

## PLANNING COMMISSION AGENDA

June 14, 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 May 10, 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: MJG Development, Inc.**  
**APPELLANT: Todd Waters**  
**REQUEST: Appeal of the approval of the Oak Grove Apartment project**  
**LOCATION: 3411 Hayes Street**  
**TAX LOTS: 3216-02016 and 3216-02017**  
**FILE NO.: PAR-12-002, DR2-12-003, ADJP-12-002, and ADJC-12-001**  
**ORDER NO.: 2012-03**  
**CRITERIA: Newberg Development Code sections 15.210, 15.220, 15.230, 15.235, 15.310, 15.405, 15.410, 15.415, 15.420, 15.425, 15.430, 15.440, 15.505 and Springbrook Oaks Specific Plan Appendix A, B & File No. PUD-07-04/ADJ-131-04.**
- VI. **ITEMS FROM STAFF**
  1. Update on Council items
  2. Other reports, letters, or correspondence
  3. Next Planning Commission Meeting: July 12, 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**

**May 10, 2012**

**7:00 p.m. Regular Meeting**

**Newberg Public Safety Building**

**401 E. Third Street**

TO BE APPROVED AT THE JUNE 14, 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	Gary Bliss
	Mayor Bob Andrews, Ex-Officio	Kale Rogers, Student PC

Absent: Philip Smith (excused)

Staff Present: David Beam, Economic Development Coordinator/Planner  
Steve Olson, Associate Planner  
DawnKaren Bevill, Minutes Recorder

**III. CONSENT CALENDAR**

Approval of the April 12, 2012 Planning Commission Meeting Minutes

**MOTION #1: Cathy Stuhr/Art Smith** approve the minutes from the Planning Commission Meeting of April 12, 2012 as amended. Motion carried (6 Yes/ 0 No/ 1 Absent [Philip Smith]).

**IV. COMMUNICATIONS FROM THE FLOOR**

No items were brought forward.

**V. WORKSHOP: Update to the zoning use tables in the Development Code (continued)**

The workshop will continue the process begun in March, 2012, of reviewing some draft classifications for commercial and industrial uses, and determining in which zones they should be permitted, allowed conditionally, or prohibited.

The Planning Commission divided into two groups: Group 1 discussed office uses categories: medical, business, and industry offices as well as indoor, outdoor, and motor vehicle related commercial recreation. Group 2 discussed commercial service categories: commercial, commercial vehicle, industrial as well as personal service uses and retail sales.

## Discussion Update:

Group 1: David Beam reported the group agreed with the draft but did have some concerns regarding unlicensed individuals in the medical field such as those who practice naturopathic medicine and acupuncture. He noted that most caregivers will be located in residential zones. Regarding business offices and industry offices, one suggestion was to think about changing the titles of those categories to local versus export offices. The exceptions section listed under business offices on page 11 of the packet says, “*Office uses may be accessory to other uses, such as manufacturing, school, or church uses*”; yet on the same page in the exceptions section listed under industry office it says, “*Offices associated with on-site manufacturing uses are classified as a manufacturing use.*” The group recommends those two sections be consistent. They also suggest the zoning section under industry office exclude the M-3 zone.

The group agreed under the commercial indoor uses that they should be allowed in M-1 and M-2 but should be easily convertible into commercial industrial and a clear definition is needed. The discussion items listed under the commercial recreation outdoor section were understandable regarding amusement parks, carnivals and circuses, but there was much confusion regarding the remainder of the discussion items; they need further clarification. The group agreed with motor vehicle recreation section in its entirety.

Group 2: Steve Olson reported the group found commercial services and personal services quite similar in their impacts, but agreed to keep them as separate categories so personal services could be allowed in the R-P zone. They also agreed the C-1 uses regarding businesses operating between 10 p.m. and 7 a.m. would need a conditional use permit. The commercial vehicle services were acceptable as written. The group suggested that industrial services require conditional use permits in C-2 zone, and be allowed in the industrial zones. For example, a paint shop could cause problems if located next to a hotel in C-2. Conditional use would be alright for industrial uses in a C-2 zone, but should not be allowed in a C-3 zone.

There are 60 types of retail sales establishments in the current code and are grouped into four categories in the draft: general retail sales is allowed in all commercial zones; bulk outdoor retail sales such as car dealerships; convenience retail sales are convenience stores; and wholesale and industrial sales tend to be bulky and sell primarily to professional contractors. General retail sales, as drafted, would eliminate allowing second-hand stores in the M-2 zone and needs to be researched further. They agreed with the bulk outdoor retail and convenience retail sales sections. One discussion point in regard to wholesale and industrial sales were whether they should be conditional in the C-2 zone.

## **VI. ITEMS FROM STAFF**

TIME – 8:32 PM

Update on Council items:

David Beam stated the Urban Growth Boundary Expansion has been tabled due to the on-going discussions with 1,000 Friends of Oregon. Commissioner Stuhr requested to be kept updated on the process.

Other reports, letters, or correspondence

Mr. Olson referred to the Alley Access Memorandum written by Barton Brierley and reviewed the current rules. New alleys will need to be 20 feet wide to allow two-way traffic and are almost exclusively secondary access. Many of the existing alleys are platted with 12-16 feet width. The Development Code is not precise about the extent that these alleys may be used without being paved or widened to a 20 foot width. Adequate fire access is required for new structures. The question is how to change existing alleys when development occurs. There are variable widths on existing alleys. Staff asked if they should initiate a process of looking into this. Commissioner

Stuhr suggested creating a list to help prioritize what is most important regarding code updates. Mr. Olson will bring a prioritized list back to the commission for discussion.

## **VII. ITEMS FROM COMMISSIONERS**

Steve Olson distributed a letter Commissioner Art Smith had written to the Planning Staff and Commissioners. Commissioner Smith believed there were enough items and issues raised at the April 12, 2012, Planning Commission meeting that they needed to be addressed. Commissioner Bliss stated he questioned things that were said by the developer at that meeting and took him at his word. After some research, Commissioner Bliss found the developer was not giving the commission adequate information regarding run-off. He asked the engineering department if they review plats before they come before the commission and he was told they do at the construction stage. The Planning Commission needs technical information in order to make an informed decision. The fact that there was no discussion or provision in the applicant's presentation on how drainage would be dealt with as well staff stating it was design review criteria and not a part of the subdivision approval criteria; he now disagrees and should have voted against the application in April. He accepted staff as saying it was acceptable criteria. Commissioner Edwards believes the commission voiced their concerns about the project and it was made clear the developer needed to meet the criteria. Unless the developer can meet those criteria, it will not be built. Commissioner Bliss does not believe an application should be approved without a provision for collecting drainage. Commissioner Stuhr said in order to make an informed decision the commission needs the City technical crew to be weighing in.

Steve Olson stated when an application comes in they submit 20 copies, which are then routed to the appropriate departments, utility companies, and other agencies. Any comments received from the various departments always become part of the staff report. In the subdivision phase, engineered plans are required before construction and then public works do a more detailed review. In the application presented last month, there were not a lot of public improvements. Comments are normally received later in the process and it will not be approved if the codes are not met. Commissioner Bliss said he was told by staff that drainage issues were design review criteria and not approval criteria. The plan did not meet the code let alone the Oregon Drainage Law. He believed they were approving a five lot subdivision. The drainage was incomplete. Commissioner Bliss asked are applicants required to turn in topography to show the soil and detail. Mr. Olson replied a grading plan is required if they are grading the site. Commissioner Art Smith stated he felt he was cut off because he was told it was a design criteria but he believed it was unresolved. Mr. Olson stated if any of the commissioners ever believe they do not have enough information to make an informed decision, they definitely should bring their concerns forward. Mr. Olson also stated the developer has other design options for meeting Building Code drainage requirements. Commissioner Bliss believes the developer should have presented those options; applications should be complete upon being brought before the Planning Commission.

## **VIII. ADJOURN**

Chair adjourned the meeting at 9:40 p.m.

**Approved by the Planning Commission on this 14<sup>th</sup> day of June, 2012.**

**AYES:**

**NO:**

**ABSENT:**

**ABSTAIN:**

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*Planning Recording Secretary*

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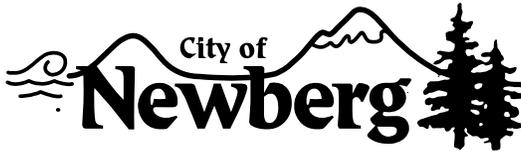
*Planning Commission Chair*

## **OUTLINE FOR QUASI-JUDICIAL PUBLIC HEARING**

### **Newberg Planning Commission**

- 1. CALL TO ORDER**  
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**
- 3. LEGAL ANNOUNCEMENT**  
READ “QUASI-JUDICIAL ANNOUNCEMENTS” SHEET
- 4. STAFF REPORT**  
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 5. PUBLIC TESTIMONY**  
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
  - A. APPLICANT(S)
  - B. OTHER PROPONENTS
  - C. OPPONENTS AND UNDECIDED
  - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
  - E. APPLICANT REBUTTAL
- 6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 7. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 8. PLANNING COMMISSION DELIBERATION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT**
- 9. ACTION BY THE PLANNING COMMISSION**
  - A. ORDER OR RESOLUTION – Usually requires passage of order if the commission is the final decision maker, or a resolution if the commission is only advisory to the council.
  - B. VOTE – Vote is done by roll call.
  - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.





## Planning and Building Department

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

### PLANNING COMMISSION APPEAL STAFF REPORT OAK GROVE APARTMENTS – PROPERTY LINE ADJUSTMENT, PRELIMINARY PARTITION PLAN, DESIGN REVIEW, & CODE ADJUSTMENT

FILE NO: PAR-12-002, DR2-12-003, ADJP-12-002, and ADJC-12-001

REQUEST: Property line adjustment between tax lots 3216-02016 and 3216-02017, preliminary partition plat to divide tax lot 3216-02017 into two parcels and a tract, code adjustment to reduce the number of required off-street parking spaces, and design review for an 84 unit apartment complex.

LOCATION: Along Hayes Street, east of Springbrook Road, west of Oak Grove Street (apartment site is north of Hayes Street, east of Springbrook Creek and west of Oak Grove Street) Apartment site address is 3411 Hayes Street. Park site address is 3575 Oak Grove Street.

TAX LOT: 3216-02017, 3216-02016

APPLICANT: MJG Development, Inc.

OWNER: Werth Family LLC/Chehalem Park and Recreation District (Oak Grove Park Site)

ZONE: R-P/SP (Residential Professional/Springbrook Oaks Specific Plan); COM/SP (Commercial/Springbrook Oaks Specific Plan)

PLAN DISTRICT: MIX/SP

OVERLAYS: Springbrook Oaks Specific Plan

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#### CONTENTS

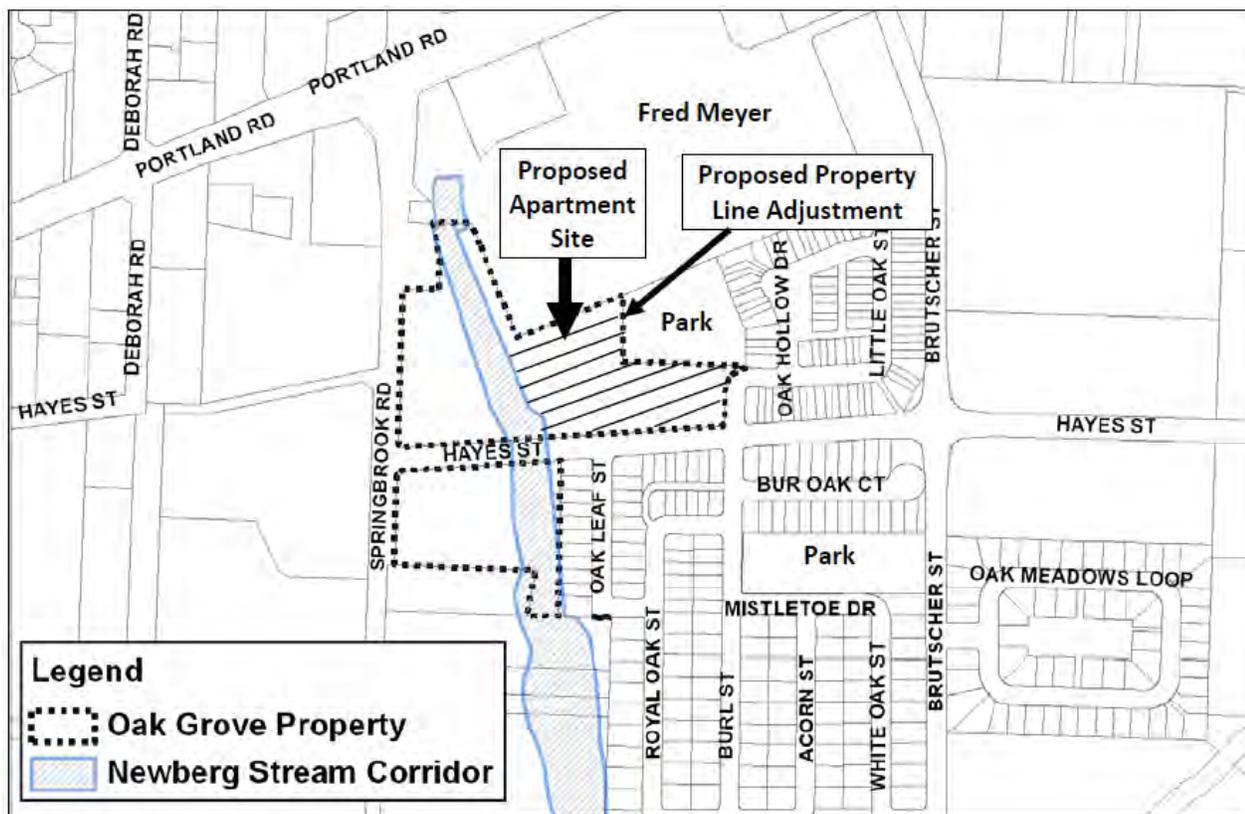
Order 2012-03 with  
Exhibit "A": Findings  
Exhibit "B": Conditions

#### ATTACHMENTS:

1. Aerial Photo
2. Site Plan
3. Appeal Application
4. Project Application
5. Public Comments - through 5/4/12
6. Public Comments - from 5/5/12 through 5/24/12
7. Public Comments– from 5/25/12 through 6/6/12
8. PUD-7-04 Decision
9. Springbrook Oaks Specific Plan (by reference)

## Section I: Application Information

### A. PROJECT LOCATION MAP



**B. DESCRIPTION OF APPLICATION:** The applicant has requested approval of a property line adjustment, a preliminary partition plat, a code adjustment, and design review of an 84 unit apartment complex.

The property line adjustment would adjust a property line between tax lots 3216-0216 & 3216-02017 from its current north/south alignment, tilting it so that it moves approximately 45 feet to the west at the north end and moves approximately 28 feet east at the south end. The property line adjustment would change the size of tax lot 3216-02016 (the Oak Grove Park tract) from 1.90 acres to 1.94 acres, while tax lot 3217-02017 (the apartment tract) would change in size from 10.72 acres to 10.68 acres.

The preliminary partition plat proposal is to divide the existing tax lot (3216-02017) into two parcels and one tract. The tract would be protected stream corridor area. Parcel 1 would be the site of the proposed apartment complex and parcel 2 would be a future commercial area. The existing parcel is currently zoned for apartments and commercial development; the proposed partition would divide the property along the existing zoning lines.

The applicant is asking for a code adjustment to the number of required off-street parking spaces for the proposed apartment complex. The proposed apartment complex would require 125 off-street parking spaces. The applicant is proposing 123 off-street spaces and 18 spaces on adjacent streets, so the requested adjustment would allow two fewer parking spaces.

The proposed apartment complex would have 84 units contained in seven different buildings that would range from two to three stories in height. The buildings would be oriented to the perimeters of the property, including along Hayes Street, with the drive aisles and parking spaces located in the interior of the property.

**C. SITE INFORMATION:**

1. Location: Along Hayes Street, east of Springbrook Road, west of Oak Grove Street (apartment site is north of Hayes Street, east of Springbrook Creek and west of Oak Grove Street)
2. Size: Approximately 10.7 acres (Apartment site and commercial site); 1.9 acres (White Oak Park)
3. Topography: The parcel has a natural stream corridor running through the middle of it; therefore, the eastern and western portions of the property naturally slope toward the stream corridor on their respective sides.
4. Current Land Uses: Vacant; White Oak Park
5. Natural Features: The parcel has a wooded and heavily vegetated stream corridor, and the remainder of the parcel on either side of the stream corridor is grassy field with little other vegetation. White Oak Park has an oak grove.
6. Adjacent Land Uses:
  - a. North: Fred Meyer
  - b. East: The Oaks at Springbrook townhome housing development
  - c. South: The Oaks at Springbrook housing development
  - d. West: The 99W Drive-In and PGE substation are located west across Springbrook Road
7. Access and Transportation: The project property is bisected by Hayes Street, a major collector, and is bounded on the west side by Springbrook Road, a minor arterial, and on the east side by Oak Grove Street, a local residential street. Access to the proposed apartment complex would be from Hayes Street and on Oak Grove Street.
8. Utilities:
  - a. Sanitary Sewer: There is an existing 8” public sewer line located in Hayes Street that this project would connect to.
  - b. Water: There is an existing 24” public water line located in Hayes Street that this project would connect to. The applicant is proposing to bring the public water line into the site to a new hydrant to serve the proposed apartment complex. A domestic water line to serve the proposed apartment site would tee off of the public water line on the property.

- c. Storm: Onsite stormwater would be piped to an existing stormwater management facility located to the west of the proposed apartment complex.
- d. Other: There are currently no overhead utilities on the site.

**D. BACKGROUND**

The Planning and Building Director approved the proposal on May 12, 2012. The Planning Director's decision was appealed to the Planning Commission on May 24, 2012 by Todd Waters.

**E. PROCESS:** The design review, partition, code adjustment, and property line adjustment request is a Type II application and follows the procedures in Newberg Development Code 15.100.040. Following a 14 day public comment period, the Planning Director makes a decision on the application based on the criteria listed in the attached findings. The Planning Director's decision is final unless appealed. If the Planning Director's decision is appealed within the 14 day appeal window, the proposal is then heard by the Newberg Planning Commission. The Planning Commission would hear the proposal at a public hearing and make a decision based on the applicable criteria listed in the findings. The Planning Commission's decision is final unless appealed to the City Council. Important dates related to this application are as follows:

- 1. 4/20/2012: The Planning Director deemed the application complete.
- 2. 4/20/2012: The applicant mailed notice to the property owners within 500 feet of the site.
- 3. 4/20/2012: The applicant posted notice on the site.
- 4. 5/4/2012: The 14-day public comment period ended.
- 5. 5/10/2012: The Planning Director issued a decision on the application.
- 6. 5/24/2012: The Planning Director's decision was appealed to the Planning Commission
- 7. 6/14/2012: The Planning Commission will hold a hearing to review the proposal

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

- 1. Newberg Fire Department (Chris Mayfield): *Access and water supply to meet current fire codes*
- 2. Newberg-Dundee Police Department (Brian Casey): *Reviewed; no conflict*
- 3. Newberg School District: *The District would need to re-draw Mabel Rush attendance boundary to accommodate increased enrollment. [Also note: the applicant will be required to pay school excise tax for future school capacity improvements].*

4. PGE: *Reviewed; no conflict*
5. Waste Management (Jack Miller): *Need a plan for trash and recycling*

**G. PUBLIC COMMENTS:** The city has received multiple written comments on the application during the comment period before the Planning Director's decision, in the period following the decision, and again after notice of the Planning Commission hearing was sent. These comments are included in Attachments 4, 5, and 6 of this report. Frequent concerns raised include:

1. Concerns about having the proposed apartment use on the site.
2. Concern about traffic, both on Hayes Street and Oak Grove Street.
3. Concern about provision of adequate parking.
4. Process concerns.
5. Concerns about noise, safety, property value, and wildlife impacts.
6. Concerns about potential light impact to the drive-in.

**H. PROJECT ANALYSIS:** The apartment project is located in an area that has been planned and zoned for an apartment development as part of the Springbrook Oaks Specific Plan. This particular parcel is Phase 5 of a planned unit development project that included the Springbrook Oaks Townhomes, and the housing along Bur Oak Drive, Bur Oak Alley, and Oak Leaf Street. A condition of that planned unit development approval was a specific requirement that this parcel be developed with multi-family housing units. The parcel was planned to have access on both Hayes Street and Oak Grove Street.

The Springbrook Oaks Specific Plan identified a number of transportation improvements that needed to be installed in phases in conjunction with the project. The improvements required included construction of Hayes Street and Brutscher Streets, installation of traffic signal at Hayes Street and Springbrook Road, and various other improvements. The improvements envisioned all have been installed with the exception of improvements to the Springbrook Road frontage, which the plan anticipates being constructed at the time the commercial parcel is developed. The transportation facilities are anticipated to continue to operate within their planned functions and capacity with this development.

The project application includes a lighting plan that proposes lighting on the exteriors of the buildings and street light style lighting for the internal parking area. All of the proposed lighting meets Code standards and will not cause light trespass on neighboring properties in excess of the 0.5 foot candle standard. In addition to the distance from the proposed buildings and lights, the vegetated stream corridor will mute the effect of the proposed exterior lighting.

**I. APPEAL ANALYSIS:** The appellant, Todd Waters, has listed four main objections to the Planning Director's decision. The objections are summarized below with a staff response to each one.

1. **Proposal is for 84 units instead of 60.** The appellant contends that only 60 units should be permitted on the site due to the previous approval of PUD-07-04.

**Response:** This property is part of an earlier planned unit development approval in 2004 that also included planning for the Springbrook Oaks Townhomes and the single family housing along Bur Oak Drive, Bur Oak Alley, and Oak Leaf Street (File No. PUD-7-04). At that time, the applicant was proposing 60 multifamily units. The project description stated the following:

*“This project includes three different residential building types: apartment buildings, attached single family townhouse units with opportunity for ‘flex space options’ in some townhouses, and single family detached units. The three product types provide a wide variety of housing options for residents with close proximity to most community amenities. ... The planned development implements a gradual transition from larger single family detached lots at the south end of the site to smaller detached dwelling unit lots, and then across Hayes Street to attached row houses and multi-family dwelling units. This transition in development places the higher density development closer to the commercial areas, and provides a mix of affordable housing options for the community.”*

The area south of Hayes Street is zoned R-3 (to Mistletoe Drive), and was originally envisioned to have higher density multifamily housing. When the applicant proposed single family housing for that area instead, the decision makers had serious concerns that the overall development would end up with no multifamily housing at all. Thus, the PUD decision required the applicant to include multifamily housing in this final phase. The decision did not preclude the applicant proposing more units for the area in the future; however, they had to have at least 60 units on the site. In fact, the permitted density of the underlying RP zone would have allowed a maximum of 221 units for phase 4 (townhomes) and phase 5 (proposed apartment site) – with the proposed 84 units, the density of both phases combined is only at 166 total units. The PUD decision adopts a 20 foot building separation between the future multifamily units, and then states that: “All standards not specifically listed shall be according to the RP/SP and R3/SP zoning standards in the Newberg Development Code”.

The applicant is now proposing 84 multifamily units for the property, which is within the density requirements for the zone and the Springbrook Oaks Specific Plan. The current project proposal still meets the intent of the previous PUD proposal to provide multifamily units within the project area. As this is a new application for design review, with a public process and findings to criteria, staff finds that the proposal for 84 units meets the density requirements and targets for the RP zone and the Springbrook Oaks Specific Plan area.

- 2. Number of off-street parking spaces provided, and permitting on-street parking.** The appellant contends that there are not adequate parking spaces available for the project, and that the Planning Director erred when approving the requested Code adjustment to the number of required off-street parking spaces. The appellant also does not believe that Hayes Street can be used for on-street parking.

**Response:** The appellant is slightly miscalculating the number of required spaces for the project (in his response he is adding the unassigned spaces to the required number; however, the unassigned spaces are *from* the required number). The Development Code requires a certain ratio of parking for each development. Dwellings are regulated according to the table below (from NMC 15.440.030).

Dwelling, multiple and multiple single-family dwellings on a single lot	
Studio or one-bedroom unit	1 per dwelling unit
<b>Two-bedroom unit</b>	<b>1.5 per dwelling unit</b>
Three- and four-bedroom unit	2 per dwelling unit
Five- or more bedroom unit	0.75 spaces per bedroom
• Unassigned spaces	If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. <b>At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development.</b> The location shall be approved by the director.
• Visitor spaces	<b>If a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit.</b>
• On-street parking credit	<b>On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot.</b> The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.

(emphasis added)

The applicant is proposing to construct 84 two-bedroom multiple dwelling units. Parking requirements thus are as follows:

	Parking ratio	Spaces required
84 two-bedroom units	1.5 spaces per dwelling unit	126 spaces
Visitor spaces	0.2 spaces per dwelling unit	17 spaces
On-street parking credit	1 space credit for each adjacent space	(18 space credit)
	<b>Total off-street parking required</b>	<b>125 spaces</b>

The proposal includes 123 parking spaces. Thus, the applicant was requesting an adjustment to have two fewer off-street parking spaces than required. The Planning Director may grant a Code adjustment for up to a 25% reduction in the number of required off-street parking spaces; in this case, the Director granted an adjustment of just 1.6%. The Planning Director's decision was based in part on the close proximity of the project to Fred Meyer and transit

stops served by the local Route 6 and Route 7 buses as well as by the 99W Link bus (McMinnville to Tigard).

Hayes Street is a major collector roadway, with an existing curb-to-curb pavement width of 46 feet. The Development Code states that on-street parking is permitted with the approval of the Director. The Code also gives the Director the discretion to allow a reduction of the on-street parking lane width from eight feet wide to seven feet wide (NDC 15.505.060). In this case, Hayes Street was built with extra width to enable a parking lane on one side in addition to bike lanes and travel lanes. Thus, parking on Hayes Street would be permitted, and would allow the proposed development to use on-street parking in accordance with the Code provision.

- 3. Path to Fred Meyer is proposed as stairs, not a ramp.** The appellant contends that the proposed path to Fred Meyer must be a ramp in order to comply with the Development Code and ADA requirements.

**Response:** The Development Code states that: “All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements” (NDC 15.440.140). The project will be compliant with applicable building code and ADA requirements. The proposed project has an accessible route to Fred Meyer readily available by using the existing street and sidewalk network, and new connections to the townhome neighborhood. Therefore, ADA would not require a ramp for the new connection to Fred Meyer. There is a condition of approval in the staff report that directs the project applicant to “coordinate with the Building Division to comply with O.S.S.C Chapter 11 requirements (Disabled/ADA requirements – C.6.).

- 4. Stream corridor protection/barrier.** The appellant contends that the stream corridor will be polluted by proximity to apartments.

**Response:** The project proposal divides the stream corridor into its own tract as part of the partition; thus the apartment complex would be on an adjoining separate lot. The conditions of approval for the proposal include a provision that the applicant must “provide a plan to protect the stream corridor during construction” (C.1.m). In addition, stream corridor areas are protected under separate provisions of the Development Code (NDC Chapter 15.342).

