

PLANNING COMMISSION AGENDA

April 12, 2012

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

- I. **CALL MEETING TO ORDER**
- II. **ROLL CALL**
- III. **CONSENT CALENDAR** (items are considered routine and are not discussed unless requested by the commissioners)
 1. Approval of March 8, 2012 Planning Commission Meeting Minutes
- IV. **COMMUNICATIONS FROM THE FLOOR** (5 minute maximum per person)
 1. For items not listed on the agenda
- V. **QUASI-JUDICIAL PUBLIC HEARINGS** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.
 1. **APPLICANT: Ron Manning**
REQUEST: Sherman Oaks Subdivision - Tentative plan approval for a 5-lot subdivision
LOCATION: 504 W. Sherman Street
TAX LOT: 3219BA-800
FILE NO.: SUB3-12-001 **ORDER NO.: 2012-02**
CRITERIA: 15.235.060(A)
- VI. **ITEMS FROM STAFF**
 1. Update on Council items
 2. Other reports, letters, or correspondence: school-zone flashing speed signs
 3. Next Planning Commission Meeting: May 10, 2012
- VII. **ITEMS FROM COMMISSIONERS**
- VIII. **ADJOURN**

FOR QUESTIONS PLEASE STOP BY, OR CALL 503-537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TRS services please dial 711.

PLANNING COMMISSION MINUTES

March 8, 2012

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE APRIL 12, 2012 PLANNING COMMISSION MEETING

I. CALL MEETING TO ORDER:

Chair Thomas Barnes opened the meeting at 7:00 p.m.

II. ROLL CALL:

Present:	Thomas Barnes, Chair	Cathy Stuhr, Vice Chair
	Art Smith	Lon Wall
	Allyn Edwards	Philip Smith
	Mayor Bob Andrews, Ex-Officio	Kale Rogers, Student PC

Absent:	Gary Bliss (excused)	Lon Wall (unexcused)
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Staff Present:	Barton Brierley, Planning & Building Director
	Steve Olson, Associate Planner
	DawnKaren Bevill, Minutes Recorder

III. CONSENT CALENDAR:

Approval of the February 9, 2012 Planning Commission Meeting Minutes

Chair Barnes entertained a motion to accept the minutes of the February 9, 2012 meeting.

MOTION #1: Stuhr/Edwards approve the minutes from the Planning Commission Meeting of February 9, 2012 as submitted. Motion carried (5 Yes/ 0 No/ 2 Absent [Bliss, Wall]).

IV. COMMUNICATIONS FROM THE FLOOR:

Russ Brandt from ADEC asked about the notification of utility rate changes and when they will go into effect. Mayor Andrews explained the Citizens' Rate Review Committee will be making the recommendation to the Newberg City Council that rates become effective on January 1, 2013 instead of July 1, 2012. The City Council Hearing regarding the adoption of the recommended rates will be held in April, 2012.

V. WORKSHOP: Update to the zoning use tables in the Development Code.

Barton Brierley gave the staff report and stated there are three objectives to the workshop:

1. Review the purpose of the various zones and the uses allowed or conditionally allowed in each.
2. Adopt a memo to the City Council letting them know the work the Planning Commission is considering working on, the process, and their expectations.
3. Begin working on a few sections of the zoning use table, both to complete some of the work and to test the overall process for reviewing the remaining sections.

Mr. Brierley reviewed the various districts as follows:

The R-1 Low Density Residential zoning district is intended for low density, urban single-family residential and planned unit development uses. The purpose of the R-2 Medium Density Residential district is to provide a wide range of housing types and styles, while maintaining a maximum overall density of 8.8 units per gross residential acre. Typical housing types in R-2 will include single-family dwellings on small lots, attached and detached single-family, duplex or multifamily housing, cluster developments and townhouses. The R-3 High Density Residential district is to provide multifamily dwellings of different types and styles while maintaining a maximum overall density of 21.8 units per gross residential acre. Typical housing types will include apartments, townhouses, condominiums, and cluster developments. Density may vary depending on lot size, off-street parking area, transportation, landscaping and other site considerations. The R-4 Manufactured Dwelling district is to provide locations reserved for manufactured homes, manufactured dwelling parks, mobile home parks, manufactured home subdivisions, and related uses. This district allows up to 12 dwellings per acre. The RP Residential-Professional district provides for a desirable mixing of residential land uses with professional office uses in possible close proximity to adjacent low density residential areas. The professional office building uses and parking coverage, traffic generation, open space and other external factors are intended to be compatible with the residential uses permitted. This district may be appropriate in transition areas between major land uses as indicated in the adopted plan.

The C-1 Neighborhood Commercial district is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations, and is typically appropriate to small shopping clusters or integrated shopping centers located within residential neighborhoods. The C-2 Community Commercial district is intended to create, preserve and enhance areas with a wide range of retail sales and service establishments serving both long-and short-term needs in compact locations typically appropriate to commercial clusters near intersections of major thoroughfares. The C-3 Central Business District is intended to preserve and enhance areas within which the greatest possible concentration of retail sales and business will occur. The C-4 Riverfront Commercial district is to allow a mix of uses that provides a variety of retail and commercial types that benefit from proximity to the river; encourages access to and enjoyment of the Willamette River; and ensures compatibility of development with the surrounding area and minimizes impacts on the environment.

The M-1 Limited Industrial district is intended to create, preserve and enhance industrial areas with an open and attractive setting. This district is typically appropriate to locations near major thoroughfares and nonmanufacturing areas. The M-2 Light Industrial district is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The M-3 Heavy Industrial district is intended to create, preserve and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments and are typically appropriate to areas which are most distant from residential areas, and which have extensive rail or shipping facilities. The M-4 Large Lot Industrial district is divided into two sub-districts: the industrial employment sub-district and the industrial commercial sub-district. One of the main intents of these districts is to provide a variety of employment opportunities for the citizens of Newberg. Providing adequate jobs for citizens leads to other related benefits, including a diversified and stable local economy, a stronger tax base, and environmental benefits from less out-commuting to jobs. In addition, providing adequate local jobs helps fulfill the stated desire of many citizens to “live here, work here, shop here.”

The Springbrook (SD) District is intended to provide for a mixture of residential uses, commercial uses, hospitality/public uses, and light industrial uses. The mixture will provide for flexibility and innovation in design.

The Institutional (I) District is intended to support and promote institutional uses. The district provides for the establishment and growth of large institutional campuses as well as accessory and compatible uses.

The Community Facilities (CF) District allows development of community facilities, primarily by public agencies or nonprofit organizations. It encourages the preservation of natural resources and open spaces such as parks and golf courses.

The Airport Industrial (AI) District is for industrial uses associated with the airport. The Airport Residential (AR) District is for housing associated with the airport and to support the continued operation and vitality of Sportsman Airpark.

DISCUSSION TIME: 7:33 PM – 8: 45 PM

The Planning Commission divided into two groups: Group 1 discussed agricultural uses and commercial lodging uses, and Group 2 discussed eating and drinking uses and Commercial service uses. Each group discussed what uses in the category should be listed in the zoning table; how should those uses be defined, and in which zones should those uses be allowed.

Discussion Update:

Group 1: Chair Barnes stated the proposed agricultural uses are limited to the following: Berry and bush crops, flower gardening, orchards, tree crops, the raising and harvesting of; truck gardening, and the raising and harvesting of vegetables for home consumption. Farm use includes utilization of land to raise, harvest, or sell crops. Farm uses include preparation or processing and storage of products raised on such land, but do not include construction or use of dwellings. Other buildings customarily provided in conjunction with farm uses are permitted. In the remainder of the “use” categories, if the word “animal” appears, it is stricken. Animals are allowed but must be permitted by Animal Control. (Cats are allowed without having to be permitted through Animal Control.)

The group changed the Commercial Lodging Uses for Bed & Breakfast establishments as follows: “**Hotel,**” “**motel,**” means a building or group of buildings used for transient residential purposes containing guest rooms without housekeeping facilities which are designed to be used, or which are used, rented or hired out for sleeping purposes. Also, Bed & Breakfast establishments do not have to provide breakfast.

Barton Brierley is going to look into regulations regarding vacation rental homes which have been a source of concern in tourist communities. Newberg’s code is vague on such uses. Mr. Brierley stated the group also added the Recreation Vehicle Park as a permitted use in the C-4 Riverfront Commercial zone.

Group 2: Steve Olson stated three categories were created: General eating/drinking uses; Alcohol oriented uses; and Non- alcoholic uses. The general restaurants that serve both would go into the first category. Bars, wine tasting rooms and breweries go into category two. Coffee shops and delis could fit the non-alcoholic uses in neighborhood commercial areas. They were uncertain where night clubs should be permitted. More work remains to be done on eating & drinking uses, and commercial service uses.

MOTION #2: P. Smith/A. Smith to adopt the Planning Commission Memorandum regarding the proposed update to the Newberg Zoning Use Tables as written with the deletion of the word, “much” under #6. Motion carried (5 Yes/ 0 No/ 2 Absent [Bliss, Wall]).

VI. ITEMS FROM STAFF:

Update on Council items:

Barton Brierley stated the City Council approved the creation of a Housing Trust Fund at their March 5, 2012 meeting. They also considered the deferral of System Development Charges for affordable housing projects but no decision was made. At their next meeting on March 19, 2012 they will consider the South Industrial Urban Growth Boundary Amendment and the Economic Opportunities Analysis with the modified employment and population projections. If the City Council approves it, it will be taken to the Yamhill County Commissioners and then to the State.

The Mayor's Volunteer Appreciation event will be held on April 30, 2012.

The next Planning Commission meeting is scheduled for Thursday, April 12, 2012.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Edwards appreciates the flashing light signs that have been placed in some school zones but believes it has been money wasted since he believes some of them were not needed due to limited walking traffic through the zones. He recommended the City look at the school zones more carefully before spending any more money on signage.

VIII. ADJOURN:

Chair adjourned the meeting at 9:18 p.m.

Approved by the Planning Commission on this 12th day of April, 2012.

AYES:

NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

Planning Commission Chair

**PLANNING COMMISSION STAFF REPORT
SHERMAN OAKS SUBDIVISION**

HEARING DATE: April 12, 2012

FILE NO: SUB3-12-001

REQUEST: Tentative plan approval for a subdivision that would include four single-family dwelling lots, one larger multi-family dwelling lot, and one tract.

LOCATION: 504 W Sherman St

TAX LOT: 3219BA-00800

APPLICANT: Ron Manning is the applicant and owner of the property

ZONE: R-2 (Medium Density Residential)

PLAN DISTRICT: MDR

OVERLAYS: Stream Corridor (a small portion of the stream corridor is on proposed lot 5)

ATTACHMENTS:

Order 2012-02 with

- Exhibit "A": Findings
- Exhibit "B": Conditions
- 1. Aerial Photo
- 2. Tentative Plan
- 3. Contours Map
- 4. Comprehensive Plan Map
- 5. Application
- 6. Public Comments/Correspondence-None Received as of 4/3/12



A. DESCRIPTION OF APPLICATION: The applicant, Ron Manning, has requested approval to subdivide a piece of property into five lots and one tract. One of the proposed lots contains a portion of the city's mapped and protected stream corridor, and proposed tract A is located outside of the Newberg city limits and is wholly contained in undevelopable stream land with steep slopes. All of the proposed lots would have access to Sherman Street. The lots range in size from 4,976 to 6,677 square feet for the proposed single-family lots, and 18,202 square feet for the proposed multi-family lot. All exceed the minimum lot size of 3,000 square feet required for the R-2 zone.

