



PLANNING COMMISSION ORDER NO. 2016-21

AN ORDER APPROVING SUB3-16-001/VAR-16-001 FOR THE NOVA GRACE
SUBDIVISION TENTATIVE PLAN & BUILDING HEIGHT VARIANCE AT 900 WYNOOSKI
STREET, YAMHILL COUNTY TAX LOT 3220CA-0900.

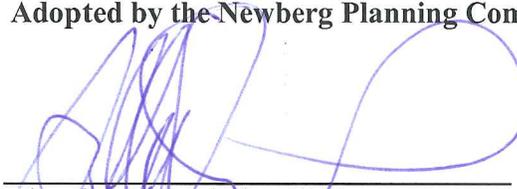
RECITALS

1. Del Boca Vista, LLC, submitted an application for tentative plan approval for a 14-lot subdivision tentative plat and a variance to increase the building height limit from 30 feet to 33 feet at 900 Wynooski Street, Yamhill County tax lot 3220CA-0900.
2. After proper notice, the Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the application, as conditioned, meets the applicable criteria as shown in the findings shown in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. The tentative subdivision plan application SUB3-16-001 and variance application VAR-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 May 27, 2016 unless appealed prior to that date.
4. This order shall expire two years after the effective date above if the applicant does not record the final plat by that time, unless an extension is granted per Newberg Development Code 15.235.130(B).

Adopted by the Newberg Planning Commission this 12th day of May, 2016.



Planning Commission Chair

ATTEST: 1 -



Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Conditions
- Exhibit "C": Tentative plan

**Nova Grace: Subdivision tentative plan & building height variance
SUB3-16-001/VAR-16-001**

I. SUBDIVISION CRITERIA THAT APPLY: Newberg Development Code 15.235.060(A).

The Director (Type II) or Planning Commission (Type III) shall approve a subdivision of four parcels or more under a Type II or Type III procedure if the resulting parcels comply with the following approval criteria:

1. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or adjoining land or access thereto.

Finding:

The applicant is dividing all of tax lot 900. Tax lot 1000 is located east of the site and is owned by the same owner as tax lot 900, but is almost entirely outside city limits and within the stream corridor. Tax lot 1000 has no significant development potential. As conditioned, approval of the subdivision would not impede the future best use of the remainder of the property or adversely affect the safe and healthful development of adjoining land or access thereto.

2. The subdivision complies with this code including but not limited to 15.340.010 through 15.440.080 and 15.235.030 et seq.

Finding: The lot standards and development standards are addressed in detail below in sections A-C.

3. Either:

a. Improvements required to be completed prior to final plat approval; or

b. The sub divider will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall include security in a form acceptable to the city in sufficient amount to insure completion of all required improvements; or

c. A local improvement district shall have been formed to complete the required improvements; or

d. The required improvements are contained in a city or other

government agency capital improvement project that is budgeted and scheduled for construction.

Finding: The required public improvements will be completed prior to final plat approval.

A. Applicable Lot Requirement: Newberg Development Code 15.405.010, Lot Area; Lot Areas per Dwelling Unit

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

2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

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

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.

Finding: The proposed lots range in size from 2,420 sf to 11,017 sf. The average lot size is 4,518 sf, which exceeds the 3,000 sf per lot minimum for average lot size. The average lot size without the stream corridor area included is 3,189 sf. The average lot size does not exceed the 5,000 sf maximum. The lot area does not include land within public or private streets. The maximum lot area calculation did not include land within stream corridors. This criterion is met.

B. Applicable Lot Requirements – Newberg Development Code 15.405.030 Lot Dimensions and Frontage

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

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

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

this code.

D. Frontage.

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

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

b. Each lot in an R-2 and R-3 zone shall have a minimum width of 30 feet at the front building line.

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

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

2. The above standards apply with the following exceptions:

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

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

c. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts.