**AN ORDER APPROVING THE PROPOSED PROJECT: PAR-12-002, DR2-12-003, ADJP-12-002, AND ADJC-12-001 FOR A PROPERTY LINE ADJUSTMENT BETWEEN TAX LOTS 3216-02016 AND 3216-02017, PRELIMINARY PARTITION PLAT TO DIVIDE TAX LOT 3216-02017 INTO TWO PARCELS AND A TRACT, A CODE ADJUSTMENT TO REDUCE THE NUMBER OF REQUIRED OFF-STREET PARKING SPACES, AND DESIGN REVIEW FOR AN 84 UNIT APARTMENT COMPLEX AT 3411 HAYES STREET, TAX LOT 3216-02017, WITH CONDITIONS**

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### RECITALS

1. MJG Development submitted an application for a property line adjustment, a preliminary partition plat, a code adjustment, and design review of an 84 unit apartment complex in April 2012. The Planning Director deemed the application complete on April 20, 2012.
2. The property line adjustment would adjust a property line between tax lots 3216-0216 & 3216-02017 from its current north/south alignment, tilting it so that it moves approximately 45 feet to the west at the north end and moves approximately 28 feet east at the south end. The property line adjustment would change the size of tax lot 3216-02016 (the Oak Grove Park tract) from 1.90 acres to 1.94 acres, while tax lot 3217-02017 (the apartment tract) would change in size from 10.72 acres to 10.68 acres.
3. The preliminary partition plat proposal is to divide the existing tax lot (3216-02017) into two parcels and one tract. The tract would be protected stream corridor area. Parcel 1 would be the site of the proposed apartment complex and parcel 2 would be a future commercial area. The existing parcel is currently zoned for apartments and commercial development; the proposed partition would divide the property along the existing zoning lines.
4. The applicant is asking for a code adjustment to the number of required off-street parking spaces for the proposed apartment complex. The proposed apartment complex would require 143 parking spaces. The applicant is proposing 141 off-street parking spaces, and (123 onsite and 18 on adjacent streets), so the requested adjustment would allow two fewer parking spaces.
5. The proposed apartment complex would have 84 units contained in seven different buildings that would range from two to three stories in height. The buildings would be oriented to the perimeters of the property, including along Hayes Street, with the drive aisles and parking spaces located in the interior of the property.
6. The apartment project is located in an area that has been planned and zoned for an apartment development as part of the Springbrook Oaks Specific Plan. This particular parcel is Phase 5 of a planned unit development project that included the Springbrook Oaks Townhomes, and the housing along Bur Oak Drive, Bur Oak Alley, and Oak Leaf Street. A condition of that planned unit development approval was a specific requirement that this parcel be developed with multi-family housing units. The parcel was planned to have access on both Hayes Street and Oak Grove Street.

7. After proper notice, the Planning Director approved the proposed project, with conditions, on May 10, 2012. The Planning Director's decision was appealed to the Planning Commission on May 24, 2012, by Todd Waters.
8. After proper notice, the Newberg Planning Commission held a hearing on June 14, 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 proposed project PAR-12-002, DR2-12-003, ADJP-12-002, and ADJC-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 on June 29, 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). Design Review approval is only valid for one year from the effective date (June 29, 2012). If building or construction permits are not issued within this time period, then design review approval becomes null and void and no construction may take place, unless an extension is granted per Newberg Development Code 15.220.020(C).

**Adopted by the Newberg Planning Commission this 14<sup>th</sup> day of June, 2012.**

ATTEST:

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Planning Commission Chair

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Planning Commission Secretary

Attached:

Exhibit "A": Findings

Exhibit "B": Conditions

**Exhibit A: Findings – PAR-12-002, DR2-12-003, ADJP-12-002, and ADJC-12-001  
Oak Grove Apartments**

**A. Property Line Adjustment; Applicable Criteria – Newberg Development Code 15.230.020**

*1. The property line adjustment does not create more lots than existed prior to the adjustment.*

**Finding:** The applicant’s request for a property line adjustment between Tax Lots 3216-02016 & 02017 does not create more lots than existed prior to the proposed adjustment.

*2. The adjustment does not create any substandard condition relative to this code, including lot area, lot width, setbacks, and access. If any of the original lots do not meet these standards, the adjusted lots may remain non-conforming provided:*

*(a) The adjustment cannot reasonably or practically bring the lots into conformity.*

*(b) The adjustment does not worsen the non-conforming status of the lots.*

**Finding:** Both original lots are large properties that far exceed minimum requirements for lot size, lot width, and other lot dimensions. The property line adjustment does not create any substandard conditions.

**Property Line Adjustment Conclusion:** The proposed property line adjustment meets the applicable criteria, subject to the conditions listed in Section III.A of this report.

**B. Preliminary Partition Plat; Applicable Criteria – Newberg Development Code 15.235.030**

*(A) 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 of the partition of into two parcels and a tract would not impede the future best use of the property or of adjacent properties. The property is already zoned commercial on the west side the stream corridor and residential-professional on the east side of the stream corridor. The proposed partition would split the property along those lines, while also creating a tract for stream corridor preservation. Therefore, the proposed partition facilitates future development of the remainder of the property.

*(B) The partition complies with this Code and implementing ordinances and resolutions.*

*NMC §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:** Proposed Parcel 1 is located in Development Area B of the Springbrook Oaks, which requires a 1,500 square foot minimum lot size. Proposed Parcel 1 is approximately 3.65 acres in size and exceeds the required minimum lot size. Parcel 1 has the required frontage on both Hayes Street and Oak Grove Street. Parcel 1 meets the minimum lot width standard in the R-P/SP zone.

Parcel 2 of the proposed partition is located in Development Area A of Springbrook Oaks, which requires a 5,000 square foot lot minimum. Proposed Parcel 2 is well over the required minimum lot size, and is approximately 4.6 acres in size. Parcel 2 has the required frontage on both Springbrook Road and Hayes Street. There is not a minimum width in the C-2/SP zone, where Parcel 2 lies.

Parcels 1 and 2 meet the minimum depth to width ratios and minimum lot areas.

The tract is not a lot or development site, and thus is exempt from the lot dimension requirements.

***NMC §15.510.040 Water Supply***

***All lots and parcels within subdivisions and partitions shall be served by the water system of the city.***

***NMC §15.510.050 Wastewater***

***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 wastewater system of the city.***

***NMC §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 §15.515.030.***

***NMC §15.505.030 Construction of New Streets and Alleys***

*The land divider 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.*

***NMC §15.505.040 Improvements to 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.*

***NMC §15.505.210 Sidewalks***

*Sidewalks shall be located and constructed in accordance with the provisions of §15.510.030. Minimum width is five feet.*

***NMC §15.510.070 Street Trees***

*Street trees shall be provided adjacent to all public rights-of-way abutting or within a subdivision or partition, or as required as part of a design review or other development. Street trees shall be installed in accordance with the provisions of §15.420.010(B).*

**Finding:** Sewer, water, and storm drain lines front the parcels, and will allow future development to connect to those facilities.

The properties front Hayes Street, Oak Grove Street, and Springbrook Road. Hayes Street and Oak Grove Street are improved to the city standards. Springbrook Road requires improvements. Parcel 2 is in Development Area A of the Springbrook Oaks Specific Plan (SOSP). The plan states, “Street improvements for Springbrook Road shall be constructed prior to or at the time of development of the lands within Development Area A.” Thus, Springbrook Road improvements will be required when Parcel 2 is developed.

Street trees are required along the frontages. The plan includes street trees along the frontage of Parcel 1 in conjunction with the apartment development. Street trees will be required fronting Parcel 2 upon development.

***(C) Either,***

- 1) Improvements required to be completed as part of the partition will be completed prior to final plat approval; or***
- 2) The partitioner 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***
- 3) A local improvement district shall have been formed to complete the required improvements; or***
- 4) The required improvements are contained in a City or other government agency Capital Improvement Project that is budgeted and scheduled for construction.***

**Finding:** No particular improvements are required as part of the partition plat.

**Partition Conclusion:** The partition meets the applicable criteria, subject to the conditions listed in Section III.B of this report.

**C. Code Adjustment; Applicable Criteria – Newberg Development Code 15.210.020 (C)**

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

**Finding:** The Development Code requires a certain ratio of parking for each development. Dwellings are regulated according to the table below (from NMC 15.440.030).

Dwelling, multiple and multiple single-family dwellings on a single lot	
Studio or one-bedroom unit	1 per dwelling unit
Two-bedroom unit	1.5 per dwelling unit
Three- and four-bedroom unit	2 per dwelling unit
Five- or more bedroom unit	0.75 spaces per bedroom
• Unassigned spaces	If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the director.
• Visitor spaces	If a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit.
• On-street parking credit	On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.

The applicant is proposing to construct 84 two-bedroom multiple dwelling units. Parking requirements thus are as follows:

	<b>Parking ratio</b>	<b>Spaces required</b>
84 two-bedroom units	1.5 spaces per dwelling unit	126 spaces
Visitor spaces	0.2 spaces per dwelling unit	17 spaces
On-street parking credit	1 space credit for each adjacent space	(18 space credit)
	<b>Total off-street parking required</b>	<b>125 spaces</b>

The proposal includes 123 parking spaces. Thus, the applicant is requesting an adjustment to have two fewer off-street parking spaces than required.

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

- a. Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly).*
- b. Opportunities for joint use of nearby off-street parking facilities.*
- c. Availability of public transit.*
- d. Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.*
- e. Possible conversion of the site to other uses in the future.*
- f. No adjustment shall be greater than 25 percent of the requirement from which the exception is granted.*

**Finding:** The Institute of Traffic Engineers (ITE) *Parking Generation* manual provides data from 44 study sites in the “Low/Mid-Rise Apartment” (one to four levels) category. That data shows an average weekday peak period parking demand 1.2 vehicles per dwelling unit in suburban locations, with an 85<sup>th</sup> percentile peak hour demand of 1.46 spaces per dwelling unit. The proposal would provide more parking than either the average or even the 85<sup>th</sup> percentile peak hour demand. Demand was lower in urban locations (1.0 spaces average 1.17 85<sup>th</sup> percentile), presumably because of increased access to transit and pedestrian destinations in urban locations.

The proposed apartment complex is within a short walk (less than 1,000 feet) to a transit stop at the Fred Meyer store. The proposal includes construction of a walkway that would provide access to the Fred

Meyer lot and the transit stop. An additional transit stop is located at Safeway, which also is in close walking distance. These transit stops serve the 99W Link (McMinnville to Tigard), as well as local Route 6 and Route 7. Each of these routes has approximately hour headways each way during the day, so combined on average one bus arrives about every 10 minutes. There is a high likelihood that at least a few percent of the trips from the complex will be via these transit routes, and that the availability of public transit will reduce the need for parking by at least two spaces.

In addition, the site is within walking distance to a number of potential pedestrian destinations: Fred Meyer shopping complex, Springbrook Plaza shopping complex, Crossroads Plaza, McDonald's, Portland Community College, Providence Medical Center, and many more. Again, there is a high likelihood that at least a few percent of the trips from the complex will be pedestrian trips, which will reduce the need for parking.

The adjustment would reduce the required parking by 1.6% (2/125), which is far less than the maximum 25% adjustment that could be allowed.

**Adjustment Conclusion:** The proposal will provide adequate off-street parking in relation to user demands. The proposed reduction of required off-street parking spaces by two spaces is approved.

#### **D. Design Review; Applicable Criteria - Newberg Development Code 15.220.050(B):**

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

**Finding:** Existing and proposed uses in the area include two-story townhomes to the east, two story small lot single family homes to the south, commercial buildings to the north, and future commercial buildings to the west. The proposed development includes two story residential buildings along the Hayes Street frontage. The only three story buildings are interior to the development and backing to White Oak Park. Each building is articulated in a way to reduce the overall massing of the facades from all sides. Additionally, each building will incorporate two different types of siding material as well as using earth tone colors to further aid in breaking up each building mass. The low slope shed style roof with large overhangs also reduces the building massing from the street. Landscaping design incorporates lawn, street trees, and shrubs, which is similar in design to other developments nearby. Screening is provided between the residential area and the commercial area to the north. The design is compatible with the existing and proposed uses in the surrounding area.

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

#### **Finding:**

*Parking provided:* The Development Code requires a certain ratio of parking for each development. Dwellings are regulated according to the table below (from NMC 15.440.030).

Dwelling, multiple and multiple single-family dwellings on a single lot	
Studio or one-bedroom unit	1 per dwelling unit
Two-bedroom unit	1.5 per dwelling unit
Three- and four-bedroom unit	2 per dwelling unit
Five- or more bedroom unit	0.75 spaces per bedroom
• Unassigned spaces	If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the director.
• Visitor spaces	If a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit.
• On-street parking credit	On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.

The applicant is proposing to construct 84 two-bedroom multiple dwelling units. Parking requirements thus are as follows:

	<b>Parking ratio</b>	<b>Spaces required</b>
84 two-bedroom units	1.5 spaces per dwelling unit	126 spaces
Visitor spaces	0.2 spaces per dwelling unit	17 spaces
On-street parking credit	1 space credit for each adjacent space	(18 space credit)
	<b>Total off-street parking required</b>	<b>125 spaces</b>
Unassigned parking	15% of required	19 spaces

The proposal includes 123 parking spaces. Thus, the applicant requested an adjustment to have two fewer off-street parking spaces than required (123 spaces). Findings approving this adjustment are contained in Section C. above.

*Location of unassigned parking:* The application does not indicate that any of the parking will be assigned. The carport spaces in buildings 1, 2, and 7 would naturally be used by tenants of those buildings. The spaces south of building 6 would be the most convenient to be shared for visitors or additional parking for users of buildings 1, 2, and 7. Thus, those spaces should remain unassigned. Those total 19 spaces, which meets the minimum requirement for unassigned spaces. The remaining units have close access to shared parking areas internal to the site. It is recommended that these remain unassigned.

*On-street parking credit:* The development fronts on Oak Grove Street and Hayes Street. Oak Grove Street is a local residential street with on-street parking allowed both sides. Thus credit may be given for the parking spaces on the west side that abut the site. Hayes Street is currently 46 feet wide with two lanes and bike lanes on both sides. This is far wider than needed for two travel lanes. The applicant proposes to restripe the existing to provide a parking lane on the north side, and to retain bike lanes on both sides and two travel lanes. There is more than adequate width to accommodate this design. In fact, the narrowing of the travel width should help to provide traffic calming on Hayes Street. Thus these spaces also may be counted for the credit.

*On-site circulation:* On site circulation provides aisles that meet dimensional standards, and turns that meet fire turning standards.

*Access:* Two access points to the public streets are proposed. The first is on Hayes Street directly opposite Oak Leaf Street. This will function much like a four-way intersection. The other is on Oak Grove Street. This is located mid-block, which will provide good sight distance and minimize conflicts with crossing traffic. Vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street. Access to both streets is needed to provide adequate on-site circulation and access, including emergency access. Thus, access meets the requirements of NMC 15.505.200.

*Bicycle Parking:* One bicycle parking space per four units is required. The applicant proposes to provide this under the stairways.

Thus, parking areas meet the requirements of NMC 15.440.010. The plan provides efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas are designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

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

**Finding:** The proposal meets each of the standards listed.

*Building Height:* The maximum building height in R-P/SP is 30 feet. All structures meet this limit.

*Lot area and dimensions:* The parcel meets these standards. See findings for the partition.

*Lot coverage and parking coverage:* The maximum lot coverage in the R-P/SP zone is 50 percent. The maximum combined lot and parking coverage is 60 percent. The proposed coverages are less than these amounts.

*Setbacks and yards:* The required front setback and side/rear yard setbacks in the R-P/SP zone are 15 feet and 8 feet respectively. The maximum front setback is 25 feet. The proposal meets these setbacks. The applicant will need to clarify that decks, porches, and stairways meet the required setbacks.

*Vision Clearance:* The site plan appears to meet vision clearance standards. The applicant will need to clarify that the proposed landscaping and entry features meet vision clearance standards.

*Public Access:* The parcel has access to two public streets: Hayes Street, which is a major collector, and Oak Grove Street, which is a local residential street.

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

**Finding:** The landscape plan meets the requirements with the conditions listed in Section III. C.8 below.

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

**Finding:** No signs are planned at this time. All future signs must comply with Development Code standards and obtain required permits.

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

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

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

**Finding:** The property is zoned R-P/SP. Multiple family dwellings are a permitted use in that zone. Density in this area is governed by the standards adopted in the Springbrook Oaks Specific Plan, as shown below (pgs. 24-25):

(8) Residential Density. Residential density is governed by the "SP" overlay subdistrict.

(A) The following development standards shall be applied to Springbrook Oaks (please refer to Graphic VI for map of development areas A through H). See NMC Figure 20. These standards shall supersede any density or density transfer standards established in the Newberg Development Code.

Area	Zone	Minimum Lot Size (square feet)	Minimum Lot Area Per Dwelling Unit (square feet)	Maximum Density (dwelling units per acre)
A	C-2	5,000	NA	NA
B	R-P	1,500*	1,500*	21.8* <sup>4</sup>
C	R-3	2,500*	2,500*	13.1*
D	R-2	3,750*	3,750	8.8
E	R-2	5,000	5,000*	6.6*
F	R-P	1,500*	1,500*	21.8* <sup>5</sup>
G	M-1	20,000	NA	NA
H	R-1	5,000*	10,000* <sup>6</sup>	3.3*

\* Different than the standards established elsewhere in the Newberg Development Code.

In addition, the Springbrook Oaks Specific Plan allows consideration for land used as park space.

*NMC 15.346.070(B)(8)(c): Increases in density of residential areas B, C, D and E may be permitted in consideration for land designated for public purposes such as schools, neighborhood parks, plazas, and the like (excluding stream corridors). For any given acreage designated for the aforementioned purposes, the density of an equal amount of acreage may be increased 20 percent in another area of Springbrook Oaks which has the same zone type as that of where the public area is located.*

The apartment parcel is in Area B of the Springbrook Oaks Specific Plan. It is approximately 3.65 acres in size. The apartment parcel is in the same zone (R-P/SP) as the White Oak Park tract 1.94 acres, which was created as part of the Planned Unit Development that created the apartment land. Thus, a 20% increase is allowed on Parcel 1 for an equivalent amount of land.

1.71 acres @ 21.8 du/ac. = 37.3 du  
1.94 acres @ 21.8 x 120% = 50.8 du  
3.65 acres = 88 du max.

There are 84 dwelling units proposed for Parcel 1. The proposal thus meets the maximum density standard.

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

**Finding:** Development of this property must comply with the provisions in the Springbrook Oaks Specific Plan. Particular requirements for lot dimensions, uses, density, landscaping, and traffic improvements are addressed in findings above.

***9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. Where applicable, new developments shall provide for access for***

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

**Finding:** Street frontage improvements include restriping Hayes Street to include a parking lane.

As noted, the applicant proposes a walkway to the north property line that will allow access to the shopping center property to the north. NMC 15.505.220 authorizes the review body to require a public walkway to provide access to abutting properties where needed for access through long blocks, for convenience, for access to community destinations, and similar reasons. In addition, the Springbrook Oaks Specific Plan states that pedestrian access shall be provided to Fred Meyer. Thus, a requirement is a public access easement at the northeast corner of the property connecting White Oak Park and the Fred Meyer access.

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

**Finding:** A traffic study is not required at this time. A previous traffic study was completed during the overall review of the Springbrook Oaks development in 1999, and reviewed again in 2004 as land uses were amended. All of the recommended improvements contained in the previous traffic study, with the exception of Springbrook Road frontage improvements, have been completed, including roadway and intersection improvements to Hayes Street and Springbrook Road. Per the Specific Plan, Springbrook Road improvements will be required upon development of the commercial property. The applicant did submit a traffic engineer's analysis of the previous traffic study, which concluded that "the planned (and constructed) roadway and traffic improvements included in the 1999 study will serve traffic from the planned 84 apartments and 82 townhomes without additional roadway or traffic improvements."

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

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

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

**Finding:** The multi-unit residential project contains 84 units. The project therefore must score at least 20 points according to the guidelines. The table below shows the point values obtained.

<b>Design Review</b>	<b>Possible Points</b>	<b>Points</b>
<i>Site Design Elements</i>		
Consolidate green space	3	2
Preserve existing natural features	3	3
Use front setback to build a street edge	3	2
Place parking lots on sides or back of projects	3	3
Create "outdoor rooms"	2	2
Provide good quality landscaping	2	1
Landscape at edges of parking lots	2	2
Use street trees and vegetative screens	1	1
Use site furnishings to enhance open space	1	1
Keep fences "neighborly"	1	1
Use entry accents	1	0
Use appropriate outdoor lighting	1	1
<i>Building Design Elements</i>		
Orient buildings toward the street	3	1
Respect the scale and patterns of nearby buildings	3	3
Break up large building planes into bays	3	3
Provide variation in repeated units	3	1
Building materials: a) wood or wood-like siding b) shingles on roof or upper portions c) brick at base of walls or chimneys d) wood or wood-like sash windows e) wood or wood-like trim	1 each	2
Incorporate historical architectural elements	2	0
Keep car shelters accessory to building	2	2
Provide a front porch at every main entry	2	1
Use slope roofs at a pitch of 3:12 or steeper	2	0
<b>Total</b>		<b>32</b>

The project scores well above the minimum points required.

**Design Review Conclusion:** The proposed design review meets the applicable criteria and standards, with the conditions listed in Section III.

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

**Exhibit B: Conditions – PAR-12-002, DR2-12-003, ADJP-12-002, and ADJC-12-001  
Oak Grove Apartments**

**A. THE FOLLOWING MUST BE COMPLETED IN ORDER TO FINALIZE THE  
PROPERTY LINE ADJUSTMENT:**

1. File deeds with the County Recorder conforming to the approved property line adjustment and ORS 92.190.
  - a. The deeds must include signatures of both property owners.
  - b. NOTE: The new legal descriptions must include added portions and exclude the exclusion portions as shown in the application. The adjusted portions of land being transferred may not be recorded separately as new parcels.
2. File a survey with the County Surveyor of the adjusted property lines.
3. File a copy of the recorded deeds and survey with the Planning and Building Department, City of Newberg.

**B. THE FOLLOWING MUST BE COMPLETED IN ORDER TO FINALIZE THE  
PARTITION:**

1. Complete the property line adjustment.
2. **Final Plat Application:** In accordance with NMC 15.235.150(A), submit the following for City review of the final plat application.
  - a. Type I application form (found either at City Hall or on the website – [www.newbergoregon.gov](http://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 partition plat for preliminary review. The city 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.
3. **Final Mylar Copies of the Partition Plat:** Submit final Mylar copies of the corrected final partition plat (after red-line corrections have been made).
  - a. *Two* sets (one original and one copy), 18 inches by 24 inches in size, of the final partition plat (See Note 7 below). 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.

4. **City Review:** In accordance with NMC 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 partition, 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 partition 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 partition and will be assessed for said improvements.
    - iv. Taxes, as well as public liens, assessments and fees, with respect to the partition area have been paid, or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.
    - v. 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.

- h. 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.
5. **Required Signatures:** According to NMC 15.235.180, approval of a final partition plat must be acknowledged and signed by the following:
  - a. Planning and Building Director
  - b. The County Assessor
  - c. The County Surveyor
  - d. The City Recorder
6. **Recording:** Deliver the approved partition 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.
7. **Completion:** Return an exact copy of the recorded plat to the Director to complete the partition process. *NOTE: The Yamhill County Surveyor has changed the process for recording final plats. The Surveyor no longer will record a third copy of the plat to be returned to the City. Therefore, the applicant will be responsible for creating a mylar copy of the final plat AFTER RECORDING and returning it to the City of Newberg.*

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

1. **Permit Submittal:** Submit a building permit application, two (2) complete working drawing sets of the proposed project, two (2) complete electrical plans, and two (2) copies of a revised site plan. Show all the features of the plan approved through design review, including the following:
  - a. Bicycle parking details
  - b. Existing and finish grade elevations
  - c. Existing and proposed utility easements
  - d. Landscaping plan. See condition 8 below.
  - e. Mechanical details
  - f. O.S.S.C. Chapter 11 (ADA) requirements relating to access from the public way, parking spaces and signage
  - g. Plumbing details
  - h. Structural details
  - i. Utility plan. See condition 4 below.
  - j. Vision clearance areas. Show that the proposed entry features comply with vision clearance standards.
  - k. Label the building numbers on the site plan to correspond with the building elevations.
  - l. Show that decks, stairways, and overhangs meet setback requirements.

- m. Provide a plan to protect the stream corridor during construction.
  - n. Indicate the location of enclosed storage areas for each unit as required by NMC 15.420.010(2)(c).
2. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
  3. **Public Improvement Construction Drawings:** Provide construction drawings for review and approval by the Public Works Engineering Division. Include the following:
    - a. Plans for restriping Hayes Street with a parking lane.
    - b. Plans for the proposed public fire hydrant lines. Lines need to be 8-inch diameter. Provide looping to the east to Oak Grove Street. Investigate and if feasible, provide looping of the water line to the north to the fire hydrant line along the Fred Meyer lot.
  4. **Private Utility Plan:** Provide a utility plan that shows how the sanitary sewer, water and storm laterals will be connected on the site. Include the following:
    - a. Sizes of all lines.
    - b. Landscape irrigation systems.
    - c. Backflow devices between the public and private systems. Provide a double detector check near the main line on Hayes Street with lines to go to the fire systems. Fire lines to the buildings need to be private. Show fire department connections. Water supply to meet current fire codes.
    - d. The wastewater connection to Hayes Street shall have a manhole at the property line instead of a clean out.
    - e. Show calculations that the detention pond has adequate capacity to serve the development.
  5. **Signage:** A separate design review process is required for all signage that is submitted separately from this application.
  6. **Disabled/ADA Requirements:** Coordinate with the Building Division to comply with O.S.S.C. Chapter 11 requirements.
  7. **Garbage:** Provide details for the trash enclosure. Provide written confirmation that Waste Management has approved the method of refuse collection, and the design, size, and location of any proposed refuse collection area. If a dumpster is required, the dumpster enclosure must be located at least five (5') from the building, constructed of masonry block or brick, and buffered from view with landscaping. Show that the trash enclosure is located outside the Oak Grove Park access easement. Consider relocating the trash enclosure to be interior to the complex.

8. **Landscape Plan:** Submit a revised landscape plan, subject to review and approval by the Planning and Building Director, with the following additions or modifications :
  - a. Method of irrigation
  - b. Plant legend
  - c. Buffering around trash enclosure
  - d. Show the location of the community garden.
  - e. Clarify that lawn is proposed between buildings and along the Hayes Street frontage.
  - f. Continue installation of street trees between the driveway on Hayes Street and the stream corridor.
9. **Addressing plan:** Coordinate with the Planning Division to create an addressing plan for the buildings and units.
10. **Parking assignment:** Indicate whether any of the parking will be assigned. If so, submit a plan for review and approval of assigned and unassigned spaces.
11. **Property line adjustment:** Complete the property line adjustment, and provide a copy of the recorded survey and deeds to the Planning and Building Department.
12. **Design Review fee:** Pay the balance due of \$18,455.53.