B. SITE INFORMATION:

1. Location: 504 W Sherman Street
2. Size: approximately 1.37 acres
3. Topography: Western slope into the Chehalem Creek stream corridor.
4. Current Land Uses: The parcel currently has one existing single-family dwelling.
5. Natural Features: The property slopes west into the Chehalem Creek stream area, which has steep slopes and is heavily vegetated. The portion of the property outside city limits will be designated as Tract A and will remain as undeveloped stream area. There is a small portion of the city's designated stream corridor overlay on proposed lot 5; the stream corridor area will be required to be delineated and protected during site grading and construction. The site contains several large trees around the existing house and on the southern portion of the property, many of which will likely be removed during site construction.
6. Adjacent Land Uses:
 - a. North: one single-family dwelling directly across from the property at the end of the cul-de-sac; duplex dwellings on the other three properties on the street.
 - b. East: single-family residential
 - c. South: single-family residential
 - d. West: vacant stream corridor land
7. Access and Transportation: The proposed subdivision is accessed by W Sherman Street, which ends in a cul-de-sac at the property. Sherman Street is an existing road with a 46-foot right-of-way and curb-side sidewalks.
8. Utilities:
 - a. Sanitary Sewer: All of the lots would be served by the existing 8-inch line in Sherman Street.
 - b. Water: All of the lots would be served by the existing 4-inch line in Sherman Street.
 - c. Storm: All of the lots would discharge their stormwater to Sherman Street, which slopes east to an existing stormwater outfall.

C. PROCESS: The subdivision request is a Type III application and follows the procedures in

Newberg Development Code 15.100.050. The Planning Commission will hold a quasi-judicial hearing on the application. The Commission is to make a decision on the application based on the criteria listed in the attached findings. The Planning Commission's decision is final unless appealed. Important dates related to this application are as follows:

1. March 20, 2012: The planning director deemed the application complete.
2. March 16, 2012: The applicant mailed notice to the property owners within 500 feet of the site.
3. March 20, 2012: The applicant posted notice on the site.
4. March 28, 2012: The *Newberg Graphic* published notice of the Planning Commission hearing.
5. April 12, 2012: The Planning Commission will hold a quasi-judicial hearing to consider the application.

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

1. Yamhill County Planning: *Reviewed; no conflict*
2. PGE: *Reviewed; no conflict*
3. Waste Management (Jack Miller): *Trash and recycling bins would have to be set out on the street on pick-up day.*

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

F. ANALYSIS: The proposed subdivision meets the applicable code criteria, with conditions. The main issue in this proposal is the permitted future density of the multifamily development on lot 5. The Planning Commission must determine whether proposed lot 5 may be developed at a density of 8 multifamily units or 6 multifamily units.

If viewed as a simple subdivision, all of the lots would meet the minimum lot size for the R-2 zone of 3,000 square feet, and then may be developed at the appropriate density for each lot size and permitted use. In this case, the R-2 zone permits single-family, duplex, and multifamily development (among other permitted uses). Due to the sizes of the proposed lots, lots 2, 3, and 4 would likely be developed with single-family residences. Lot 5 is 18,202 square feet in size. If lot 5 were viewed as a single lot, it would permit 6 multifamily units at a density of 3,000 square feet per unit.

However, the applicant is proposing that the Planning Commission consider the overall site as one "development site,"¹ and would like to derive the future density of lot 5 from the overall

¹ "Development site" means:

density of the site pre-subdivision. The overall site is approximately 1.37 acres in size, with approximately .94 acres (or 40,837 square feet) comprising the development site area. The overall development site area would accommodate a maximum of 13 units. The applicant is proposing a total of 12 units for the development site: 4 single-family units on individual lots, and 8 multi-family units on a shared lot. Thus, the applicant is asking to effectively transfer the density from the single-family lots to the multifamily lots.

Either interpretation would meet the intent of the R-2 zone to provide a variety of housing types. However, considering the overall site as a development site and permitting up to 8 units on lot 5 would better meet the density goals of the R-2 zone.

- G. PRELIMINARY STAFF RECOMMENDATION:** The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt Planning Commission Order 2012-02, which approves the requested subdivision tentative plan with the attached conditions.

-
1. A lot of record existing on the effective date of the ordinance codified in this code; or
 2. A tract of land either unsubdivided or consisting of two or more contiguous lots of record, located within a single block which, on the effective date of the ordinance codified in this code, was in a single ownership; or
 3. A tract of land, located within a single block, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy), is designated by its owner or developer as a tract, all of which is to be used, developed or built upon as a unit under single ownership. A development site may or may not coincide with a lot as shown on the recorded subdivision plat or deed.
 4. For the purpose of this definition, ownership of a development site is deemed to include a lease of not less than 50 years' duration, with an option to renew such lease so as to provide a total lease of not less than 75 years' duration.
 5. A development site may be subdivided into two or more development sites; provided, that all resulting development sites and all buildings on the sites shall comply with all the applicable provisions of this code. If such development site, however, is occupied by a nonconforming structure, such development site may be subdivided, provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such structure.

AN ORDER APPROVING SUB3-12-001 FOR A SUBDIVISION TO BE KNOWN AS SHERMAN OAKS THAT INCLUDES FOUR SINGLE-FAMILY LOTS, ONE MULTI-FAMILY LOT FOR UP TO EIGHT UNITS, AND ONE TRACT, LOCATED AT 504 W SHERMAN STREET, YAMHILL COUNTY TAX LOT 3219BA-00800

RECITALS

1. Ron Manning submitted an application for tentative subdivision approval for a subdivision to include four single-family dwelling lots, one multi-family dwelling lot, and one tract, Yamhill County Tax Lot 3219BA-00800. The proposed tract is located outside of the Newberg city limits, and proposed lot 5 contains a small portion of the city's mapped stream corridor overlay.
2. The applicant asked the Planning Commission to consider the entire property as one development site to permit the site to be developed to its full capacity with a mix of single-family lots and a multi-family lot for up to eight units. The Planning Commission finds that if considered as one shared development site, the site would accommodate up to 13 dwelling units. The applicant's proposal for 12 units on the site, with 4 dwelling units on individual lots and 8 dwelling units on a shared lot, meets the intent of the development site area requirements for the R-2 zone.
3. After proper notice, the Newberg Planning Commission held a hearing on April 12, 2012 to consider the application. The Commission considered testimony and deliberated on the item. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings attached in Exhibit "A" and must comply with the conditions of approval shown in Exhibit "B".

The Newberg Planning Commission orders as follows:

1. The tentative subdivision plan application SUB3-12-001 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 27, 2012 unless appealed prior to that date. 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 April, 2012.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

Attached:

Exhibit "A": Findings

Exhibit "B": Conditions

**Exhibit “A” to Planning Commission Order 2012-02
Findings –File SUB3-12-001
Sherman Oaks Subdivision**

I. Applicable Subdivision Criteria: 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: Approval will not impede the future best use of the property as the entirety of the property will be divided into buildable lots and a stream corridor tract. Approval of the requested subdivision would improve the area by adding sidewalks along the Sherman Street frontage.

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: Following compliance with the conditions of approval as shown in Exhibit B, the subdivision complies with all applicable requirements of the code. See sections II through IV for specific Development Code standards and findings.

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 improvements will either be completed prior to final plat or the developer will enter into an agreement with the city for the remainder of the improvements to be completed. In

this case, public improvements include construction of a 5-foot wide curb-side sidewalk along the property frontage to match the neighboring properties and a public sanitary sewer manhole to serve the properties.

II. 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 district, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

B. Lot or Development Site Area per Dwelling Unit.

2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multiple-family dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

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

Finding: This finding will address the different components of 15.405.010:

A.2 – Minimum lot area: Each proposed lot in the subdivision would have a minimum area of 3,000 square feet.

A.2 – Maximum average size of single family lots. In order to calculate the average size of the lots in the portion of the subdivision intended for single-family development, we added up the total lot size of lots 1 through 4 (22,635 square feet), and then subtracted the area in the shared access easement as permitted by subsection C above (22,635 – 3,000 = 19,635), then divided by the number of lots (19,635 / 4 = 4,909 square feet). The average size of the lots in the portion of the subdivision intended for single-family development is 4,909 square feet. This does not exceed the 5,000 square foot maximum average lot size, thus the proposal meets the standard.

B.2 – Area per dwelling unit and minimum number of multifamily dwellings:

Area per dwelling unit: The overall site is approximately 1.36 acres in size, with approximately .94 acres (or 40,837 square feet) comprising the development site area.

If viewed as a simple subdivision, all of the lots would meet the minimum lot size for the R-2 zone of 3,000 square feet, and then may be developed at the appropriate density for each lot size and permitted use. In this case, the R-2 zone permits single-family, duplex, and multifamily development (among other permitted uses). Due to the sizes of the proposed lots, lots 2, 3, and 4 would likely be developed with single-family residences. Lot 5 is 18,202 square feet. If viewed as a single lot, lot 5 would permit 6 multifamily units at a density of 3,000 square feet per unit.

However, the applicant is proposing that the overall site be considered as one “development site”², and would like to derive the future density of lot 5 from the overall density of the site pre-subdivision. The overall site is approximately 1.36 acres in size, with approximately .94 acres (or 40,837 square feet) comprising the development site area. The overall development site area would accommodate a maximum of 13 units. The applicant is proposing a total of 12 units for the development site: 4 single-family units on individual lots, and 8 multi-family units on a shared lot. Thus, the applicant is asking to effectively transfer the density from the single-family lots to the multifamily lots.

Either interpretation would meet the intent of the R-2 zone to provide a variety of housing types. However, considering the overall site as a development site and permitting up to 8 units on lot 4 would better meet the density goals of the R-2 zone.