Finding: All of the lots in the subdivision have at least 25 feet of frontage on a street or through an access easement, and are at least 30 feet wide at the front building line. This criterion is met.

C. Applicable Development Standards

NDC 15.510.040: Water Supply. All lots and parcels within subdivisions and partitions shall be served by the water system of the City of Newberg.

Findings: Engineering permit general comment: The Public Works (PW) Design and Construction Standards require that the applicant submit engineered construction plans for review and approval of all utilities, public street improvements, and any new public streets being constructed. Please note that additional Engineering Department plan review application and fees apply for review of plans. Submit any required easements for review and approval, 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.

Tentative Plans: Submit a new set of tentative plans signed by the engineer who stamped them to the Planning Division to correct the record and meet ORS requirements.

There is an existing 18-inch public water line on Wyooski Street. The applicant is proposing to utilize the line for service to the development. As required by PW Design and Construction Standards (Section 3.2.2) the applicant must provide an 8-inch public water line as the primary feeder line to the subdivision. The applicant is proposed an 8-inch public water line from Wyooski Street to the subdivision. This requirement is met.

The utility plan provided by the applicant shows utility lines that may not meet the separation requirements of PW Design and Construction Standards Section 3.2.4. The applicant must provide a revised utility plan and profile sheets showing utility line separation that meets the requirements of PW Design and Construction Standards Section 3.2.4.

Public water lines must meet alignment requirements as specified in PW Design and Construction Standards Section 3.2.3 and Drawing 103. The utility plan provided by the applicant may not meet these alignment requirements. The applicant must provide a revised utility plan that meets the alignment requirements of PW Design and Construction Standards Section 3.2.3 and Drawing 103.

The utility plan provided by the applicant shows water service lines greater than 80 feet in length. PW Design and Construction Standards Section 3.1 requires a minimum pressure of 40 psi as measured at the meter. The applicant must provide domestic flow calculations showing that the minimum pressure of the service lines meets the requirements of PW Design and Construction Standards Section 3.1.

PW Design and Construction Standards Section 3.3.9, require that water service lines terminate in front of the property to be served and be located 18 inches each side of a common property line. The utility plan provided by the applicant does not meet the requirements of this section. The applicant must provide a revised utility plan showing water service lines that meet the requirements of PW Design and Construction Standards Section 3.3.9

A public fire hydrant is located within 500 feet of the proposed development. Show existing hydrants on drawings; new hydrants may be necessary to comply with the Fire Code. PW Design and Construction Standards Section 3.1 require a minimum fire flow of 1,000 gpm with a 20 psi residual. The applicant must provide fire flow calculations that meeting the requirements of PW Design and Construction Standards (Section 3.1) to Engineering Services for review and approval.

NDC 15.510.050: Sewage. All lots and parcels within subdivisions and partitions shall, where practicable, as determined by the Director, in accordance with the provisions of this Code, be served by the sewage system of the City.

Findings: There is an existing 10-inch public wastewater line on Wyooski Street. The applicant is proposing to utilize the line for service to the development. The City of Newberg Sewerage Master Plan (2007), shows that Tax Lot 3220CA 00900 at 900 Wyooski Street is served by a septic system. The applicant must abandon and remove the existing septic system as required by NMC 13.10.050 to NMC

13.10.070 or provide written confirmation from Yamhill County that it has previously been decommissioned and appropriately removed from the site.

Public wastewater lines must meet alignment requirements as specified in PW Design and Construction Standards Section 2.4 and Drawing 103. The utility plan provided by the applicant does not appear to not meet these alignment requirements. The applicant must provide a revised utility plan that meets the alignment requirements of PW Design and Construction Standards Section 2.4 and Drawing 103.

NDC 15.510.060: Land Surface Drainage. Such grading shall be done and such drainage facilities shall be constructed by the land divider as are adequate for the purpose of proper drainage of the partition or subdivision, of areas affected thereby, and for the preservation of healthful and convenient surroundings and conditions for residents of the subdivision or partition, and for the general public, in accordance with specifications adopted by the City Council under 15.510.030.