#### **D. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY**

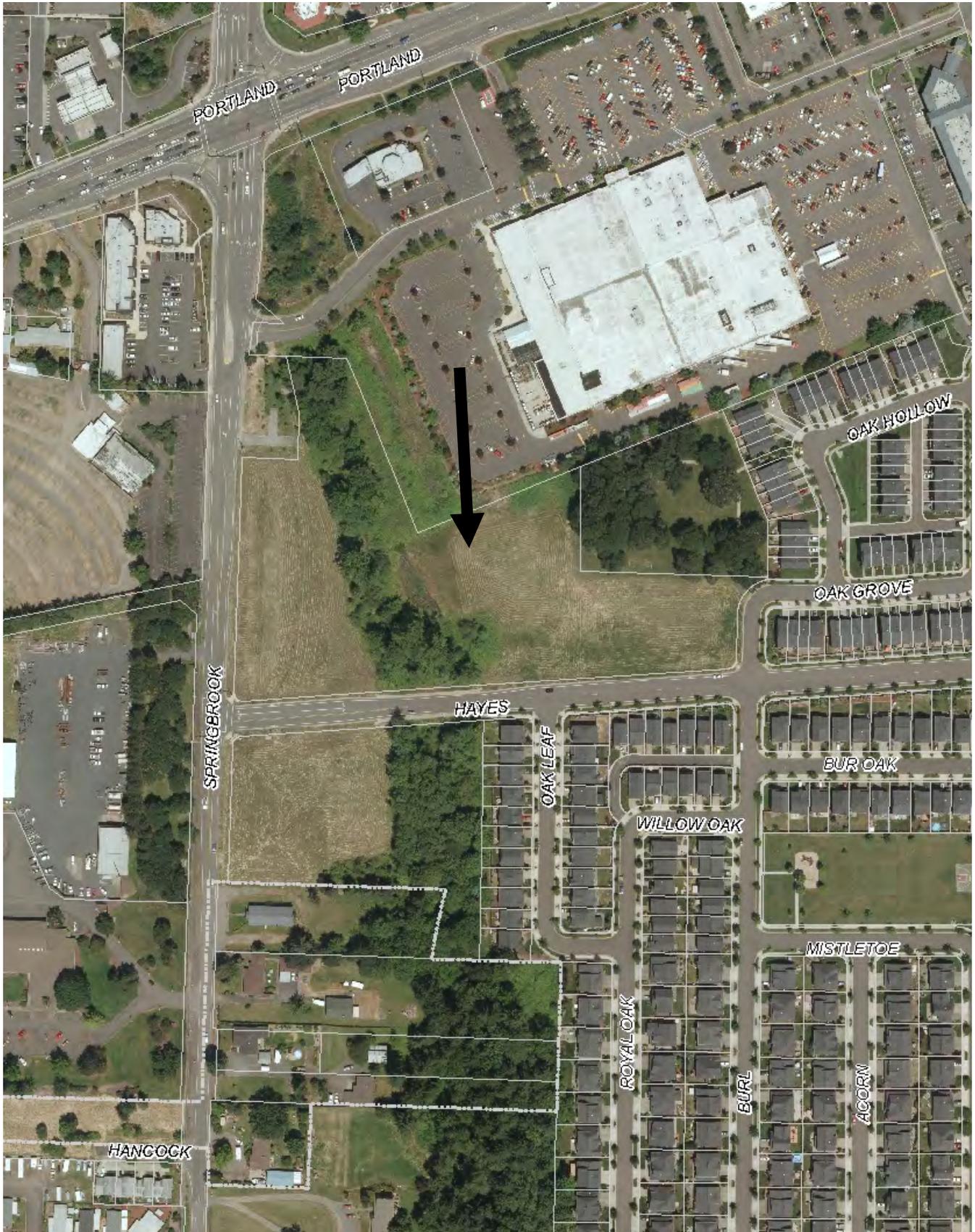
1. **Fire Department Requirements:** This project is subject to compliance with all Fire Department standards relating to access and fire protection. “No parking - fire lane” striping and signage may be required on the access road. Signs must meet MUTCD and City of Newberg Standards as to material type and design. If the building will have monitored smoke detection or sprinklers, it will require a knox box.
2. **Design Review Conditions:** Contact the Planning Division (503-537-1240) to verify that all design review conditions have been completed.
3. **Site Inspection:** Contact the Building Division (503-537-1240) for Building, Mechanical, and Plumbing final inspections. Contact the Fire Department (503-537-1260) for Fire Safety final inspections. Contact Yamhill County (503-538-7302) for electrical final inspections. Contact the Planning Division (503-537-1240) for landscaping and site work final inspections.
4. **Easements:** Record the following easements and provide a copy of the recorded instrument to the Planning & Building Department. The location and language for any easement must be reviewed and approved by the Planning & Building Director. Include the following:
  - a. The sidewalk along Hayes Street as it crosses the property line.
  - b. A 15’ wide utility easement along the public water lines and hydrants (7.5’ on all sides of the lines, including the hydrants)

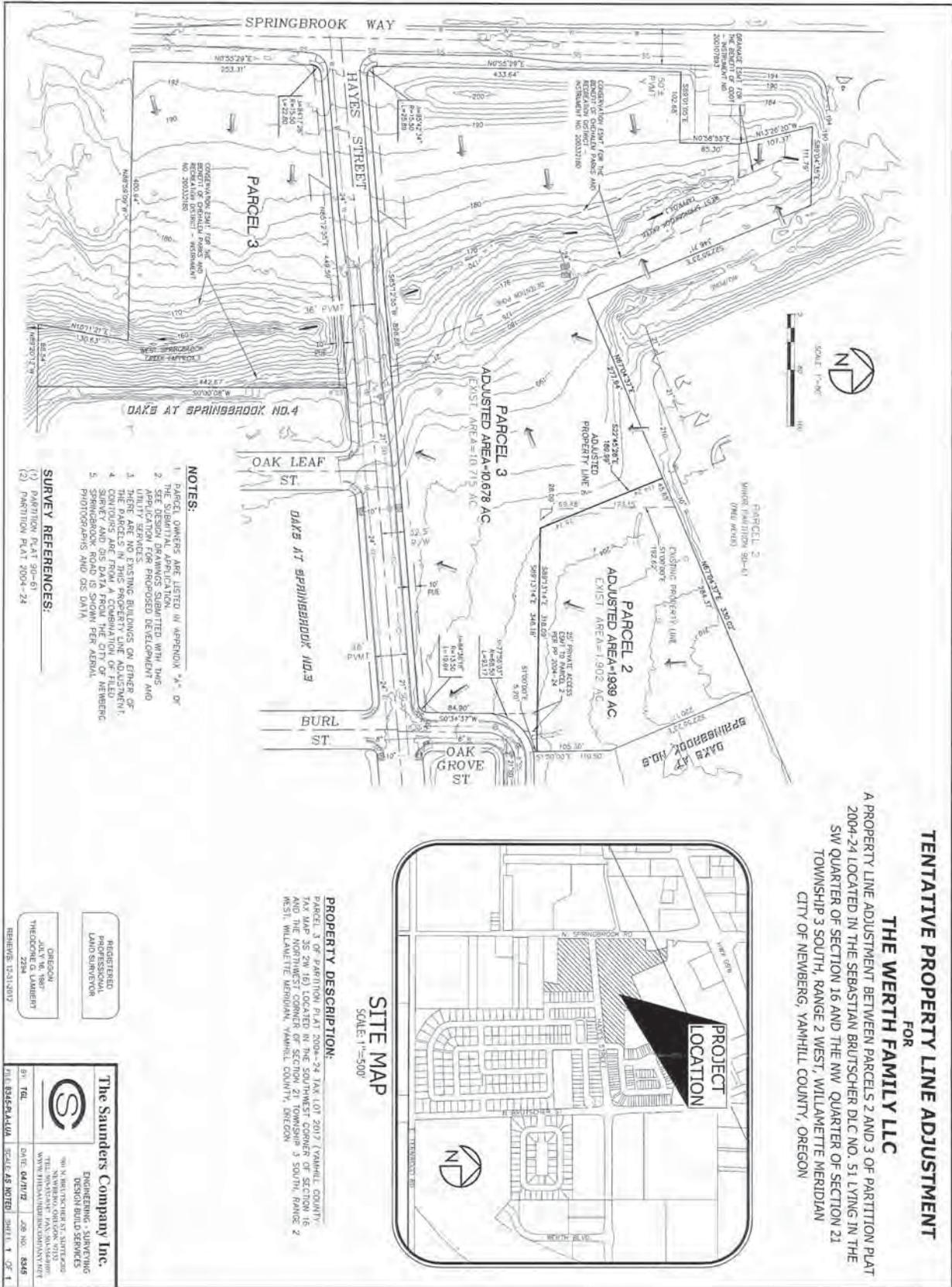
- c. A 15' wide public access easement along the pathway at the north east corner of the site to allow access between the Oak Grove Park and the Fred Meyer site.

## E. DEVELOPMENT NOTES

1. A DEQ 1200-C permit will be required before a grading permit can be issued for all sites greater than one acre.
2. The design review fee collected for this application was based on a total project cost of \$6,151,845. If the City determines that the actual project cost exceeds the original estimate, at time of construction of each of the units, there may be additional design review fees collected
3. Systems development charges (SDCs) will be collected when building permits are issued. For questions regarding SDCs please contact the Engineering Division.
4. **Parking assignment.** The 19 parking spaces south of Building 6 shall remain unassigned. Any plan for assigning the remaining spaces in the complex (other than the carport spaces) shall be submitted for review and approval. It is recommended that the remaining spaces be left unassigned.

# Attachment 1: Aerial Photo





- NOTES:**
1. PARCEL OWNERS ARE LISTED IN APPENDIX "A", OF THE SUBMITTAL APPLICATION.
  2. SEE DESIGN DRAWINGS SUBMITTED WITH THIS APPLICATION FOR PROPOSED DEVELOPMENT AND UTILITY SERVICES.
  3. THERE ARE NO EXISTING BUILDINGS ON EITHER OF THE PARCELS IN THIS PROPERTY LINE ADJUSTMENT.
  4. SURVEY AND GIS DATA FROM THE CITY OF NEWBERG, SPRINGBROOK ROAD IS SHOWN PER AERIAL PHOTOGRAPHS AND GIS DATA.
- SURVEY REFERENCES:**
- (1) PARTITION PLAT 90-61
  - (2) PARTITION PLAT 2004-24

**TENTATIVE PROPERTY LINE ADJUSTMENT**  
**FOR**  
**THE WERTH FAMILY LLC**  
 A PROPERTY LINE ADJUSTMENT BETWEEN PARCELS 2 AND 3 OF PARTITION PLAT 2004-24 LOCATED IN THE SEBASTIAN BRUTSCHER D/LC NO. 51 LYING IN THE SW QUARTER OF SECTION 16 AND THE NW QUARTER OF SECTION 21 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN CITY OF NEWBERG, YAMHILL COUNTY, OREGON

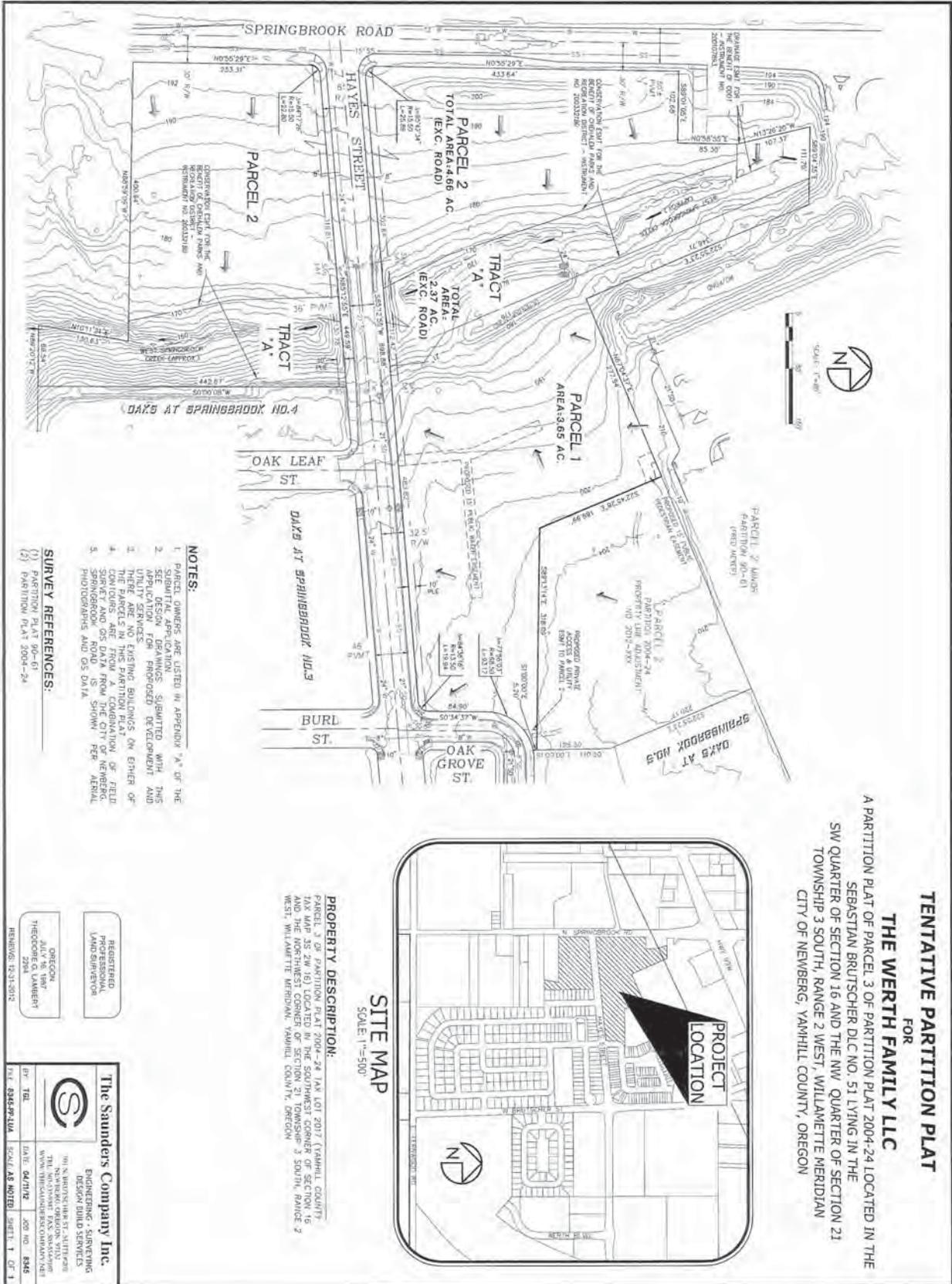


**PROPERTY DESCRIPTION:**  
 PARCEL 3 OF PARTITION PLAT 2004-24 TAX LOT 2017 (YAMHILL COUNTY, TAX MAP 35 20 16) LOCATED IN THE SOUTHWEST CORNER OF SECTION 16 SW 1/4 OF SECTION 21 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON JULY 06, 1987  
 THEODORE G. LAURENT  
 224  
 REVIEWS: 12/31/2017

**The Saunders Company Inc.**  
 ENGINEERING - SURVEYING  
 DESIGN BUILD SERVICES  
 700 N. BRUTSCHER ST., SUITE 100  
 SEASIDE, OREGON 97138  
 WWW.THEWERTHFAMILYLLC.COM  
 WWW.THEWERTHFAMILYLLC.COM

91 TEL: 503.836.8444 SCALE AS NOTED SHEET 1 OF 1





PERIOD OF RECORDATION:  
BY UNIT: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

1 SITE DEVELOPMENT PLAN (WEST)  
Scale: 1/8" = 1'-0"



DESIGN REVIEW SET

DATE	APR 16, 2012
PROJECT	OAK GROVE APTS.
DESIGNER	THE SAUNDERS COMPANY
CHECKED BY	[Signature]
DATE	
PROJECT	
DESIGNER	
CHECKED BY	
DATE	

**Oak Grove Apts.**  
Parcel 3 Partition Plat 2004-24  
Hayes St, & Oak Grove St.  
Newberg OR 97132

**A DESIGN-BUILD PROJECT FOR:**  
**Werth Family LLC**  
33180 NE Haugen Rd  
38 of 319, Oregon 97132

**DESIGN GROUP**  
P.O. Box 536  
Dufur, Oregon 97115  
Phone: 503-554-8111  
Fax: 503-554-8117  
THE SAUNDERS COMPANY



1 SITE DEVELOPMENT PLAN (EAST)  
Scale: 1" = 20'

DESIGN REVIEW SET

Sheet No.	C1.2
Date	April 16, 2012
Project Name	PRELIMINARY SITE DEVELOPMENT EAST
Client	Werth Family LLC
Address	33180 NE Haugen Rd, Newberg, OR 97132
Parcel	Parcel 3 Partition Plat 2004-24
City	Newberg, OR
County	Washington
Project No.	
Revision	

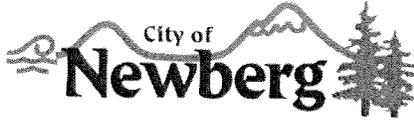
**Oak Grove Apts.**  
Parcel 3 Partition Plat 2004-24  
Hayes St, & Oak Grove St.  
Newberg OR 97132

A DESIGN-BUILD PROJECT FOR:  
**Werth Family LLC**  
33180 NE Haugen Rd  
Newberg, Oregon 97132

**DESIGN GROUP**  
P.O. Box 538  
Newberg, Oregon 97132  
Tel: 503-534-9107

THE SAUNDERS COMPANY

MAY 24 2012



APPEAL APPLICATION

OFFICE USE ONLY:		(Pre-Application Conference <input checked="" type="checkbox"/> <del>Optional</del> for Type I)
Total Ap Fee: _____	File #: _____	Project Cost: _____
Less Pre-Ap Fee: _____	Date: _____	Receipt: _____
Balance Due: _____	Date: _____	Receipt: _____

TYPE - PLEASE CHECK ONE:

- Appeal of a Type I Decision (i.e. Design Review for a Duplex, Sign, or Single Family Residence)
- Appeal of a Type II Decision (i.e. Variance, or Design Review, Subdivision)
- Appeal of a Type III Decision (i.e. Conditional Use Permit)
- Other (explain): \_\_\_\_\_

**APPLICANT INFORMATION:**

APPLICANT: Todd Waters

ADDRESS: 439 Oak Leaf Street, Newberg Oregon 97132

PHONE: 503-487-0476, 503-264-7134 MOBILE: \_\_\_\_\_ FAX: \_\_\_\_\_

CO-APPELLANT (if applicable): \_\_\_\_\_ PHONE 503-487-0476, 503

ADDRESS: \_\_\_\_\_

**GENERAL INFORMATION:**

PROJECT NAME: Oak Grove Apartments FILE NUMBER OF PROJECT BEING APPEALED: PAB-12-002, DR2-12-003, ADJP-12-002, ADJC-12-001

PROJECT LOCATION: 3411 Hayes Street

PROJECT DESCRIPTION/USE: 84 unit apartment site construction

BRIEFLY DESCRIBE THE REASON FOR YOUR APPEAL: \_\_\_\_\_  
 Please see 3 page attachment.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SPECIFIC APPEAL REQUIREMENTS ARE ATTACHED** Yes, see 3 page attachment

General Checklist:  Fees  Notice Information  written response supporting appeal.

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. I affirm that I was party to the initial proceedings.

Applicant Signature Todd Waters Date 5/24/12 Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Todd Waters \_\_\_\_\_  
 Print Name Print Name

## Attachment 3: Appeal Application

### Appeal Application

Applicant: Todd Waters

Address: 439 Oak Leaf Street, Newberg, Oregon 97132

Project Name: Oak Grove Project

File Numbers: PAR-12-002, DR2-12-003, ADJP-12-002, ADJC-12-001

Project Location: 3411 Hayes Street

Project Description: 84 unit apartment site construction

---

#### Reason for Appeal:

Let me begin by saying that the homeowners in the Oaks at Springbrook subdivision believe that our neighborhood is one of the nicest in Newberg. Therefore it is a testament to the original plan from the land owner as expressed in SOSP 1999 and again in PUD-7-04 2004. The original plans also envisioned a maximum of 60 unit apartments for the phase 5 development, in keeping with the ambience and design of the neighboring townhomes and single family homes built in phases 1-4 in from 2004-2007.

We do not begrudge the landowners their due, they deserve to benefit greatly from their original investment and decades long ownership in these properties. However, we are strongly against the 40% increase in apartment units, from 60 to 84, which is a major departure from the original 2004 detailed plan, and the highly questionable decision to allow on street parking on Hayes Street as a way to circumvent code.

#### Objection 1

PUD-7-04 states in multiple places that the applicant is requesting approval for 60 apartment units, not 84, for the phase 5 build out. Buyers of the single family homes and townhomes of the Oaks at Springbrook subdivision believed that a) there would only be a maximum of 60 apartments, that b) these apartments would fit into the existing neighborhood in harmony and rely on internal parking only, and c) their design would be based upon the Newberg development code and the layout depicted on page 1 of PUD-7-04. All three beliefs now appear to be false. The owner is seeking to build 84 units, a change that requires property line adjustments, waiving of code violations, and numerous discretionary judgments made by the Newberg Planning director, in order to shoehorn it into a questionable compliance. If 60 units was the right number in 2004, then why is 84 the right number now? We contend that 60 matched nicely with the neighborhood, while 84 represents a disconnect from the original owners intent and plan.

See list of all locations where the proposal and evaluations in PUD-7-04 referred to the apartments as having 60 units, sometimes even referring to 60 as the maximum.

PUD-7-04, Staff Report, page 9

*The applicant is requesting approval for a multi-phase 212 unit Planned Development (PD) which includes detached 70 single family dwelling units, 82 attached townhouses and 60 multi-family apartment units.*

## Attachment 3: Appeal Application

PUD-7-04, Staff Report, page 9

*Phase 5 -2006-2007 60 dwelling units and streetscape improvements along phase frontage*

PUD-7-04, Staff Report, page 10

*Phase 5 - The final phase will include up to 60 multi-family units in apartment-style buildings. The site plan will include off-street parking. A detailed design review will be required prior to construction of this phase.*

PUD-7-04, Planning Commission Resolution No. 2004-178

*The applicant is requesting approval for a multiphase 212 unit Planned Development (PD) which includes 70 detached single family dwelling units, 82 attached townhouses and 60 multi-family apartment units.*

PUD-7-04, Exhibit A, page 1

*Phase 5 - 2006-2007 60 dwelling units and streetscape improvements along phase frontage on Hayes Street.*

PUD-7-04, Exhibit A, page 2

*Phase 5 - The final phase will include up to 60 multi-family units in apartment-style buildings. The site plan will include off-street parking. Design review approval will be required for this phase.*

PUD-7-04, Exhibit A, page 40

*Development of the Phase 5 property must include 60 multi-dwelling units.*

All of the waived code violations and discretionary judgments made by the Newberg Planning Director for Oak Grove Apartments stem from this massive departure from 60 units to 84 units.

This change from 60 units to 84 units represents a form of bait and switch to the homeowners of the Oaks at Springbrook subdivision. They bought into the area expecting one kind of plan for the neighborhood, and now once all the single family and townhome phases are sold out, discover a different plan.

### Objection 2

#### **Development Review Application, page 18 of 23**

Violation: 15.440.030 which requires 15% of total required parking spaces to be not assigned. In this case, the required spaces are 126 + 17 + 22 or 165. But developer proposes only 123 off street spaces plus very questionable 18 on street spaces or 141.

Newberg Planning Director Solution: Apply discretionary judgment per 15.210.030.C

Comment: The calculation made by the Planning Director does not follow the law.

#### **Development Review Application, page 18 of 23**

Violation: 15.440.030 which requires 20% visitor parking spaces per dwelling unit. In this case , required spaces is 126, plus 16.8 or 143. But developer proposes only 123 off street spaces plus 18 questionable off street spaces or 141..

Newberg Planning Director Solution: Apply discretionary judgment per 15.20.030.

## Attachment 3: Appeal Application

### **Development Review Application, page 20 of 23**

Violation: 15.505.060 which requires that a major collector such as Hayes Street not have on street parking. But developer proposes to use Hayes Street for parking by repainting the lines on the street and creating 14 spaces.

Newberg Planning Director Solution: Apply discretionary judgment per 15.210.030.C

### **Development Review Application, page 20 of 23**

Violation: 15.505.060, which requires that any on street parking of a collector such as Hayes Street, achieved only through discretionary judgment of the Planning Director, be at least 8 feet wide. But developer proposes only 7 feet wide.

Newberg Planning Director Solution: Apply discretionary judgment per 15.210.030.C

### **Notes:**

To achieve the proposed total of 141 parking spaces, the developer's calculation is as follows: 123 off street, add 14 from repainting Hayes Street, add 4 by allowing residents to use Oak Hollow Street. This still does not get to 143, or 165, see above, but again, the Newberg Planning Director Solution applies discretionary judgment per 15.210.030.C.

### **Development Review Application, implied**

Suggesting that the Oak Grove Apartment complex can access 4 additional parking spaces on Oak Hollow Street is ludicrous. The number one topic of the last two years of Oaks at Springbrook HOA meetings, as documented in the minutes, and the most controversial topic, is lack of parking in both the townhomes and the single family homes. Residents are upset about owners vehicles blocking the sidewalks and some residents owning 4 of 5 cars due to teenage children. Adding more cars to this issue is completely unacceptable. Additionally, the residents of Oak Leaf Street are certain that Apartment occupants will use their street for overflow parking purposes as well.

### **Objection 3**

#### **Development Review Application, page 19 of 23**

Violation: 15.440.140, which requires ADA compliance for path to Fred Meyers. But developer only proposes steps, not a ramp. The ramp can also accommodate families using strollers.

### **Objection 4**

#### **Development Review Application, omission**

No barrier between the apartments and the stream corridor. The stream corridor is pristine wildlife habitat for birds, coyotes, skunks, raccoons, porcupines. It is currently very inaccessible due to dense growth. The apartments will change this, and it will become polluted.



Development, Inc.

*City of Newberg*

Department of Planning

*Development Review Application For:*

## Oakgrove Apartments

*Map & Tax Lot:*

*T3S R2W Section 16, Tax Lots 02016 & 02017*

### **Property Line Adjustment, Preliminary Partition Plat, Code Adjustment & Design Review**

**Owner:**

Werth Family LLC  
33180 NE Haugen Road  
Newberg, Oregon  
Contact: Dean Werth  
Phone: (503) 538-5057

**Owner's Representative (Applicant) & Project Manager:**

MJG Development, Inc.  
907 N. Brutscher Street, Ste. 206  
Newberg, Oregon 97132  
Contact: Mike Gougler  
Phone: (503) 810-5576  
Fax: (503) 537-9055

901 N. Brutscher  
Suite D352  
Newberg, Or 97132  
office 503.537.9011  
fax 503.554.0843  
cell 503.810.5576  
ggoug@yahoo.com  
CCB#135465

MJC Development, Inc. Development Review Application Oakgrove Apartments



April 16, 2012

Development, Inc.

City of Newberg Planning Department  
Attn: Ms. Jessica Nunley, AICP  
414 East First Street  
Newberg, OR 97132

Re: **Oakgrove Apartments Land Use Application**  
(Part of the Springbrook Oak specific plan)

Dear Jessica:

On behalf of my client and the land owner, Werth Family LLC (WFLLC), please accept the attached property line adjustment, preliminary partition plat, code adjustment and type II design review application for an 84 unit apartment development within the Springbrook Oaks specific plan (SOSP) area. The application doesn't quite meet all of the requirements within Appendix C of the SOSP to be able to use the Type I process therefore the type II design review process is proposed. The multi-family apartment development is an outright use within the current R-3/SP zoning.

