

Community Development Department

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**NOTICE OF DECISION - CHEHALEM AQUATIC CENTER
CONDITIONAL USE PERMIT/DESIGN REVIEW/CODE ADJUSTMENT
CUP-16-001/DR2-16-001/ADJC-16-001**

April 19, 2016

Jim McMaster
Chehalem Park & Recreation District
125 S. Elliott Road
Newberg, OR 97132

Cc: All persons who provided public comments

On April 14, 2016, the Newberg Planning Commission approved conditional use permit/design review/code adjustment application CUP-16-001/DR2-16-001/ADJC-16-001 for the Chehalem Aquatic Center at 1802 Haworth Avenue, subject to the conditions listed in the attached order. The Commission's decision will become effective on May 4, 2016 unless an appeal is filed.

An affected party may appeal the Commission's decision to the City Council within 14 calendar days of the decision in accordance with Newberg Development Code §15.100.170. Affected parties include the applicant, any party entitled to receive notice of the hearing, anyone providing writing or oral comments at the hearing, and anyone providing written comments prior to the close of the hearing. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$935 to the Planning Division.

The deadline for filing an appeal is 4:30 pm on May 3, 2016.

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

The conditional use permit is effective only when the exercise of right granted is commenced within one year of the effective date listed above. If you are approaching the expiration date, please contact the Planning Division regarding extension opportunities.

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

Sincerely,

Steve Olson, Senior Planner



PLANNING COMMISSION ORDER 2016-20

AN ORDER APPROVING CONDITIONAL USE PERMIT/DESIGN REVIEW/CODE ADJUSTMENT CUP-16-001/DR2-16-001/ADJC-16-001 FOR AN EXPANSION OF THE CHEHALEM AQUATIC AND FITNESS CENTER AT 1802 HAWORTH AVENUE, YAMHILL COUNTY TAX LOT 3217CA-1200

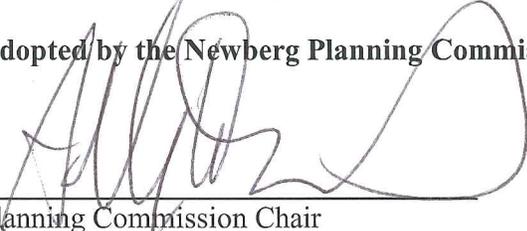
RECITALS

1. The Chehalem Park and Recreation District (CPRD) submitted an application for a conditional use permit/design review/code adjustment for an expansion of the Chehalem Aquatic and Fitness Center at 1802 Haworth Avenue, Yamhill County tax lot 3217CA-1200.
2. After proper notice, the Newberg Planning Commission held a hearing on April 14, 2016, took public testimony, and deliberated on the application.
3. The Newberg Planning Commission finds that the application meets the applicable criteria as conditioned and shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Conditional Use Permit/Design Review/Code Adjustment Application CUP-16-001/DR2-16-001/ADJC-16-001 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This order shall be effective April 29, 2016 unless appealed prior to that date.
4. This order shall expire one year after the effective date above if the applicant does not obtain a building permit pursuant to this application by that time, unless an extension is granted per Newberg Development Code 15.225.100.

Adopted by the Newberg Planning Commission this 14th day of April, 2016.



Planning Commission Chair

ATTEST:



Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Conditions

Exhibit “A” to Planning Commission Order 2016-20
Findings –File CUP-16-001/DR2-16-001/ADJC-16-001
Chehalem Aquatic and Fitness Center

I. Conditional Use Permit Criteria That Apply - Newberg Development Code 15.225.060.

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

Finding: The site is in the R-1 (low density residential) district, and contains an existing 21,280 square foot aquatic center. It is owned and operated by the Chehalem Park & Recreation District (CPRD). This is a Community Service Facility use, which is a conditional use in the R-1 zone. The proposed expansion therefore requires a conditional use permit application, in addition to the design review application which is required for new buildings. The design review criteria will be addressed in a later section of the findings. The applicant has also applied for a code adjustment application to reduce the amount of required off-street parking from 197 spaces to 148 spaces. The code adjustment criteria will be addressed in a later section of the findings.

The proposed aquatic and fitness center addition will include a 40,390 square foot building which will include a leisure pool, a competition pool, seating, locker rooms and event spaces. The proposal includes a 148 space parking lot, 45,000 square foot park area with basketball court and playground, new sidewalk and driveways off Haworth Avenue, and a new cul-de-sac and service drive off Cherry Street. The project will remove some mature trees on site, but will retain over 60 mature trees. Construction will be phased so the existing aquatic center can remain open while the addition is constructed. Once the addition is complete and depending on the funds available, the applicant intends to remodel the existing aquatic center into a gym (options include a full court gym, second floor running track, weight and fitness rooms, restrooms, staff offices, and a 2,200 square foot outdoor pool).

The new addition will be 30 feet tall, which meets the R-1 height limit and is approximately one foot taller than the existing building. The new addition is setback far from Haworth Avenue and is in the center of the site, so it is separated from the residential properties west of the site by the existing building, and separated from the residential properties east of the site by a large park area. It is relatively close to the Prestige Care site to the south, who has indicated support for the project design. The building mass, scale and location are therefore reasonably compatible with surrounding development.

The peak parking demand for the site is estimated to be 197 parking spaces during large events, based on the Lancaster Engineering parking study. The applicant has applied for a code adjustment to reduce the amount of required off-street parking. A code adjustment can reduce a requirement by a maximum of 25%. A 25% reduction of the 197-space requirement would lower the requirement to 148 spaces. So, if the parking code adjustment is approved then the site would need to have at least

148 off-street parking spaces.