Minimum number of multifamily units: For lots or development sites over 15,000 square feet in size, multifamily units must be developed at a minimum density of one dwelling per 5,000 square feet. In order to calculate minimum density for the development, subsection C above removes area in shared

² “Development site” means:

1. A lot of record existing on the effective date of the ordinance codified in this code; or
2. A tract of land either unsubdivided or consisting of two or more contiguous lots of record, located within a single block which, on the effective date of the ordinance codified in this code, was in a single ownership; or
3. A tract of land, located within a single block, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy), is designated by its owner or developer as a tract, all of which is to be used, developed or built upon as a unit under single ownership. A development site may or may not coincide with a lot as shown on the recorded subdivision plat or deed.
4. For the purpose of this definition, ownership of a development site is deemed to include a lease of not less than 50 years’ duration, with an option to renew such lease so as to provide a total lease of not less than 75 years’ duration.
5. A development site may be subdivided into two or more development sites; provided, that all resulting development sites and all buildings on the sites shall comply with all the applicable provisions of this code. If such development site, however, is occupied by a nonconforming structure, such development site may be subdivided, provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such structure.

access easements from the equation. Therefore, if looking at the overall development site, the developable area would be reduced by approximately 3,000 square feet to account for the area in the shared access easement for lots 2, 3, and 4, making the overall development site area approximately 37,843 square feet. The overall development site area, minus the area in shared easements, would require a minimum of 7.6 units overall ($37,843 / 5,000 = 7.6$). After subtracting out the 4 single-family units, a minimum of 4 multifamily units (3.6 rounded up to 4) would be required for the remainder of the site. To analyze lot 5 on its own for the minimum density calculation, the size of lot 5 would be divided by 5,000 ($18,202 / 5000 = 3.6$). That calculation finds that a minimum of 4 multifamily units would be required on lot 5. Thus, in either scenario, a minimum of 4 multifamily units would be required on lot 5.

III. 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.

Finding: Each proposed lot meets the required width for the R-2 zone. Lot 5 is over 15,000 square

feet in size and meets the width to depth ratio requirement. Lots 1 and 5 have direct access to Sherman Street, and lots 2, 3, and 4, will share a 25-foot access easement and driveway to Sherman Street.

IV. 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.

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.

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.

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

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 15.505.220.(A): Public Walkways. The review body for a design review or land division may require easements for and construction of public walkways where such walkway is needed for the public safety and convenience or where the walkway is necessary to meet the standards of this code or a walkway plan. Public walkways are to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas of such design, width, and location as reasonably required to facilitate public use. Where possible, said dedications may also be employed to accommodate public

utilities.

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).

Finding: All of the proposed lots will be served by a 4-inch public water line and an 8-inch sanitary sewer line in Sherman Street. The applicant will provide a new sanitary sewer manhole to serve the proposed development. The stormwater for all of the lots will drain to Sherman Street and then west to an existing stormwater outfall in the stream corridor.

Sherman Street is an existing street with a 46-foot right-of-way and curbside sidewalks along the developed property frontages. The applicant, as conditioned, will provide new 5-foot wide curbside sidewalks along their property frontage. In addition, the applicant will provide street trees for lots 1, 4, and 5.

V. Applicable Newberg Comprehensive Plan Section: Public Facilities and Services, All Facilities and Services Policy #1.h.

Finding: According to the finding above for Development Code requirements for infrastructure, the proposed subdivision complies with the policy to have paved streets, curbs, pedestrian ways, water, sewer, storm drainage, street lights and underground utilities, and meets the intent of the Newberg Comprehensive Plan.

VI. Applicable Yamhill County Comprehensive Plan Goal & Policy: E. Open Space.

Goal Statement: 1. To insure the continuance of the open space character that has always existed in Yamhill County.

Policy: B. The inventory will include, but not be limited to the location, quantity and quality of the following resources: fish and wildlife habitats; ecologically and scientifically significant natural areas; outstanding scenic view and sites; water areas, wetlands, watersheds, and groundwater resources; wilderness areas; historic areas, sites, structures and objects; cultural areas; potential and approved Oregon recreation trails; potential parks and recreation sites.

Finding: The proposed subdivision creates a tract for the stream corridor portion of the property, ensuring its protection as undevelopable land. The tract will contribute to the inventory of open spaces in the community, and will continue to provide riparian habitat and retain its natural vegetation.

VII. Conclusion: Based on the above findings, the application meets the goals and policies of the Yamhill County Comprehensive Plan, the Newberg Comprehensive Plan, and the required criteria within the Newberg Development Code for a subdivision, subject to completion of the attached conditions.

Exhibit B to Planning Commission Order 2012-02
Conditions of Approval – File SUB3-12-001
Sherman Oaks Subdivision

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

- 1. Revised Tentative Plan:** Provide a revised tentative subdivision plan that shows the following:
 - a. An easement for the sanitary sewer lateral serving lots 2 and 3.
 - b. An easement for the sanitary sewer manhole that is at least 7.5 feet on each side of the manhole.
 - c. Ensure that any part of the existing home is not included in the 25-foot proposed access easement to lots 2, 3, and 4.

- 2. Construction Plans:** Submit engineered construction plans for review and approval of all public utilities. Plans should be drawn to show storm information on one sheet; water and sanitary on another sheet. Please note that additional Engineering Division plan review application and fees apply for review of plans. The plans must note the following:
 - a. Utilities:
 - i. Submit detailed utility construction plans for review and approval for all public water meters, sanitary sewer mains, and sanitary sewer laterals.
 - b. Streets:
 - i. Provide plans for a 5 ft sidewalk along the Sherman Street frontage.
 - c. Stormwater:
 - i. Submit a stormwater plan showing how the stormwater will be conveyed to the existing outfall in Chehalem Creek, to be approved by the City Engineer.
 - ii. Delineate the stream corridor and provide a plan to protect the stream corridor during site grading and construction.

- 3. Maintenance Agreement:** Provide a shared maintenance agreement for the sanitary sewer lateral serving lots 2 and 3.

4. **Street Tree Plan:** Provide a landscape plan that identifies all planned tree species for street trees in accordance with NDC 15.420.010. A landscape bond will be required for installation of street trees prior to final plat approval.
5. **Grading:** If required, obtain a DEQ 1200-C permit and a city grading permit prior to site grading.

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 Division (503-537-1273). In addition to those items listed below, the inspector will also be looking for completion of items such as street signs, street lights, etc.
 - a. Construct all water meters, sanitary sewer mains, and sanitary sewer laterals as shown on the approved utility construction plans.
 - b. Construct the stormwater system as shown in the approved plans.
2. **Existing Wells/Septic:** Decommission any wells or septic tanks currently on the property.

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 Division. The Engineering Division will make red-line comments on these sheets for your surveyor/engineer to correct prior to printing final Mylar copies.
 - e. If applicable, provide a recorded instrument permitting the private utility easement to cross the adjacent parcel north of proposed lot 4.

2. **Dedications/Easements Required:** The plat must show the following:
- a. 10 ft public utility easements along all street frontages.
 - b. A 25-foot wide access and utility easement for lots 2, 3, and 4.
 - c. An easement for the shared sanitary sewer lateral serving lots 2 and 3.
 - d. An easement surrounding the sanitary sewer manhole that is at least 7.5 feet wide on all sides.
 - e. Top of bank for the stream corridor delineation.

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.
 - c. A final draft copy of any Codes, Covenants and Restrictions (CC&Rs) for the subdivision. Planning staff will review the proposed CC&Rs for compliance with City Code prior to recordation.

4. **Final Mylar Copies of the Subdivision Plat:** Submit final mylar copies of the corrected final subdivision plat (after red-line corrections have been made).
- a. Three sets (one original and two copies) of the plat. Original plats shall be in substantial conformity to the approved tentative plan and shall conform to the Yamhill County Surveyor's specifications and requirements. 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 subdivider 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. Planning and Building Director
- b. The County Assessor
- c. The County Surveyor

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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:

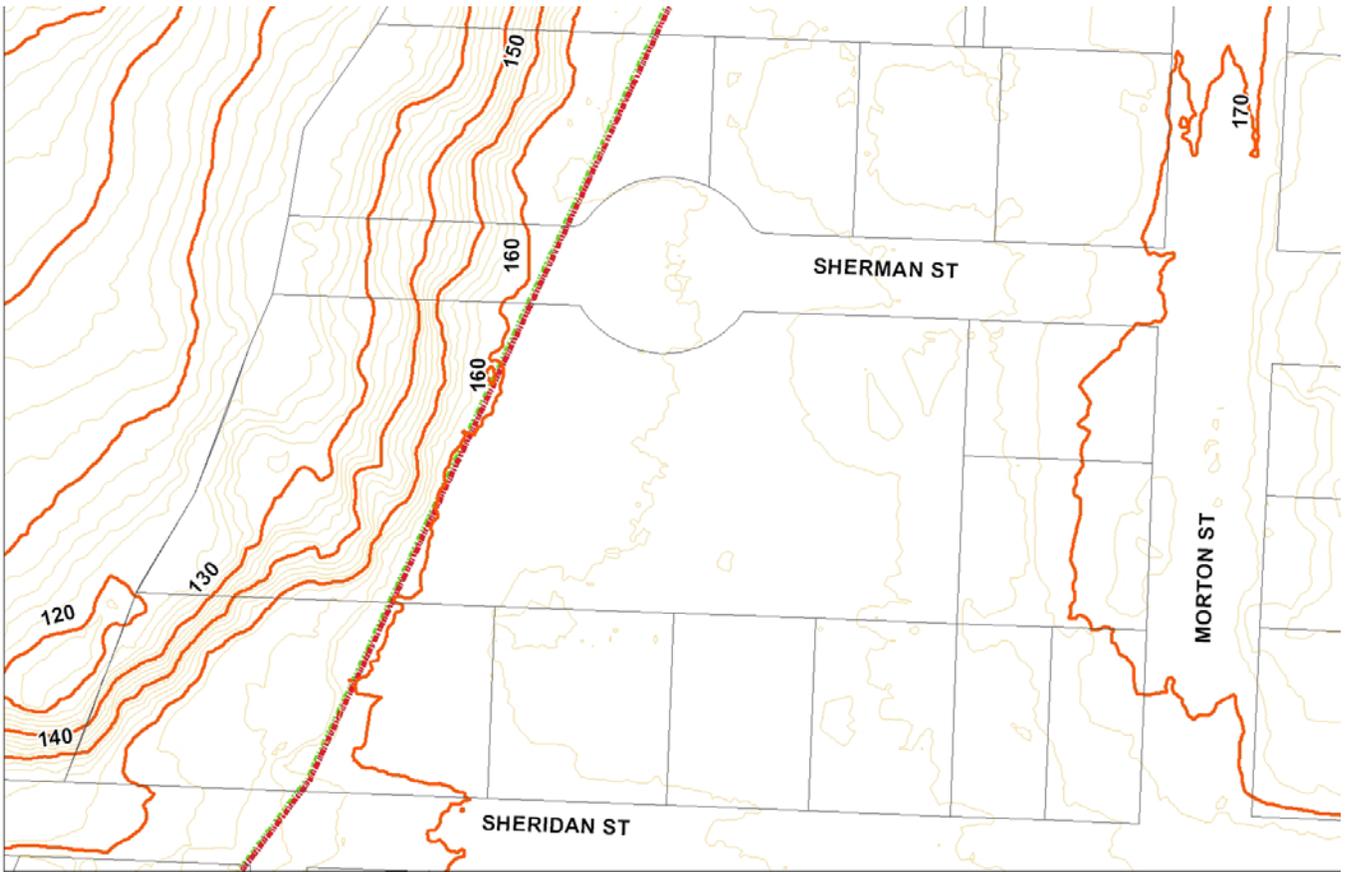
1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
2. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which 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. **Waste Management:** Contact Waste Management for garbage service to the new lots.
5. **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.
6. **Sherman Street Sidewalks:** Sidewalks along Sherman Street are required prior to building final occupancy for each lot.
7. **Parking Spaces for Lots 2, 3, and 4:** Note that when three lots use one driveway, an additional off-street parking space is required for those lots. Building permit plans for lots 2, 3, and 4 will be required to show that there will be 3 off-street parking spaces per lot prior to approval and issuance.

