to be reviewed and approved by the Fire Marshal. Supply a detailed drawing showing the elevated structure. Show FDCs and hydrants for each phase of development.

*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 Institutional zone requires a 25 foot front setback, 10 foot interior setback, and a 25 foot setback from properties zoned residential. The zone does not have a lot coverage limit. The maximum height in the zone is 75 feet, but is reduced to 50 feet within 100 feet of a property line abutting a public street or railroad right-of-way. Within 50 feet of an interior property line abutting a R-2 district, the height is limited to 30 feet.

The proposed phase 1 building meets the 10 feet interior setback and the 25 foot setback from residential, but part of the building does not meet the 25 foot front setback from Center Street. The applicant has applied for a variance to this standard; if the variance is approved then the proposal will have met the Development Code requirements. This finding is conditional on the applicant completing the Cherry Street right-of-way vacation, which is close to completion.

The building is 49 feet tall, and most of the building complies with the maximum height standard. A portion of the building is within 50 feet of an interior property line abutting a R-2 district, where the height limit is 30 feet. The applicant has applied for a variance to this height limit; if the variance is approved then the proposal will have met the Development Code standards.

Following compliance with design review conditions, the proposed project will meet the height restrictions and public access requirements, setback, coverage, 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:** 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. Each ground floor unit has a patio that is larger than 48 square feet, and each unit has storage (located in the parking garage). The site has over 14,565 square feet of usable outdoor recreation space, which exceeds the 7,600 square feet of space the code requires. The code requires a minimum of 15% landscaping; the phase 1 site plan exceeds that and provides 35% landscaping. As noted in the design compatibility finding, the landscape plan will need to add trees and shrubs to the landscaping buffer along the shared property line of the single-family home to the west to partially obscure the view of the Friendsview buildings, and to break up their mass.

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

**Finding:** Not applicable – separate sign applications will be submitted at a future date.

***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 in phase 1 is zoned Institutional, in which a continuing care retirement home is a permitted use. The zone does not have a density limit, so the density on the site is limited by the parking standard, height limit, setbacks, and other development standards.

**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 phase one design meets the applicable development code and municipal code requirements as detailed below and as conditioned. For all utilities, detailed construction plans are required, and utilities serving more than one tax lot must have recorded easements granting the appropriate rights to each parcel. As conditioned: submit construction plans for review and approval, submit easements for review, and record approved easements.

**Water:** *All lots and parcels shall be served by the water system of the City per NMC 15.510.040. Plans for connections to the public water system shall be reviewed and approved by the director prior to construction.*

**Findings:** There is an existing 6" waterline which is looped from Fulton Street North through Center Street, East through Cherry Street and South to Fulton Street through the Friendsview Property. A portion of the waterline is proposed to be relocated at the Corner of Center Street and Cherry Street. There are several existing water services and meters along this line. As conditioned: submit construction plans for review and approval.

Existing Water line services to be abandoned at the main line.

Submit calculations performed by a professional engineer demonstrating adequate fire flow and domestic flow for the development. If necessary for domestic or fire flow service, upsize existing waterline.

Maintain or adjust easement for the public water line within private property. The waterline shall be in a minimum 15' easement.

In accordance with Newberg Municipal Code this design review does increase the impacts to the water system and is therefore not exempt from water SDC charges.

**Sewer:** *Per NMC 13.10.070A All new construction shall be connected to the city wastewater system. 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.*

**Findings:** There is an existing 6" sewer line in Cherry Street which will serve this development. The sewer line has a high point within Cherry Street and flows East and West from there, then South to Fulton. The standard minimum sanitary sewer line size is 8" and this line does not meet the standards. There are several existing sanitary sewer laterals on this line. As conditioned: Submit construction plans for review and approval.

Install manhole at the new service connection to the main line in Center Street.

Inspection of the main line along Center Street shall be completed. If the line is continuous between manholes, install manhole at the high point of the sewer line within Center Street to allow proper maintenance. If the line is not continuous, install clean outs at the ends of both lines. All existing sewer services which will no longer be used shall be abandoned at the main line.

Maintain a 15' public utility easement for the existing sewer line on private property. Provide paved maintenance access to within 10' of all structures.