These application materials include the following:

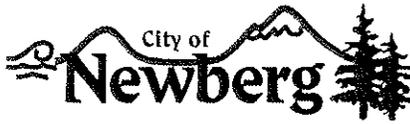
- Introduction, Application Form(s) & Fee calculations
- Newberg Development Code criteria responses
- Springbrook Oaks Specific Plan standards criteria responses
- PUD-7-04/ADJ-131-04 development standards criteria responses
- Application Drawings/Exhibits
- Supporting documentation

I am available to answer any questions or clarification (s) you may have. Please do not hesitate to contact me directly. I look forward to working with you on this project.

Sincerely,

Mike Gougler

901 N. Brutscher  
Suite D352  
Newberg, Or 97132  
office 503.537.9011  
fax 503.554.0843  
cell 503.810.5576  
ggoug@yahoo.com  
CCB#135465



**TYPE I APPLICATION -- 2012  
(ADMINISTRATIVE REVIEW)**

File #: \_\_\_\_\_

**TYPES – PLEASE CHECK ONE:**

- Code Adjustment
- Final Plat
- Minor Design Review
- Property Line Adjustment

- Property Line Consolidation
- Type I Extension or Type I Minor/Major Modification
- Type II or Type III Extension or Minor Modification
- Other: (Explain) \_\_\_\_\_

**APPLICANT INFORMATION:**

APPLICANT: MJG Development, Inc.; Attn: Mike Gougler  
 ADDRESS: 901 N. Brutscher Street, Ste. 206, Newberg, Oregon 97132  
 EMAIL ADDRESS: ggoug@yahoo.com  
 PHONE: (503) 537-9055 MOBILE: (503) 810-5576 FAX: \_\_\_\_\_  
 OWNER (if different from above): Werth Family LLC; Attn: Dean Werth, Secretary PHONE: (503) 538-5157  
 ADDRESS: 33180 NE Haugen Rd, Newberg, Oregon 97132  
 ENGINEER/SURVEYOR: The Saunders Company, Inc.; Attn: Joe Schiewe PHONE: (503) 537-9950 x 202  
 ADDRESS: PO Box 536, Dundee, Oregon 97115

**GENERAL INFORMATION:**

PROJECT NAME: Oak Grove Apartments - CA & PLA PROJECT LOCATION: Partition plat 2004-24 parcel 2 & 3  
 PROJECT DESCRIPTION/USE: Apartments & Future commercial  
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3216-02016 & 02017 ZONE: R-P & C-2 SITE SIZE: 1.9 & 10.7 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: MIX/SP TOPOGRAPHY: Gently sloping east & west to stream corridor center  
 CURRENT USE: White Oak Park & Vacant  
 SURROUNDING USES:  
 NORTH: Fred Meyer Store SOUTH: Hayes Street/ Oaks at Springbrook ph. #3 - med dens res  
 EAST: Oaks at Springbrook ph. 4 - high density residential WEST: N. Springbrook Road

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

General Checklist:  Fees  Current Title Report  Written Criteria Response  Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

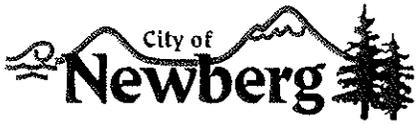
Code Adjustment .....	p. 4
Final Plat .....	p. 6
Minor Design Review .....	p. 10
Property Line Consolidation.....	p. 11
Property Line Adjustment.....	p. 12

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

\_\_\_\_\_  
 Applicant Signature Date  
 Mike Gougler  
 Print Name

\_\_\_\_\_  
 Owner Signature Date  
 Dean Werth, Sec of Werth Family LLC  
 Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists



**TYPE II APPLICATION (LAND USE) -- 2012**

File #: \_\_\_\_\_

**TYPES -- PLEASE CHECK ONE:**

- Design review  
 Tentative Plan for Partition  
 Tentative Plan for Subdivision  
 Type II Major Modification  
 Variance \_\_\_\_\_  
 Other: (Explain) \_\_\_\_\_

**APPLICANT INFORMATION:**

APPLICANT: MJG Development, Inc.; Attn: Mike Gougler  
 ADDRESS: 901 N. Brutscher Street, Ste. 206, Newberg, Oregon 97132  
 EMAIL ADDRESS: ggoug@yahoo.com  
 PHONE: (503) 537-9055 MOBILE: (503) 810-5576 FAX: \_\_\_\_\_  
 OWNER (if different from above): Werth Family, LLC; Attn: Dean Werth PHONE: (503) 538-5157  
 ADDRESS: 33180 NE Haugen Rd, Newberg, Oregon 97132  
 ENGINEER/SURVEYOR: The Saunders Company, Inc.; Attn: Joe Schiewe PHONE: (503) 537-9950 x 202  
 ADDRESS: PO Box 536, Dundee, Oregon 97115

**GENERAL INFORMATION:**

PROJECT NAME: Oak Grove Apartments PROJECT LOCATION: NW corner of Hayes & Burl Street  
 PROJECT DESCRIPTION/USE: Multi-family housing - Apartments  
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3216 - 02017 ZONE: R-3/SP SITE SIZE: 10.7 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: MIX/SP TOPOGRAPHY: Gently sloping west  
 CURRENT USE: Vacant  
 SURROUNDING USES:  
 NORTH: Fred Meyer & Oak Grove Park SOUTH: Hayes Street then Med density residential single family homes  
 EAST: Oak Grove Park/ Burl Street then High Density Residential townhomes WEST: West fork of Springbrook Creek then vacant commercial property

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Design Review ..... p. 12  
 Partition Tentative Plat ..... p. 14  
 Subdivision Tentative Plat ..... p. 17  
 Variance Checklist ..... p. 20

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

\_\_\_\_\_  
 Applicant Signature Date  
 Mike Gougler, MJG Development, Inc.  
 \_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Owner Signature Date  
 Dean Werth, Secretary of Werth Family LLC  
 \_\_\_\_\_  
 Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists

**Development Team Members:**

**Owner:**

**Werth Family, LLC**  
33180 NE Haugen Rd, Newberg, OR 97132  
Phone: (503) 538-5157  
Contact: Dean Werth, Secretary

**Applicant & Project Manager:**

**MJG Development, Inc.**  
901 N. Brutscher Street, Ste. 206, Newberg, Oregon 97132  
Phone: (503) 810-5576  
Contact: Mike Gougler, President

**Civil Design-Build Contractor:**

**The Saunders Company, Inc.**  
PO Box 536, Dundee, Oregon 97115  
Phone: (503) 537-9950 x 202  
Contact: Joe Schiewe, Project Manager

**Architect:**

**Scott Edwards Architecture LLP**  
2525 E. Burnside Street  
Portland, Oregon 97214  
Phone: (503) 226-3617  
Contact: Brian Mares, LEED AP

**Geotechnical Engineer:**

**GeoPacific Engineering, Inc.**  
7312 SW Durham Road,  
Portland, OR  
Phone: 503-598-8445  
Fax: 503-598-8705  
Contact: Jim Imbrie, P.E.

**Traffic Engineer:**

**Oregon Traffic Engineering, LLC**  
3101 Juniper Drive  
Newberg, Oregon 97132  
Phone: (503) 550-7777  
Contact: Karl Birky, PE, PTOE

**Design-Build Landscaper:**

**Trademark Landscaping, Inc.**  
PO Box 2410, Oregon City, OR 97045  
Phone: 503-631-3893  
Fax: 503-631-4737  
Contact: Steve Ellis, President

**Design-Build Site Lighting Contractor:**

**NorthStar Electric Contractors, Inc.**  
19450 SW Cipole Rd, Ste. 107  
Tualatin, Oregon 97062-7111  
Phone: (503) 612-0840  
Contact: Ken Murphy

**C. Fee Calculations:**

Based on the City of Newberg's Fee Schedule, the following fee are required to review the proposed development. These are outlined below:

<u>Fee Description</u>	<u>Fee</u>
Property Line Adjustment (Type I)	\$ 700.00
Code Adjustment (Type I)	\$ 350.00
Design Review (Type II: \$ 6,151,845 x 0.006 => 50% due)	\$ 18,455.54
Preliminary Partition Plat (Type II: \$ 700 + 2 * \$70)	\$ 840.00
<u>Less \$100 pre-application fee</u>	<u>\$ 100.00</u>
	\$ 20,245.54

Note: See Construction Estimate included in Appendix E.

**TABLE OF CONTENTS**

**1. Introduction**

- City of Newberg Application Forms
- Development Team Members
- Application fee calculations & payment

**2. Table of Contents**

**3. Applicable City of Newberg Development Code Criteria Responses**

**Property Line Adjustment (PLA) & Partition (PPP) Criteria**

Request	Description of PLA and partition request
History	Recent history & site information of existing parcel (s)
15.230.020.B	<u>PLA</u> : No new lot creation or substantial change in parcel sizes
15.235.040.A	<u>PPP</u> : Suitability of intended use
15.235.190 & 200	Dedications, front, interior & special setbacks
15.235.210 & 220	Lot & Parcel Side Lines
15.235.230	Drainage, railroad & land division needs
15.235.040.C	Public improvement (s) completion or security

**Code Adjustment Criteria**

15.210.020.B	Dimensional standards & minimum number of Off-street parking spaces criteria
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**Type II Design Review Criteria**

15.220.020 & 030	Site design review applicability & requirement criteria
15.220.050 & 060	Criteria for design review (Type II process) & multi-unit projects
15.310.020	Residential Professional district/zoning criteria
15.405.010 - 040	Lot areas, dimensions, frontage & parking coverage criteria
15.410.010 – 070	Setbacks criteria
15.415.020 & 040	Building height limits & public access requirement criteria
15.420.010 & 020	Landscaping & outdoor area criteria
15.425.020 & 040	Exterior lighting criteria
15.430.010	Underground utility installation
15.435	Signs ( <i>will be addressed in future application</i> )
15.440.020 – 140	Vehicle, bicycle parking & private walkway criteria
15.505.020 - 060	Layout of streets, alleys, bikeway & walkways
15.505.200	Vehicle access standards
15.505.220	Public walkways

**4. Springbrook Oaks Specific Plan (SOSP) Criteria**

**SOSP Appendix A**

General Policies	Bullet #4 criteria
Transportation	Bicycles, Pedestrians & Motor Vehicles
Development Standards	Entry location, building mix, buffer from Fred Meyer Site density and utilities

**SOSP Appendix B**

Plan Policies	Setbacks, staggered building fronts, street tree preferences Density transfer
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**SOSP Appendix C (compliance not required)**

Design Standards

**SOSP PUD-07-04/ADJ-131-04 Criteria**

Plan Refinement	Pedestrian connections & 25 foot easement to Oak Grove Park
Development Standards	Spacing between multi-family buildings

**5. Exhibit Drawings (all drawings are preliminary)**

PLA	Preliminary Property Line Adjustment
PPP	Preliminary Partition Plat
CS	Cover Sheet
C1.0	Site Analysis Diagram
C1.1	Preliminary Site Development Plan - West
C1.2	Preliminary Site Development Plan - East
C2.1	Preliminary Grading Plan - West
C2.2	Preliminary Grading Plan - East
C3.1	Preliminary Utility Plan - West
C3.2	Preliminary Utility Plan - East
A2.1	Floor Plans – Building 1, 2 & 7
A1.2	Floor Plans = Building 3, 4, 5 & 6
A3.1	Exterior Elevations – Building 1, 2, 3 & 6
A3.2	Exterior Elevations – Building 5 & 7
L1.1	Preliminary Landscape Plan
E1.1	Preliminary Site Lighting & Photometrics Plan

**Appendixes**

- A Preliminary title reports & vesting deeds
- B Preliminary plat/partition parcel (s) & tract legal descriptions
- C Traffic impact analysis update letter
- D Draft notices, notice area map & mailing list
- E Development improvements value calculations
- F Fred Meyer tentative approval of proposed site plan landscaping, stairs and fence that are proposed on its property.
- G Preliminary geotechnical engineering report

*\* Full size drawings accompany the submittal. Reduced drawings are not to scale.*

**Chapter 15.230 & 15.235  
PROPERTY LINE ADJUSTMENT (PLA) &  
PRELIMINARY PARTITION PLAT (PPP)**

**(City of Newberg Development Code - NDC)**

**Request: Property line adjustment and Preliminary Partition Plat.**

**Response:** *The applicant requests approval for (A) a property line adjustment between Partition 2004-24 parcels 2 & 3 and (B) a preliminary partition plat of Partition 2004-24 parcel 3 into two parcels and a tract.*

**PLA & PPP Parcel recent prior history: Partition 2004-24 parcels 2 & 3.**

**Response:** *Partition 2004-24 parcels 2 & 3 were created via a replat of parcel 3 of partition plat 2002-44. Parcel 1 of partition plat 2002-44 has since been subdivided into the Oaks at Springbrook phase 3 and 4 subdivisions. Partition 2004-24 parcel 2 was dedicated as White Oak Park and then deeded to Chehelem Park & Recreation District for almost no cost. The dedication was to preserve the natural oak tree grove and provide one of the planned parks for the Springbrook Oak specific plan area residents. Partition 2004-24 parcel 3 became the remainder parcel that resides on both sides of Hayes Street and the west fork of Springbrook Creek.*

**Pre-application meeting & completed application form requirement.**

**Response:** *A pre-application meeting with the City of Newberg was completed on March 7<sup>th</sup>, 2012. The completed application forms and their associated fees for the all of the requested land use actions are enclosed by attachment.*

**15.230.020.B.1 PLA: No new lot creation or nonconforming conditions.**

**Response:** *This property line adjustment requests to modify the property line between two existing parcels (tax lots 3216 02016 & 3216 02017) into two adjusted parcels therefore the PLA does not create additional lots, tracts or parcels. The PLA doesn't substantially change the size or shape of the two parcels. The existing parcel 2 & 3 are adjusted from the existing 1.90 & 10.72 to 1.94 & 10.68 acres respectively. The west and south sides of parcel 2 are adjusted with the corresponding parcel 3 property line to allow an apartment building to sit parallel with the land contours, ease the ability to meet code setback requirements and in the applicant's opinion make better use of the land. The PLA will not create any code substandard conditions such as non-conforming shaped parcels, vehicle and utility service access restrictions and/or a street or interior setback problem.*

**SITE INFO****Partition request site information**

**Response:** *The applicant requests approval for a preliminary partition plat (PPP) on the adjusted (10.68 acres) Parcel 3 of Partition Plat 2004-24. The proposed partition will divide the parcel into two parcels and one tract. (Parcel 3a (apartment site) = 3.65 acres, Parcel 3b = 4.66 acres and Tract A (stream corridor) = 2.37 acres) The adjusted parcel 3 proposed to be partitioned is located east of N. Springbrook Road, south of Fred Meyer store & White Oak Park, northwest of Oaks at Springbrook ph. 3, and west of Oak Hollow Drive. The existing parcel is split zoned with R-P/SP and C-2/SP on the east and west side of West Springbrook Creek respectively. The topography of the site is gently sloping down to west to east and east to west on the west and east sides of West Springbrook Creek respectively. The parcel is vacant, covered with grass & stream corridor brush and has public utility services stubbed to it. Frontage roads Hayes Street, Oak Hollow Drive/Burl Street & N. Springbrook Road are currently substantially improved and adequate utilities and vehicle access capacity to serve the new parcels at their full development.*

**15.235.040 Partition requirements – Type II.**

**Response:** *The proposed PPP benefits the reasonable development of the parcels by removing the existing split zoning, isolates & protects the non-buildable stream corridor into a tract and retains all the existing vehicle and utility service access for the two new parcels. The new parcels meet the minimum a) depth/width ratio, b) R-P and C-2 zoned lot areas and c) street frontage requirements required within the NDC & SOS. Vehicle access will be from the frontage streets and the utilities are already stubbed to each parcel and no new street plan is proposed. Parcel 1 (R-P/SP zoned) improvements will be completed via the accompanying site development design review process. No public or private utility or access (street, alley or private driveway) construction improvements are planned for the new parcel 2 (C-2/SP zoned) until a design review application for it is submitted. Tract 'A' construction improvements are already complete. There are few, if any, known public improvements needing to be constructed until each of the new parcels are ready to be fully developed. The applicant will enter into a performance agreement, substantially construct the improvements and/or post security in a form acceptable to the City to insure completion of all required public improvements prior to final plat approval.*

**15.235.190 Dedications**

**Response:** *All existing and future planned street rights-of-way areas associated with this partition have already been dedicated via previous partition plats. No additional need for rights-of-way dedication is currently known.*

**15.235.200 & 210 Lot & parcel side lines and suitability for intended use.**

**Response:** *The new parcel & tract side property lines, as far as practical, orient perpendicular to their planned street frontages. The parcels retain their most exterior property lines and the new internal lines follow the stream corridor survey meets and bounds alignments. Except for new parcel 2, the parcels and tract are likely to stay the same size through complete development. Parcel 3's future development layout is not known at this time. The new parcels are of a size and zoning that can be suitably developed into the allowed uses within their current zoning without being detrimental to anyone's health, safety or sanitary needs.*

## Chapter 15.210 CODE ADJUSTMENT

### 15.210.020. C Dimensional standards & minimum number of off-street parking spaces.

**Response:** *The applicant requests that the planning director allow the reduction of the required off-street parking spaces ratio to apartment unit count ratio to 1.46 (123/84) from the code required 1.7. [(84 x 1.5 + 84 x 20%)=143/84] The rationale for allowing the reduced ratio are 1) the site is immediately adjacent to the mass transit stop, retail stores, restaurants, business and bank services within the Springbrook (Fred Meyer) shopping complex, 2) additional storage is available within the development, 3) within a couple of blocks to public parks, 4) a hospital, dog kennel, golf course and many other services are within one mile and 5) the application proposes to modify Hayes Street striping so that a total of eighteen on-street parallel parking spaces is made available along the site's Hayes Street & Oak Hollow Drive street frontage. The combined off & on-street parking would provide a 1.68 (141/84) parking space/unit ratio (code = 1.7) parking spaces per apartment unit proposed. The code adjustment request is less than 25%.*

## Chapter 15.220 TYPE II DESIGN REVIEW

### 15.220.020 Site design review applicability.

**Response:** *It was determined from the development code and within the pre-application meeting that this development's design review application would require a Type II application process. The application will respond to the Springbrook Oaks Specific Plan (SOSP) and PUD-7-04/ADJ-134-04 development standards criteria in a later section. The applicant will provide the detailed information and construct the development as specified in NMC 15.220.030(B). The Applicant understands that if this design review application is approved, the approval is valid for one year from date of the notice of final decision and can be extended & modified by request and application respectively.*

### 15.220.030.B Type II Site design review requirements.

**Response:** *The Applicant has provided the applicable detailed information required for the type II site design review requirements within the enclosed code criteria responses, exhibit drawings and appendix sections of this application or will be provide them in a subsequent application. (signs) The applicant requests a deferral for the traffic study requirement and has provided a traffic engineer's capacity analysis update to the existing SOSP transportation impact analysis instead. (See Appendix 'C')*

### 15.220.050.B Criteria for design review (Type II process).

**Response:** **1) Design compatibility:** Buildings - *The proposed site and building design incorporates the general feel and direction of the adjoining neighborhoods. There are seven total buildings planned for the site ranging from the larger three story building to the smaller two story building. Each building is articulated in a way to reduce the overall massing of the facades from all sides. Additionally, each building will incorporate two different types of siding material as well as using earth tone colors to further aid in breaking up each building mass. The low slope shed style roof with large overhangs also reduces the building massing from the street as well as providing additional shading to the interior spaces, which helps reduce overall energy costs. Landscaping: Landscaping design is equal or superior to adjacent properties and other apartment sites within Newberg. **2) Parking & on-site circulation:** *Additional and more detailed responses to parking and circulation code criteria can be found later in this application as part of criteria response for section 15.440.010. The site plan exhibit best presents the proposed parking circulation and access/egress to the site. The circulation doesn't use the public streets for circulation and are specifically located across from other streets and/or away from other street connections to minimize impacts other street functions. This application requests that the Planning Director allow A) a modification for frontage parallel parking along the Hayes Street, B) two exceptions to code criteria for access on to Hayes Street & Oak Hollow Drive and C) a code adjustment for minimum number of off-street parking spaces. The rationales for**

these requests are explained at the applicable codes sections. **3) Setbacks & general requirements:** The site plan and building elevations show that these setback and general requirement criteria have been met. Additional and more detailed responses to setbacks and general requirements criteria can be found later in this application as part of criteria response for section 15.415.010 through 15.415.060, 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070. **4) Landscaping requirements:** The preliminary landscaping plans indicate the proposed landscaping for the site and have been prepared with the intention to meet the City's criteria. The response to landscaping requirements criteria can be found later in this application as part of criteria response for section 15.420.010. **5) Signs:** The response to signage will be addressed in a subsequent application. **6) No manufactured homes, mobile homes and RV parking are proposed.** **7) The proposed multi-family apartments are out right uses allowed within the R-3/SP zoning.** **8) The property is not located within a sub district.** **9) No alternative circulation is proposed as a part of this application.** **10) The development has completed all the related public street improvements (other than frontage sidewalk & street trees) that were required in the SOSP development's traffic study. Please find the traffic engineer's SOSP transportation impact analysis update letter in Appendix C.**

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

**Response: A. Site design elements:** **1) Consolidate green Space (3/3 pts)** - Onsite green space has been consolidated into corridors, transition areas and along the stream corridor to increase pedestrian visual impacts and functional utility to allow transitions between structures. The specific plan also had already had dedicated the adjacent White Oak Park to meet this desired criteria. **2) Preserve existing natural features (3/3 pts)** - The site improvements stay out of the nearby stream corridor of the west fork of Springbrook Creek. **3) Street Edge (3/3 pts)** - The buildings along Hayes Street have been oriented to provide the shallow front yard by abutting tight to the 15 foot minimum setback requirement within the SOSP. **4) Parking behind or to the side (3/3 pts)** - The parking lots have been placed behind and to the sides of the buildings. **5) Outdoor rooms (2/2 pts)** - The buildings have been grouped to preserve the White Oak Park, West Springbrook Creek stream corridor and wider green space along primary pedestrian corridors. **6) Distinctive character landscaping (2/2 pts)** - The landscaping has been design to blend with the distinctive character of the SOSP. **7) Landscape parking lot edges (2/2 pts)** - Landscaping is being provided in linear landscape strips along the fronts of all parking spaces and between the parking lot (s) and public streets. **8) Frontage landscaping (2/2 pts)** - An eight foot planter strip, street trees, shrubs and a low rail-style fence are being provided along the Hayes Street frontage to soften site visual impacts and provide shade. **9) Site furnishings (1/1 pt)** - Benches have been placed in key locations within the pedestrian corridors and a White Oak Park view location. **10) Neighborly fences (1/1 pt)** - The four foot tall or less post and rail style fence is proposed to be constructed along the Hayes Street frontage with similar material type as found across Hayes Street. A slatted six foot chain link black vinyl fence is proposed at the top of the slope at the border of the Fred Meyer property to provide a sound attenuation and to control

pedestrians to the stairs and paths. **11) Entry accents (1/1 pt)** – The entry from Hayes Street and Oak Hollow Drive has been accented on both sides with landscaping. **12) Outdoor lighting (1/1 pt)** – The lighting plan (s) show the night-time safety and security lighting provided for the parking lots and pedestrian paths. **B. Building design elements:** **1) Orient building main entries toward the street (1/3 pts)** – Seven of the 84 apartment units have their front entries directly facing a public street. Also, the apartment doors on the buildings adjacent to Hayes Street that are under the covered stair entry corridor have direct access to Hayes Street. **2) Respect nearby building scale & pattern (3/3 pts)** – The buildings are two and three story buildings similar to the townhomes to the east, single family homes across Hayes Street and the height of the nearby Fred Meyer store. Exterior materials will be similar to adjacent buildings. **3) Break up building planes (3/3 pts)** – The proposed building planes are staggered approximately every 22 feet (<50 feet). **4) Repeated unit variations (1/3)** – The design mixes three different standard unit layouts and will vary building colors to provide a break between different buildings with same or similar unit types and façades. **5) Preferred building materials (2/5)** – Buildings will be a combination of Hardi-lap and Hardi-panel siding. **6) Historical architectural elements (0/2 pts)** – No historical architectural elements are proposed. **7) Buffer car shelters (2/2 pts)** – No separate car shelters proposed and the carports are internal & non-street facing. **8) Front porches at each main entry (1/2 pts)** – See response within building design element 1) above. **9) Sloped roofs (0/2 pts)** – Roofs are proposed to be single sloped shed roof at less than a 3/12 pitch. **The 37+ point total exceeds the minimum of 20 points for the proposed 84 unit apartment development therefore the criteria has been met.**

### Chapter 15.310 RP/SP DISTRICT

#### 15.310.020 Permitted buildings and uses.

**Response:** The application proposes to develop multi-family dwellings (apartments) within the current zoning of RP/SP which is a permitted use.

### Chapter 15.405 BUILDING AND SITE DESIGN STANDARDS

#### 15.405.010 Lot area per dwelling unit. B.1 RP district:

**Response:** The application proposes to develop seven apartment buildings that contain a total of 84 units within a 3.65 acre (159,140 sf) site which equates to 2.64 units/5,000 sf and exceeds the criteria minimum of 1.0.