Attachment 1: Aerial Photo

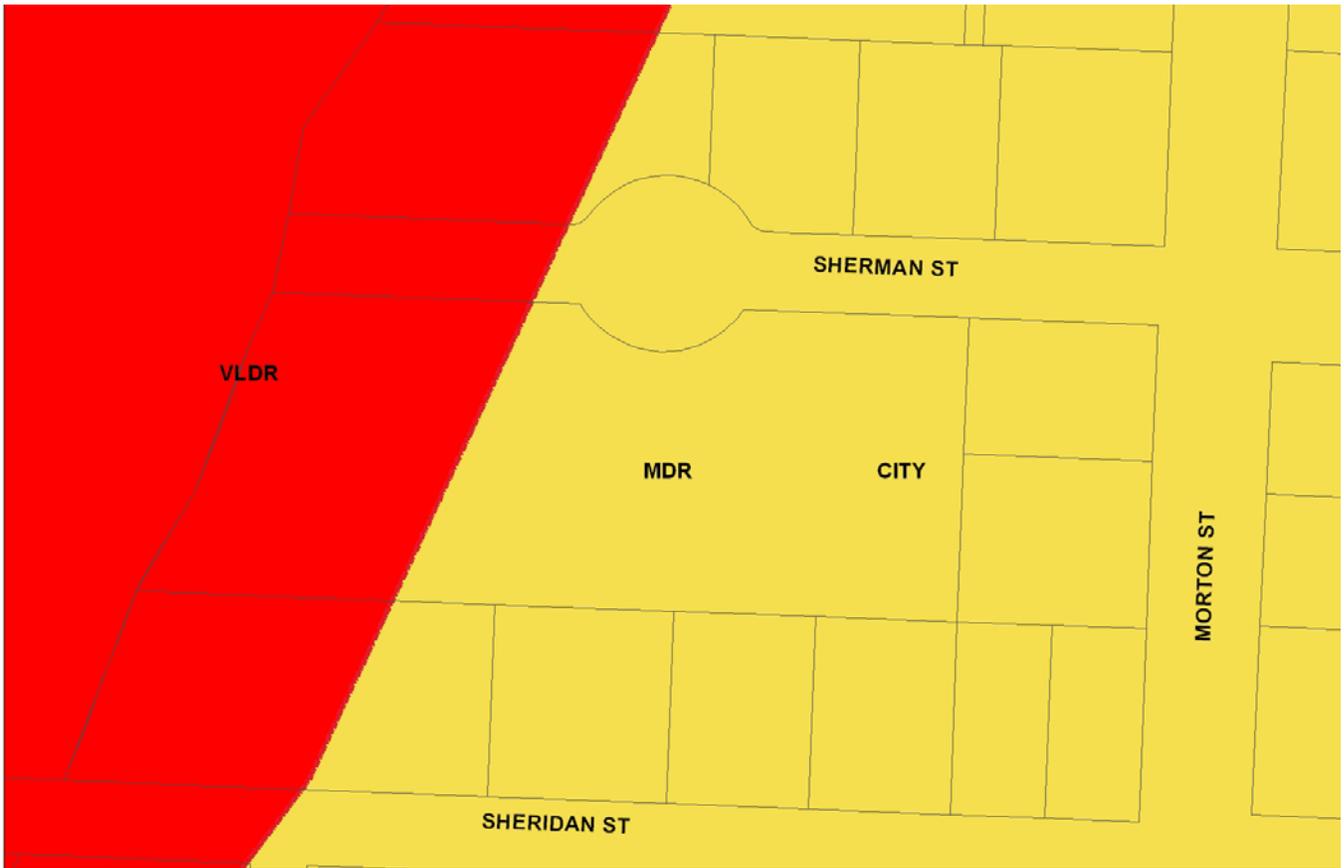


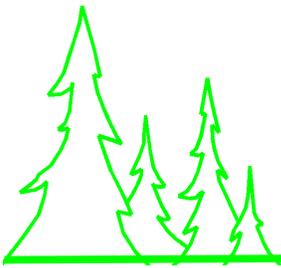
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Attachment 3: Contours Map



Attachment 4: Comprehensive Plan Map





LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625
(503) 538-5700 FAX 538-9167
larydell@teleport.com

SUBDIVISION APPLICATION

SHERMAN OAKS

A Proposed 5 Lot Single/Multiple Family Lot Development

City of Newberg

Yamhill County, Oregon

9 February 2012

PREPARED FOR:

Ron Manning
P. O. Box 605
Newberg, Oregon 97132

Phone: (503) 662-4050
Fax: (503) 793-7222
E-Mail: HarleyMan627@yahoo.com



RENEWAL DATE 12/31/2012

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EXHIBITS

- Tax Map 3 - 2 - 19BA
- Newberg Comprehensive Plan Map
- Newberg Zoning Map
- Title Report
- Tentative Plan

APPLICANT AND SITE INFORMATION

DATE: 9 February 2012

APPLICANT/OWNER: Ron Manning
P. O. Box 605
Newberg, Oregon 97132
Phone: (503) 662-4050
Cell: (503) 793-72222
E-Mail: HarleyMan627@yahoo.com

ENGINEER/SURVEYOR: Leonard Rydell, P.E., P. L. S., W. R. E.
601 Pinehurst Drive
Newberg, OR 97132-1625
Phone: 503-538-5700
Fax: 503-538-5700
E-Mail: larydell@teleport.com

REQUEST: Tentative Plan Approval for a Five Lot Single Family Subdivision with a Multifamily Residential Lot

LEGAL DESCRIPTION: See Attache Exhibit

TAX LOT Tax Lot 800, Map No. 3-2-19BA

COMPREHENSIVE PLAN: Medium Density Residential (MDR)

ZONING: Medium Density Residential (R-2)

SIZE: 1.3666 acres more or less

LOCATION: On the South Side of Sherman Street West of Morton Street

SPECIFIC REQUESTS: Tentative Plan Subdivision Approval for a 5 Lot Development Site with 4 Single Family Lots and One 8 Unit Multi-Family Site for a total of 12 housing units

INTRODUCTION & BACKGROUND

The applicant has purchased a house on a large piece of property at 512 West Sherman Street in the City of Newberg, Oregon. The property is identified as Tax Lot 800 of Map No. 3-2-19BA. The legal description is a metes and bounds description. The "CANYON CREEK" subdivision is located across the street.

Newberg City Limits bisects the property at the location of the top of bank. Property to the West is located in Yamhill County. The property outside of City Limits contains steep slopes and large trees. Since the land is not wholly in the City, a Type III application is required.

One single family ranch style dwelling exists on the property. The applicant is remodeling the house and the purpose of this application is to allow it to be divided off and sold. Three more single family lots are proposed on one access that will allow three additional lots and houses to be constructed and sold.

Lot 5 is proposed as a multifamily site which may consists of smaller houses, or studio size dwellings that can be rented out.

The property to the North, South and West is zoned R-2, Medium Density Residential. Property to the West is located in Yamhill County. The neighborhood is predominantly single family residential.

are established residential neighborhood. The property to the South and some property to the Southeast of the site are zoned R-3, High Density Residential, and the remaining surrounding property is zoned R-2, Medium Density Residential.

The applicant desires to meet the development site density of one unit per 3,000 square feet per dwelling unit which would allow a total of 12 units on the site. Unfortunately, the physical constraints of the site do not allow efficient development in the area of the existing house, therefore, the first four lots would be larger than generally allowed and the fifth lot if considered alone, would be smaller than generally allowed. Variations are allowed by code.

Ownership of the completed development will be a combination of individual single family homes on lots and a multi-family site rather than an initial development of a condominium project.

Chapter 15.306 R-2 Medium Density Residential District

15.306.010 Description and Purpose

A. *The purpose of this land use designation is to provide a wide range of housing types and styles, while maintaining a maximum overall density of 8.8 units per gross residential acre.*

Finding: The gross area of the site is 59,550 square feet or 1.3671 acres. 12 Units are proposed which equals a density of 8.78 units per gross residential acre. This subdivision application is being submitted to obtain approval for the 12 units.

B. *Typical housing types will include single-family dwellings on small lots, attached and detached single-family, duplex or multifamily housing, cluster developments and townhouses. The R-2 district is intended to be consistent with the medium density residential designation of the comprehensive plan.*

Finding: The applicant is proposing a variety of affordable housing styles including the existing three bedroom ranch style house, small one story two or three bedroom units, and cottages of various sizes overlooking the woods on Lot 5..

R. *Single-family dwellings, one or more per lot subject to density restrictions.*

Finding: The applicant is proposing a variety of affordable housing styles including the existing three bedroom ranch style house, small one story two or three bedroom units, and cottages overlooking the woods. Lots 1 through four are proposed for one dwelling unit per lot and Lot 5 is proposed for up to 8 dwelling units.

15.306.020 Permitted Buildings and Uses

In the R-2 medium density residential district, the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:

N. *Multiple-family dwellings.*

Finding: While multiple family dwellings are not anticipated at this time, they applicant wants to reserve the option of constructing multiple family dwellings if warranted by market conditions.

R. *Single-family dwellings, one or more per lot subject to density restrictions.*

Finding: Single family dwellings are proposed. One or more per lot is proposed in accordance with the density restrictions and allowances per the development code.

Chapter 15.342 Stream Corridor Overlay (SC) Subdistrict

15.342.030 General Information.

The delineated stream corridor overlay subdistrict is described by boundary lines delineated on the City of Newberg zoning map indicated with an SC symbol.

Finding: The City of Newberg Zoning Map does not have a stream corridor drawn along the West side of the property, so this section does not apply. The City Limits line is at the approximate top of bank where the stream corridor would be, so even if there was a stream corridor line, it would not significantly impact the proposed development as it is within city limits.

Chapter 15.405 Lot Requirements

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.*

Finding: This is a development site. It is not a subdivision intended for only single family lots. It is a development site with four single family lots and one multi-family lot. The gross area of the development site is 59,531 square feet. However, excluding steep slopes outside of City Limits, and the proposed access for Lots 2, 3 and 4, the net development area is 37,843 square feet. This will allow 12 units on the development site with an average lot area of 3,154 square feet.

B. *Lot or Development Site Area per Dwelling Unit.*

2. *In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multiple-family dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.*

Finding: This project is a development site. The gross area of the development site is 59,550 square feet. Excluding steep slopes outside of City Limits and the proposed access for Lots 2, 3 and 4, the net development area is 37,843 square

feet. This will allow 12 units on the development site with an average lot area of 3,154 square feet. This more than meets the standard of the average of all of the lots not exceeding 5,000 square foot per dwelling unit.