The applicant has applied for the parking code adjustment because building 197 parking spaces for the proposed project would require the removal of most of the mature trees and park area on the site. The applicant's argument for the parking reduction is based on the observation that the peak demand only occurs occasionally during large meets (4-5 times per year), and that the applicant can take certain steps (traffic demand management) to address potential parking overflow onto nearby streets. The applicant has provided additional bicycle parking spaces, has arranged a shared-parking agreement with Newberg High School, and can apply to the City to use on-street parking along the Haworth Avenue frontage during large events. If the parking code adjustment is approved based on the traffic demand management steps then the proposed project's parking will be considered to be compatible with the surrounding development.

The applicant had Lancaster Engineering, a professional engineering firm, prepare a traffic impact study for the project. Traffic patterns and volumes were observed at key intersections near the site, sight distance and crash data were analyzed, and an operational analysis was performed to determine the impact of the project. All of the study intersections (Portland Road at Villa Road, Villa Road at Fulton Street, Villa Road at Haworth Avenue, and Haworth Avenue at Sitka Avenue) currently operate at an acceptable level of service, and will continue to operate acceptably with the addition of trips due to the new addition. No significant safety concerns were identified, and sight distance was found to be adequate, and would be improved by this project. Accordingly, the traffic engineer did not recommend any traffic mitigation improvements.

Operating characteristics: The hours of operation are expected to remain essentially the same, and the number of employees is expected to double (from 5-15 staff on site to 10-30 staff, depending on schedules). No odor impacts are expected from the site.

Light trespass: The applicant's lighting plan shows that the fixtures will be shielded and will meet the light trespass standard (cannot exceed 0.5 foot-candles) along most of the property lines, except in the NE and SW corners. Submit a revised lighting plan that meets the 0.5 foot-candle light trespass standard along all of the property lines, including the NE and SW corners.

A neighbor on Sitka Avenue, Shirley Cooper, submitted a letter expressing concern that the playground and basketball court were too close to residential neighbors, that they would increase noise and negatively impact neighbors, and that some of the mature trees on site were potential hazards. She requested that the playground be moved west, that more tall trees close to the residential property lines be removed, and that buffer landscaping be added along the eastern edge of the park property.

The existing basketball court is approximately 200 feet from the east property line, and the proposed basketball court is approximately 80 feet from the east property line. The existing playground is over 200 feet from the east property line, and the proposed playground is approximately 50 feet from the east property line. The proposed playground could potentially be moved about 60 feet to the west. There would be tradeoffs, however. The move would require removing approximately 8 mature trees, and would place the playground next to a busy parking lot. The mature trees have value for the neighborhood and the community, so losing more of them would be a negative consequence for the livability of the area. Placing the playground close to a busy parking lot would raise safety concerns,

since the playground will typically attract small children. Moving the playground 60 feet to the west would also do little to reduce noise impacts; noise decreases slowly with distance, and landscaping does not effectively block noise. The only design approach that effectively blocks noise is a masonry wall, which would be an expensive requirement and is not appropriate here. This site was already used as a public park with a playground and basketball court and has been for many years; the only significant difference is that the proposed playground and basketball court are closer to the eastern property line. These facilities are not right next to the property line, however; the eastern edge of the basketball court is 80 feet from the eastern property line, and the eastern edge of the playground is 50 feet from the eastern property line. The eastern property line has a mix of chain-link fences and wooden fences. Some have hedges to block visibility, and others do not. The applicant is removing an old asphalt pad near the east property line (former basketball court), which will reduce potential noise issues from that spot. The applicant shall submit a revised landscape plan that adds a landscape buffer hedge along the eastern property line where there is room between the existing path and the fence, which will grow over time to provide visual buffering for the residential neighbors. The hedge shall consist of arbor vitae hedge plants, planted close enough to grow into a functional hedge. The applicant shall contact the adjoining property owners before revising the landscape plan, and not plant the hedge where the adjoining property owner would prefer to keep a view into the park.

Arborist report/tree preservation: The applicant plans to retain over 60 mature trees on the site. Any trees the arborist deems hazardous (based on the health of the tree, not the distance to neighboring properties) should be removed, and any dead or broken branches should be removed. The arborist report Tree Care and Preservation Guidelines state that if some trees are to be preserved then there must be a qualified project arborist on-site or on-call for the entire project, especially during any excavation near the preserved trees. Submit a report from the project arborist verifying that any hazardous trees have been removed, broken or dead branches have been pruned, and that the Tree Care and Preservation guidelines have been followed; the arborist report is due before occupancy will be approved for the building. These conditions will make the development reasonably compatible with abutting properties.

The applicant also moved the grass volleyball court from the southwest corner, which was next to residential properties, eastward so it would be farther from most residential properties. It will have a fence and evergreen hedge as a buffer. The outdoor pool, if built, will have a fence and 5 foot landscape buffer along the property line.

Construction impacts: The applicant will be required to provide parking on-site for contractors to minimize on-street parking impacts. Construction work is limited to between 7 AM and 7 PM, which will limit the impact of construction noise on neighbors. The applicant is required to repair any city infrastructure, including streets, which are damaged by construction activities.

The location, size, design and operating characteristics of the proposed development are therefore such that, as conditioned, it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood.

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

Finding: The location is near the center of the city, and is a convenient location for most of its users. It is also in a walkable residential neighborhood and within biking distance of the high school, so some users will not need to drive to the facility. The site has been designed to be as functional and space-efficient as possible, in order to minimize the loss of mature trees and park space, and be compatible with neighboring properties. The final site design adds significant number of trees in the parking areas and buffer areas, which will soften the appearance of the large parking area. The building has been designed to match the existing building in scale, and has a modern, attractive design.

The proposal therefore meets this criterion because the location, design and site planning will provide a convenient and functional park/recreation center environment, and will be as attractive as the nature of the use and its location and setting warrants.