Findings: More than 1 acre will be disturbed by the project which requires that the applicant obtain a 1200-C permit from the Oregon Department of Environmental Quality (DEQ). PW Design and Construction Standards 1.8.7 and the City of Newberg's Erosion and Sediment Control Manual requires that the applicant provide a copy of the DEQ 1200-C permit to the City for review.

The applicant shows public stormwater easements on the utility plan. The easements may conflict with the requirements for easements which are shown in PW Design and Construction Standards Drawing 109. The applicant must provide the Engineering Department with the proposed language and final locations of the public easement for review and approval prior to recording the easement. The easement must comply with the requirements of PW Design and Construction Standards Drawing 109.

The applicant shows a large stormwater outfall, and a small stormwater outfall for lot 8, on the eastern boundary of the property. PW Design and Construction Standards Section 4.1 states that stormwater cannot flow over adjacent public or private property in a volume, velocity, or location materially different from that which existed before development occurred. The applicant must provide a revised stormwater report with calculations that show volumes and velocities that meet PWDCS requirements. A private stormwater easement is required over tax lot 1000 for the stormwater flow; provide a draft easement for review and approval prior to recording the easement.

The applicant shows a stormwater outfall on the eastern boundary of the property. PW Design and Construction Standards Section 4.1 and Section 4.5.11 require that stormwater exiting a property be discharged at the natural location with adequate flow control and energy dissipation to prevent flooding, erosion, and sedimentation. The stormwater report submitted with the applications shows an outfall area but does not provide calculations showing that stormwater exiting will have non-erosional velocities. The applicant must provide a revised stormwater report with calculations that show the energy dissipater will reduce stormwater velocity to a non-erosional level.

PW Design and Construction Standards Section 4.3 and Drawing 103 specify the alignment and cover requirements of the stormwater system. The utility plan submitted by the applicant may not adhere to these requirements. The applicant must provide a revised utility plan that complies with PW Design and Construction Standards Section 4.3 and Drawing 103.

PW Design and Construction Standards Section 4.4 specifies the location of structures such as inlets, catch basins, and manholes. The utility plan submitted by the applicant may not adhere to these requirements. The applicant must provide a revised utility plan that complies with PW Design and Construction Standards Section 4.4.

PW Design and Construction Standards Section 4.5 specifies the information that must be contained within the stormwater report. The stormwater report submitted by the applicant does not provide the level of information required by Section 4.5. The applicant must provide a revised stormwater report that provides the information required by PW Design and Construction Standards Section 4.5.

PW Design and Construction Standards Section 4.5 requires that a plan be submitted for maintaining private stormwater facilities. The maintenance plan submitted by the applicant cannot be reviewed by the City because of the type of stormwater facilities is not readily apparent from the stormwater report and the utility plan. The applicant must provide a revised maintenance plan to the City, for review and approval, that is appropriate for the type of stormwater facilities that will be constructed at the site.

PW Design and Construction Standards Section 4.5.1 requires engineering calculations for sizing stormwater facilities. The applicant has submitted a stormwater report that uses a simplistic (SIM) form for sizing the stormwater facilities and provides insufficient information to provide a qualified review. The applicant must provide a revised stormwater report that meets the requirements and provides the engineering calculations required by PW Design and Construction Standards Sections 4.5 to 4.9.

PW Design and Construction Standards 4.5 requires a minimum time of concentration of 5 minutes. The utility plan submitted by the applicant does not appear to provide a minimum time of concentration of 5 minutes for all lots prior to discharge. The applicant must provide a revised stormwater report that uses a calculated minimum time of concentration of 5 minutes.

PW Design and Construction Standards 4.6.5 requires City access to all public stormwater facilities. The applicant shall provide construction plans that comply with the requirements of PW Design and Construction Standards 4.6.5.