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

Finding: This project is a development site. Lot areas are calculated per this section. The gross area of the development site is 59,531 square feet. Excluding steep slopes outside of City Limits and the proposed access for Lots 2, 3 and 4, the net development area is 37,843 square feet. This will allow 12 units on the development site with an average lot area of 3,154 square feet. This more than meets the standard of the average of all of the lots not exceeding 5,000 square foot per dwelling unit.

- 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: While technically this application is a “subdivision”, it is more correctly reviewed as a “**development site**” as it contains both single family lots and a multi-family lot. The intent of the code is to provide affordable housing with **development sites** at 8.8 units per gross acres or less, with minimum areas of 3,000 square feet and maximum areas of 5,000 square feet. The proposed development meets these requirements on all counts and with a gross density of 8.78 units per acre.

This section also allows “*some lots*” to “*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*”. Even though Lot 5 contains 18,203 square feet and is proposed for 8 units (an average lot size of 2,275 square feet), the average of all lots in the **development site** of 3,154 square feet is more than 3,000 square feet and less than 5,000 square feet.

15.405.020 Lot Area Exceptions

The following shall be exceptions to the required lot areas:

- B. *Lots or development sites which, as a process of their creation, were approved in accordance with this code.*

Finding: This section means that Lot 5, after created by this application, is exempt from a new application of the lot requirements at the time of development.

Chapter 15.410 Yard Setback Requirements

15.410.020 Front Yard Setback

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

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

Finding: All dwellings are proposed to meet this requirement.

3. *The entrance to a garage or car port, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.*

Finding: The existing house conforms to this requirement. All proposed carports or garages will be set back 20 feet from the Sherman Street right-of-way.

15.410.030 Interior Yard Setback

- (1) *All lots or development sites in the AR, R-1, R-2 and R-3 Districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.*

Finding: All lots will conform to the interior yard setbacks.

Chapter 15.235.050 Subdivision Applications

A. *Drafting. The tentative plan shall show all pertinent information, normally at a scale of one inch equals 100 feet. For subdivision, the scale may be increased or decreased to fit standard size sheets of 18 inches by 24 inches. However, in all multiples of 100 feet to the inch. Tentative plans for subdivisions shall be prepared by an Oregon registered engineer or Oregon licensed land surveyor.*

Finding: The tentative plan is drawn on 24" by 36" paper at a scale of 1" = 20' to clearly show the site, existing improvements, natural and man-made features, proposed

improvements, surrounding area development. The map can be printed at half scale for 18" by 24" drawing at a scale of 1" = 30'. The plan was prepared by an Oregon registered land surveyor and engineer. Reduced 11" by 17" copies are provide in this application booklet.

B. Information Required. The application itself or the tentative plan must contain the following information with respect to the subject area:

- 1. Name and block numbering of proposed subdivisions. Except for the words "town," "city," "place," "court," "addition," or similar words, the name shall be clearly different than, and clearly pronounced differently than, the name of any other subdivision in the county, unless the subject subdivision is contiguous to or platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.*

Finding: The proposed subdivision name is "SHERMAN WOODS", but this may change.

- 2. The date, north point, and scale of the drawing, and sufficient description to define the location and boundaries of the proposed subdivision and the names of all recorded subdivisions contiguous to such area.*

Finding: The tentative plan includes the date, north arrow, scale and existing property lines in the neighborhood.

- 3. The names and addresses of the owner and engineer or surveyor.*

Finding: The Preliminary Plat includes the name, address, phone number and e-mail addresses of the applicant, owner and engineer/surveyor.

- 4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the transportation system plan.*

Finding: Existing right-of-way lines are shown. No new street dedications are necessary as the street has already been dedicated and improved.

- 5. The locations, names and widths and grades of all existing and proposed streets and roads.*

Finding: Approximate grades of Sherman Street are shown. No new street dedications are necessary as the street has already been dedicated and improved.

- 6. Contours on the site and within 100 feet of the site.*

- a. *One-foot contour intervals for ground slopes up to five percent.*
- b. *Two-foot contour intervals for ground slopes between five and 10 percent.*
- c. *Five-foot contour intervals for ground slopes exceeding 10 percent.*

Finding: One foot contours are shown on the site and Sherman Street. Due to existing improvements such as houses, fences and vegetation, the legal requirement of right-of-entry notification and the resulting cost to the applicant, contours within 100 feet of the site were not obtained, nor were they deemed necessary to make an informed decision on this project.

7. *Preliminary site grading plan, prepared by an Oregon registered engineer or land surveyor.*

Finding: No significant grading is proposed except for the construction of the access to Lots 2, 3 and 4. Finish grade will follow existing contours. Proposed drainage patterns are shown on the tentative plan.

8. *The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be required as provided for in NMC 15.505.080.*

Finding: The approximate width and location of all existing and proposed easements for public and private utilities are shown on the tentative plan.

9. *The approximate radii of all curves.*

Finding: There are no curves proposed.

10. *The general design of the proposed subdivision including the approximate dimension of all proposed lots and parcels.*

Finding: The development site boundary is shown along with dimensions and areas of each lot.

11. *The approximate location of areas subject to inundation of stormwater, and the location, width, and direction or flow of all watercourses.*

Finding: The West boundary of the site extends to the centerline of the creek. The area along the creek is subject to flooding, but it is also outside of the city limits of Newberg and the development site. Creek flows are from North to South.

12. *The existing and proposed uses of the property, including the location of all existing structures that the applicant intends will remain in the subject area.*

Finding: The West boundary of the site extends to the centerline of the creek. The area along the creek is subject to flooding, but it is also outside of the city limits of Newberg and the development site. Creek flows are from North to South.

13. *The domestic water system proposed to be installed, including the source, quality, and quantity of water, if from other than a public water supply.*

Finding: Individual water meters will be installed for Lots 2 through 5. Lot 5 may have one meter for all eight residences, or the four inch line may be extended up to the property so that individual meters can be installed. This decision will be made at the time of the Site Design Review application for Lot 5.

14. *All proposals for wastewater disposal, flood control and easements or deeds for drainage land, including profiles of proposed drainage ways.*

Finding: Lots 1 through four will gravity feed into the existing 6-inch lateral. Lot 5 will be served by a private pumping system to discharge into the existing 6-inch lateral. A manhole will be installed at the end of the 6-inch lateral.

15. *All public areas proposed to be dedicated by the applicant and the proposed uses of the public areas.*

Finding: No public right-of-way or public areas are proposed as the property is already fronted by a public street..

16. *All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.*

Finding: The only public improvement proposed is the installation of a sewer manhole at the end of the existing 6-inch sewer lateral at Lot 4. As part of the development of Lot 5, one master or 8 individual water meters may be installed to serve the Lot 5 residences. These improvements will be determined by the review and approval of the Site Design Review application for Lot 5

17. *A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision is a part; provided, that where the proposal comprises all of such area a written statement of such fact shall accompany the tentative plan.*

Finding: A legal description of the property is contained in the attached title report. The bearings and distances of the boundary of the property based on a

survey by Frontier Land Surveying is shown on the Tentative Plat.

18. *Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to remain in place on the site and within 100 feet of the site.*

Finding: The Tentative Plan shows the location of the existing house on the site that will remain. Significant trees on the portion of the site to be developed are also shown as well as trees near the top of the bank. Due to existing improvements such as houses, fences and vegetation, the legal requirement of right-of-entry notification and the resulting cost to the applicant, all of the required buildings, features, trees, etc. within 100 feet of the sight were not obtained, nor were they deemed necessary to make and informed decision on this project. A Google Earth aerial photo does give a clear picture of the surrounding neighborhood improvements, trees and vegetation.

19. *Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to be removed on the site.*

Finding: The Tentative Plan shows the location of the existing house on the site. The house will remain. Trees bigger than four inches that are shown on Lots 1 through 5. Trees to be removed are located in the future access to Lots 2 through 3, and additional trees will be removed as required as determined by the individual lot plans of future houses.

20. *Such additional information as is required by the director.*

Finding: No additional information has been required by the director.

Subdivision General Requirements

The applicant shall demonstrate that the following criteria have been satisfied:

- *The land must be exclusively zoned for residential uses and be fully within the urban growth boundary.*

Finding: The land is not fully within the urban growth boundary, so a Type III application is being required by the Newberg Planning Department.

- *The land is solely for purposes of residential use, including recreational or open space uses accessory to residential use.*

Finding: The land proposed for development is entirely located within City Limits and is zoned R-2, Medium Density Residential Use.

- *The land does not include areas which contain Goal 5 Resources which are mapped and designated in the comprehensive plan and land use regulations. These resources include but are not limited to open spaces, scenic and historic areas, and natural resources.*

Finding: The land proposed for development is entirely located within City Limits and is zoned R-2, Medium Density Residential Use. The land outside City limits is not proposed, nor is it suitable for development, and will remain as an undeveloped tract.

- *The proposed land division complies with the minimum street connectivity standards specifically identified in §§ 15.505.010 et seq.*

Finding: Sherman Street has already been conveyed to the City of Newberg and the street improvements installed under previous approvals. No additional public street improvements are required.

- *The proposed land division provides enough lots or parcels to allow building residential units at 80% or more of the maximum net density permitted in the zoning designation on the site.*

Finding: The proposed development meets the maximum gross density of the development site.

Written Criteria

Provide a written response that specifies how your project meets the following 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: This proposal is for full development of the site. The best use of the remainder of the property is open space due to topography, flood plain and being located outside of City Limits.

- (2) *The subdivision complies with this code including but not limited to §§ 15.340.010 through 15.440.080 and §§ 15.505.010 et seq.*

Finding: Applicable codes are addressed in this application.

- (3) *Either:*

- a) *Improvements required to be completed prior to final plat approval; or*

Finding: Public street, water and sanitary sewer improvements have already been completed. No new public improvements except for new water meters are anticipated. They will be installed for Lots 2, 3 and 4 prior to recording the final plat. The water meter/meters for Lot 5 will be installed when development plans and a Site Design Review of Lot 5 is approved.

b) *The subdivider 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*

Finding: This option is not applicable.

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

Finding: This option is not applicable.

d) *The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction.*

Finding: This option is not applicable.

Conclusion

This development site can be developed in accordance with the affordable housing and density goals of an infill R-2 development site. The project is part subdivision, part multi-family site and allows the opportunity to construction a community of a variety of housing sizes and styles.

The applicant feels that there is a market, even at the current depressed housing market conditions, for smaller more affordable dwelling units. Newberg is currently encouraging affordable housing.

As stated in this application, Newberg's Development Code allows and encourages a variety of ways to achieve those goals and allows a mix of single family lots, a multi-family site through a "development site" approach to lot sizes and densities.

Approval of Tentative Plat for a 5 lots consisting of four single family lots and one 8 unit multifamily lot as submitted under a Type III review is hereby requested.