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

Finding: The design review findings below review the development code standards that apply to this project. As conditioned, the proposed development will be consistent with the development code.

II. 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 proposed aquatic and fitness center addition will include a 40,390 square foot building which will have a leisure pool, a competition pool, seating, locker rooms and event spaces. The proposal includes a 148 space parking lot, 45,000 square foot park area with basketball court and playground, new sidewalk and driveways off Haworth Avenue, and a new cul-de-sac and service drive off Cherry Street. The project will remove many mature trees on site, but will retain over 60 mature trees. Construction will be phased so the existing aquatic center can remain open while the addition is constructed. Once the addition is complete and depending on the funds available, the applicant intends to remodel the existing aquatic center into a gym (options include a full court gym, second floor running track, weight and fitness rooms, restrooms, staff offices, and a 2,200 square foot outdoor pool).

The new addition will be 30 feet tall, which meets the R-1 height limit and is approximately one foot taller than the existing building. The new addition is setback over 160 feet from Haworth Avenue and is in the center of the site (from an east-west perspective), so it is separated from the residential properties west of the site by the existing building, and separated from the residential properties east of the site by a large park area. It is relatively close to the Prestige Care site to the south, who has indicated support for the project design. The addition has been designed to have a modern rectangular form, similar to the existing building. It will be constructed from ground face concrete block, metal panels, and cement stucco, with extensive window area facing north. Large window graphics (“swim” and “play”) will provide visual interest. The site will retain many existing mature

trees in the northeast park area, and will add a large number of trees and landscape buffers on the remainder of the site.

Light trespass: The applicant's lighting plan shows that the fixtures will be shielded and will meet the light trespass standard (cannot exceed 0.5 foot-candles) along most of the property lines, except in the NE and SW corners. Submit a revised lighting plan that meets the 0.5 foot-candle light trespass standard along all of the property lines, including the NE and SW corners.

Construction impacts: The applicant will be required to provide parking on-site for contractors to minimize on-street parking impacts. Construction work is limited to between 7 AM and 7 PM, which will limit the impact of construction noise on neighbors. The applicant is required to repair any city infrastructure, including streets, which are damaged by construction activities.

The overall design of the building addition and the site will be compatible with the existing pool building and the landscaping will make the design blend with surrounding properties.

- (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: The parking lot has been designed so that vehicles can efficiently enter and exit the site with minimum impact on the function of the public street. The design does not rely on public streets as part of the parking lot circulation pattern. The Development Code does not have a specific parking requirement for a community recreation center like the proposed aquatics and fitness center. The applicant's traffic engineer performed a parking study and concluded that the facility had a peak parking demand of 197 spaces. This was based on the Parking Generation Manual, fourth edition, published by the Institute of Transportation Engineers, which is accepted as an authoritative neutral source. The applicant's proposed site plan includes 148 spaces, and they believe this is all the parking they can efficiently fit on the site without removing most of the remaining mature trees and the park. The applicant believes this amount of parking will be adequate except on the occasions when there are large swim meets (4-5 times per year), and has applied for a code adjustment to reduce the amount of required off-street parking. They have proposed some methods to reduce parking demand during peak events, such as swim meets. If the code adjustment is approved then the proposed project will be found to comply with the Development Code.

The Fire Marshal commented that the project must meet all Fire Code standards.

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

Finding: The R-1 zone limits the building height to 30 feet, does not have a lot coverage limit for institutional uses, requires a 25 foot setback for buildings from all property lines, a 15 foot front yard setback for parking, and a 5 foot interior yard setback. The proposed building does not exceed the 30 foot height limit, and projects meets the required setbacks. The project meets vision clearance standards at the driveways. The site has public access from Haworth Avenue and Cherry Street. 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 15.420.010 dealing with landscape requirements and landscape screening.***

Finding: The landscaping plan shows that over 33% of the site will be landscaped, which exceeds the 15% minimum requirement. As noted in the conditional use permit finding, the applicant will be adding some landscaping on the eastern edge of the property. The applicant shall submit a revised landscape plan that adds a landscape buffer hedge along the eastern property line where there is room between the existing path and the fence, which will grow over time to provide visual buffering for the residential neighbors. The hedge shall consist of arbor vitae hedge plants, planted close enough to grow into a functional hedge. The applicant shall contact the adjoining property owners before revising the landscape plan, and not plant the hedge where the adjoining property owner would prefer to keep a view into the park.

As previously noted in the conditional use findings, the applicant plans to retain over 60 mature trees on the site. Any trees the arborist deems hazardous (based on the health of the tree, not the distance to neighboring properties) should be removed, and any dead or broken branches should be removed. The arborist report Tree Care and Preservation Guidelines state that if some trees are to be preserved then there must be a qualified project arborist on-site or on-call for the entire project, especially during any excavation near the preserved trees. Submit a report from the project arborist verifying that any hazardous trees have been removed, broken or dead branches have been pruned, and that the Tree Care and Preservation guidelines have been followed; the arborist report is due before occupancy will be approved for the building.

The applicant has provided landscape buffers along the property lines and front yards as required by the Development Code, and has provided street trees and parking lot trees as required. As previously noted in the conditional use findings, additional landscaping shall be added along the east property line to provide an additional visual buffer. All areas subject to the final design review plan and not otherwise improved are landscaped. Following compliance with the conditions of approval, the landscape plan and parking lot complies with 15.420.010.