All new restaurants/commercial kitchens employing an oil or grease process shall install an approved oil/grease trap before discharging to the waste water system per Newberg Municipal Code section 13.10.080.

Sewer flow calculations shall be submitted verifying sufficient capacity in onsite and offsite sewer facilities, at a minimum to Fulton Street. If necessary, upsize existing lines.

In accordance with Newberg Municipal Code this design review does increase the impacts to the public wastewater system and is therefore not exempt from sanitary SDC charges. Utilities serving more than one lot shall have appropriate easements recorded.

*Stormwater: NMC 13.25.040 No person shall undertake a ground disturbing project without having provided erosion and sediment controls that address erosion caused by wind or rain. 13.25.260 & 13.25.270 Projects that create a 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. 13.25.280 Prior to an applicant receiving a permit for a project, the director shall determine the stormwater requirements of the project. They shall provide a summary of the project, design flow calculations, and proposed methods for treating stormwater to the director for review and approval in accordance with requirements specified in the design standards manual.*

**Findings:** The developer has submitted a preliminary stormwater report dated October 30, 2015. The stormwater design utilizes Low Impact Development Approach (LIDA) for water quality and quantity control of the net new impervious areas within phase one. Stormwater will discharge into a new 8-inch storm drain pipe in Center Street which connects to an existing 8" storm pipe traveling south to Fulton St. The stormwater design appears to comply with the engineering standards design manual, but will be reviewed in detail when construction plans are submitted. As conditioned: Submit construction plans for review and approval.

Approval of this project is conditioned on the applicant meeting the city's stormwater code (ordinance No. 2021-2754) and the engineering standards manual. Utilities serving more than one tax lot shall have appropriate easements recorded.

A DEQ 1200-C permit is required for erosion control. Applicant shall submit to the City a copy of the approved DEQ 1200-C permit prior to grading.

***Streets/Frontage Improvements: A development requiring a Type II design review abutting or adjacent to an existing road of inadequate width shall dedicate additional right-of-way to and improve the street to the width specified in NMC 15.505.060.***

**Findings:** Access to the development will be from Center Street and through the existing Friendsview property which has access from Fulton. Fulton Street is fully developed with 4' sidewalks. No improvements are proposed, nor required, along Fulton with phase one of development. Center Street does not have sidewalks. Pedestrian access is proposed to be provided east through the Friendsview property to Fulton Street. As conditioned: submit construction plans for review and approval, submit easements for review, and record approved easement. Easements shall be maintained for public utility systems maintenance.

As part of phase one, 5' curbside sidewalk shall be installed along the west side of Center Street, from Fulton Street to the northern end of Center Street, in order to provide a direct pedestrian access to Fulton Street. The phase one development of independent-living apartments will increase the number of Friendsview residents walking and driving on Center Street. A continuous sidewalk to Fulton Street is necessary for pedestrian safety, due to the impact of the phase one development. The Center Street right-of-way is narrow, and is not wide enough to construct a 5' sidewalk behind the existing curb. In order to construct the 5' curbside sidewalk either: 1) dedication of Right-of-Way or an easement is necessary from Tax Lot 1000; or 2) if Right-of-Way or an easement is not provided, relocation of the existing curb to provide for a 5' sidewalk is required. It is anticipated that Center Street will be vacated in a future phase of the development, at which time the sidewalk will become a private walkway. The City will not require the curbside sidewalk along Center Street to be replaced with a setback sidewalk at a future phase.

The development will require substantial heavy construction traffic. Developer shall be responsible for the repair and replacement of any off-site city infrastructure, including streets, which are damaged by construction activities.

Overhead utility lines currently exist and loop from Fulton Street, North to Cherry Street, East to the existing Friendsview property, and South to Fulton Street. Per Newberg Development Code section 15.430.010, the overhead utilities along the north side of Cherry Street shall be relocated underground. Due to the complex issues with converting the existing overhead to underground services for the homes on the south side that are remaining, temporary poles may remain to reconnect the new underground utilities to the existing overhead connections. These temporary overhead utilities shall be placed underground with phase two.