Order 2012-02 - Attachment 5

NE 1/4 NW 1/4 SEC 19 T3S R2W W.M.
YAMHILL COUNTY

3 2 19BA
NEWBERG

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 100'

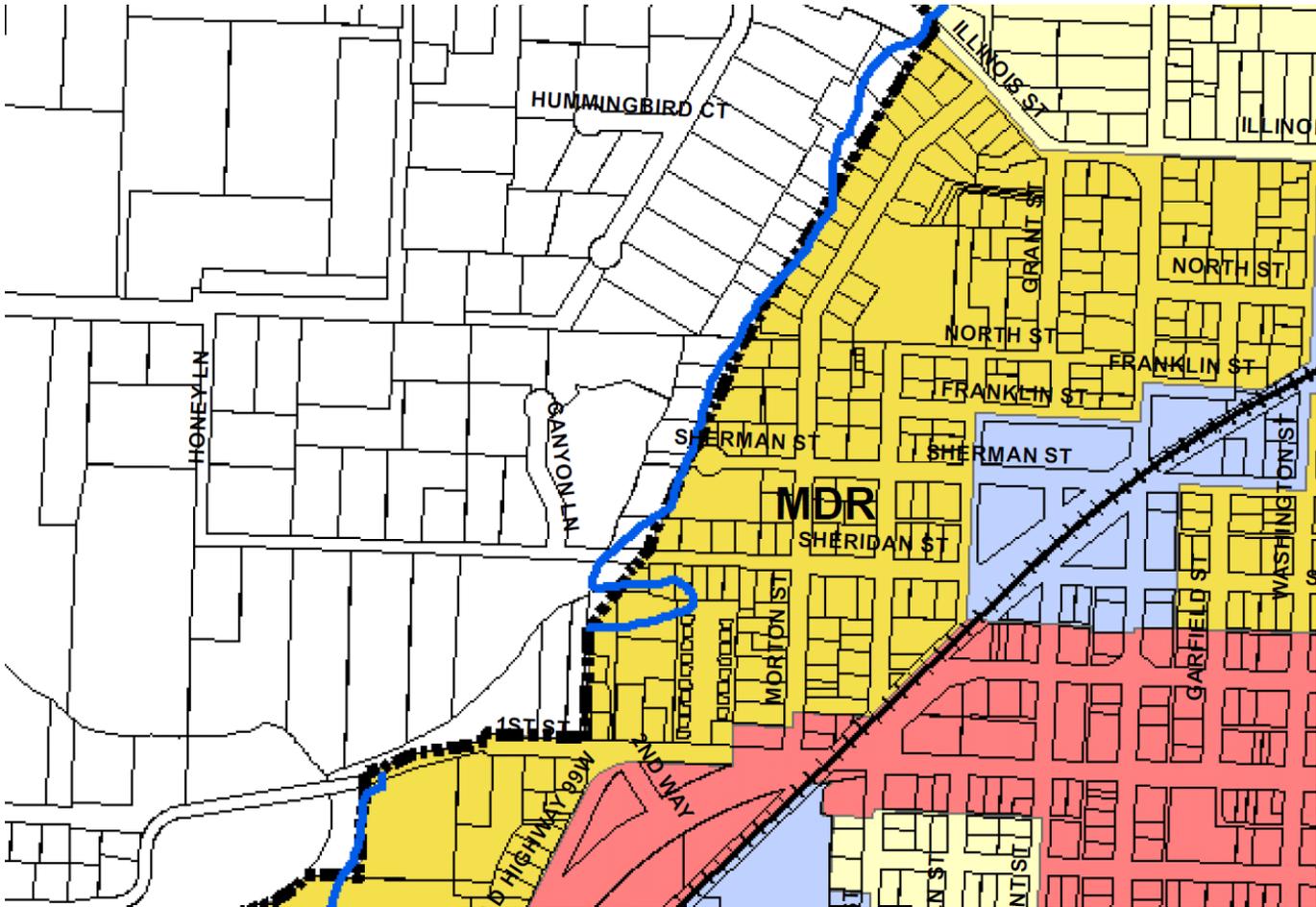
CANCELLED
801
802
2200
4800



REVISED 6-04-08 58

3 2 19BA

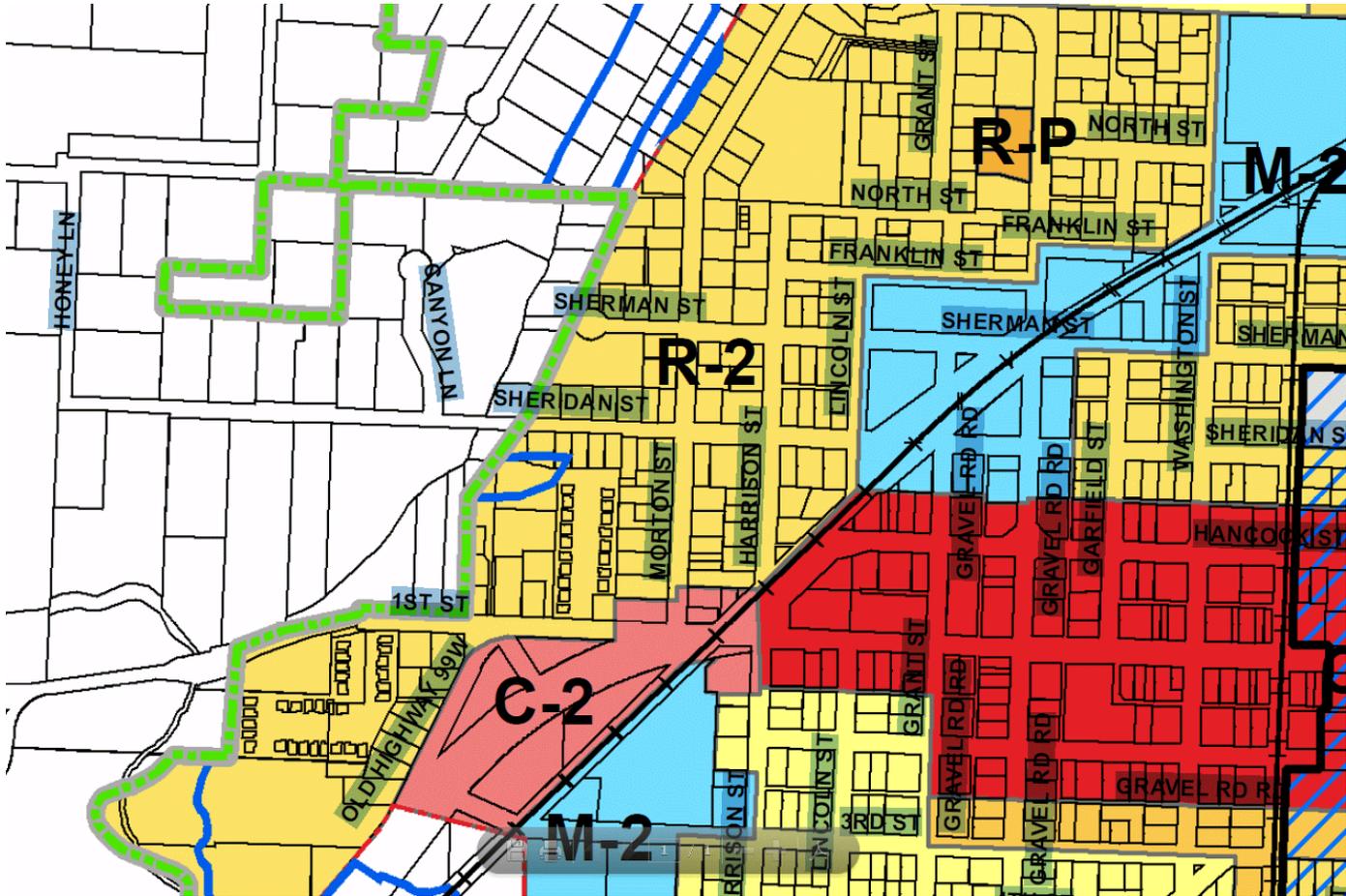
SHERMAN STREET COMPREHENSIVE PLAN



COMPREHENSIVE PLAN MAP Including the Urban Reserve Areas

- COM Commercial
- COM/RD Commercial Riverfront
- COM/SP Specific Plan
- IND Industrial
- IND/RD Industrial Riverfront
- IND/SP Specific Plan
- LDR Low Density Residential
- LDR-6.6 Low Density Residential 6.6 d.u./ac
- LDR/RD Low Density Residential Riverfront
- LDR/SP Specific Plan
- MDR Medium Density Residential
- MDR/RD Medium Density Residential Riverfront
- MDR/SP Specific Plan
- HDR High Density Residential
- HDR/SP Specific Plan
- P Parks
- P/RD Parks Riverfront
- PQ Public-Quasi Public
- MIX Mixed Use
- MIX/SP Specific Plan
- OS Open Space
- SC Stream Corridor
- * Future Park Site
- Urban Reserve
- City Limits
- parcels
- new_street_line

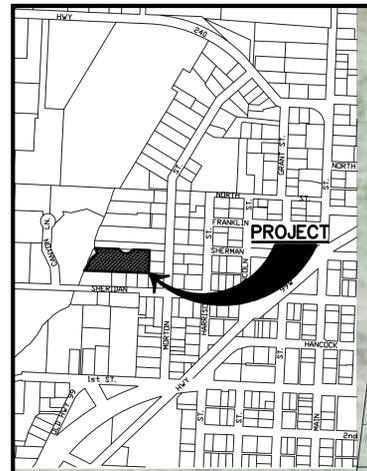
SHERMAN STREET ZONING



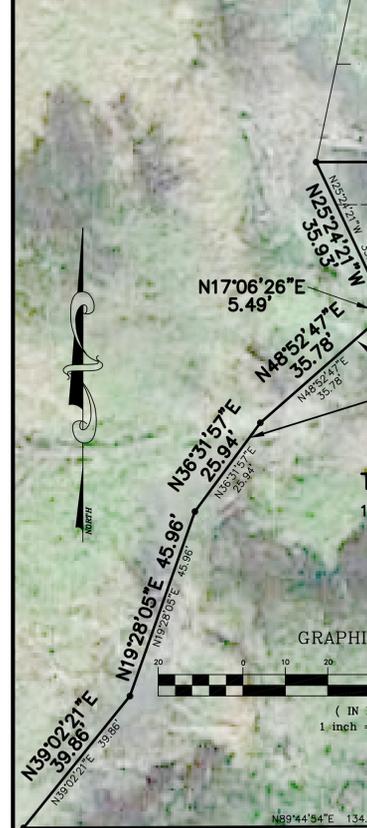
NEWBERG ZONING MAP

Including the Urban Growth Boundary

- Limited Use Easement Overlay
 - Airport Industrial Overlay
 - Airport Residential Overlay
 - Institutional Overlay
 - Urban Growth Boundary
 - Season Corridor
 - City Limits
 - Over Corridor Overlay
- ZONING**
- C-1 Neighborhood Commercial
 - SDW Springbrook District - Village
 - SDWC Springbrook District - Neighborhood Commercial
 - SDH Springbrook District - Hospitality
 - C-1SP Specific Plan
 - C-2 Community Commercial
 - C-2LU Community Commercial Limited Use
 - C-2 PD Planned Unit Development
 - C-2SP Specific Plan
 - C-3 Central Business District
 - C-3LU Central Business District - Limited Use
 - CF Community Facility
 - CFSD Community Facility Riverfront District
 - Institutional
 - M1 Limited Industrial District
 - M1SP Specific Plan
 - M1 Airport Industrial
 - M2 Light Industrial District
 - SDC Springbrook District - Employment
 - M3 Heavy Industrial District
 - R-1 Low Density Residential
 - SDLR Springbrook District - Low Density Residential
 - R-1 PD Planned Unit Development
 - R-1D.1 Low Density D.1 District
 - R-1D.2 Low Density D.2 District
 - R-1D.3 Low Density D.3 District
 - R-1SP Specific Plan
 - R-2 Medium Density Residential
 - R-2 PD Planned Unit Development
 - R-2 PD Riverfront District
 - R-2SP Specific Plan
 - SDWR Springbrook District - Mid-Rise Residential
 - R-3 High Density Residential
 - R-3 PD Planned Unit Development
 - R-3SP Specific Plan
 - R-4 Residential Professional
 - R-4SP Specific Plan
 - R-4LU Residential Professional - Limited Use Overlay
 - R-4 Airport Residential