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

Finding: The large graphics on the building that say “play” and “swim” are allowed because they do not cover more than 50% of the window area. The two proposed major freestanding signs on the Haworth Avenue frontage are allowed because the site has over 600 feet of frontage, and the signs are both under 50 square feet. The short 2’9” sign is not required to be setback from the front property line. Submit a revised sign plan to the Planning Division for review and approval. The 7’6” sign needs to be moved back slightly so it is setback 10 feet from the front property line after the

right-of-way dedication along Haworth Avenue. The electronic message center must be equipped with dimming technology that automatically varies the brightness of the display according to ambient light conditions. The major freestanding sign on the Villa Road frontage is allowed because it meets the required 5 foot setback, and is less than the 15 square feet maximum size for that frontage. The 48-square foot attached wall sign on the building is allowed because it is less than 50 square feet in size.

- (6) *Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC15.445.170 in addition to the other criteria listed in this section.*

Finding: Not applicable - 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 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.*

Finding: The site is zoned R-1. The existing aquatic center is a Community Service Facility, which is allowed as a conditional use in R-1. The expansion of the facility therefore requires a conditional use permit, which the applicant has applied for as part of this application.

- (8) *Sub-district compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.*

Finding: The site is not within a 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.*

NDC 15.505.060 Street width and design standards (summarized).

- A. *All design streets shall conform with the standards contained in Table 15.505.060.*
C. *Bike Lanes. Striped bike lanes shall be a minimum of five feet wide. Bike lanes shall be provided where shown in the Newberg Transportation System Plan.*

- G. Sidewalks. Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.*
- H. Planter Strips. Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets.*

Findings:

Right of way width on Haworth Avenue: The western Haworth Avenue frontage does not appear to be built in public right-of-way. The applicant is dedicating additional right-of-way along Haworth to conform to the existing public street improvements.

Setback sidewalks: The applicant's property has an existing curb-tight sidewalk along part of its Haworth Avenue frontage and the applicant is proposing to construct a curb-tight sidewalk along the remaining Haworth Avenue frontage and the Villa Road frontage. NDC 15.505.060 requires setback sidewalks except where including a planter strip would be infeasible. The City Engineer may allow curb-tight sidewalks to preserve major trees (PW Design and Construction Standards Section 5.14), however the applicant is proposing to remove a majority of the mature trees to provide adequate sight distance for the proposed east driveway. The applicant must provide a revised site plan showing setback sidewalks with planter strips along Haworth Avenue from the western driveway to the eastern edge of the property. The existing curbside sidewalks west of the western driveway and along Villa Road can remain.

Sidewalk ramps: PW Design and Construction Standards (Section 5.14) states that new sidewalk intersections shall provide sidewalk ramps (for access) that meet the requirement of the Americans with Disabilities Act (ADA) and that a retrofit of existing ramps within the project limit may be required. The applicant is proposing to upgrade the property's current east driveway intersection and construct a second driveway to comply with ADA requirements. The applicant is proposing to create a cul-de-sac in Cherry Street however ADA-compliant sidewalks are not shown on the site plan. The applicant must provide a revised site plan showing ADA-compliant sidewalks on Cherry Street when construction plans are submitted to the City for review and approval.

Bike lane: PW Design and Construction Standards (Section 5.14) states that applicants must comply with the specifications in the "Newberg ADA/Pedestrian/Bike Route Improvement Plan". Haworth Avenue is a major collector and requires a 5-ft striped bike lane. The applicant is proposing to create the 5-ft striped bike lane. This requirement is met.

Villa Road is a major collector and requires a 5-ft striped bike lane. As conditioned, the applicant must coordinate with the City during the Villa Road Improvement Project to ensure that bike lanes along Villa Road are complete.

Sight distance: PW Design and Construction Standards (Section 5.23) states that sight distances for intersections shall have a minimum intersection sight distance of 280 ft for a design speed of 25 mph. The traffic impact study indicated that the proposed east driveway would provide a sight distance of 85 feet to the west and 475 feet to the east with the current landscape configuration. The sight distance for the proposed west driveway was 355 feet to the west and 320 feet to the east. The

applicant is proposing to remove the existing trees that are minimizing the sight distance for the proposed eastern driveway and the proposed site plan indicates removal of the obstructing landscape. This requirement is met.

Cul-de-sac: The Development Code only allows cul-de-sacs in certain circumstances, such as when existing development precludes the extension of a street. The Prestige Care building and site development (on the site south of the CPRD site) effectively preclude the extension of Cherry Street through the site for future development, so a cul-de-sac at the end of Cherry Street is allowable. The cul-de-sac cannot be more than 400 feet long, cannot serve more than 18 single-family dwellings, and must have a circular end with a minimum diameter of 90 feet, curb to curb, with a minimum 103 foot diameter right-of-way. PW Design and Construction Standards (Section 5.18) states that a standard cul-de-sac turnaround shall be provided at the end of a permanent dead-end street that does not provide looped circulation. The applicant is proposing to upgrade the current dead-end street at Cherry Street and Sitka Avenue with a cul-de-sac to provide additional access to the proposed facility. The cul-de-sac will not exceed 400 ft in length, will not serve more than 18 single-family dwellings, and has a circular end with a diameter of 96 feet curb to curb, with a 116 foot diameter right-of-way. This requirement has been met.

Right-of-way dedications: Submit draft right-of-way dedications to the City Engineer for review and approval for the Haworth Avenue frontage and the Cherry Street cul-de-sac (part by CPRD, part by Prestige Care). After approval, record the right-of-way dedications and return a copy of the recorded document to the City Engineer.