Transportation SDC's – In accordance with Newberg Municipal Code this design review does increase the impacts to the public transportation system and is therefore not exempt from transportation SDC charges.

ODOT Rail and Public Transit Division comments for file No DR2-15-009/DR2-15-010/VAR-15-002

are as follows:

1. Based on the site map it shows the development is parallel to the railroad tracks. A continuous fence will be needed to separate the development from the tracks to restrict trespassing on railroad property and for the safety of the public. This includes no gates or access to the railroad property. I noticed a gate which led to railroad property and many sections of fence which were missing. I will attach a railroad fencing detail example. Suggest short fence/landscaping in close proximity to railroad crossing for line of sight of vehicles.
2. Experience has taught us that once developed complaints ensue about neighboring train whistles, noise, vibrations, and odors. I would caution such use especially in such close proximity to a public at-grade crossing due to train whistles. We would recommend the contractor use noise deadening building materials, fencing, and bushes to lessen the noise.
3. Be conscious of property setbacks from the property lines to include the roof overhanging so that the roof does not overhang off of or adjacent to other property and/or water does not sheet off of the roof to another property or railroad property. Excess water can cause damage to the railroad tracks, ballast, ties, and crossing. Noted on site visit last week shed/garage buildings on current Friendsview property abuts directly next to property line with no set back. There needs to be a setback for all structures.

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

**Finding:** The applicant provided a traffic study based on the full build-out of the concept master plan. The traffic engineer found that no improvements are needed as a result of this development.

**B. Additional Criteria That Apply - Newberg Development Code 15.220.060:**

**15.220.060 Additional requirements for multi-unit residential projects.**

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

**Finding:** The multi-unit residential project contains more than 7 units. The project therefore must score at least 20 points according to the guidelines. The table below shows the point values obtained.

Design Review – phase 1	Possible Points	Points
<i>Site Design Elements</i>		
Consolidate green space	3	
Preserve existing natural features	3	3
Use front setback to build a street edge	3	3
Place parking lots on sides or back of projects	3	3
Create "outdoor rooms"	2	2
Provide good quality landscaping	2	2
Landscape at edges of parking lots	2	2
Use street trees and vegetative screens	1	1
Use site furnishings to enhance open space	1	
Keep fences "neighborly"	1	
Use entry accents	1	
Use appropriate outdoor lighting	1	1
<i>Building Design Elements</i>		
Orient buildings toward the street	3	
Respect the scale and patterns of nearby buildings	3	2
Break up large building planes into bays	3	3
Provide variation in repeated units	3	
Building materials: a) wood or wood-like siding b) shingles on roof or upper portions c) brick at base of walls or chimneys d) wood or wood-like sash windows e) wood or wood-like trim	1 each	4

Incorporate historical architectural elements	2	
Keep car shelters accessory to building	2	2
Provide a front porch at every main entry	2	
Use slope roofs at a pitch of 3:12 or steeper	2	2
Total (a minimum of 20 is required)		30 (exceeds minimum)

**C. VAR-15-002. Criteria That Apply - Newberg Development Code 15.215.040:**

*15.215.040 Type II variance criteria.*

*The Type II procedure shall be used to process a variance request. The hearing body shall grant the variance if the following criteria are satisfied:*

**Setback variance request:**

*A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.*

**Finding:** The proposed building largely meets the 25 foot front setback requirement. The southwest corner of the building, however, is only 20 feet from the Center Street front property line, so the applicant has requested a variance to this standard. Setbacks are intended to preserve adequate light, air and privacy on a site. In this case, there is only a small portion of the building (95 square feet, or less than 1% of the building footprint) extending into the front setback. Strict interpretation of the setback would require a significant change to the building, making it smaller and a less efficient use of the site. The triangular shape of the lot creates an unusual situation for a rectangular building. Strict interpretation of the setback would result in a practical difficulty for the applicant, and be inconsistent with the objectives of the Development Code.

*B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.*

**Finding:** The property has an exceptional condition, as it has a triangular shape due to the railroad right-of-way. This does not generally apply to other properties in the Institutional district, and is an unusual situation that makes it difficult to meet the front setback.