**15.405.030 Lot dimensions & frontage.**

**Response:** *The site development has a depth to width ratio of 0.9 (< 2) and has over 660 lineal feet of frontage (> 50 feet).*

**15.405.040 Lot & parking coverage.**

**Response:** *The proposed lot coverage for the apartment buildings is  $(43,819/159,140) = 27.5\%$  (< 50% max), the parking coverage is  $(39,250/159,140) = 24.7\%$  (< 30% max) and the combined lot & parking coverage is 52.2%. (< 60% max.)*

### Chapter 15.410 YARD SETBACK REQUIREMENTS

**15.410.010 General yard regulations.**

**Response:** *All proposed yard setbacks within this application pertain to only this project and will not be used for private or public parking areas or assessor buildings.*

**15.410.020 Front yard setbacks.**

**Response:** *The application proposes a 15 foot front yard minimum setback (> 12 foot) per the SOSA residential setback development area B requirements.*

**15.410.030 Interior yard setbacks.**

**Response:** *The application proposes a minimum eight foot interior yard setback which complies with the City's code and the SOSA setback requirements.*

**15.410.050 Planned rights-of-way setbacks.**

**Response:** *All City of Newberg required frontage public street rights-of-way have previously been dedicated.*

**15.410.060 Vision Clearance setbacks.**

**Response:** *No structure or other visual obstructions are proposed within the 50 foot public street/street and 25 foot drive/street intersection clear vision triangle restricted areas.*

**15.410.070 Yard setback intrusions.**

**Response:** *The application proposes permitted yard intrusions of a four foot or shorter post & rail style fence (along Hayes Street) and various service drives & building eaves that project within the yard setback. The application also proposes a six foot slatted black vinyl chain link fence at the top of the slope adjacent and within the Fred Meyers store property for sound buffering and pedestrian control. The proposed stairs, fence and landscaping proposed within the Fred Meyers property has been tentatively approved by Fred Meyer (See Appendix 'F').*

**Chapter 15.415  
BUILDING AND SITE DESIGN STANDARDS**

**15.415.020 Building height limitation.**

**Response:** *This application shall address building height limitations within the later responses to the SOSA Appendix 'C' standards criteria.*

**15.415.040 Public access required.**

**Response:** *The development has direct public street access and no building is being proposed to be served by a private street.*

**Chapter 15.420  
LANDSCAPING & OUTDOOR AREAS**

**15.420.010 Required minimum standards.**

**Response:** *All of the proposed apartment units include an open air private patio or deck (approx. 6' x 4') and the application proposes to allocate the remaining required area for the required ground level units in the form of a delineated and dedicated private area (33 units x approx. 24 sf = 800 sf) within the community garden. The application proposes 41% (65,193/159,140) of the lot area to be landscaped which exceeds the 30% SOSA standards criteria and is more than double the NDC landscaping criteria. The project also has the adjacent White Oak Park and stream corridor to provide greenscape buffering. The parking areas will be landscaped with continuous five foot minimum landscape strips and all areas not otherwise improve will be landscaped. The parking areas shall have no less than 25 square feet of landscaping per parking space and are not located near a public street. The parking area landscape strip (s) includes trees not exceeding 50 feet on center and shrubs, ground cover or lawn. The apartment site doesn't abut a residential area. The trees along the collector streets will be spaced approximately 35 to 40 feet on center and be 1 ½ to 1 ¾ caliper in size. Trees, shrubs & ground cover sizes and spacing will be as required in the code and irrigation will be*

*provided (unless the planning director allows flexibility on irrigation). Landscaping will be installed prior to occupancy issuance unless adequate security is provided to the City.*

**15.420.020 Public rights-of-way landscaping.**

**Response:** *Landscaping within the public rights-of-way shall include trees, grass and irrigation along Hayes Street and Oak Hollow Drive. The street trees are proposed to meet the type, size and spacing requirements within the code criteria. The application proposes to increase the standard cross slope within a short section of the Hayes Street planter strip up to 5:1 to enable ADA access to one or two apartment building entrances to the public sidewalk. An 'L' shaped bench with some surrounding shrubs is proposed just west of the Hayes Street entrance for those wanting to sit and view the stream corridor while walking along Hayes Street. Hayes Street and Oak Hollow Drive already have the pedestrian lighting required. All landscaping planting are proposed to be arranged to avoid obstructing the vision triangle sight lines.*

**Chapter 15.425  
EXTERIOR LIGHTING**

**15.425.020 Applicability & exceptions.**

**Response:** *The application required lighting information is provided in the preliminary site lighting and photometrics plan.*

**15.425.040 Requirements.**

**Response:** *The application proposes to install high-level light fixtures within the larger parking area for security and safety. Other low-level lighting attached to the apartment buildings will provide lighting to the other pedestrian and vehicle corridors. The lights shall be fully shielded and their light shall not trespass property lines with an excess of one-half foot-candle.*

**Chapter 15.430  
UNDERGROUND UTILITY INSTALLATION**

**15.430.010 Underground utility installation.**

**Response:** *The applicant proposes that all utilities be installed underground.*

**Chapter 15.435  
SIGNS**

**Response:** *The applicant will address these criterions in a subsequent application.*

**Chapter 15.440**  
**OFF-STREET PARKING, BICYCLES PARKING AND PRIVATE WALKWAYS**

**ARTICLE I.**  
**Parking Requirements**

**15.440.020 Required parking.**

**Response:** *The application proposes the parking to reside within the on-site parking lots, the ground floor building parking and along the street frontages which are all within 400 feet of the site.*

**15.440.020 Parking area and service drive design.**

**Response:** *The response to the proposed private parking areas and parking spaces criteria can be found later in this application as part of criteria response for section 15.440.070. The two way access driveways are proposed to be more than 20 foot in width.*

**15.440.030 Parking spaces required.**

**Response:** *The code specifies the vehicle parking requirement to be 1.5 parking spaces for each two bedroom apartment plus 20% of total apartment count for visitor parking. (84 units x 1.5 + 84 units \* 20% =143 spaces). The application proposes 100 parking spaces within the parking lot areas and 23 internal building carport spaces for total of 123 off-street parking spaces. The application via a code adjustment has requested that the planning director allow the reduced number of off-street parking spaces. The rationale is supplied in code criteria responses for 15.210.020.C.*

**15.440.060 Parking area and service drive improvements.**

**Response:** *All proposed parking areas and service drives include asphalt or portland cement concrete paving and are graded so that nearly all storm water runoff will not drain over the public sidewalk or onto adjacent properties. The parking areas will have curbs to restrict encroachment into public or private property. The parking lot areas & service drives will be screened in accordance with NMC 15.420.010(B). The parking lot lighting will be arranged or shielded to orient light within the site and away from adjacent residential districts. The service drives and parking spaces shall comply with NMC 15.440.070. No parking is proposed within the required front yard areas. The application proposes 40 compact parking spaces which is 28% (40/141) of all parking spaces proposed. The applicant is not proposing any affordable housing.*

**15.440.070 Parking tables and diagrams.**

**Response:** *The applicant proposes to meet the required dimensions of the proposed new parking areas and will mark stalls clearly. No parking stalls are oriented so that entering or leaving will require backing over a property line.*

**15.440.080 Off-street loading.**

**Response:** *No off-street loading berths are proposed since the apartment development will not receive and distribute materials and merchandise by trucks.*

**Article II.  
Bicycle Parking****15.440.100 Facility & design requirements.**

**Response:** *The application proposes to provide at least one bicycle parking rack which accommodates two bike spaces for four apartment units in accordance to the code requirements. The bicycle racks will be provided per the code criteria within the center corridor sections of the buildings where they will be dry, secure and accessible.*

**Article III.  
Private Walkways****15.440.140 Private walkway location & design.**

**Response:** *The application proposes to meet applicable building code and the Americans with Disabilities Act (ADA) requirements, be constructed with Portland cement concrete & four foot in width, clearly mark all service drive pedestrian crossings and connect each pedestrian building entrance with the public street sidewalks. The application also proposes to connect to the existing sidewalk stubs within the White Oak Park. An off-site connection from the north side of the site to the adjacent Fred Meyer store eastern N-S sidewalk is proposed via a stairway and a service drive crossing. Appendix 'F' encloses the tentative approval documents of the new connection with Fred Meyers.*

## Chapter 15.505 STREET & TRANSPORTATION IMPROVEMENTS DESIGN STANDARDS

### 15.505.020 – .060 Layout of streets, alleys, bikeway and walkways.

**Response:** *The application does not propose any new streets, alleys or bikeways. The applicant proposes to modify the striping on the north side of the 46' wide curb face to curb face major collector Hayes Street to allow parking along the frontage of the site. The applicant requests a modification by the planning director to allow (15.505.060.B – D) a striping pattern on the north side of the street of a 7' wide parking lane, a 5' wide bike lane and an 11' travel lane to the 23' street centerline and crown. This would provide an additional 14 parking spaces for the site which holds the requested combined parking code adjustment to 98.6% (141/143) of NDC criteria and allows for higher use of the over-wide Hayes Street road section. Five foot sidewalks, planter strips and street trees will be installed along the frontage prior to occupancy. The applicant is proposing an eight foot wide planter strip width with a portion having a 5:1 slope and a partial pedestrian easement to provide a larger pedestrian buffer from the parked cars, wider planter for tree long term health and to meet ADA access needs to all the Hayes Street frontage ground floor units. No slope easements will be needed for the street sidewalks.*

### 15.505.200 Vehicular access standards.

**Response:** **15.505.200.B – Access:** *The application proposes two accesses to public streets. The primary access to the major collector Hayes Street that will connect directly across from Oak Leaf Street and is 342 (>200') feet from the nearest intersecting cross street. The secondary access connects to local Oak Hollow Drive with a minimum intersection spacing to other access and intersecting streets of 80 feet which exceeds the minimums of 75 & 50 feet for local streets respectively. The code has a footnote (4) that requires the intersection street spacing minimum be based on the higher of the classification of the intersection street (Hayes – major collector) therefore the spacing needs to be 100 feet. This will be addressed in the response within 15.505.200.C & H. **15.505.200.C – Properties with multiple frontages:** *The code requires that properties with multiple street frontages are required to access via the street of lower classification. This will be addressed in responses to 15.505.200.C & H. **15.505.200.H – Planning Director Exceptions: (1)** *The applicant requests an exception to the non-compliance issue of the proposed secondary site driveway access separation from a major collector street intersection determined within the criteria response for 15.505.200.B for the following reasons: 1) the proposed separation is only 20% below the required 100 foot separation and complies with both a local street and minor collector separation; 2) The existing bend in Oak Hollow Drive/Oak Grove Drive and an access driveway to the White Oak Park parcel creates a physical and parcel configuration constraint that needs to be balanced with the separation with the major collector separation, 3) Hayes Street was originally to be developed as a minor collector in the SOSOP and 4) elimination of this access would significantly reduce the level of service (residence & fire/life/safety) to***

*the eastern buildings and lower functional circulation on the site than this access allows. (2) The applicant requests an exception to the non-compliance issue of the proposed primary driveway access to the major collector Hayes Street determined within the response for 15.505.200.C instead of onto the local Oak Hollow Drive with the following reasons: 1) the proposal locates the major collector access in the preferred position directly across from the existing local Oak Leaf Street; 2) The separation between the next intersection of Oak Hollow Drive is 3.4 times the minimum for a major collector, 3) Hayes Street was originally to be developed as a minor collector in the SOSA and 4) the existing physical and parcel configuration limitations and access spacing issues mentioned in requested planning director exception (1) above regarding access off Oak Hollow Drive makes the preferred primary access at the proposed location on the major collector Hayes Street.*

**15.505.210 Sidewalks.**

**Response:** Responses for sidewalks will be provided later within section 15.510.030.

**15.505.220 Public walkways.**

**Response:** *The application proposes to connect to the NW end of the White Oak Park concrete path and connect to the sites internal paths as well as the sidewalk along the west side of Fred Meyer. The connection to the Fred Meyer sidewalk will require a stairway and a service drive crossing. This application proposes to construct and maintain this concrete path connection within a site 15 foot wide public pedestrian access easement, be not less than five foot in width and shall be designed as far as practical to meet the ADA. The connection is less than 250 feet in length so no lighting is proposed except the light provided by the existing lights within the Fred Meyer parking lot and any lighting on the apartment buildings that do not require a variance for light encroachment trespass.*

## DEVELOPMENT POLICIES – Appendix A

### (Springbrook Oaks Specific Plan - SOSP)

#### General policies – Bullet #4.

**Response:** *The application doesn't completely meet all of the standards established SOSP Appendix D therefore the application will be processed through the City of Newberg Type II process.*

#### Transportation (Bicycles & Pedestrians)

**Response:** *The application proposes an off-street pedestrian and a public street bicycle lane connection to Fred Meyer and surrounding services.*

#### Transportation (Motorized Vehicles)

**Response:** *The application doesn't propose any new streets and all street connections and their various traffic improvements within the SOSP have been completed.*

#### Building Design and Development Standards (Residential)

**Response:** *The applicant proposes to orient the building so that most of their door entries have a direct sidewalk connection to the public street sidewalk. A mix of different building types are used as encouraged within the SOSP. A significant grade separation, a six foot black vinyl chain link fence and landscaping is proposed to create a visual and sound buffer with the Fred Meyer property.*

#### Building Design and Development Standards (Density)

**Response:** *The application proposes a total of 84 apartment units in seven buildings within a 3.65 acre site area (1,895 sf / unit) which meets the minimum 1,500 sf/unit criterion but it doesn't meet the maximum density of 21.8 units per acre requirement. The applicant requests that the additional four units of density to meet this requirement be transferred from the stream corridor tract immediately east of the site that is allowed within SOSP standards section 10.44.318.8.B.*

#### Building Design and Development Standards (Utilities)

**Response:** *The site has all necessary public sanitary sewer, water and storm sewer utility services provided along its Hayes Street frontage. These utility services includes an eight inch sanitary stub, an eight inch water stub (connected to a 24" transmission main) and a 21 inch storm sewer main that flows into a regionally sized storm detention/ water quality pond facility adjacent to the stream corridor.*

**Appendix B  
(Springbrook Oaks Specific Plan - SOSP)**

**10.44.318 The Springbrook Oaks Specific Plan.**

**Response:** *The application meets the fifteen foot front dwelling setback and the City’s eight foot interior setback. The building front walls have been designed to stagger as required within the SOSP. A preference has been given towards the selection of the Oak species of street trees to maintain the character of the development’s namesake. The application proposes a total of 84 apartment units in seven buildings within a 3.65 acre site area (1,895 sf / unit) which meets the minimum 1,500 sf/unit criterion but it doesn’t meet the maximum density of 21.8 units per acre requirement. The applicant requests that the additional four units of density to meet this requirement be transferred from the stream corridor tract immediately east of the site that is allowed within SOSP standards section 10.44.318.8.B.*

**SOSP Appendix C – design standards compliance not required**

**H. – Building Height.**

**Response:** *The applicant proposes that none of the apartment buildings exceed the 35 foot maximum height to the mid-point of the roof.*

**PUD-07-04 / ADJ-131-04  
(Springbrook Oaks Specific Plan - SOSP)**

**COA III.A. – General Development Plan Refinement.**

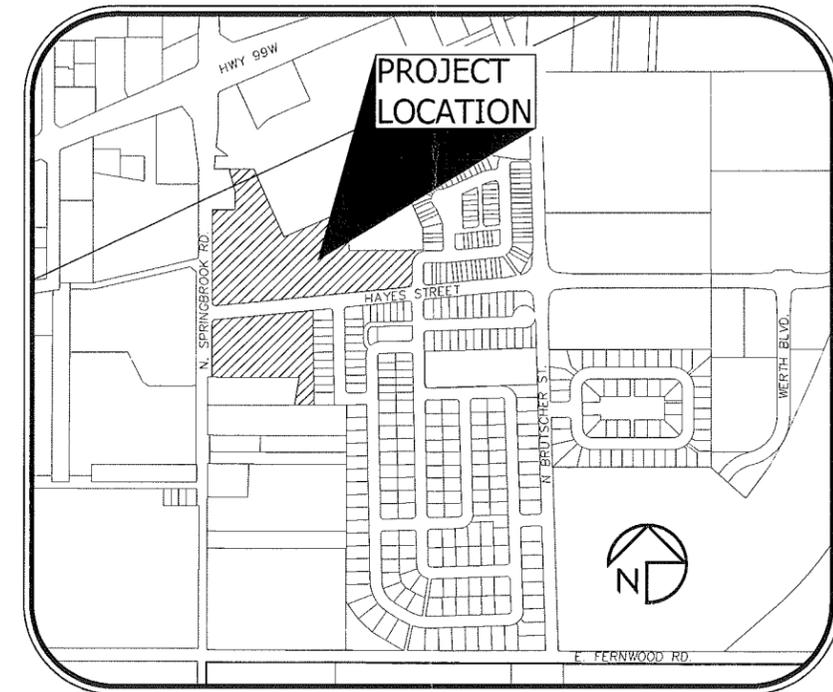
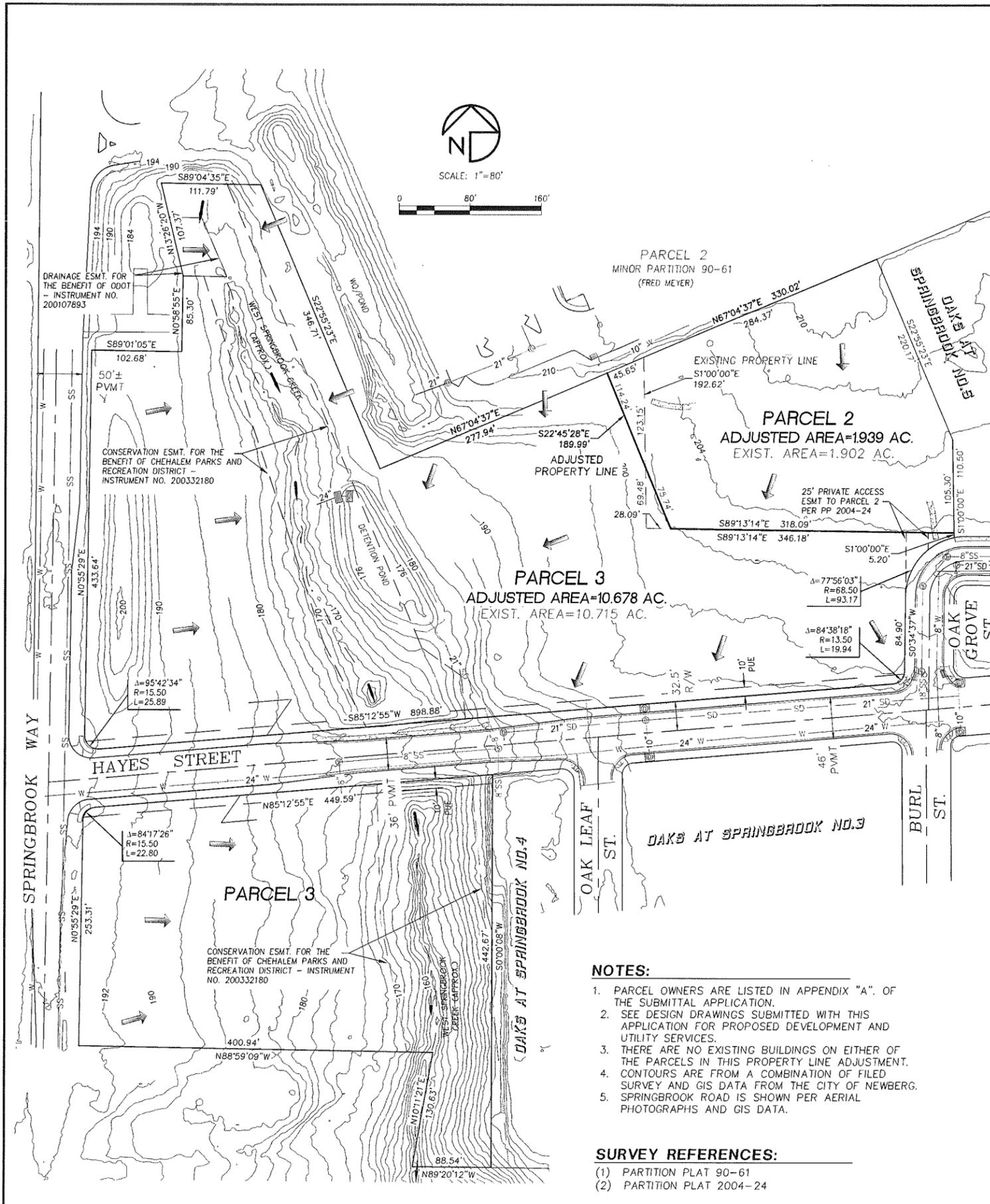
**Response:** *The application provides the connections to the south and west sides of the White Oak Park path and a 25 foot wide access easement is provided from Oak Grove Drive/Burl Street.*

**COA XIII.A. – General development standards for individual lots.**

**Response:** *The multi-family apartment buildings have been spaced apart more than the minimum 20’ separation.*

## TENTATIVE PROPERTY LINE ADJUSTMENT FOR THE WERTH FAMILY LLC

A PROPERTY LINE ADJUSTMENT BETWEEN PARCELS 2 AND 3 OF PARTITION PLAT 2004-24 LOCATED IN THE SEBASTIAN BRUTSCHER DLC NO. 51 LYING IN THE SW QUARTER OF SECTION 16 AND THE NW QUARTER OF SECTION 21 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN CITY OF NEWBERG, YAMHILL COUNTY, OREGON



**SITE MAP**  
SCALE: 1"=500'

**PROPERTY DESCRIPTION:**

PARCEL 3 OF PARTITION PLAT 2004-24 TAX LOT 1017 (YAMHILL COUNTY TAX MAP 3S 2W 16) LOCATED IN THE SOUTHWEST CORNER OF SECTION 16 AND THE NORTHWEST CORNER OF SECTION 21 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 16, 1987  
THEODORE G. LAMBERT  
2294

RENEWS: 12-31-2012

**The Saunders Company Inc.**



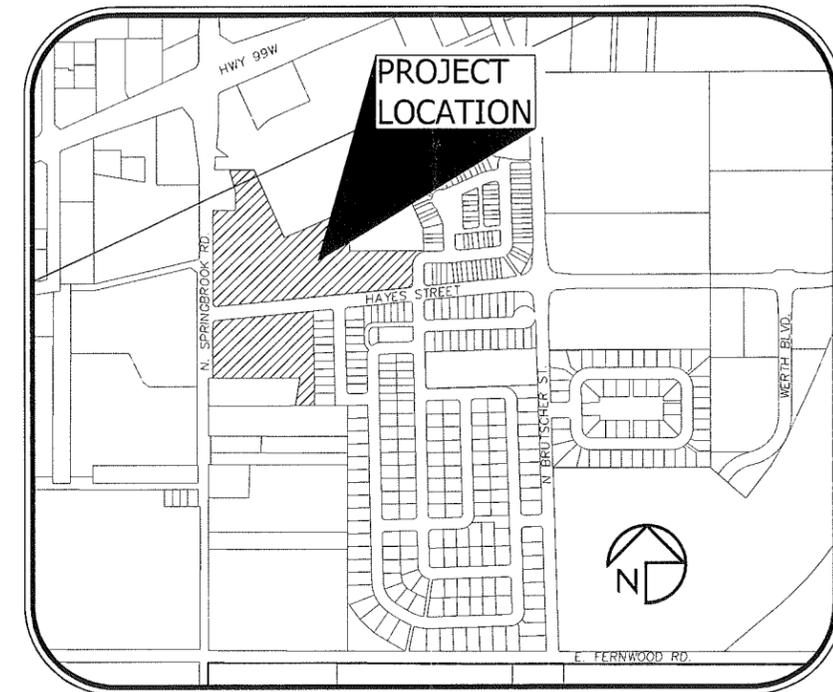
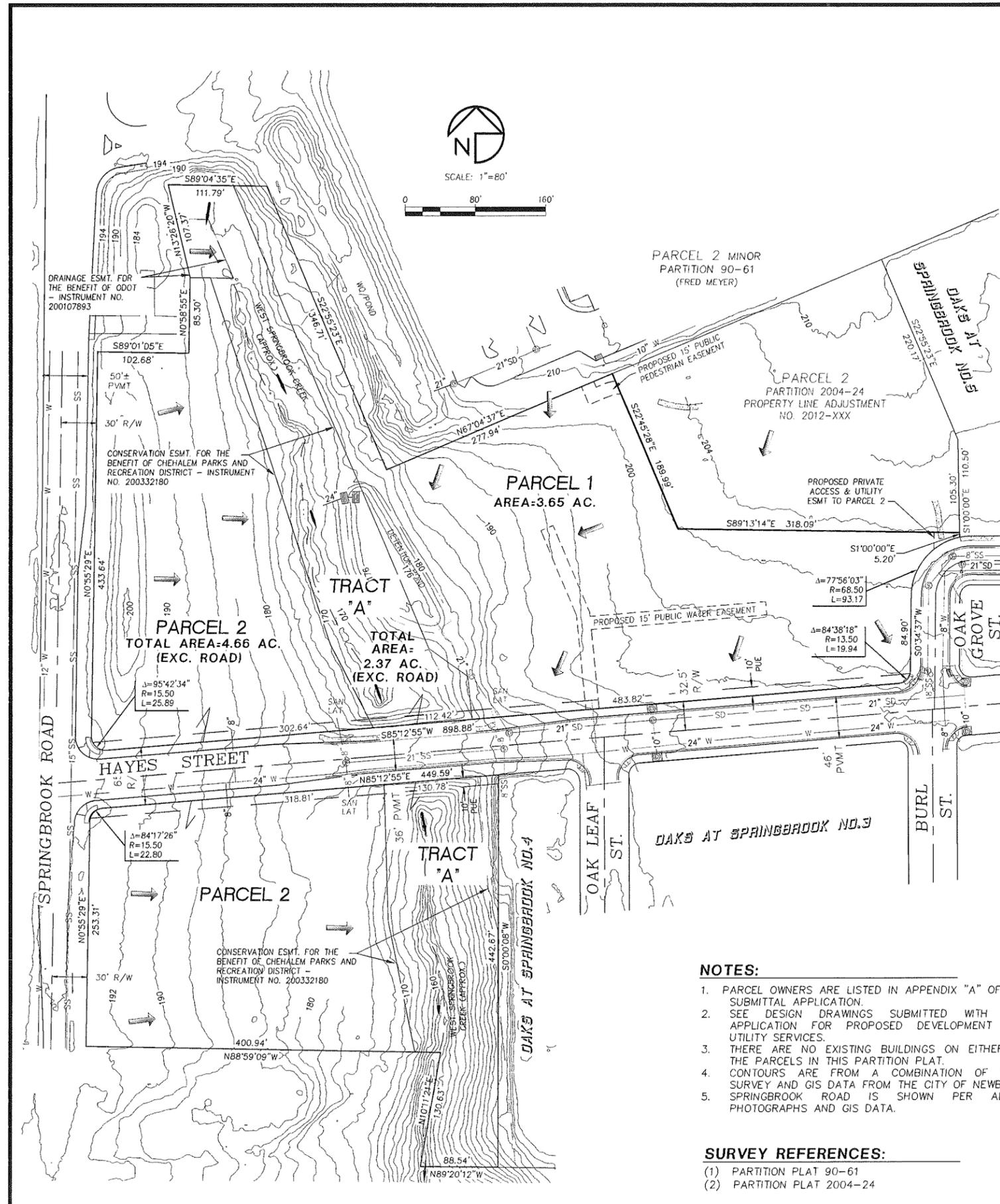
ENGINEERING - SURVEYING  
DESIGN BUILD SERVICES

901 N. BRUTSCHER ST., SUITE #202  
NEWBERG, OREGON 97132  
TEL: 503-537-9347 FAX: 503-534-9107  
WWW.THESAUNDERSCOMPANY.NET

BY: TGL	DATE: 04/11/12	JOB NO. 8345
FILE: 8345-PLA-LUA	SCALE: AS NOTED	SHEET: 1 OF 1

## TENTATIVE PARTITION PLAT FOR THE WERTH FAMILY LLC

A PARTITION PLAT OF PARCEL 3 OF PARTITION PLAT 2004-24 LOCATED IN THE SEBASTIAN BRUTSCHER DLC NO. 51 LYING IN THE SW QUARTER OF SECTION 16 AND THE NW QUARTER OF SECTION 21 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN CITY OF NEWBERG, YAMHILL COUNTY, OREGON



**SITE MAP**  
SCALE: 1"=500'

**PROPERTY DESCRIPTION:**

PARCEL 3 OF PARTITION PLAT 2004-24 TAX LOT 2017 (YAMHILL COUNTY TAX MAP 3S 2W 16) LOCATED IN THE SOUTHWEST CORNER OF SECTION 16 AND THE NORTHWEST CORNER OF SECTION 21 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON

**NOTES:**

1. PARCEL OWNERS ARE LISTED IN APPENDIX "A" OF THE SUBMITTAL APPLICATION.
2. SEE DESIGN DRAWINGS SUBMITTED WITH THIS APPLICATION FOR PROPOSED DEVELOPMENT AND UTILITY SERVICES.
3. THERE ARE NO EXISTING BUILDINGS ON EITHER OF THE PARCELS IN THIS PARTITION PLAT.
4. CONTOURS ARE FROM A COMBINATION OF FIELD SURVEY AND GIS DATA FROM THE CITY OF NEWBERG.
5. SPRINGBROOK ROAD IS SHOWN PER AERIAL PHOTOGRAPHS AND GIS DATA.