Driveway spacing: The Development Code requires driveways on major collectors to be at least 100 feet from intersecting streets, and requires at least 150 feet of frontage in order to have two driveways. The proposed development will move the existing western driveway to the east, farther from the Villa Road/Haworth Avenue intersection. This is a positive change for traffic flow. The site has over 600 feet of frontage, so two driveways are allowed on Haworth Avenue. PW Design and Construction Standards (Section 5.16) states that, on major collector streets, the maximum number of driveways per site frontage is one unless it is found that no eminent traffic hazard would result and that impacts on traffic would be minimal. The current site has two driveways and the applicant is proposing two driveways for the re-developed site. The Traffic Impact Study submitted by the applicant shows a level of service of B for the driveways. This requirement is met.

Water criteria (summarized): Lots and parcels within the city must be served by the water system of the city as required by NDC 15.510.040 and NMC 13.15.045.

Findings: PW Design and Construction Standards (Section 3.2.2) states that the minimum size for permanently dead-ended mains supplying fire hydrants with a fire flow less than 1,500 gpm and for primary feeder mains in residential subdivision is 8-inches. The applicant is proposing to construct a 6-inch public water line for the Cherry Street cul-de-sac which will be looped in the future with the 8-inch public water line on Fulton Street. The applicant must provide a revised utility plan showing an 8-inch public water line for the Cherry Street cul-de-sac and fire flow calculations showing that adequate pressures and flows will be available for the proposed redevelopment when submitting the construction plans for review and approval. PW Design and Construction Standards (Section 3.2.4) states that wastewater lines must be 10 horizontal feet from water lines. Stormwater lines and other

utilities must be at least 3 horizontal feet from water lines. The applicant is proposing to provide water from the proposed Cherry Street public water line to the expanded facility. Based on the utility plan submitted by the applicant, the proposed water line does not meet the separation requirements. The applicant must submit a revised utility plan that provides the required separation distances between utility lines when submitting the construction plans for review and approval.

PW Design and Construction Standards (Section 3.3.9) states that water services lines can be in the following diameters: 0.75", 1", 2", 4", 6", 8", 10", and 12". The applicant is proposing to use a 3" water service line to connect the expanded facility to the Cherry Street public water line. The applicant must provide a revised utility plan that shows an approved line size for the water service line when submitting the construction plans for review and approval.

PW Design and Construction Standards (Section 3.1) states that water system design shall provide adequate flow for fire protection and ultimate water system demand. Section 3.3.5 of the Public Works Design and Construction Standards lists the requirements for hydrant locations and spacing. The locations and fire flows of hydrants near the site must comply with the requirements of the Fire Code and the PW Design and Construction Standards.

Development Code section 15.430.010 requires that all new utility lines be installed underground. The utility plan must show that all new utility lines are installed underground.

The Fire Marshal commented that the project must meet all Fire Code standards.

Wastewater criteria (summarized): Lots and parcels within the city must be served by the wastewater system of the city as required by NDC 15.510.050 and NMC 13.10.070.

Finding: PW Design and Construction Standards (Section 2.7) states that each individual building site shall be connected by a separate private building wastewater service line that is connected to the public wastewater system. The applicant is proposing to connect to the 10-inch public wastewater line on Haworth Avenue and to extend wastewater service from Sitka Avenue to Cherry Street for use by the expanded facility. The utility plan submitted by the applicant does not show a wastewater line size for the Cherry Street line. The applicant must specify the size of the wastewater line being proposed for the Cherry Street cul-de-sac in a revised utility plan when submitting the construction plans for review and approval.

Grading & stormwater criteria (summarized): Grading shall be completed to minimize flooding as per NDC 15.510.060; stormwater facilities must be constructed to provide proper volume control and to comply with water quality as per NDC 510.060 and NMC 13.25

Findings: PW Design and Construction Standards (Section 4.1) states that approved points of discharge for stormwater may include but are not limited to a stormdrain, existing open channel, creek, LIDA facility, detention pond, or retention pond as approved by the City Engineer. The utility plan submitted by the applicant does not show a discharge connection to the stormwater system for the rain garden on the south side of the expanded facility. As a condition of approval, the applicant

must provide a revised utility plan and a revised stormwater report for City review that incorporates the new connection to the stormwater system.

PW Design and Construction Standards (Section 4.5) lists the required sections of the stormwater report which include but are not limited to a narrative, maps, calculations, downstream analysis, and a maintenance plan for private stormwater facilities. The stormwater report submitted by the applicant did not provide the information required by the Section 4.5. As a condition of approval, the applicant must submit a stormwater report for City review and approval that contains all of the information required by PWDCS Section 4.5 specifically, the hydrological calculations, hydraulic calculations, delineated sub-basins for the stormwater facilities, site contours, downstream analysis, analysis on the effectiveness of the proposed facilities to achieve the stormwater quality and quantity requirements, and a maintenance plan.

The applicant is proposing to connect a pool underdrain system that collects groundwater and discharges it directly to the stormwater system. As a condition of approval, the applicant must submit a revised stormwater report for City review and approval that includes the groundwater from the pool underdrain system in the hydrologic and hydraulic calculations required by Section 4 of the PW Design and Construction Standards.

PW Design and Construction Standards (Section 4.9.1) states that developers creating less than 2,877 square feet of impervious surface may use the LIDA Sizing Form, however projects creating more than 2,877 square feet of impervious area must be designed by a registered design professional in accordance with the PW Design and Construction Standards. The impervious area for the redeveloped site is 142,000 square feet which exceeds the maximum impervious area allowed for using the SIM form. As a condition of approval, the applicant must provide a revised stormwater report for City review and approval that includes engineering calculations to size the proposed stormwater facilities.

Erosion control: The size of the project site in the application exceeds 1 acre. The applicant must obtain a 1200-C permit from the Oregon Department of Environmental Quality and provide a copy of the approved permit and ESC plan, as required by PW Design and Construction Standards Section 1.8.7, to the City for review when submitting the construction plans.