*C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.*

**Finding:** Other properties in the Institutional district would be simpler and more efficient to develop, as they are typically on rectangular lots in a regular street grid. Strict enforcement of the front setback from

Center Street would deprive the property owner of development privileges enjoyed by other property owners in the Institutional district.

*D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.*

**Finding:** Granting the variance would not constitute a grant of special privilege, as it applies only to a small portion of the building corner (95 sf of floor area) and is limited in scope.

*E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. [Ord. 2451, 12-2-96. Code 2001 § 151.163.]*

**Finding:** The setback reduction from 25 to 20 feet for one corner of the building is small in scope, and does not affect emergency access or create other detrimental impacts. Granting the variance will have no impact on the public health, safety or welfare, or be materially injurious to properties in the vicinity.

#### Height Variance request:

*A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.*

**Finding:** The building is 49 feet tall, which complies with the 50 foot height limit. A small portion of the building, however, is closer than 50 feet to an interior property line of a R-2 zoned property; there is a 30 foot height limit in that area, so the applicant has applied for a variance to allow the 49 foot building in that area.

The lot has a triangular shape due to the railroad right-of-way, which makes it difficult to place a rectangular building on the site without one corner extending closer to the R-2 property. The building is setback over 35 feet from the property line, and less than 75 square feet of the building footprint extends into the area with the 30 foot height limit. The proposed building is also over 100 feet from the house on the R-2 lot. The 30 foot height limit is intended to prevent tall buildings from towering over adjacent single-family homes. The location and design of the building provide a large setback from the R-2 property already, so the 30 foot height limit is not needed to prevent the building from being too obtrusive. Strict enforcement of the 30 foot height limit would create a practical difficulty for the applicant, as it would require a smaller building footprint and less efficient use of the site, and it would be inconsistent with the objectives of this code.

*B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.*

**Finding:** The property has an exceptional condition, as it has a triangular shape due to the railroad right-of-way. This does not generally apply to other properties in the Institutional district, and is an unusual situation.

*C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.*

**Finding:** Other properties in the Institutional district would be simpler and more efficient to develop, as they are typically on rectangular lots in a regular street grid. Strict enforcement of the height limit near R-2 would deprive the property owner of development privileges enjoyed by other property owners in the Institutional district.

*D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.*

**Finding:** Granting the variance would not constitute a grant of special privilege, as it applies only to a small portion of the building corner (75 sf of floor area) and is limited in scope.

*E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. [Ord. 2451, 12-2-96. Code 2001 § 151.163.]*

**Finding:** The corner of the building that exceeds the 30 foot height limit within 50 feet of the R-2 district is over 35 feet from the R-2 property, and over 100 feet from the house on the R-2 property. Granting the variance will have no impact on the public health, safety or welfare, or be materially injurious to the R-2 property.

\* \* \*

**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 DR2-15-009/DR2-15-010/VAR-15-002**  
**Friendsview University Village – Concept master plan design review, Phase 1 design review & variance request**

- A. **CONCEPT MASTER PLAN** - The following conditions must be addressed in future phases:
1. **Concept master plan phases:** The concept master plan shows a four-phase development. Parts of the master plan are aspirational, as they depend on future property purchases, conversion of the zoning on those purchases to Institutional, and vacation of both the Cherry Street and Center Street rights-of-way. Each phase of the concept master plan will still require a type 2 design review application before it is built (similar to the design review application for Phase 1 that has been submitted), along with any associated variance or adjustment applications. The traffic study encompassed all four of the phases, however, so if the future phases of the development do not increase the number of trips beyond what is anticipated in the concept master plan then a new traffic study will not be required for future phases. The concept master plan approval expires in 10 years.
  2. **Fire Department:** The entire complex must meet requirements of the Oregon Fire Code, including access and water supply. The current drawings do not meet access requirements in Phase 3; the Fire Dept. needs ladder truck access and a turnaround. Show FDCs and hydrants for each phase of development.
  3. **ODOT Rail:**
    - a. A continuous fence will be needed to separate the development from the tracks to restrict trespassing on railroad property and for the safety of the public. This includes no gates or access to the railroad property. A railroad fencing detail is attached.
    - b. For improved safety at the Meridian St. crossing, all accesses shall be removed off Meridian St. for Friendsview University Village development and access shall be from Fulton St. Access in close proximity to a crossing can be a hazard. This will improve the safety of the crossing. This will need future review by ODOT Rail when further construction details are available.
    - c. Any roadway improvements, sidewalk improvements, including ADA ramps, truncated domes, etc, on Meridian St and/or Meridian and Fulton intersection will need to have further review by ODOT Rail. This could lead to a ODOT Crossing Order which requires the public authority (City of Newberg) to file a ODOT Crossing Application for the improvements. See link to ODOT Rail Crossing Safety page with crossing application. <http://www.oregon.gov/ODOT/RAIL/Pages/crosssafe.aspx>.
    - d. There are also other permits and such which may be needed from the railroad in addition to a ODOT Crossing Order as described in #5. Please be conscious there is a difference between a Crossing Order from ODOT and permits from the railroad. If there are any further changes from what is currently being reviewed, ODOT Rail will need to review the development again.
  4. **Landscaping:** Add trees and shrubs to the landscaping buffer along the shared property lines of the single-family homes to partially obscure the view of the Friendsview