**SURVEY REFERENCES:**

- (1) PARTITION PLAT 90-61
- (2) PARTITION PLAT 2004-24

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 16, 1987  
THEODORE G. LAMBERT  
2284

RENEWS: 12-31-2012

**The Saunders Company Inc.**

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DESIGN BUILD SERVICES

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BY: TGL	DATE: 04/11/12	JOB NO. 8345	
FILE: 8345-PP-LUA	SCALE: AS NOTED	SHEET: 1 OF 1	



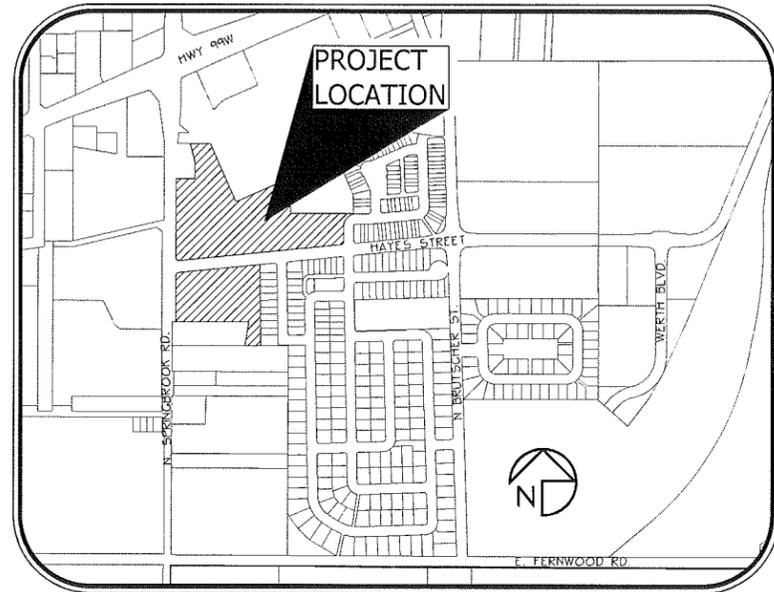
DESIGN GROUP  
P.O. Box 536  
Dundee, Oregon 97115  
Phone: 503-537-9347  
Fax: 503-554-9107

THE SAUNDERS COMPANY

# Werth Family LLC

## Oak Grove Apartments

Hayes Street & Oak Grove Street  
Newberg, Oregon



SITE MAP

SCALE: 1"=500'

### PROJECT TEAM

#### DEVELOPER

WERTH FAMILY LLC  
33180 NE HAUGEN RD  
NEWBERG, OR 97132  
C/O MJG DEVELOPMENT  
CONTACT: MIKE GOUGLER  
PH: 503.810.5576

#### CIVIL DESIGN/BUILD CONTRACTOR

THE SAUNDERS COMPANY, INC.  
901 N. BRUTSCHER, SUITE 202  
NEWBERG, OR 97140  
ENGINEERING CONTACT: CHUCK GREGORY, P.E. (EXT-201)  
SURVEY CONTACT: TED LAMBERT, P.L.S., P.E. (EXT-203)  
PHONE: 503.537.9347  
FAX: 503.554.9107  
PROJECT MANAGER + PLANNING CONTACT: JOE SCHIEWE (EXT-202)  
CONSTRUCTION CONTACT: CLAIR MOORE (EXT-208)  
PHONE: 503.537.9950  
FAX: 503.537.9952

#### ARCHITECT

SCOTT EDWARDS ARCHITECTURE  
2525 E. BURNSIDE STREET  
PORTLAND, OR 97214  
CONTACT: BRIAN MARES, LEED AP  
PH: 503.226.3617  
FAX: 503.226.3715

#### GEOTECHNICAL ENGINEER

GEOFACIFIC ENGINEERING INC.  
14835 SW 72ND AVE.  
PORTLAND OR 97224  
CONTACT: JIM IMBRIE, PE  
PHONE: 503.598.8445  
FAX: 503.941.9281

#### SITE LIGHTING DESIGNER

NORTHSTAR ELECTRICAL CONTRACTORS  
19450 SW OPOLE RD # 107  
TUALATIN, OR 97062-7111  
CONTACT: KEN MURPHY  
PHONE: 503.612.0840  
FAX: 503.612.0891

#### LANDSCAPE DESIGNER

TRADEMARK LANDSCAPES, INC.  
PO BOX 2410  
OREGON CITY, OR 97045  
CONTACT: STEVE ELLIS  
PHONE: (503) 631-3893  
FAX: (503) 631-4737

### UTILITY CONTACTS

#### WATER/SEWER/STORM

CITY OF NEWBERG PUBLIC WORKS  
414 E. FIRST ST.  
NEWBERG OR 97132  
PHONE: 503.538.9421

#### TELEPHONE

FRONTIER  
4155 SW CEDAR HILLS BLVD  
BEAVERTON, OR 97005-2016  
CONTACT: DAVID ANTHONY  
PHONE: 503.641.2004  
EMAIL: DAVID.D.ANTHONY@STR.COM

#### POWER

PORTLAND GENERAL ELECTRIC  
9480 SW BOECKMAN RD.  
WILSONVILLE, OR 97070  
CONTACT: JR AGUILAR  
PHONE: 503.463.4325  
FAX:

#### GAS

NORTHWEST NATURAL  
19200 SW TETON AVE.  
TUALATIN OR 97062  
CONTACT: BOB KELLER  
PHONE: 503.816.0299  
EMAIL: RMK@NWNATURAL.COM

#### CABLE TELEVISION

COMCAST  
4025 NIMBUS LOOP  
MCMINNVILLE, OR 97128  
CONTACT: MIKE ALLEN  
PHONE: 541.230.0219  
EMAIL: MICHAEL.ALLEN@CABLE.COMCAST.COM

### PROPERTY DESCRIPTION:

PARCEL 3 OF PARTITION PLAT 2004-24 (PRIOR TO P.L.A. + PARTITION)  
TAX LOT 2017 (YAMHILL COUNTY TAX MAP 35 2W 1G)  
LOCATED IN THE SOUTHWEST CORNER OF SECTION 16 AND THE NORTHWEST CORNER OF SECTION 21 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON

### BENCHMARK DATA:

THE ELEVATIONS OF THE OAK GROVE APARTMENT TOPOGRAPHY IS ON NGVD 1929 VERTICAL DATUM BASED ON HOLDING YAMHILL COUNTY BENCHMARK STATION 170 BEING A BRASS DISC IN MONUMENT BOX MARKING A 30-FOOT OFFSET TO THE NORTHERLY NORTHWEST CORNER OF THE MCKERN DLC NO. 56, LOCATED AT THE INTERSECTION OF SPRINGBROOK ROAD AND SECOND STREET (FERNWOOD DRIVE). PUBLISHED BM ELEVATION=176.296 USF (53.735 METERS).

SHEET INDEX	
#	Title
C5	Cover Sheet
C1.0	Site Analysis Diagram
C1.2	Site Development Plan - West
C1.2	Site Development Plan - East
C2.1	Preliminary Grading Plan - West
C2.2	Preliminary Grading Plan - East
C3.1	Preliminary Utility Plan - West
C3.2	Preliminary Utility Plan - East
A2.1	Floor Plans Buildings 1, 2 + 7
A2.2	Floor Plans Buildings 3-5, + 6
A4.1	Exterior Elevations - Buildings 1-3 + 6
A4.2	Exterior Elevations - Buildings 5 + 7
EL1	Preliminary Lighting + Photometric Plan
L1.1	Preliminary Landscaping Plan

A DESIGN-BUILD PROJECT FOR:

**Werth Family LLC**

33180 NE Haugen Rd  
Newberg, Oregon 97132

**Oak Grove Apts.**

Parcel 3 Partition Plat 2004-24  
Hayes St. & Oak Grove St.  
Newberg OR 97132

DESIGN REVIEW SET

REV	DATE	SUMMARY

Project #: 8345 Drawn:

COVER SHEET

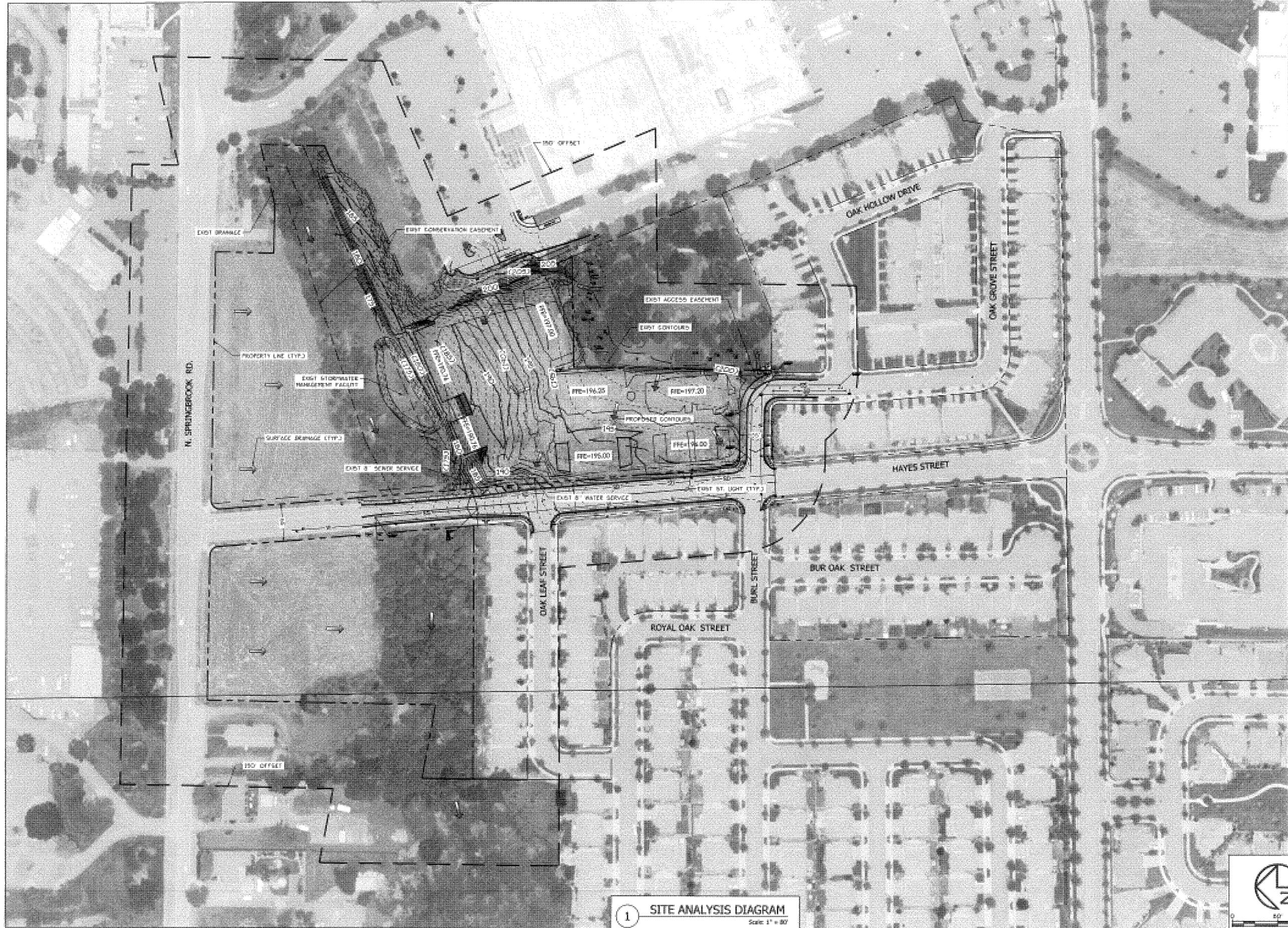
Date: April 16, 2012



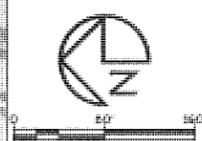


**DESIGN GROUP**  
 P.O. Box 536  
 Dundee, Oregon 97115  
 Phone: 503-537-9347  
 Fax: 503-554-9107

THE SAUNDERS COMPANY



**1 SITE ANALYSIS DIAGRAM**  
 Scale: 1" = 80'



A DESIGN-BUILD PROJECT FOR:

**Werth Family LLC**

33180 NE Haugen Rd  
 Newberg, Oregon 97132

**Oak Grove Apts.**  
 Parcel 3 Partition Plat 2004-24  
 Hayes St, & Oak Grove St.  
 Newberg OR 97132

DESIGN REVIEW SET

REV	DATE	SUMMARY

Project #: 8345 Drawn:  
**SITE ANALYSIS DIAGRAM**

Date: April 16, 2012

**C1.0**

\\work\hard\projects\8345\ENGINEERING\101\101\_SIT\_ANALYSIS.dwg, 4/16/12 1:38:22 PM, The Saunders Company



DESIGN GROUP  
 P.O. Box 536  
 Dundee, Oregon 97115  
 Phone: 503-537-9347  
 Fax: 503-554-9107

THE SAUNDERS COMPANY

A DESIGN-BUILD PROJECT FOR:

**Werth Family LLC**

33180 NE Haugen Rd  
 Newberg, Oregon 97132

**Oak Grove Apts.**  
 Parcel 3 Partition Plat 2004-24  
 Hayes St, & Oak Grove St.  
 Newberg OR 97132

DESIGN REVIEW SET

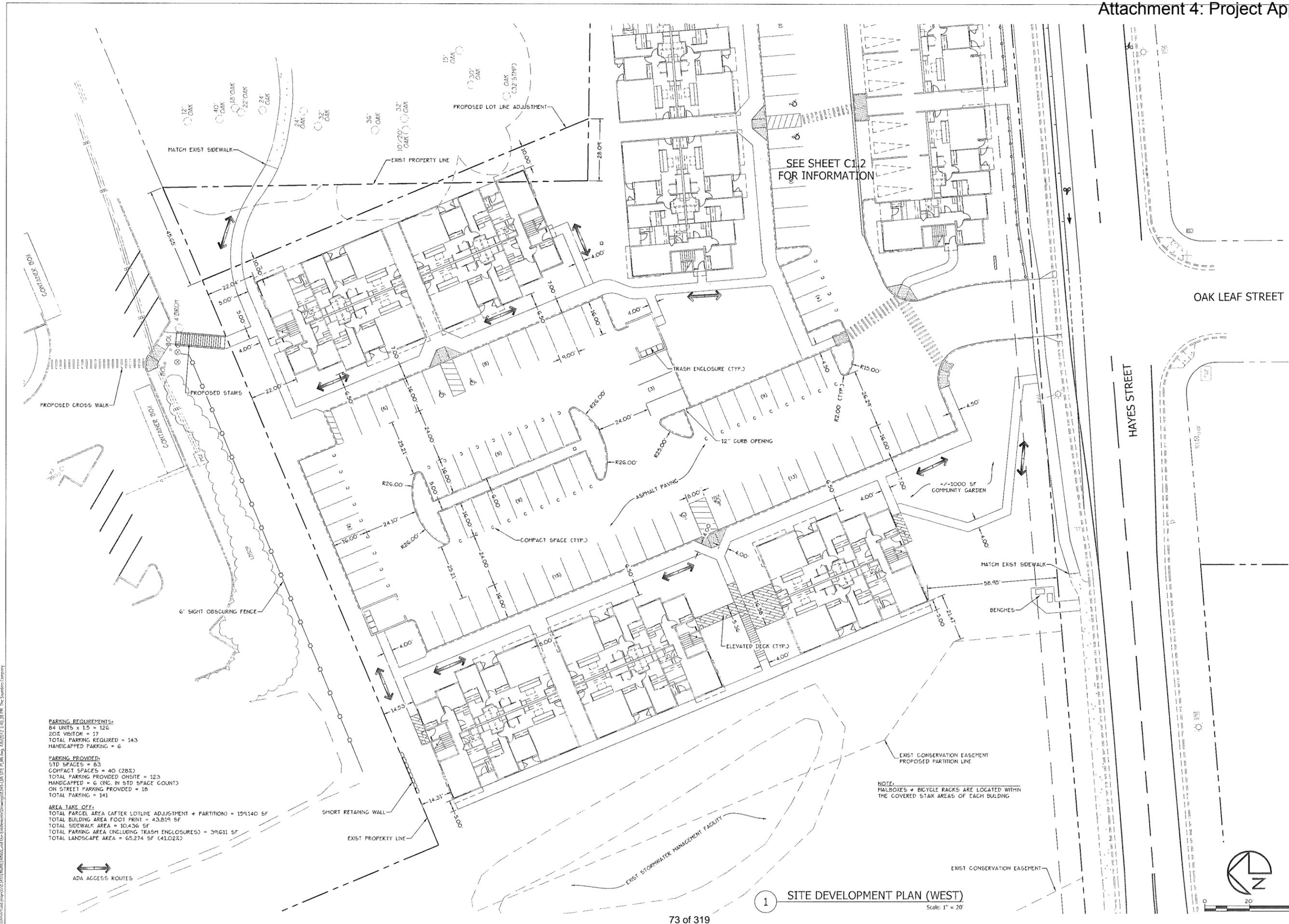
REV	DATE	SUMMARY

Project #: 8345 Drawn:

PRELIMINARY  
 SITE DEVELOPMENT  
 PLAN  
 WEST

Date: April 16, 2012

C1.1



1 SITE DEVELOPMENT PLAN (WEST)  
 Scale: 1" = 20'

W:\projects\8345\8345-01\8345-01.dwg, 5/16/2012 2:40:38 PM, The Saunders Company



DESIGN GROUP  
 P.O. Box 536  
 Dundee, Oregon 97115  
 Phone: 503-537-9347  
 Fax: 503-554-9107

THE SAUNDERS COMPANY

A DESIGN-BUILD PROJECT FOR:

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33180 NE Haugen Rd  
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**Oak Grove Apts.**  
 Parcel 3 Partition Plat 2004-24  
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DESIGN REVIEW SET

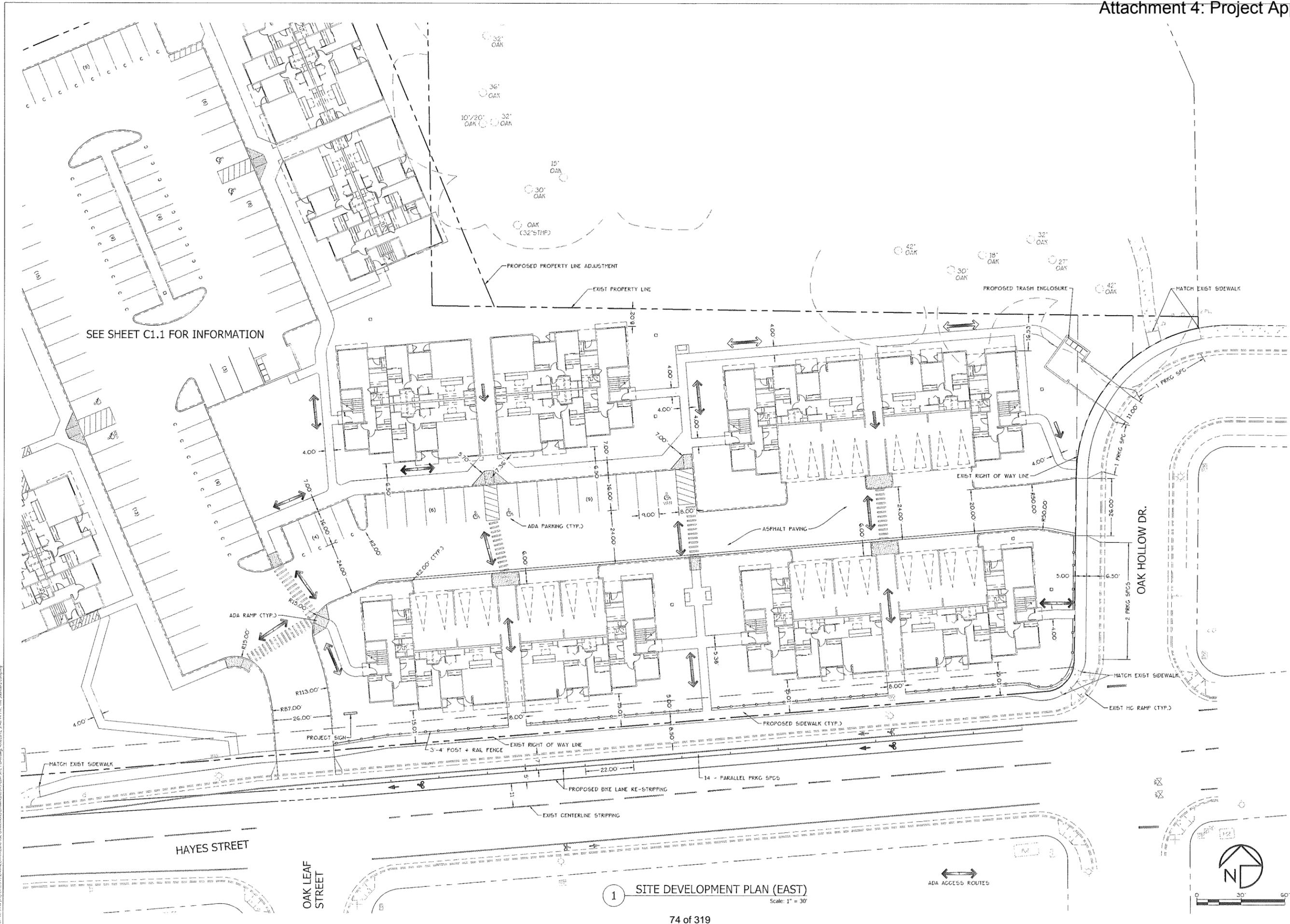
REV	DATE	SUMMARY

Project #: 8345 Drawn:

PRELIMINARY  
 SITE DEVELOPMENT  
 PLAN  
 EAST

Date: April 16, 2012

**C1.2**



**1 SITE DEVELOPMENT PLAN (EAST)**  
 Scale: 1" = 30'

V:\work\land\proj\1345\ER\01\01\Use\_Embellments\Drawings\8345-LIA\_Site\_Plan.dwg - 4/16/2012 3:40:14 PM, The Saunders Company

SEE SHEET C1.1 FOR INFORMATION



DESIGN GROUP  
 P.O. Box 536  
 Dundee, Oregon 97115  
 Phone: 503-537-9347  
 Fax: 503-554-9107

THE SAUNDERS COMPANY

A DESIGN-BUILD PROJECT FOR:

**Werth Family LLC**

33180 NE Haugen Rd  
 Newberg, Oregon 97132

**Oak Grove Apts.**  
 Parcel 3 Partition Plat 2004-24  
 Hayes St. & Oak Grove St.  
 Newberg OR 97132

DESIGN REVIEW SET

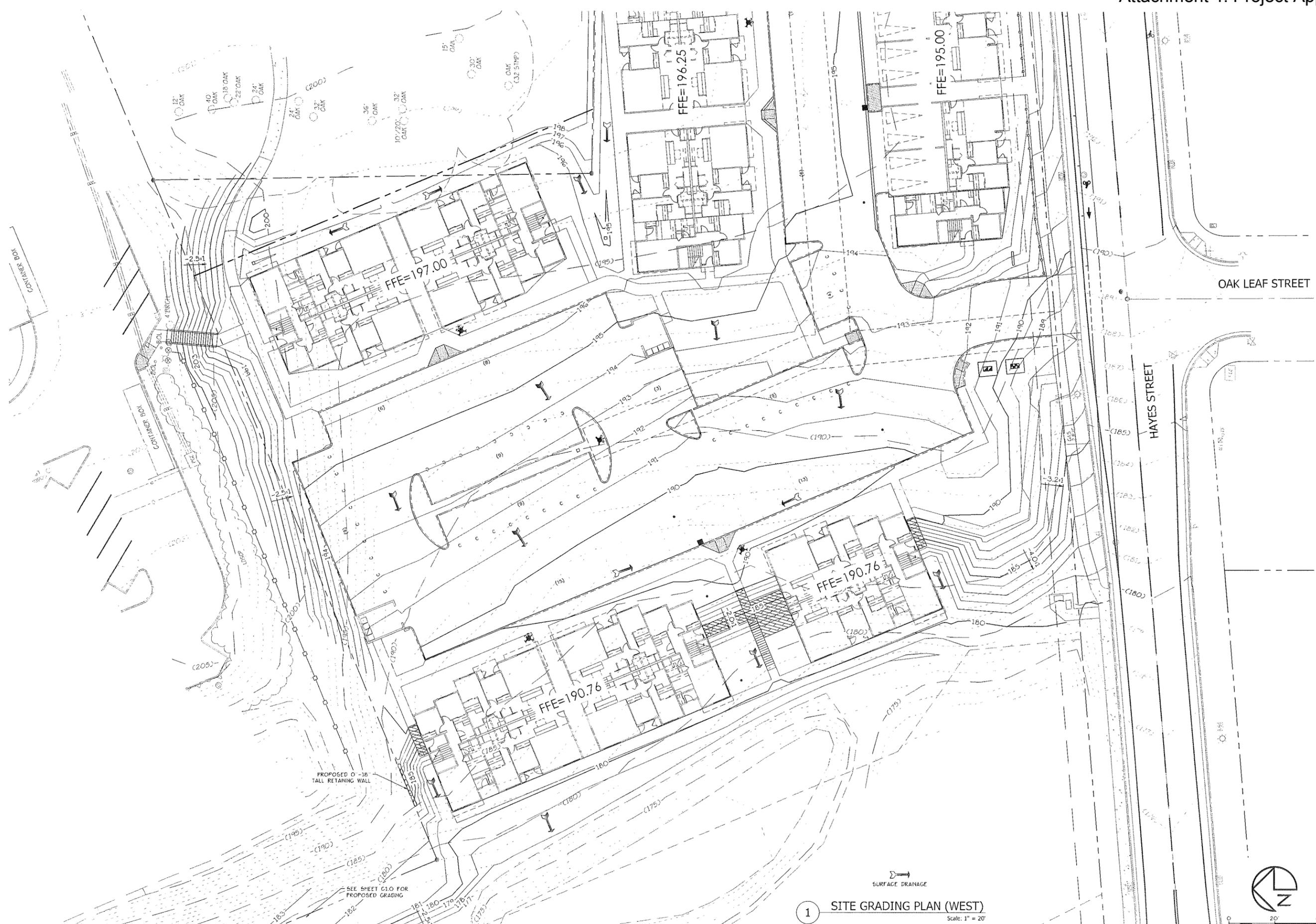
REV	DATE	SUMMARY

Project #: 8345 Drawn:

PRELIMINARY  
 GRADING PLAN  
 WEST

Date: April 16, 2012

C2.1



1 SITE GRADING PLAN (WEST)  
 Scale: 1" = 20'

View/Print Project: S:\15\NEWBERG\NO and the Environment\Drawings\SL\SL11\_09\DWG\_Ans\_4812012\_2-02-12.dwg, 4/16/2012 2:40:52 PM, The Saunders Company



DESIGN GROUP  
 P.O. Box 536  
 Dundee, Oregon 97115  
 Phone: 503-537-9347  
 Fax: 503-554-9107

THE SAUNDERS COMPANY

A DESIGN-BUILD PROJECT FOR:

**Werth Family LLC**

33180 NE Haugen Rd  
 Newberg, Oregon 97132

**Oak Grove Apts.**  
 Parcel 3 Partition Plat 2004-24  
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DESIGN REVIEW SET

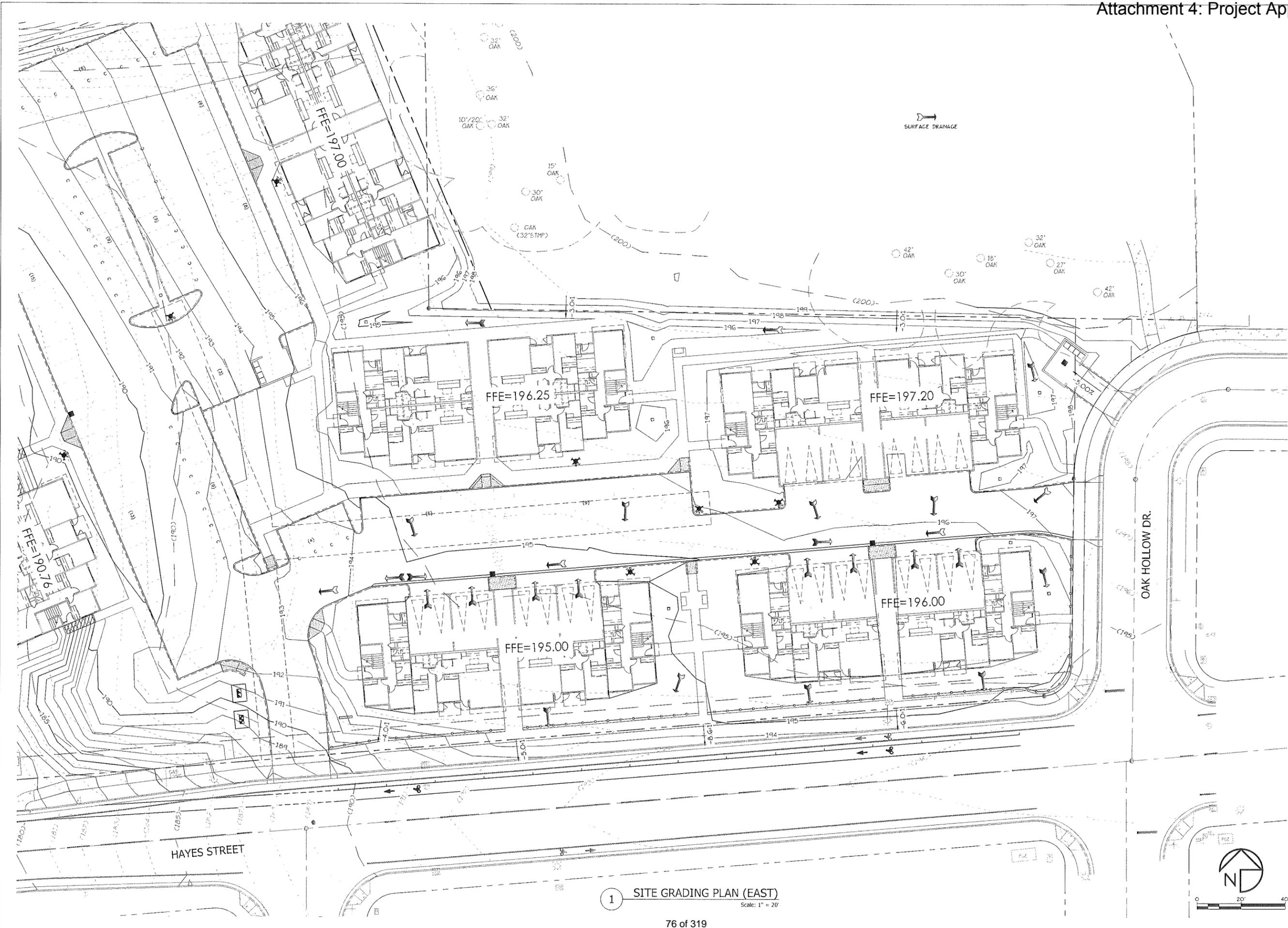
REV	DATE	SUMMARY

Project #: 8345 Drawn:

PRELIMINARY  
 GRADING PLAN  
 EAST

Date: April 16, 2012

C2.2



1 SITE GRADING PLAN (EAST)  
 Scale: 1" = 20'

Worked hard to get this information together for you. If you have any questions, please call me at 503-537-9347. I will be happy to help.





DESIGN GROUP  
 P.O. Box 536  
 Dundee, Oregon 97115  
 Phone: 503-537-9347  
 Fax: 503-554-9107

THE SAUNDERS COMPANY

A DESIGN-BUILD PROJECT FOR:

**Werth Family LLC**

33180 NE Haugen Rd  
 Newberg, Oregon 97132

**Oak Grove Apts.**  
 Parcel 3 Partition Plat 2004-24  
 Hayes St, & Oak Grove St.  
 Newberg OR 97132

DESIGN REVIEW SET

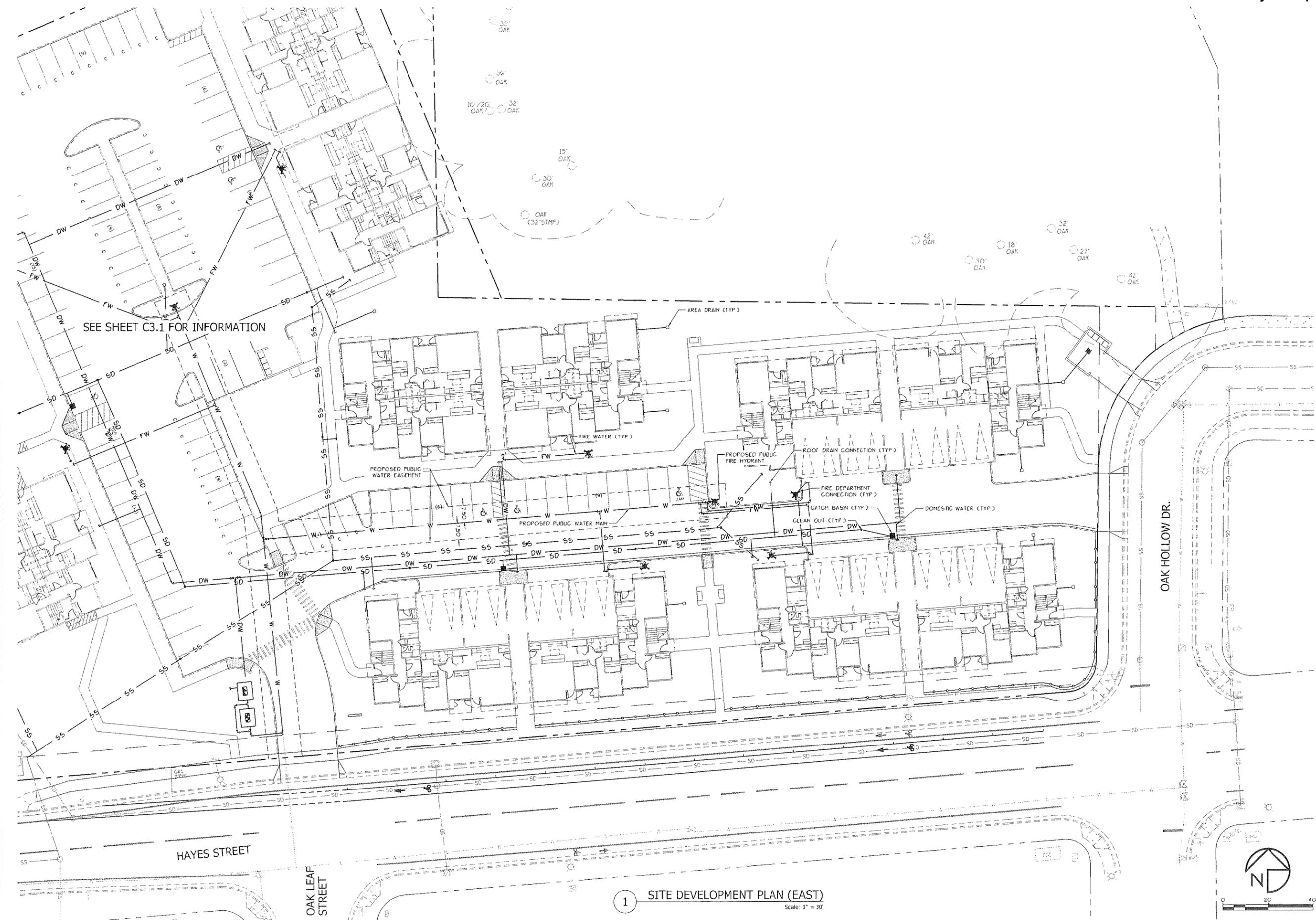
REV	DATE	SUMMARY

Project #: 8345 Drawn:

PRELIMINARY  
 UTILITY PLAN  
 EAST

Date: April 16, 2012

**C3.2**



**SYMBOL LEGEND:**

SYMBOL	DESCRIPTION
⊕	DOOR TAG - SEE DOOR TYPES ON DOOR SCHEDULE SHEET
#	KEYNOTE TAG - SEE KEYNOTE LEGEND ON THIS SHEET
⊕	INTERIOR ELEVATION TAG
↔	WALL SECTION FLAG

**KEY NOTES:**

SYMBOL	DESCRIPTION
①	BIKE PARKING (LONG TERM BIKE PARKING PROVIDED UNDER EACH EXTERIOR STAIR) BIKE RACK. MODEL # CPBR 2-F-P BY CREATIVE PIPE INC., PORTLAND OREGON
②	PROVIDE 27" HIGH CANE DETECTION RAILING WHERE HEAD HEIGHT IS LESS THAN 80" A.F.P.

**GENERAL NOTES:**

- 1.) ALL GENERAL DIMENSIONS ARE TAKEN FROM F.O. STUD OR COLUMN C U.N.O.
- 2.) ALL GRIDLINES SHOWN ARE F.O. STUD U.N.O.
- 3.) IF NO DIMENSION IS SHOWN FOR A PARTICULAR WINDOW TYPE, SEE WINDOW SCHEDULE ON SHEET A8.1. WINDOW TAGS ARE SHOWN ON THE BUILDING PLANS, SHEETS A2.1, A2.2 & A2.3
- 4.) SEE DOOR SCHEDULE FOR DOOR TYPES AND INSTALLATION DETAILS, SHEET A8.1
- 5.) ALL GROUND FLOOR UNITS TO BE "ADAPTABLE" AS DEFINED BY THE AMERICANS WITH DISABILITIES ACT
- 6.) PROVIDE BLOCKING AT ALL FIRST FLOOR TOILET ROOMS FOR GRAB BARS. SEE INTERIOR ELEVATIONS ON SHEETS A7.1, A7.1 & A7.3 FOR LOCATIONS.
- 7.) 1 HR FIRE-RATED WALL AND FLOOR/CEILING ASSEMBLIES REQUIRED BETWEEN UNITS. SEE SHEET A6.1 FOR ASSEMBLY TYPES
- 8.)  SHADED AREAS INDICATE EXTENT OF VINYL FINISH FLOOR.

A DESIGN-BUILD PROJECT FOR:

**Werth Family LLC**

33180 NE Haugen RD.  
Newberg, OR 97132

**Oak Grove Apartments**  
parcel 3 partition plat 2004-24

Hayes St, & Oak Grove St.  
Newberg OR 97132

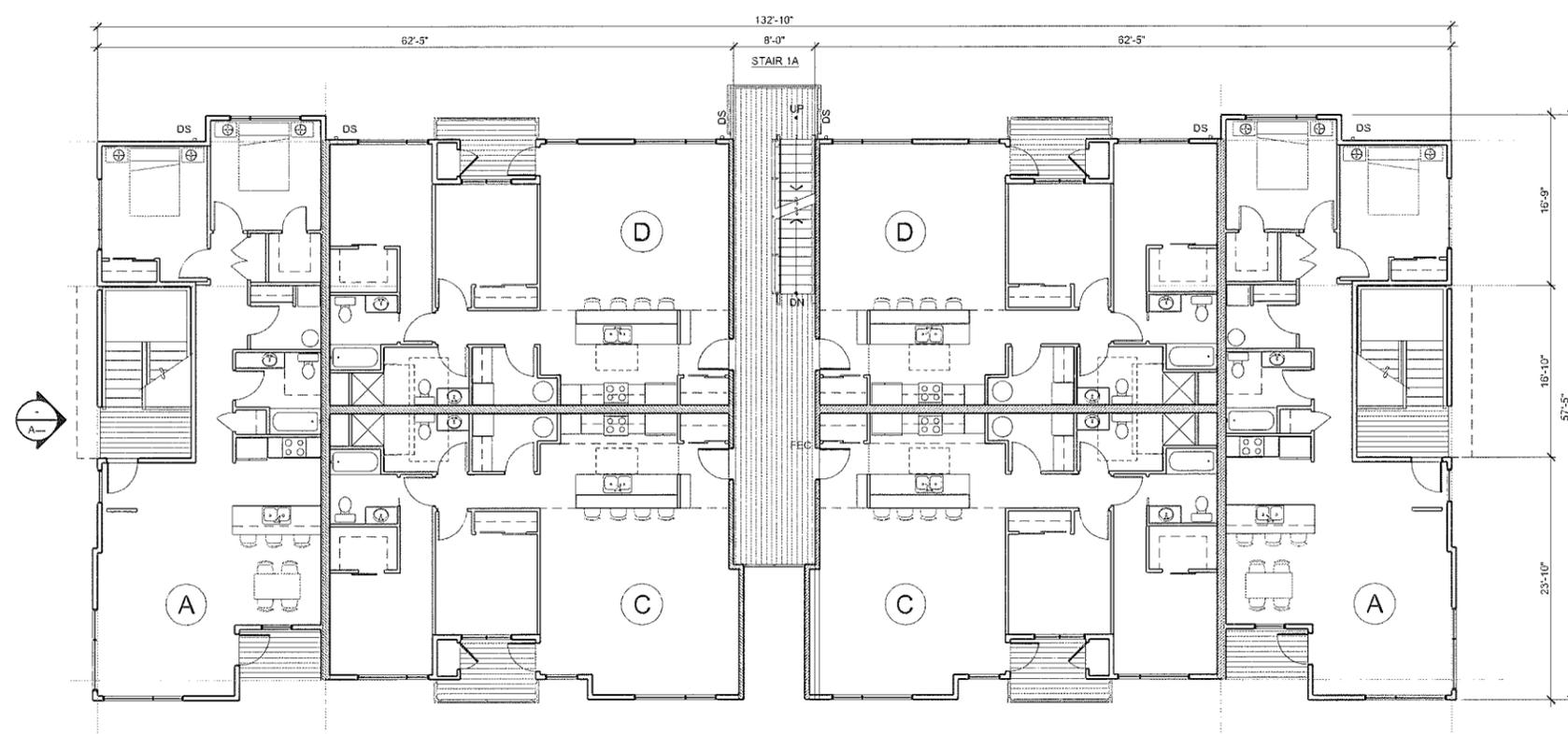
REV. DATE	SUMMARY

Project #: \_\_\_\_\_  
FLOOR PLANS - BUILDINGS 1, 2 and 7

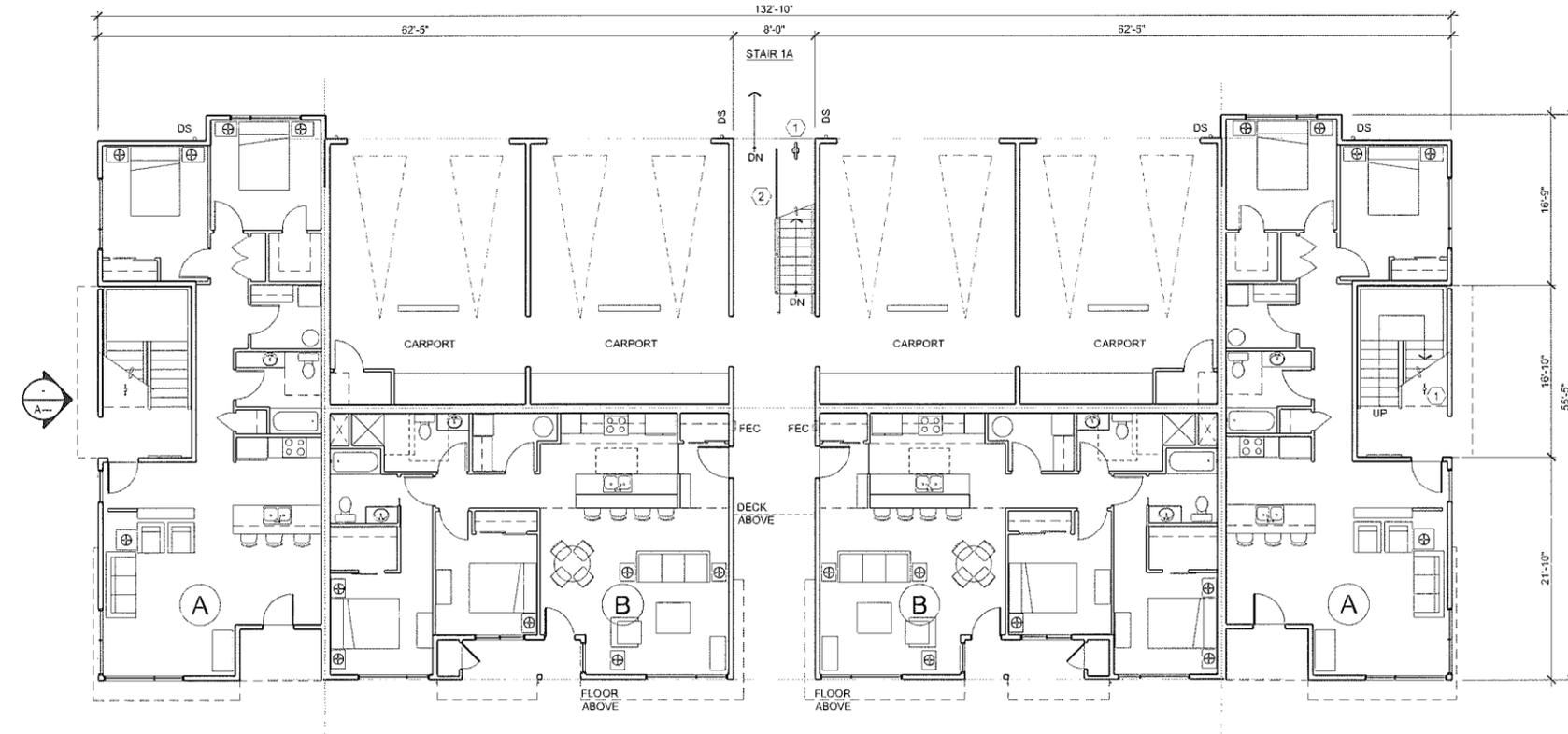
Date: April 16, 2012

**A2.1**

DESIGN REVIEW SET



**2 SECOND / THIRD FLOOR PLAN** SECOND FLOOR: BUILDINGS 1,2,4,5,6 AND 7  
THIRD FLOOR: BUILDINGS 5 AND 7  
1/8" = 1'-0"



**1 FIRST FLOOR PLAN** BUILDINGS 1, 2 AND 7  
1/8" = 1'-0"

**SYMBOL LEGEND:**

SYMBOL	DESCRIPTION
Ⓝ	DOOR TAG - SEE DOOR TYPES ON DOOR SCHEDULE SHEET
Ⓚ	KEYNOTE TAG - SEE KEYNOTE LEGEND ON THIS SHEET
Ⓜ	INTERIOR ELEVATION TAG
Ⓦ	WALL SECTION FLAG

**KEY NOTES:**

SYMBOL	DESCRIPTION
①	BIKE PARKING (LONG TERM BIKE PARKING PROVIDED UNDER EACH EXTERIOR STAIR)
	BIKE RACK, MODEL # CPBR 2-F-P BY CREATIVE PIPE INC., PORTLAND OREGON
②	PROVIDE 27" HIGH CANE DETECTION RAILING WHERE HEAD HEIGHT IS LESS THAN 60" A.F.P.

**GENERAL NOTES:**

- 1.) ALL GENERAL DIMENSIONS ARE TAKEN FROM F.O. STUD OR COLUMN C U.N.O.
- 2.) ALL GRIDLINES SHOWN ARE F.O. STUD U.N.O.
- 3.) IF NO DIMENSION IS SHOWN FOR A PARTICULAR WINDOW TYPE, SEE WINDOW SCHEDULE ON SHEET A8.1. WINDOW TAGS ARE SHOWN ON THE BUILDING PLANS, SHEETS A2.1, A2.2 & A2.3
- 4.) SEE DOOR SCHEDULE FOR DOOR TYPES AND INSTALLATION DETAILS, SHEET A8.1
- 5.) ALL GROUND FLOOR UNITS TO BE "ADAPTABLE" AS DEFINED BY THE AMERICANS WITH DISABILITIES ACT
- 6.) PROVIDE BLOCKING AT ALL FIRST FLOOR TOILET ROOMS FOR GRAB BARS SEE INTERIOR ELEVATIONS ON SHEETS A7.1, A7.1 & A7.3 FOR LOCATIONS.
- 7.) 1 HR FIRE-RATED WALL AND FLOOR/CEILING ASSEMBLIES REQUIRED BETWEEN UNITS. SEE SHEET A8.1 FOR ASSEMBLY TYPES
- 8.)  SHADED AREAS INDICATE EXTENT OF VINYL FINISH FLOOR.

**scott edwards**  
architecture  
2325 East Burnside St  
Portland, OR 97214  
503.226.3817 phone  
503.226.3715 fax  
seap.com

A DESIGN-BUILD PROJECT FOR:  
**Werth Family LLC**  
33180 NE Haugen RD.  
Newberg, OR 97132

**Oak Grove Apartments**  
parcel 3 partition plat 2004-24  
Hayes St, & Oak Grove St.  
Newberg OR 97132

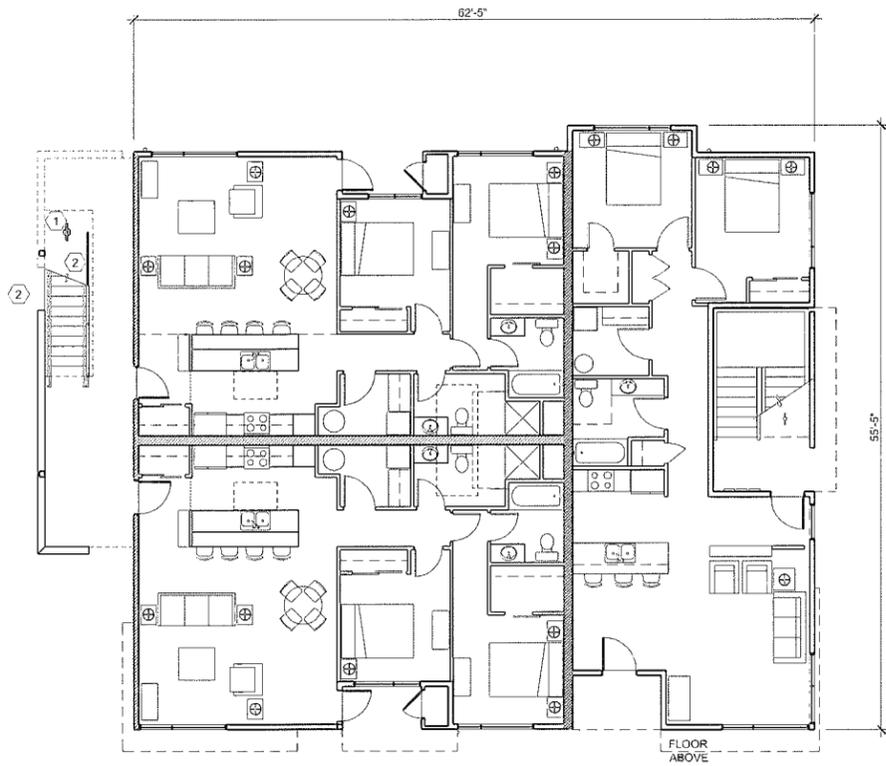
REV	DATE	SUMMARY

Project #:  
FLOOR PLANS - BUILDINGS  
3, 4, 5 and 6

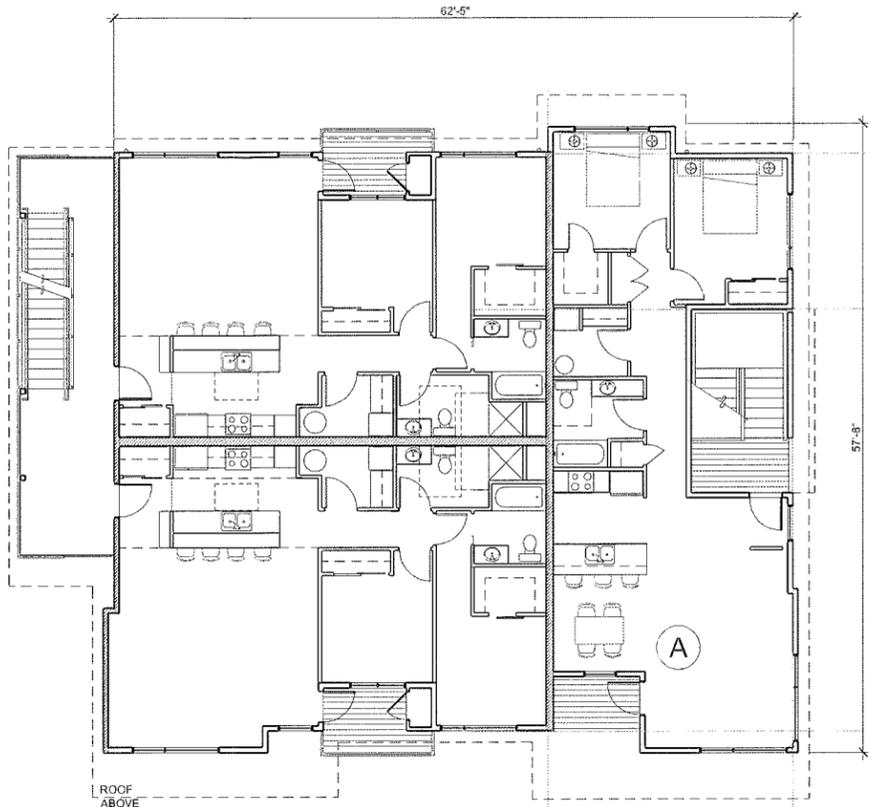
Date: April 16, 2012

DESIGN REVIEW SET

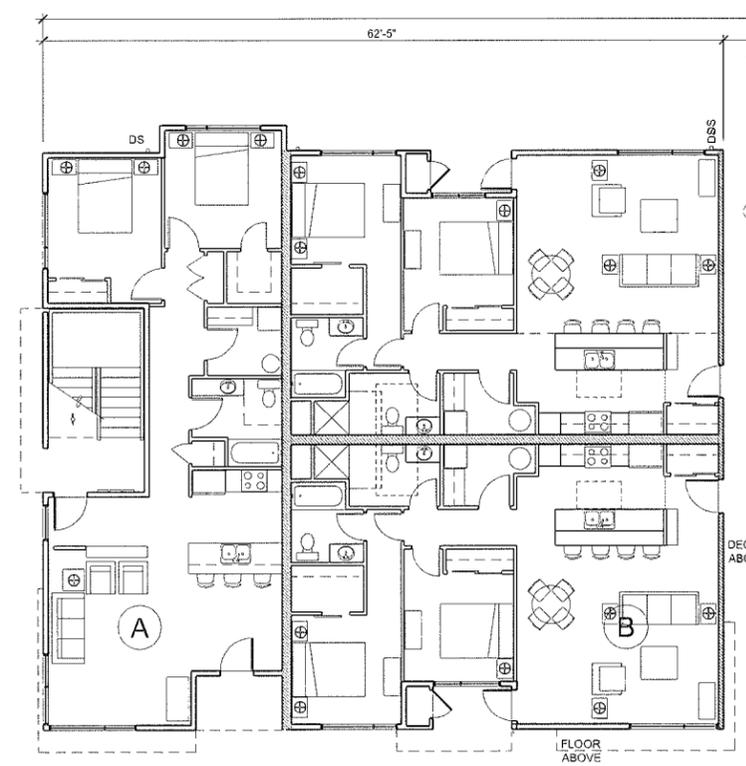
**A2.2**



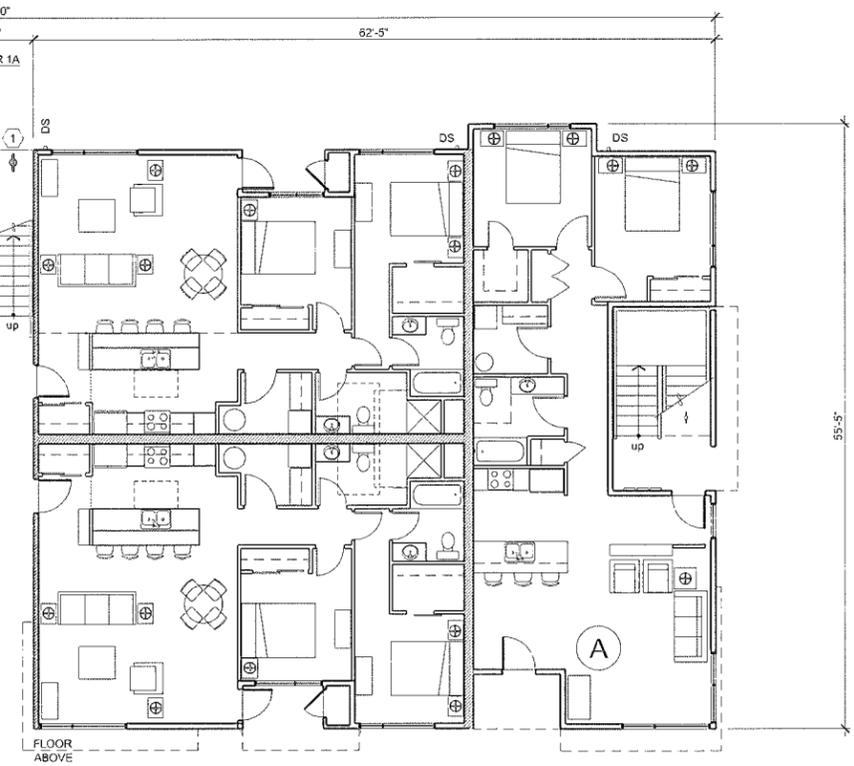
**1** BUILDING 3 - FIRST AND SECOND FLOOR PLANS  
1/8" = 1'-0"