NMC §13.25.190 requires that commercial or industrial operations or businesses not covered by a NPDES permit shall follow proper disposal and spill prevention practices. As a condition of approval, the applicant must submit a plan for City review and approval that specifies the steps for draining the old pool into the wastewater system along with a timeframe and a requirement that the city will monitor Hess Creek and the wastewater system during the draining activity.

(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 Development Code requires a traffic study for any project that generates more than 40 trips per PM peak hour. The applicant had Lancaster Engineering, a professional engineering firm,

prepare a traffic impact study for the project. Traffic patterns and volumes were observed at key intersections near the site, sight distance and crash data were analyzed, and an operational analysis was performed to determine the impact of the project. The aquatic center, upon completion, will generate approximately 136 additional trips in the PM peak hour. All of the study intersections (Portland Road at Villa Road, Villa Road at Fulton Street, Villa Road at Haworth Avenue, and Haworth Avenue at Sitka Avenue) currently operate at an acceptable level of service, and will continue to operate acceptably with the addition of trips due to the new addition. No significant safety concerns were identified, and sight distance was found to be adequate, and would be improved by this project. Accordingly, the traffic engineer did not recommend any traffic mitigation improvements.

III. CODE ADJUSTMENT: NDC 15.210.020 Type I adjustments and approval criteria.

The director may authorize adjustments from the following requirements through a Type I procedure subject to the following:

C. Dimensional Standards and Minimum Number of Off-Street Parking Spaces.

1. The director may approve adjustments to the dimensional standards of off-street parking spaces; standards for minimum number of off-street parking spaces; and required spaces to be used for compact cars excepting handicapped parking requirements.

2. Approval Criteria. The director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting an adjustment:

a. Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly).

b. Opportunities for joint use of nearby off-street parking facilities.

c. Availability of public transit.

d. Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.

e. Possible conversion of the site to other uses in the future.

f. No adjustment shall be greater than 25 percent of the requirement from which the exception is granted.

Finding: The applicant has requested a reduction in the amount of required off-street parking from 197 spaces to 148 spaces, and believes that amount will be adequate in relation to user demands if some traffic demand management steps are taken.

As noted previously in the design review findings, the peak parking demand is expected to be 197 spaces. This peak demand is expected to occur 4-5 times per year during regional swim meets. The applicant believes 148 spaces will be adequate the remainder of the time.

Number of spaces: The maximum code adjustment allowed is a 25% reduction. 25% of 197 spaces is 49 spaces, so approval of a code adjustment could reduce the amount of required off-street parking to 148 spaces.

Special characteristics of users: Many of the children that use the facility are dropped off, and do not generate much demand for parking except at pick-up. Some of the users of the facility are nearby residents, high school students or George Fox University students that walk or run to the site. Newberg High School is half a mile from the Aquatic Center site. These factors would somewhat reduce the demand for on-site parking.

Bicycle parking: The development code requires the proposal to include at least 8 bicycle parking spaces, and the applicant has proposed building 20 bicycle parking spaces. The applicant is proposing to reduce automobile parking demand on the site by encouraging people to bike to the aquatic center. This step could reduce the parking demand by approximately 10 parking spaces.

Shared parking agreement: The applicant has a shared parking agreement with Newberg High School. The high school submitted a letter stating that they agree to allow the Chehalem Aquatic Center to use at least 20 parking spaces in the school's south parking lot for overflow parking needs.

On-street parking: Haworth Avenue is a major collector street, which requires bike lanes. The applicant will add striping for bike lanes along their Haworth Avenue frontage, which will remove on-street parking along that frontage. The City Engineer will allow the applicant to apply for temporary on-street parking approval during major facility events (expected to be 4-5 times per year) to provide parking to event participants along the south side of Haworth Avenue. Parking in the bike lane would not be available at other times of the year. This step would provide approximately 20 additional parking spaces during peak periods.

Retaining natural features on-site: The existing site has many mature trees, and the applicant has tried to preserve as many as possible due to strong public demand to save the trees. If the applicant had to provide 49 additional parking spaces on the site then nearly all of the mature trees would need to be removed. Approving the code adjustment would help retain natural features on the site.

Approval of a code adjustment to reduce the amount of off-street parking from 197 spaces to 148 spaces will provide adequate off-street parking in relation to user demands as conditioned. During peak events, the applicant must make use of the shared parking agreement with the high school, and must apply to the City Engineer for on-street parking approval along the Haworth Avenue frontage.

IV. CONCLUSION:

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

Exhibit “B” to Planning Commission Order 2016-20
Conditions –File CUP-16-001/DR2-16-001/ADJC-16-001
Chehalem Aquatic Facility and Fitness Center

A. CONDITIONAL USE PERMIT CUP-16-001 – CONDITIONS OF APPROVAL

1. Lighting plan: Submit a revised lighting plan that meets the 0.5 foot-candle light trespass standard along all of the property lines, including the NE and SW corners.
2. Landscape buffer: The applicant shall submit a revised landscape plan that adds a landscape buffer hedge along the eastern property line where there is room between the existing path and the fence, which will grow over time to provide visual buffering for the residential neighbors. The hedge shall consist of arbor vitae hedge plants, planted close enough to grow into a functional hedge. The applicant shall contact the adjoining property owners before revising the landscape plan, and not plant the hedge where the adjoining property owner would prefer to keep a view into the park.
3. Arborist report/tree preservation: The applicant plans to retain over 60 mature trees on the site. Any trees the arborist deems hazardous (based on the health of the tree, not the distance to neighboring properties) should be removed, and any dead or broken branches should be removed. The arborist report Tree Care and Preservation Guidelines state that if some trees are to be preserved then there must be a qualified project arborist on-site or on-call for the entire project, especially during any excavation near the preserved trees. Submit a report from the project arborist verifying that any hazardous trees have been removed, broken or dead branches have been pruned, and that the Tree Care and Preservation guidelines have been followed; the arborist report is due before occupancy will be approved for the building.
4. Construction impacts: The applicant will be required to provide an on-site parking plan for contractors during construction to minimize off-site impacts. Construction work is limited to between 7 AM and 7 PM. The applicant is required to repair any city infrastructure, including streets, which are damaged by construction activities.