buildings, and to break up their mass.

5. **Public Works:**

- a. General: For all utilities, detailed construction plans are required, and utilities serving more than one tax lot must have recorded easements granting the appropriate rights to each parcel. As conditioned: submit construction plans for review and approval, submit easements for review, and record approved easements.
- b. 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.
- c. All survey monuments on the subject site or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
- d. **Water:** Submit construction plans for review and approval at each future phase.
  1. Existing Water line services to be abandoned at the main line.
  2. Fire flow and domestic water flow calculations shall be submitted to the Engineering Services Department for the proposed development that conform to the City Building Division, and Fire Marshal requirements indicating that minimum fire flow and domestic flow service pressure and flows are available to the entire development. If required to provide fire and domestic water flow, upsize existing water line.
  3. Utilities serving more than one lot shall have appropriate easements recorded.
  4. Waterline shall remain public and within a 15' public utility easement along Center St, Cherry St, and the Friendsview property.
- e. **Sewer:** Submit construction plans for review and approval at each future phase.
  1. At the time that lots are consolidated and Center Street is vacated, all sanitary sewer within the development shall be privately owned and maintained. Applicant shall install manholes at the private to public transitions near the Fulton Street Right of Way.
  2. All new restaurants/commercial kitchens employing an oil or grease process shall install an approved oil/grease trap before discharging to the waste water system per Newberg Municipal Code section 13.10.080.
  3. Sewer flow calculations shall be submitted verifying sufficient capacity in

onsite and offsite sewer facilities. If necessary to provide sanitary sewer service, upsize sewer pipes.

4. Utilities serving more than one lot shall have appropriate easements recorded.
  5. In accordance with Newberg Municipal Code this design review does increase the impacts to the public wastewater system and is therefore not exempt from sanitary SDC charges.
- f. **Stormwater:** Submit construction plans for review and approval at each future phase.
1. At full build-out of the concept master plan, all onsite stormwater systems shall be privately owned and maintained.
  2. Approval of this project is conditioned on the applicant meeting the city's stormwater code (ordinance No. 2021-2754) and the engineering standards manual.
  3. Submit a final engineer's storm water report per the City of Newberg Engineering Design Standards Manual.
  4. Utilities serving more than one tax lot shall have appropriate easements recorded.
  5. A DEQ 1200-C permit is required for erosion control. Applicant shall submit to the City a copy of the approved DEQ 1200-C permit prior to grading.
- g. **Streets/frontage improvements:** Submit construction plans for review and approval at each phase, submit easements for review, and record approved easement.
1. As part of phase one, 5' curbside sidewalk shall be installed along the west side of Center Street, from Fulton Street to the northern end of Center Street, in order to provide a direct pedestrian access to Fulton Street. A continuous sidewalk to Fulton Street is necessary for pedestrian safety, due to the impact of the phase one development. The Center Street right-of-way is narrow, and is not wide enough to construct a 5' sidewalk behind the existing curb. In order to construct the 5' curbside sidewalk either: 1) dedication of Right-of-Way or an easement is necessary from Tax Lot 1000; or 2) if Right-of-Way or an easement is not provided, relocation of the existing curb to provide for a 5' sidewalk is required. It is anticipated that Center Street will be vacated in a future phase of the development, at which time the sidewalk will become a private walkway. The City will not require the curbside sidewalk along Center Street to be replaced with a setback sidewalk at a future phase.
  2. As part of phase two, the 4' sidewalks along the Fulton Street frontage shall be replaced with 5' minimum sidewalks with minimum 4.5' landscaped planter strips. Dedicate Right-of-Way as necessary along the Fulton Street frontage to accommodate.
  3. As part of phase two, a standard commercial driveway shall be installed at the