VICINITY MAP



GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

LEGEND

- Existing Curb
- Proposed Pavement
- Existing Pavement
- Proposed Concrete
- Existing Concrete
- Drainage Direction
- Proposed Pavers
- Existing Monument
- Existing Street Light
- Existing Sanitary Sewer
- Proposed Sewer Lateral
- Existing Water
- Existing Storm

SHERMAN OAKS

AREAS	LOT OR AREA	SQ.FT.	ACRES	ACCESS/ NO-BUILD SQ.FT.	NET DEVELOPMENT AREA SQ.FT.
1	1	6,677.31	0.1533	508.98	6,168.33
2	2	5,513.65	0.1266	209.99	5,303.66
3	3	4,976.55	0.1142	664.97	4,311.58
4	4	5,469.89	0.1256	1,612.68	3,857.21
5	5	18,202.85	0.4179	0.00	18,202.85
Outside City Limits		18,690.84	0.4291	18,690.84	0.00
TOTALS		59,531.09	1.3666	21,687.46	37,843.63

TRACT A
18,691 SQ.FT.

504 W Sherman St, Newberg, OR 97132

18,202 SQ.FT. PROPOSED 8 UNIT MULTIFAMILY SITE

4,976 SQ.FT.

5,513 SQ.FT.

6,677 SQ.FT.

5469 SQ.FT.

INSTRUMENT NO. 200621197

INSTRUMENT NO. 200623037

INSTRUMENT NO. 200502072

FILM 257 PAGE 814

INSTRUMENT NO. 200332277

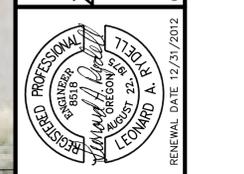
WEST SHERIDAN STREET

WEST SHERMAN STREET

NORTH MORTON STREET

CANYON CREEK

LEONARD A. RYDELL, P.E., P.L.S.
 601 Pinehurst Drive, Newberg, Oregon 97132-1625
 Mobile (503) 781-4138
 Fax (503) 538-9167
 leonard@rydell.com
 Consulting Civil Engineer - Land Surveyor - W.S.E.



RENEWAL DATE 12/31/2012

TENTATIVE PLAT
SHERMAN OAKS
 Located in the Northeast Quarter of the Northwest Quarter of Section 19,
 Township 3 South, Range 2 West of the Willamette Meridian
 City of Newberg, Yamhill County, Oregon

Prepared for:
 Ron Manning
 P. O. Box 805
 Newberg, Oregon 97132
 Cell: (503) 793-7222
 Phone: (503) 662-4050

W.O. No. 1201
 Design: [Signature]
 Drawn: [Signature]
 Date: 9 February 2012
 Dwg: 1201SITE.DWG

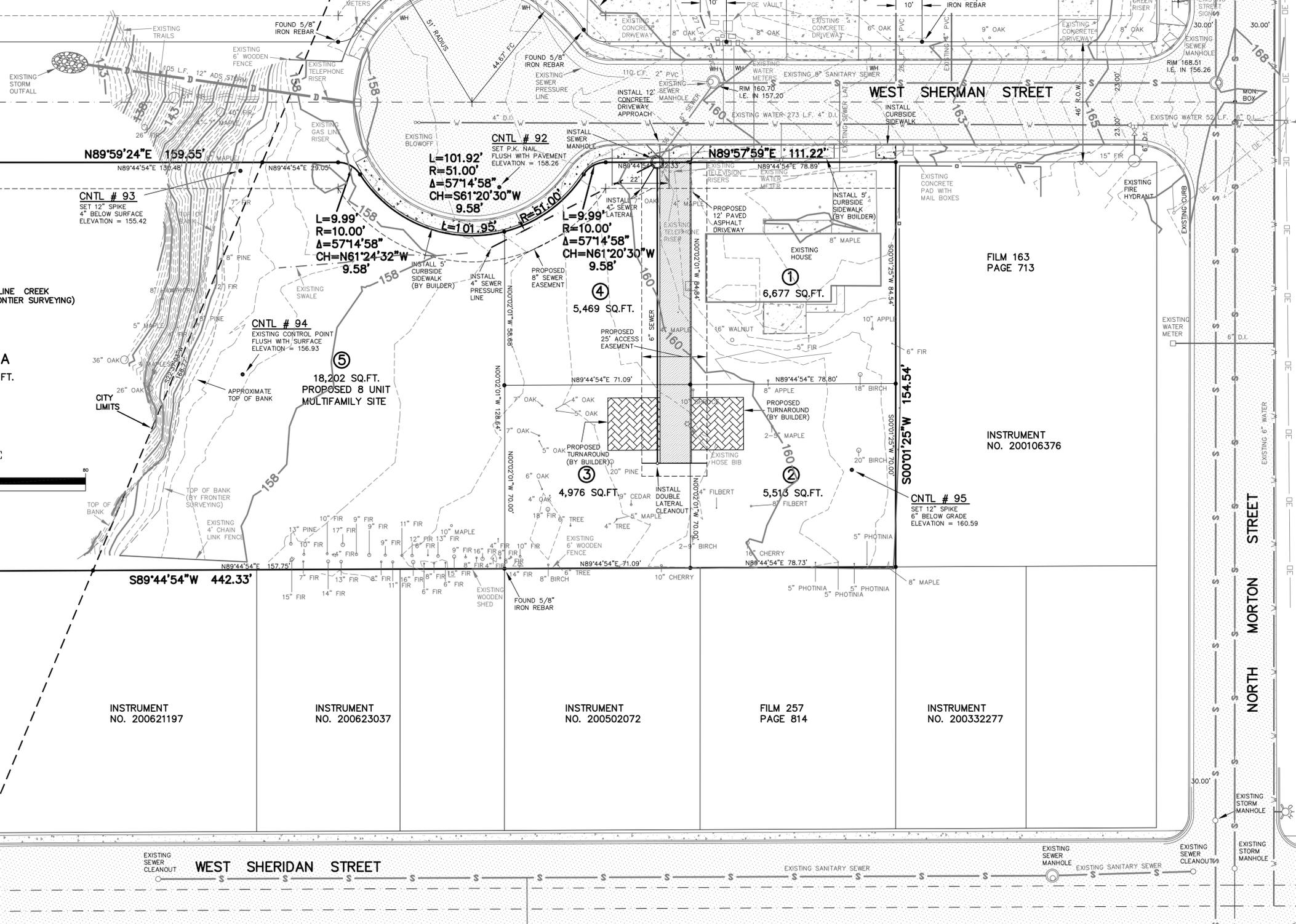
Sheet
 1 of 1

REVISIONS

No.	Description/Date	By

SHERMAN OAKS

LOT OR AREA	SQ.FT.	ACRES	ACCESS/ NET	
			NO-BUILD SQ.FT.	DEVELOPMENT AREA SQ.FT.
1	6,677.31	0.1533	508.98	6,168.33
2	5,513.65	0.1266	209.99	5,303.66
3	4,976.55	0.1142	664.97	4,311.58
4	5,469.89	0.1256	1,612.68	3,857.21
5	18,202.85	0.4179	0.00	18,202.85
Outside City Limits	18,690.84	0.4291	18,690.84	0.00
TOTALS	59,531.09	1.3666	21,687.46	37,843.63



VICINITY MAP



GRAPHIC SCALE



LEGEND

- Existing Curb
- Proposed Pavement
- Existing Pavement
- Proposed Concrete
- Existing Concrete
- Drainage Direction
- Proposed Pavers
- Existing Monument
- Existing Street Light
- Existing Sanitary Sewer
- Proposed Sewer Lateral
- Existing Water
- Existing Storm

LEONARD A. RYDELL, P.E., P.L.S.
601 Pinehurst Drive, Newberg, Oregon 97132-1625
Mobile (503) 538-5700
Fax (503) 781-4138
www.larryrydell.com
Consulting Civil Engineer - Land Surveyor, M.S.E.



CNTL # 29
SET 12" SPIKE
4" BELOW GRADE
ELEVATION = 170.46

TENTATIVE PLAT
SHERMAN OAKS
Located in the Northeast Quarter of the Northwest Quarter of Section 19,
Township 3 South, Range 2 West of the Willamette Meridian
City of Newberg, Yamhill County, Oregon

Prepared for:
Ron Manning
P. O. Box 805
Newberg, Oregon 97132
Cell: (503) 793-7222
Phone: (503) 662-4050

W.O. No. 1201
Design
Drawn
Date 9 February 2012
Dwg 1201SITE.DWG

Sheet
1 of 1

REVISIONS			
No.	Description	Date	By



MEMORANDUM

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

P.O. Box 970 • 414 E. First Street • Newberg, Oregon 97132 • Tel 503.554.7705 • Fax 503.537.1277

TO: David Beam, AICP, Economic Development Planner

CC: Newberg Planning Commission
Barton Brierley, AICP, Planning & Building Director
Jay Harris, PE, City Engineer/Engineering Manager

FROM: Paul Chiu, PE, Senior Engineer *PChiu*

SUBJECT: School Zone Flashing Lights \Information

DATE: MARCH 28, 2012

Per your request, I have prepared this memo to address questions that the Newberg Planning Commissioners may have regarding flashing lights at school zones within the City. The questions and answers are presented in Table 1 below, followed by detail information from State/Federal rules pertaining to placement of school signage. Graphic illustrations and drawings are added for clarity. Please feel free to contact me if you, or the Planning Commissioners, have any questions regarding this subject. Thank you.