B. CODE ADJUSTMENT ADJC-16-001 – CONDITIONS OF APPROVAL

1. The City Engineer will allow the applicant to apply for temporary on-street parking approval during major facility events (expected to be 4-5 times per year) to provide parking to event participants along the south side of Haworth Avenue. Parking in the bike lane would not be available at other times of the year.
2. During peak events, the applicant must make use of the shared parking agreement with the high school, and must apply to the City Engineer for on-street parking approval along the Haworth Avenue frontage.

C. DESIGN REVIEW DR2-16-001 – CONDITIONS OF APPROVAL

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 finish grade elevations
 - c. Grading plan & erosion control plan
 - d. Parking lot design, including ADA compliant spaces
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. **Construction impacts:** Submit the following items to the Planning Division for review and approval:
 - a. Supply an on-site parking plan for contractors during construction that minimizes off-site impacts.
4. **Lighting Plan:** Submit a revised lighting plan that meets the 0.5 foot-candle light trespass standard along all of the property lines, including the NE and SW corners.
5. **Landscaping:**
 - a. The applicant shall submit a revised landscape plan that adds a landscape buffer hedge along the eastern property line where there is room between the existing path and the fence, which will grow over time to provide visual buffering for the residential neighbors. The hedge shall consist of arbor vitae hedge plants, planted close enough to grow into a functional hedge. The applicant shall contact the adjoining property owners before revising the landscape plan, and not plant the hedge where the adjoining property owner would prefer to keep a view into the park.
 - b. **Arborist report/tree preservation:** The applicant plans to retain over 60 mature trees on the site. Any trees the arborist deems hazardous (based on the health of the tree, not the distance to neighboring properties) should be removed, and any dead or broken branches should be removed. The arborist report Tree Care and Preservation Guidelines state that if some trees are to be preserved then there must be a qualified project arborist on-site or on-call for the entire project, especially during any excavation near the preserved trees. Submit a report from the project arborist verifying that any hazardous trees have been removed, broken or dead branches have been pruned, and that the Tree Care and Preservation guidelines have been followed; the arborist report is due

before occupancy will be approved for the building.

6. **Parking:**

- a. The City Engineer will allow the applicant to apply for temporary on-street parking approval during major facility events (expected to be 4-5 times per year) to provide parking to event participants along the south side of Haworth Avenue. Parking in the bike lane would not be available at other times of the year. During peak events, the applicant must make use of the shared parking agreement with the high school, and must apply to the City Engineer for on-street parking approval along the Haworth Avenue frontage.

7. **Signs:** Submit a revised sign plan to the Planning Division for review and approval. The 7'6" sign needs to be moved back slightly so it is setback 10 feet from the front property line after the right-of-way dedication along Haworth Avenue. The electronic message center must be equipped with dimming technology that automatically varies the brightness of the display according to ambient light conditions.

8. **Fire Marshal:** The project must meet all Fire Code standards.

9. **Engineering:**

- a. **Utility Plan:**

The locations of water, wastewater, stormwater, and utility lines must comply with the requirements of the PW Design and Construction Standards.

The locations and fire flows of hydrants near the site must comply with the requirements of the Fire Code and the PW Design and Construction Standards.

The utility plan must show that all new utility lines are installed underground including power, cable, and telephone lines.

- b. **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 reviewing plans.

- c. **Water:**

The applicant must provide a revised utility plan showing an 8-inch public water line for the Cherry Street cul-de-sac and fire flow calculations showing that adequate pressures and flows will be available for the proposed

redevelopment when submitting the construction plans for review and approval.

The applicant must submit a revised utility plan that provides the required separation distances between utility lines when submitting the construction plans for review and approval.

The applicant must provide a revised utility plan that shows an approved line size for the water service line when submitting the construction plans for review and approval.

d. Wastewater:

The applicant must specify the size of the wastewater line being proposed for the Cherry Street cul-de-sac in a revised utility plan when submitting the construction plans for review and approval.

e. Stormwater:

The applicant must provide a revised utility plan and a revised stormwater report for City review that incorporates the new connection to the stormwater system.

The applicant must submit a stormwater report for City review and approval that contains all of the information required by PWDCS Section 4.5 specifically, the hydrological calculations, hydraulic calculations, delineated sub-basins for the stormwater facilities, site contours, downstream analysis, analysis on the effectiveness of the proposed facilities to achieve the stormwater quality and quantity requirements, and a maintenance plan.

The applicant must submit a revised stormwater report for City review and approval that includes the groundwater from the pool underdrain system in the hydrologic and hydraulic calculations required by Section 4 of the PW Design and Construction Standards.

The applicant must provide a revised stormwater report for City review and approval that includes engineering calculations to size the proposed stormwater facilities.

f. Street improvements:

Setback sidewalks: The applicant must provide a revised site plan showing setback sidewalks with planter strips along Haworth Avenue from the western

driveway to the eastern edge of the property. The existing curbside sidewalks west of the western driveway and along Villa Road can remain.

The applicant must provide a revised site plan showing ADA-compliant sidewalks on Cherry Street when construction plans are submitted to the City for review and approval.

Right-of-way dedications: Submit draft right-of-way dedications to the City Engineer for review and approval for the Haworth Avenue frontage and the Cherry Street cul-de-sac (part by CPRD, part by Prestige Care). After approval, record the right-of-way dedications and return a copy of the recorded document to the City Engineer.