existing Center Street intersection with Fulton Street. A minimum 10' wide concrete apron/sidewalk shall be installed at the existing Friendsview driveway, separating the public road from the private drive.

4. As part of phase four, frontage improvements along the frontage of phase four improvements are required including 5' sidewalk and minimum 4.5' landscaped planter strip along Fulton Street and Meridian Street. Dedicate Right-of-Way as necessary.
5. Easements shall be maintained for public utility systems maintenance, including a standard turnaround per Engineering Standard Detail #529.
6. The development will require substantial heavy construction traffic. Developer shall be responsible for the repair and replacement of any off-site city infrastructure, including streets, which are damaged by construction activities.
7. Overhead utility lines currently exist and loop from Fulton Street, North to Cherry Street, East to the existing Friendsview property, and South to Fulton Street. At full build-out of the concept master plan, all overhead lines shall be placed underground, per Newberg Development Code section 15.430.010.
8. Transportation SDC's – In accordance with Newberg Municipal Code this design review does increase the impacts to the public transportation system and is therefore not exempt from transportation SDC charges.

**B. PHASE 1 BUILDING: 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. Existing and proposed utility easement
  - c. Existing and proposed sewer, water, and storm sewer connections
  - d. Fire hydrant locations
  - e. Fire department connection (FDC)
  - f. Grading plan
  - g. Landscaping plan
  - h. O.S.S.C. Chapter 11 (ADA) requirements relating to access from the public way, parking spaces and signage
  - i. On-site walks
  - j. Parking lot design, including ADA compliant spaces
  - k. Structural details
  - l. Utility plan
  - m. 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. **Cherry Street right-of-way vacation:** The vacation process must be completed before any building permits are issued.
4. **Public Works – Engineering Services Dept.:** For all utilities and street improvements, detailed construction plans are required, and utilities serving more than one tax lot must have recorded easements granting the appropriate rights to each parcel. Submit construction plans for review and approval, submit easements for review, and record approved easements.
  - a. **Water:** A portion of the waterline is proposed to be relocated at the Corner of Center Street and Cherry Street. There are several existing water services and meters along this line. Submit construction plans for review and approval.
    1. Existing Water line services to be abandoned at the main line.
    2. Submit calculations performed by a professional engineer demonstrating adequate fire flow and domestic flow for the development. If necessary for domestic or fire flow service, upsize existing waterline.
    3. Maintain or adjust easement for the public water line within private property. The waterline shall be in a minimum 15' easement.
    4. In accordance with Newberg Municipal Code this design review does increase the impacts to the water system and is therefore not exempt from water SDC charges.
  - b. **Sewer:** Submit construction plans for review and approval.
    1. Install manhole at the new service connection to the main line in Center Street.
    2. Inspection of the main line along Center Street shall be completed. If the line is continuous between manholes, install manhole at the high point of the sewer line within Center Street to allow proper maintenance. If the line is not continuous, install clean outs at the ends of both lines. All existing sewer services which will no longer be used shall be abandoned at the main line.
    3. Maintain a 15' public utility easement for the existing sewer line on private property. Provide paved maintenance access to within 10' of all structures.
    4. All new restaurants/commercial kitchens employing an oil or grease process shall install an approved oil/grease trap before discharging to the waste water system per Newberg Municipal Code section 13.10.080.