The stormwater outfall is within the Stream Corridor overlay. Development Code section 15.342.060 requires a restoration plan for the disturbed area. The applicant shall provide a restoration plan for review and approval for the disturbed area that uses a combination of native trees, shrubs and grasses from the Newberg stream corridor plant list. The disturbed area shall be replanted to achieve 90 percent cover in one year. All disturbed areas shall be protected with erosion control devices prior to construction activity. The erosion control devices shall remain in place until 90 percent cover is achieved. The Department of State Lands commented that a permit might be needed for work in the stream corridor. Contact Department of State Lands coordinator Mike De Blasi to determine if a permit will be required for this project for work in the stream corridor.

NDC 15.505.030: Streets and Alleys. The land divider or developer shall grade and pave all streets and alleys in the subdivision or partition to the width specified in 15.505.060, and provide for drainage of all such streets and alleys, construct curbs and gutters within the subdivision or partition in accordance with specifications adopted by the City Council under 15.510.030. Such improvements shall be constructed to

specifications of the City under the supervision and direction of the Director. It shall be the responsibility of the land divider or developer to provide street signs

Findings: The proposed development is accessed by Wynooski Street which is under the jurisdiction of Yamhill County. The applicant must obtain an access permit from Yamhill County for improvements to Wynooski Street.

Wynooski Street is a major collector and a critical bike route as determined by the City of Newberg's ADA/Pedestrian/Bike Route Improvement Plan and PW Design and Construction Standards Section 5.15. The information submitted by the applicant does not show bike lanes. The applicant must provide revised plans that show that bike lanes will be constructed on the Wynooski Street frontage and that comply with the requirements of PW Design and Construction Standards Section 5.15.

PW Design and Construction Standards Section 5.16 specifies the requirements for driveways. The information submitted by the applicant is insufficient to determine whether the development will meet the requirements for driveways. The applicant must submit revised plans that comply with the requirements of PW Design and Construction Standards Section 5.16.

PW Design and Construction Standards Section 5.23 specifies the intersection sight distance for streets within the City of Newberg and requires a sight distance report. The information submitted by the applicant did not address sight distances. The applicant must provide a sight distance report that complies with the requirements of PW Design and Construction Standards Section 5.23.

Per PWDCS, the developer shall be responsible for the repair and replacement of any off-site city infrastructure, including streets, which are damaged by construction activities.

Per the Fire Code, the access road to lots 8, 9, and 10 is required to be a 20 foot wide driveable surface with "No Parking, Fire Lane" signs installed on both sides of the access.

NDC 15.505.040: Existing Streets. A subdivision, partition or 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 15.505.060.

NDC 15.505.210: Sidewalks. Sidewalks shall be located and constructed in accordance with the provisions of 15.510.030. Minimum width is five feet.

NDC 15.510.070: Street Trees. Street trees shall be provided adjacent to all public rights-of-way abutting or within a subdivision or partition. Street trees shall be installed in accordance with the provisions of 15.420.010(B) (4).

15.430.010 Underground utility installation.

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

B. Existing utility lines shall be placed underground when they are relocated, or when

an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.

C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:

- 1. The cost of undergrounding the utility is extraordinarily expensive.*
- 2. There are physical factors that make undergrounding extraordinarily difficult.*
- 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.*

Finding: Wyooski Street does not meet current street width standard of 15.505.060. The applicant proposes to provide an additional 10 feet of right-of-way to improve the street to the required width. This requirement is met.

Wyooski Street currently contains sidewalks that are of inadequate width and that are in poor condition. The applicant is proposing 5-foot setback sidewalks for the Wyooski Street frontage and within the proposed development. This requirement is met.

Street tree plan: Provide a landscape plan that identifies all planned tree species for street trees and common landscaping in accordance with NDC 15.420.010. A landscape bond will be required for installation of street trees.