The applicant must apply for and obtain a Public Improvements permit for all proposed street improvements prior to construction.

The applicant must submit a revised site plan showing ADA-compliant sidewalks on Cherry Street when submitting the construction plans for review and approval.

The applicant must coordinate with the City during the Villa Road Improvement Project to ensure that bike lanes along Villa Road are complete.

g. Erosion and Sediment Control (ESC):

The size of the project site in the application exceeds 1 acre. The applicant must obtain a 1200-C permit from the Oregon Department of Environmental Quality and provide a copy of the approved permit and ESC plan, as required by PW Design and Construction Standards Section 1.8.7, to the City for review when submitting the construction plans.

h. Other:

NMC §13.25.190 requires that commercial or industrial operations or businesses not covered by a NPDES permit shall follow proper disposal and spill prevention practices. As a condition of approval, the applicant must submit a plan for City review and approval that specifies the steps for draining the old pool into the wastewater system along with a timeframe and a requirement that the city will monitor Hess Creek and the wastewater system during the draining activity.

D. 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. Contact Engineering Services (503-537-12373) for public improvement final inspections.
4. **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.

E. DEVELOPMENT NOTES

1. Construction hours: Note that construction work is limited to between 7 AM and 7 PM.
2. Systems development charges (SDCs) will be collected when building permits are issued. For questions regarding SDCs please refer to the Newberg fee packet and contact the Engineering Services Division.

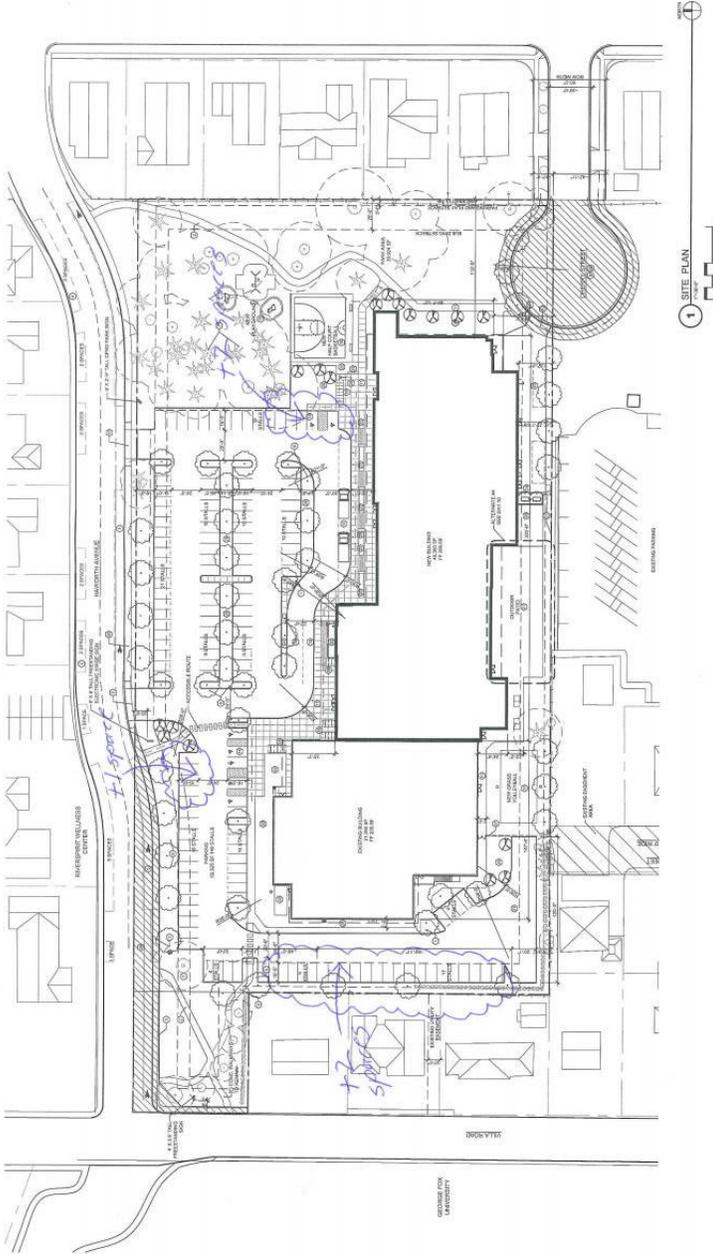
F. REVISED SITE PLAN – 148 PARKING SPACES

SEA
 SEASIDE AQUATIC CENTER
 1800 S. BROADWAY, SUITE 100, SEASIDE, CA 92134
 (949) 441-1111

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

**CHEHALEM
 AQUATIC AND
 FITNESS CENTER**
 1800 S. BROADWAY, SUITE 100
 SEASIDE, CALIFORNIA 92134

chehaltem
 PARK RECREATION
 INCORPORATED



01.28.18 LAND USE REVIEW
 03.05.19 SITE DEVELOPMENT
 PROPOSED SITE PLAN

JAN 16 1989
 SHEET NO. 023.016
 CHEHALEM PARK RECREATION
 INCORPORATED

A1.10

GENERAL NOTES - SITE PLAN:	KEYNOTES - SITE PLAN:
<ol style="list-style-type: none"> 1. REVIEW ALL EXISTING UTILITIES (UNDERGROUND & SURFACE) TO BE MAINTAINED OR REMOVED. 2. SETBACKS SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 3. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 4. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 5. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 6. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 7. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 8. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 9. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 10. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 	<ol style="list-style-type: none"> 1. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 2. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 3. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 4. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 5. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 6. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 7. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 8. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 9. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN. 10. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN.