5. Sewer flow calculations shall be submitted verifying sufficient capacity in onsite and offsite sewer facilities, at a minimum to Fulton Street. If necessary, upsize existing lines.
  6. In accordance with Newberg Municipal Code this design review does increase the impacts to the public wastewater system and is therefore not exempt from sanitary SDC charges. Utilities serving more than one lot shall have appropriate easements recorded.
- c. **Stormwater:** The stormwater design appears to comply with the engineering standards design manual, but will be reviewed in detail when construction plans are submitted. Submit construction plans for review and approval.
1. Approval of this project is conditioned on the applicant meeting the city's stormwater code (ordinance No. 2021-2754) and the engineering standards manual. Utilities serving more than one tax lot shall have appropriate easements recorded.
  2. A DEQ 1200-C permit is required for erosion control. Applicant shall submit to the City a copy of the approved DEQ 1200-C permit prior to grading.
- d. **Streets/frontage improvements:** Submit construction plans for review and approval, submit easements for review, and record approved easements. Easements shall be maintained for public utility systems maintenance.
1. A 5' curbside sidewalk shall be installed along the west side of Center Street, from Fulton Street to the northern end of Center Street, in order to provide a direct pedestrian access to Fulton Street. The phase one development of independent-living apartments will increase the number of Friendsview residents walking and driving on Center Street. A continuous sidewalk to Fulton Street is necessary for pedestrian safety, due to the impact of the phase one development. The Center Street right-of-way is narrow, and is not wide enough to construct a 5' sidewalk behind the existing curb. In order to construct the 5' curbside sidewalk either: 1) dedication of right-of-way or an easement is necessary from Tax Lot 1000; or 2) if right-of-way or an easement is not provided, relocation of the existing curb to provide for a 5' sidewalk is required. It is anticipated that Center Street will be vacated in a future phase of the development, at which time the sidewalk will become a private walkway. The City will not require the curbside sidewalk along Center Street to be replaced with a setback sidewalk at a future phase.
  2. The development will require substantial heavy construction traffic. Developer shall be responsible for the repair and replacement of any off-site city infrastructure, including streets, which are damaged by construction activities.
  3. Overhead utility lines currently exist and loop from Fulton Street, North to Cherry Street, East to the existing Friendsview property, and South to

Fulton Street. Per Newberg Development Code section 15.430.010, the overhead utilities along the north side of Cherry Street shall be relocated underground. Due to the complex issues with converting the existing overhead to underground services for the homes on the south side that are remaining, temporary poles may remain to reconnect the new underground utilities to the existing overhead connections. These temporary overhead utilities shall be placed underground with phase two.

4. **Transportation SDC's** – In accordance with Newberg Municipal Code this design review does increase the impacts to the public transportation system and is therefore not exempt from transportation SDC charges.
5. **Utility Plan:** Provide a utility plan that shows how the private utility lines will be connected on site.
6. **Fire Dept.:** The entire complex must meet requirements of the Oregon Fire Code, including access and water supply. Phase 1 shows an elevated structure across the access route, which would need to be reviewed and approved by the Fire Marshal. Supply a detailed drawing showing the elevated structure. Show FDCs and hydrants for each phase of development.
7. **ODOT Rail:** A continuous fence will be needed to separate the development from the tracks to restrict trespassing on railroad property and for the safety of the public. This includes no gates or access to the railroad property. A fence detail is attached.
8. **Signage:** 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. **Garbage:** Provide written confirmation that Waste Management has approved the method of refuse collection, and the design, size, and location of any proposed refuse collection area. The proposed design does not meet current standards. The dumpster enclosure must be located at least five (5') from the building, constructed of masonry block or brick, and buffered from view with landscaping.
11. **Landscape Plan:** Submit a revised landscape plan, subject to review and approval by the Planning division, with the following additions or modifications :
  - a. **Buffer:** Add trees and shrubs to the landscaping buffer along the western property line, adjacent to the single-family home property, to partially obscure the view of the Friendsview building, and to break up its visual mass.

#### C. 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 design review conditions have been completed.

3. **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.

#### **D. DEVELOPMENT NOTES**

1. A DEQ 1200-C permit will be required before a grading permit can be issued for all sites greater than one acre.
2. Systems development charges (SDCs) will be collected when building permits are issued. For questions regarding SDCs please refer to the attached fee packet and contact the Engineering Division.

# Attachment 1: Aerial Photo