QUESTIONS AND ANSWERS

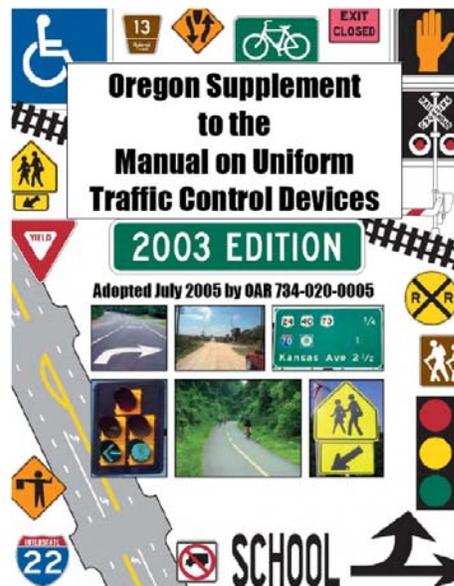
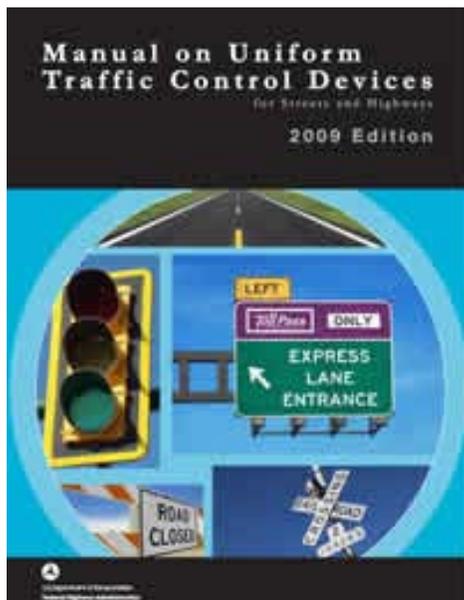
There are a total of six (6) questions in Table 1.

TABLE 1		
QUESTIONS	ANSWERS	
	College Street	Mountainview Drive
1. Who decided on installation of the lights at the two locations (College Street and Mountainview Drive) and what were reasons they stated to justify the installations?	<p>Upon City Manager's request, based on traffic safety, location for this project was identified. The school (Open Bible School) has frontage along a roadway that has an arterial street classification. The project was budgeted, reviewed and approved through the Budget Committee and the City Council.</p> <p><u>Background Info:</u> Newberg Traffic Safety Commission first discussed the flashing lights on May 12, 2008. The City Council showed continued support by funding another school zone safety project in the following fiscal year.</p>	<p>Upon City Manager's request, based on traffic safety, location for this project was identified. The school (Joan Austin Elementary School) has frontage along a roadway that has an arterial street classification. The project was budgeted, reviewed and approved through the Budget Committee and the City Council.</p> <p><u>Background Info:</u> Newberg Traffic Safety Commission first discussed the flashing lights on May 12, 2008. The City Council was interested in school zone safety and allocated funding during the budget process in early 2010.</p>

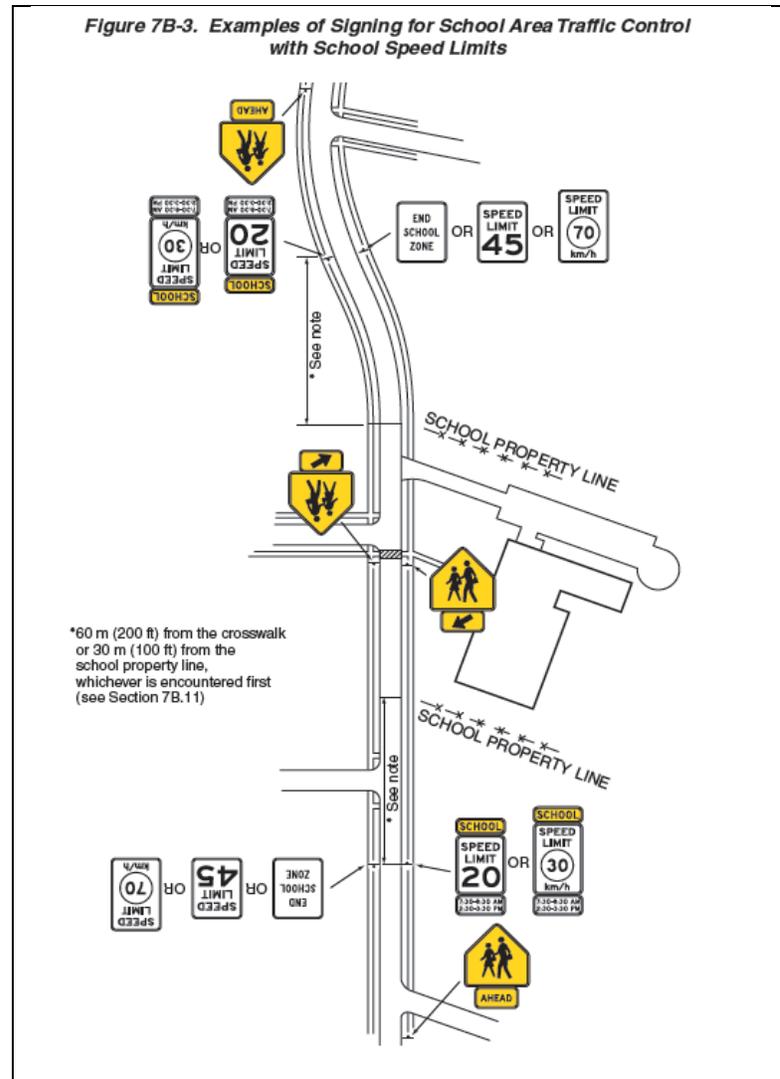
Cont'd TABLE 1 QUESTIONS	ANSWERS	
	College Street	Mountainview Drive
2. What is the current State law regarding traffic control in school zones, including the use of flashing lights?	See detail information in the next section.	See detail information in the next section.
3. What were the costs to install the lights (parts and labor) and what was the source of funds to pay those costs?	\$20-25K (ODOT still has to provide the final tally of costs.) - Funded by SDC.	\$24,855 (Note: this installation has the capability to keep records of drivers' speed.) - Funded by SDC.
4. When were the lights installed?	December 2011	November 2010
5. Who installed the lights?	Oregon Department of Transportation performed the work for the City through an intergovernmental agreement (IGA #27936) with the City.	City of Newberg performed the work and hired an electrical contractor to certify the work prior to startup (to meet warranty requirements.)
6. Who will maintain them?	Oregon Department of Transportation maintains the facility at no cost to the City per IGA #27936.	City of Newberg provides maintenance.

STATE AND FEDERAL RULES

The United States Department of Transportation – Federal Highway Administration (FHWA) is the Federal body that sets rules and standards through the Manual on Uniform Traffic Control Devices (MUTCD) for governing all traffic control devices that include school zone signage. The State of Oregon adopts MUTCD as part of its standards with an Oregon Supplement to the MUTCD (see figures below). The FHWA also provides an established process to incorporate new devices and applications in the MUTCD as revisions are needed to keep the MUTCD current and relevant.



School zone signage should be placed 100 to 200 feet from the school property line or school crosswalk, whichever is determined to be the most appropriate (see the layout below). When school property frontage along the road is long and/or fenced, the road authority may consider signage on school crosswalk, potential crossing areas or unfenced frontage.

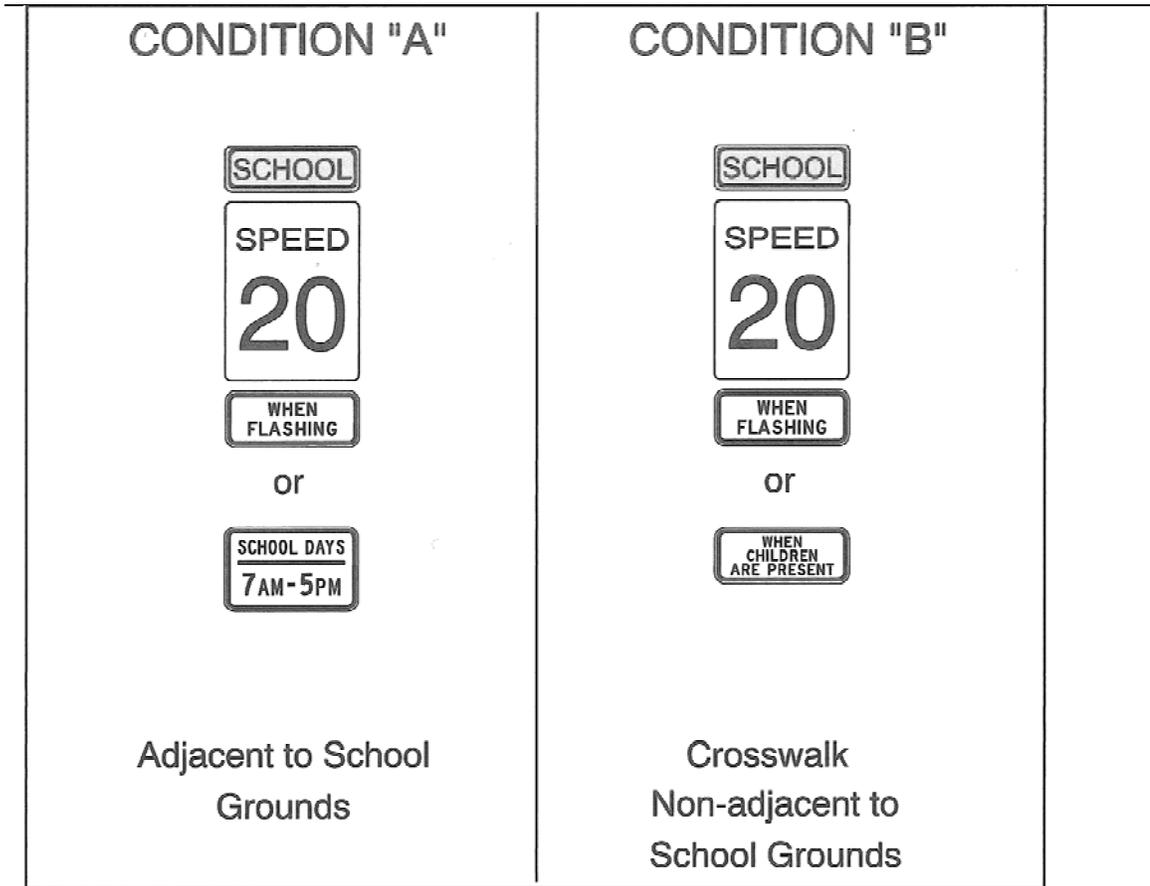


TYPES OF SCHOOL ZONE SIGNAGE

The ORS 811.111 describes school zone speed limits. School speed zones are defined for two types of school zone areas: those adjacent to school grounds (Condition A) and crosswalks not adjacent to school grounds (Condition B). See the signs on the next page.

If the school speed zone is in Condition A, adjacent to school grounds, the school speed is in effect when a flashing light indicates when children are coming to or leaving the school or, if there is no flashing light, between the hours of 7 AM and 5 PM on a day when school is in session.

For Condition B, at a crosswalk away from school grounds, the school speed limit is in effect with either the flashing light or when children are present as described in ORS 811.124.



We have both conditions A and B within the city limits in Newberg. We have the “flashing lights” in condition A at Joan Austin Elementary School on Mountainview Drive, and Open Bible School on N. College Street. All other schools within the City have the signage with the “7 AM to 5 PM” placards below the “SPEED 20” sign.



We have a condition B signage on N. Springbrook Road near Fire Station 21 with the “WHEN CHILDREN ARE PRESENT” placards.