Utility undergrounding: All new utility lines shall be placed underground, and the existing utility lines along Wyooski shall be undergrounded when they are relocated.

II. VARIANCE CRITERIA THAT APPLY: Newberg Development Code 15.215.040

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 the zoning ordinance.

Finding: The R-2 zone limits the height of main buildings to 30 feet. Building height is measured from grade to the midpoint of the highest gable on a pitch roof. The applicant has submitted a variance request to increase the height limit to 33 feet, due to the site constraints that impact the property. They have submitted a drawing of the proposed houses. The highest gable on the house is approximately 31 feet tall at its lowest point, and 34 feet 9-1/2 inches at its highest point; the midpoint of the highest gable is slightly less than 33 feet above grade.

The stream corridor constrains development on 18,608 sf of the site. In order to meet the R-2 density standard for the site the developer has to create small narrow lots, which creates a practical difficulty. The developer has stated that it would be impracticable to develop the site to R-2 standards without a height variance to allow tall narrow buildings.

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 stream corridor comprises approximately 21% of the entire 1.99 acre parcel, which does create an unusual or exceptional circumstance on this property which does not generally apply to other R-2 properties.

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: The developer has argued that strict enforcement of the height limit would require small houses on these small, narrow lots, which would then be impracticable to develop at R-2 densities. It is true that owners of other properties in the R-2 district which do not have large stream corridor areas would have a simpler time developing to the R-2 density standard, and the variance request for a 10% height increase is not an overly large increase.

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: The proposed 10% height increase (from 30 feet to 33 feet) is not a large increase, and granting it would not constitute a grant of special privilege inconsistent with the limitations on other properties in the R-2 district.

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.

Finding: The height increase from 30 to 33 feet is not a large increase, and would have no effect on the public health, safety or welfare. The houses would continue to meet all required setback and lot coverage standards, and the height increase would not be materially injurious to properties or improvements in the vicinity.

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.

**Nova Grace tentative subdivision plan
SUB3-16-001**

A. The applicant must provide the following information for review and approval prior to construction of any improvements:

- 1. Construction Plans must be submitted for all infrastructure per the requirements below.**

Tentative Plans: Submit a new set of tentative plans signed by the engineer who stamped them to the Planning Division to correct the record and meet ORS requirements.

General Requirements for engineering permit:

The Public Works Design & Construction Standards require that the applicant submit engineered construction plans for review and approval of all utilities, public street improvements, and any new public streets being constructed. Please note that additional Engineering Department plan review application and fees apply for review of plans. Submit any required easements for review and approval, 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.

The plans must note the following:

Utilities:

1. Water Requirements
 - a. The applicant must provide a revised utility plan and profile sheets showing utility line separation that meets the requirements of PW Design and Construction Standards Section 3.2.4.
 - b. The applicant must provide a revised utility plan that meets the alignment requirements of PW Design and Construction Standards Section 3.2.3 and Drawing 103.
 - c. The applicant must provide a revised utility plan showing water service lines that meet the requirements of PW Design and Construction Standards Section 3.3.9.
 - d. The applicant must provide domestic flow calculations showing that the minimum pressure of the service lines meets the requirements of PW Design and Construction Standards Section 3.1.

- e. The applicant must provide fire flow calculations that meet the requirements of PW Design and Construction Standards (Section 3.1) to Engineering Services for review and approval. Show existing hydrants on drawings; new hydrants may be necessary to comply with the Fire Code.

2. Wastewater Requirements

- a. The applicant must abandon and remove the existing septic system as required by NMC 13.10.050 to NMC 13.10.070 or provide written confirmation from Yamhill County that it has previously been decommissioned and appropriately removed from the site.
- b. The applicant must provide a revised utility plan that meets the alignment requirements of PW Design and Construction Standards Section 2.4 and Drawing 103.

3. Stormwater Requirements:

- a. PW Design and Construction Standards 1.8.7 and the City of Newberg's Erosion and Sediment Control Manual requires that the applicant provide a copy of the DEQ 1200-C permit to the City for review.
- b. The applicant must provide a revised utility plan that complies with PW Design and Construction Standards Section 4.3 and Drawing 103.
- c. The applicant must provide a revised utility plan that complies with PW Design and Construction Standards Section 4.4.
- d. The applicant must provide a revised stormwater report that provides the information required by PW Design and Construction Standards Section 4.5.
- e. The applicant must provide a revised stormwater report that meets the requirements and provides the engineering calculations required by PW Design and Construction Standards Sections 4.5 to 4.9.
- f. The applicant must provide a revised stormwater report with calculations that show volumes and velocities that meet PWDCS requirements.
- g. The applicant must provide a revised stormwater report that uses a calculated minimum time of concentration of 5 minutes.
- h. The applicant must provide a revised stormwater report with calculations that show the energy dissipater will reduce stormwater velocity to a non-erosional level.
- i. The applicant must provide the Engineering Department with the proposed language and final locations of the public easement for review and approval prior to recording the easement. The easement must comply with the requirements of PW Design and Construction Standards Drawing 109.
- j. A private stormwater easement is required over tax lot 1000 for the stormwater flow; provide a draft easement for review and approval prior to recording the easement.
- k. The applicant must provide a revised maintenance plan to the City, for review and approval, that is appropriate for the type of stormwater facilities that will be constructed at the site.
- l. The applicant shall provide construction plans that comply with the requirements of PW Design and Construction Standards 4.6.5.

- m. Stormwater outfall in Stream Corridor: The applicant shall provide a restoration plan for review and approval for the disturbed area that uses a combination of native trees, shrubs and grasses from the Newberg stream corridor plant list. The disturbed area shall be replanted to achieve 90 percent cover in one year. All disturbed areas shall be protected with erosion control devices prior to construction activity. The erosion control devices shall remain in place until 90 percent cover is achieved.
- n. Contact Department of State Lands coordinator Mike De Blasi to determine if a permit will be required for this project for work in the stream corridor.

4. Streets:

- a. The applicant must obtain an access permit from Yamhill County for improvements to Wynooski Street.
- b. Developer shall be responsible for the repair and replacement of any off-site city infrastructure, including streets, which are damaged by construction activities.
- c. The applicant must provide revised plans that show that bike lanes will be constructed on the Wynooski Street frontage and that comply with the requirements of PW Design and Construction Standards Section 5.15.
- d. The applicant must submit revised plans that comply with the requirements of PW Design and Construction Standards Section 5.16.
- e. The applicant must provide a sight distance report that complies with the requirements of PW Design and Construction Standards Section 5.23.
- f. Per the Fire Code, the access road to lots 8, 9, and 10 is required to be a 20 foot wide driveable surface with "No Parking, Fire Lane" signs installed on both sides of the access.

- 2. **Street Tree Plan:** Provide a landscape plan that identifies all planned tree species for street trees and common landscaping in accordance with NDC 15.420.010. A landscape bond will be required for installation of street trees.
- 3. **Utility undergrounding:** All new utility lines shall be placed underground, and the existing utility lines along Wynooski shall be undergrounded when they are relocated.

B. The applicant must complete the following prior to final plat approval.

- 1. **Substantially Complete the Construction Improvements:** Prior to final plat approval, the applicant must substantially complete the construction improvements and secure for them in accordance with city policy. Complete construction and call for a walk-through inspection with the Engineering Department (503-537-1273).
 - a. Construct all public streets according to city standards for local residential streets.
 - b. Construct all approved public utility lines, including stormwater facilities.

C. Final Plat Application: In accordance with NDC 15.235.150, submit the following for City review of the final plat application. Construction improvements should be substantially complete at this point.

1. **Application Materials:**
 - a. Type I application form (found either at City Hall or on the website – www.newbergoregon.gov in the Planning Forms section) with the appropriate fees.
 - b. A current title report (within 6 months old) for the property. Include copies of all existing easements and CC&Rs that pertain to the property.
 - c. A written response to these Conditions of Approval that specifies how each condition has been met.
 - d. Two blue-line copies of the final subdivision plat for preliminary review by the City Engineering Services Department. The City Engineer will make red-line comments on these sheets for your surveyor/engineer to correct prior to printing final Mylar copies.
 - e. Any other documents required for review.

2. **Dedications/Easements Required:** The plat must show the following:
 - a. Easements:
 - i. All utility, wastewater, water and stormwater easements to the City.
 - ii. 10 ft utility easements along all frontages.
 - b. Dedications of Right-Of-Way as shown on the tentative plat and required by these conditions.

3. **Documents Required:** Provide the following documents for review and approval:
 - a. A signed and notarized performance agreement that assures construction and performance in accordance with the approved final plans.
 - b. A bond for street tree planting in an amount to be approved by the Planning Division.

4. **Final Mylar Copies of the Subdivision Plat:** Submit two final mylar copies of the corrected final subdivision plat (after red-line corrections have been made). Original plats shall be in substantial conformity to the approved tentative plan and shall conform to the Yamhill County Surveyor's specifications and requirements pertaining to material that has the characteristics of adequate strength, permanency, as well as suitability for binding and copying. Plats shall be in clear and legible form and may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for all plats placed upon three or more sheets. Scale requirements shall be the same as specified for the tentative plans.

D. The final plat process must be completed prior to issuance of any building permits. The City will review the final plat application after the applicant has completed all of the conditions of approval listed above.

1. **City Review:** In accordance with NDC 15.235.160 and 15.235.180, Planning staff shall determine that:
 - a. Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.

- b. The proposal complies with this code.
- c. The plat is in substantial conformity with the provisions of the tentative plan for the subdivision, as approved.
- d. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems.
- e. Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision have been accounted for and referenced on the plat.
- f. There will exist an adequate quantity and quality of water and an adequate sewage disposal system to support the proposed use of the land described in the plat.
- g. Either:
 - i. Improvements as required by this code or as a condition of tentative plan approval have been filed with the Director; or
 - ii. A performance agreement (bond) or suitable substitute as agreed upon by the city and applicant has been filed with the Director in sufficient amount to insure the completion of all required improvements; or
 - iii. A petition for improvements has been properly executed by the applicant who is effecting the subdivision and will be assessed for said improvements.
- h. Taxes, as well as public liens, assessments and fees, with respect to the subdivision area have been paid, or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.
- i. The sub divider has entered into agreement with the city relating to completion of improvements, payment of sewer and water hookup fees, inspection fees, public lands payments, monumentation or any other elements deemed relevant to the purpose of this or any other city ordinance, state statute or federal law.
- j. If the conditions set at the time of tentative land division approval are not fulfilled and the final plat or final map is not recorded by the tentative plan expiration date, the tentative land division approval is null and void.

2. **Required Signatures:** According to NDC 15.235.180, approval of a final subdivision plat must be acknowledged and signed by the following:

- a. Community Development Director
- b. The County Assessor
- c. The County Surveyor
- d. The City Recorder

3. **Recording:** Deliver the approved subdivision plat to the office of the County Clerk for recording. The County Clerk's office is located at 414 NE Evans St, McMinnville, OR 97128.

4. **Completion:** Return an exact copy of the recorded plat to the Director to complete the subdivision process.

E. Development Notes:

1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval

of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.

2. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
3. **Frontier:** The developer must coordinate trench/conduit requirements with Frontier. Contact the Engineering Division, Frontier, at 541-269-3375.
4. **Addresses:** The Planning Division will assign addresses for the new subdivision. Planning Division staff will send out notice of the new addresses after they receive a recorded mylar copy of the final subdivision plat.

Exhibit C: Tentative Plan