**1** BUILDING 3 - FIRST AND SECOND FLOOR PLANS  
1/8" = 1'-0"



**2** FIRST FLOOR PLAN - (BUILDINGS 4, 5 and 6)  
1/8" = 1'-0"



A DESIGN-BUILD PROJECT FOR:  
**Werth Family LLC**  
33180 NE Haugen Rd.  
Newberg, OR 97132

**Oak Grove Apartments**  
parcel 3 partition plat 2004-24  
Hayes St, & Oak Grove St.  
Newberg OR 97132

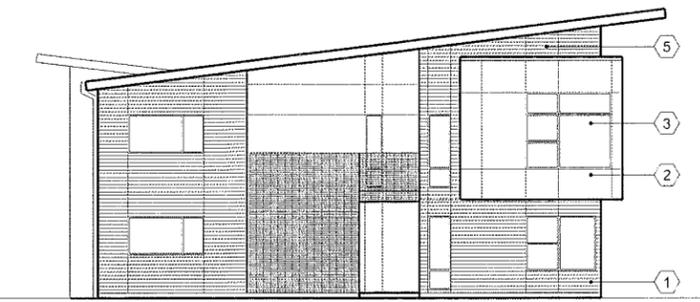
REV	DATE	SUMMARY

Project #:  
EXT. ELEVATIONS - BUILDINGS  
1, 2, 3 and 6

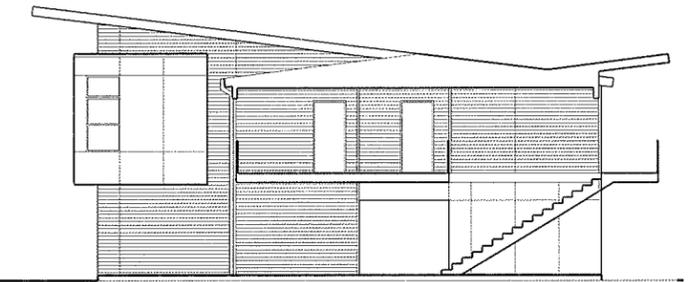
Date: April 16, 2012

A4.1

DESIGN REVIEW SET



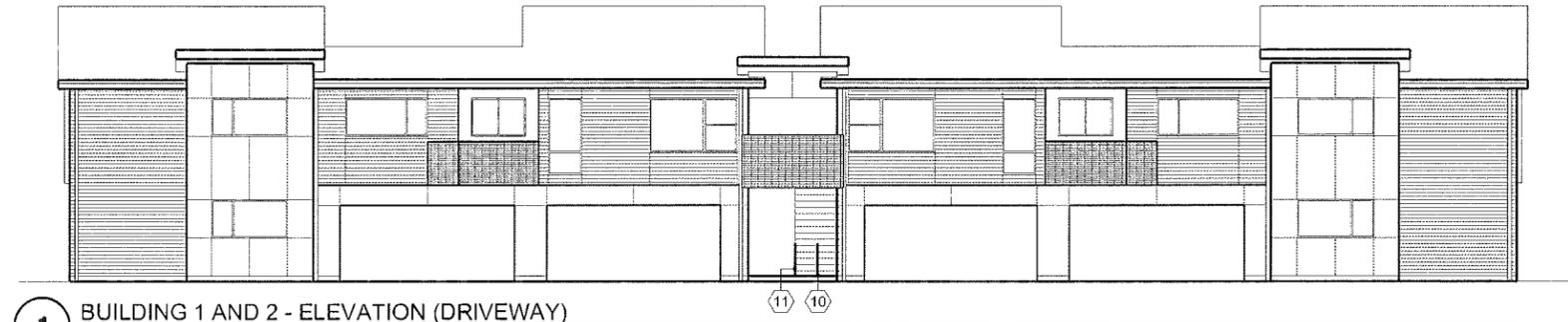
**1** BUILDING 1,2 AND 6 ELEVATION  
1/8" = 1'-0"



**3** BUILDING 1,2 AND 6 - ELEVATION  
1/8" = 1'-0"



**2** BUILDING 1,2 AND 6 - ELEVATION  
1/8" = 1'-0"



**1** BUILDING 1 AND 2 - ELEVATION (DRIVEWAY)  
1/8" = 1'-0"



**1** BUILDING 5 - ELEVATION (DRIVEWAY)  
1/8" = 1'-0"

KEYNOTES THIS SHEET:

SYM	DESCRIPTION
①	HORIZONTAL FIBER CEMENT LAP SIDING, 4" EXPOSURE, SMOOTH FINISH, PAINT.
②	FIBER CEMENT PANEL, SMOOTH FINISH, PAINT
③	VINYL WINDOW, TYPICAL
④	FIBERGLASS DOOR, SMOOTH FINISH, TYP.
⑤	WOOD FASCIA, PAINT
⑥	PREFINISHED METAL GUTTER, TYP.
⑦	METAL BAR GRATE GUARDRAIL, PAINT
⑧	METAL BAR GRATE SCREEN WALL, PAINT
⑨	STEEL GUARDRAIL, PAINT
⑩	BIKE RACK
⑪	27" HIGH CANE DETECTION RAIL UNDER STAIR WHERE HEAD HEIGHT IS LESS THAN 80".
⑫	PANEL JOINT - ALIGN WITH EDGE OF WINDOW, DOOR OR OPENING UNLESS NOTED OTHERWISE. SEE 24 & 18/A8.3 FOR ADD'L INFO.

A DESIGN-BUILD PROJECT FOR:

**Werth Family LLC**

33180 NE Haugen RD.  
Newberg, OR 97132

**Oak Grove Apartments**  
parcel 3 partition plat 2004-24

Hayes St, & Oak Grove St.  
Newberg OR 97132

REV DATE	SUMMARY

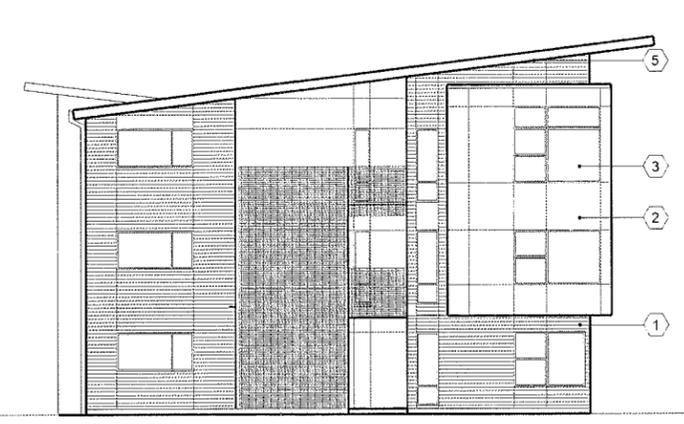
Project #:  
EXT. ELEVATIONS - BUILDINGS  
BUILDINGS 5, and 7

Date: April 16, 2012

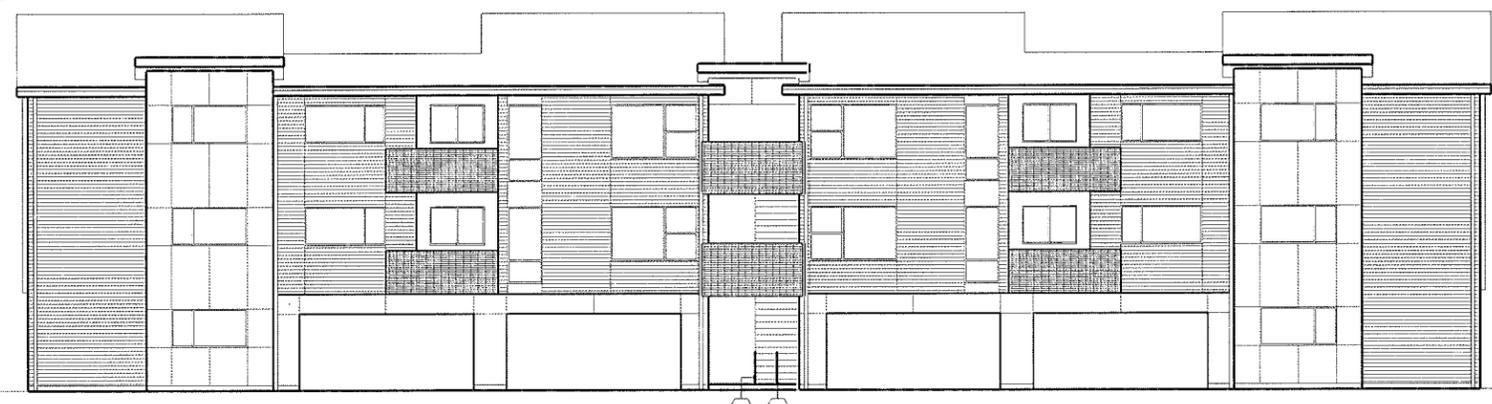
A4.2



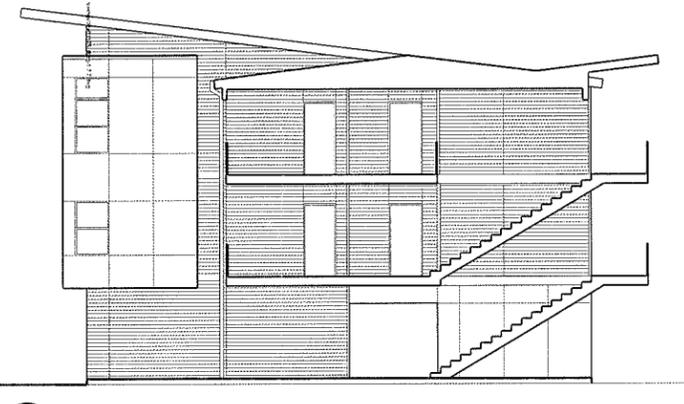
**2** BUILDING 5 AND 7 - ELEVATION (WHITE OAK PARK ELEVATION)  
1/8" = 1'-0"



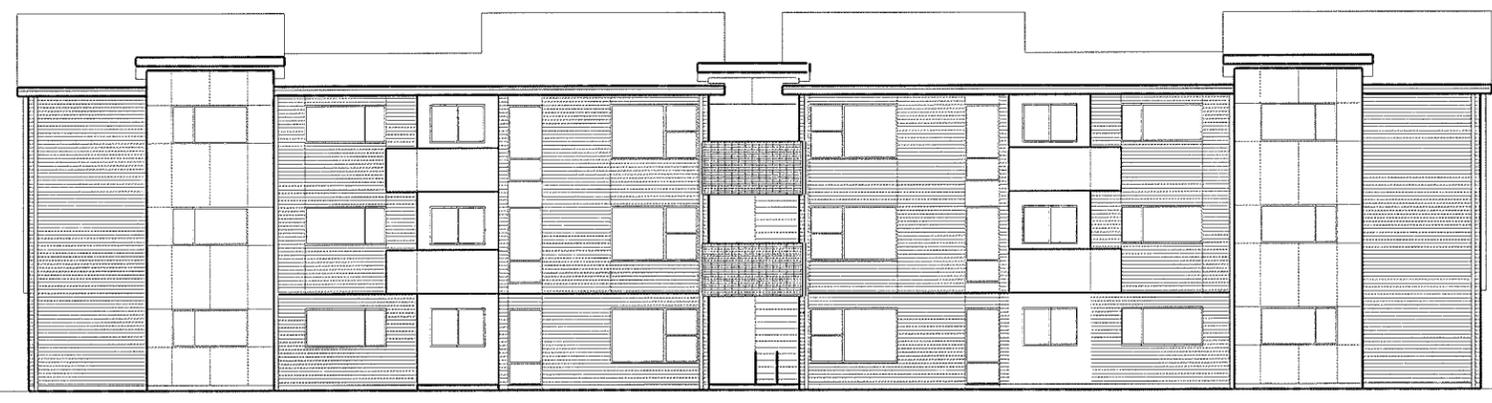
**1** BUILDING 5 AND 7 - ELEVATION  
1/8" = 1'-0"



**1** BUILDING 7 - ELEVATION (DRIVEWAY)  
1/8" = 1'-0"



**3** BUILDING 5 AND 7 - ELEVATION  
1/8" = 1'-0"

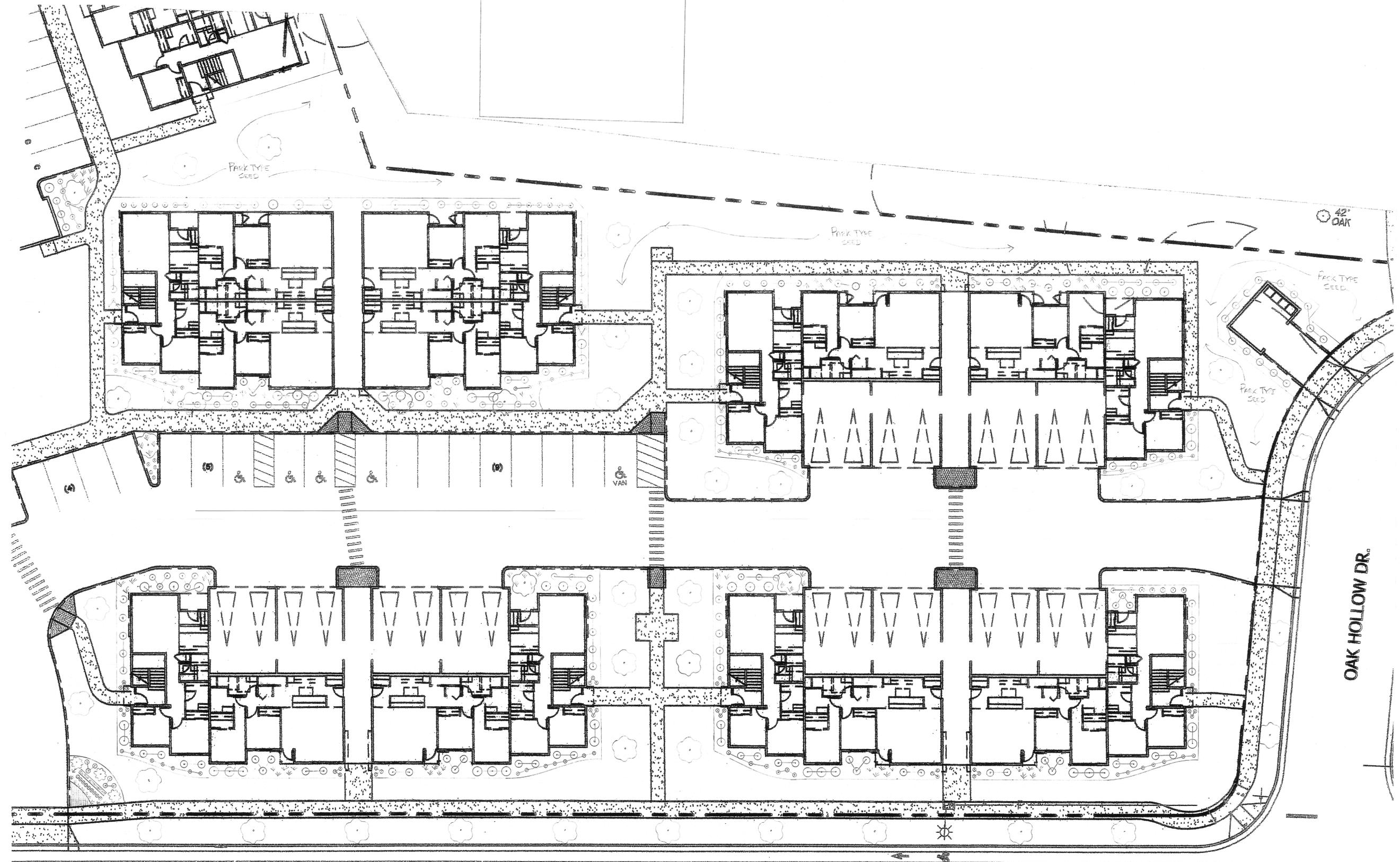


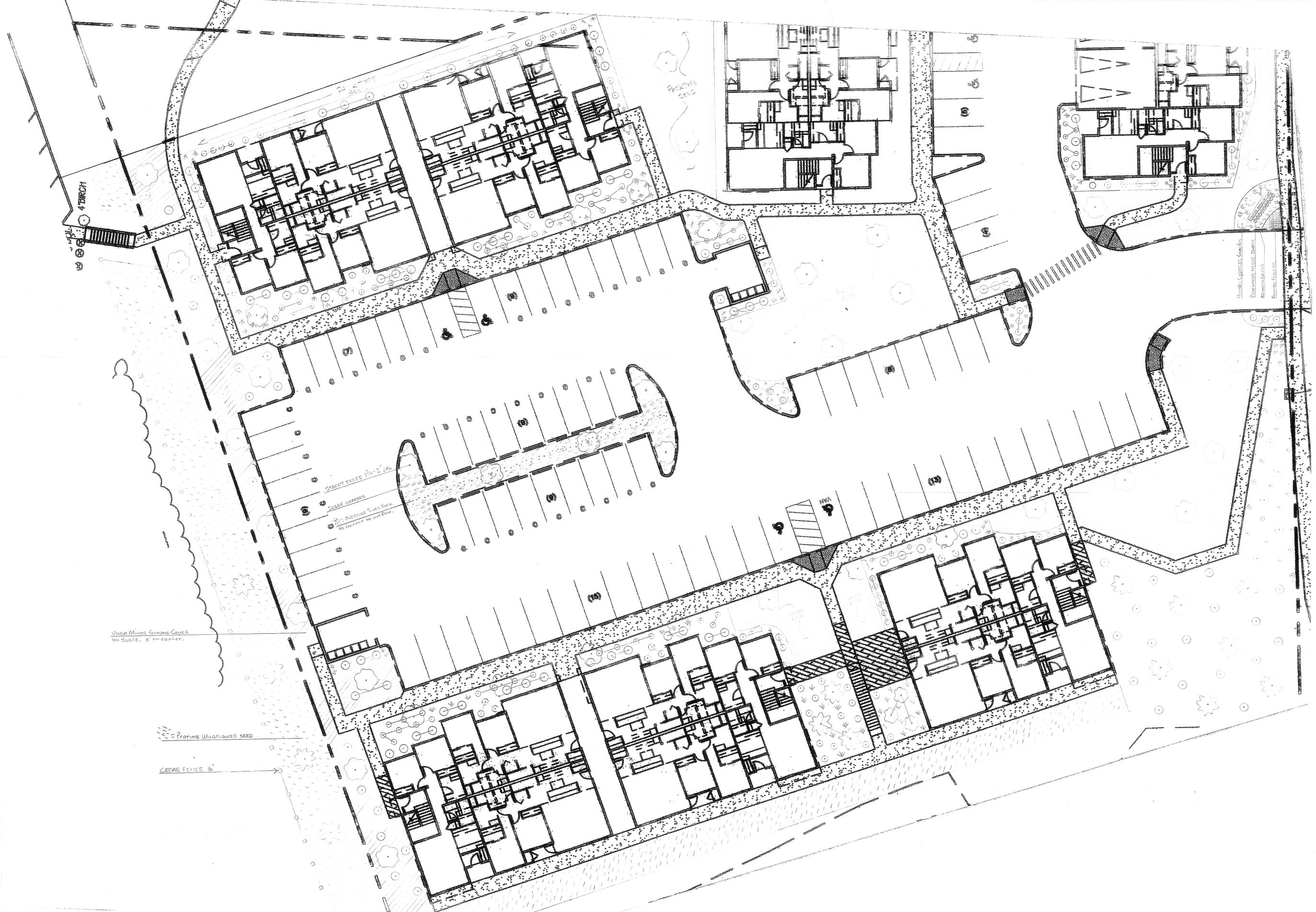
**1** BUILDING 5 - ELEVATION (DRIVEWAY)  
1/8" = 1'-0"

KEYNOTES THIS SHEET:

SYM	DESCRIPTION
①	HORIZONTAL FIBER CEMENT LAP SIDING, 4" EXPOSURE, SMOOTH FINISH, PAINT.
②	FIBER CEMENT PANEL, SMOOTH FINISH, PAINT
③	VINYL WINDOW, TYPICAL
④	FIBERGLASS DOOR, SMOOTH FINISH, TYP.
⑤	WOOD FASCIA, PAINT
⑥	PREFINISHED METAL GUTTER, TYP.
⑦	METAL BAR GRATE GUARDRAIL, PAINT
⑧	METAL BAR GRATE SCREEN WALL, PAINT
⑨	STEEL GUARDRAIL, PAINT
⑩	BIKE RACK
⑪	27" HIGH CANE DETECTION RAIL UNDER STAIR WHERE HEAD HEIGHT IS LESS THAN 80".
⑫	PANEL JOINT - ALIGN WITH EDGE OF WINDOW, DOOR OR OPENING UNLESS NOTED OTHERWISE. SEE 24 & 18/A8.3 FOR ADDL INFO.

DESIGN REVIEW SET





4 BIRCH

PROTOTYPE SEED

STREET TREES 1 1/4" CAL  
 SEEDS GRASSES  
 OVERSIDE RIVER BANK  
 TO CORRECT TO NEW PLAN.

UNION MIXED GRASS COVER ON SLATE 5' ON CENTER

PROTOTYPE WILLOWFLOWER SEED

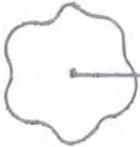
CEDAR FENCE 5'

UNION MIXED GRASS COVER  
 PROTOTYPE WILLOWFLOWER SEED  
 PROTOTYPE SEED



P.O. Box 2410  
Oregon City, OR 97045  
Telephone: (503) 631-3893

TREE LEGEND



TREES ALONG HAYES STREET AND OAK HOLLOW DR TO MATCH EXISTING.  
INTERIOR TREES: RED SUNSET MAPLE, CHANTICLEER PEAR, JACQUEMONTII BIRCH, CRIMSON SENTRY MAPLE, ZELKOVA



PONDEROSA PINE, AUSTRIAN PINE, DOUGLAS FIR, WESTERN RED CEDAR



KOUSA DOGWOOD, VINE MAPLE, STAR MAGNOLIA, JAPANESE MAPLE



HINOKI CYPRESS, COLUMNAR WHITE PINE, WEEPING NORWAY SPRUCE

PLANT LEGEND



HYDRANGEA, VIBURNUM, RHODODENDRON, OTTO LUYKEN, SPIRAEA, POTENTILLA, NOOTKA ROSE, NANDINA, EUONYMUS AND ESCALLONIA



BARBERRY, EUONYMUS, RED HUCKLEBERRY, ILEX HOLLY, MUGO PINE



AZALEA, COTONEASTER, FERNS, SNOWBERRY, PIERIS JAPONICA



BOXWOOD, CAREX, DAYLILY, HOSTA, JUNIPER, SNOWBERRY



VINCA, SALAL, OREGON GRAPE, LAVENDER, RUBUS BRAMBLE



BLUE FESCUE, BLUE OAT, PENNISETIUM, MONDO GRASS, MISCANTHUS RUSH,



DESIGN GROUP  
 P.O. Box 536  
 Dundee, Oregon 97115  
 Phone: 503-537-9347  
 Fax: 503-554-9107



A DESIGN-BUILD PROJECT FOR:

**Werth Family LLC**

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 Newberg, Oregon 97132

**Oak Grove Apts.**

Parcel 3 Partition Plat 2004-24  
 Hayes St, & Oak Grove St.  
 Newberg OR 97132

DESIGN REVIEW SET

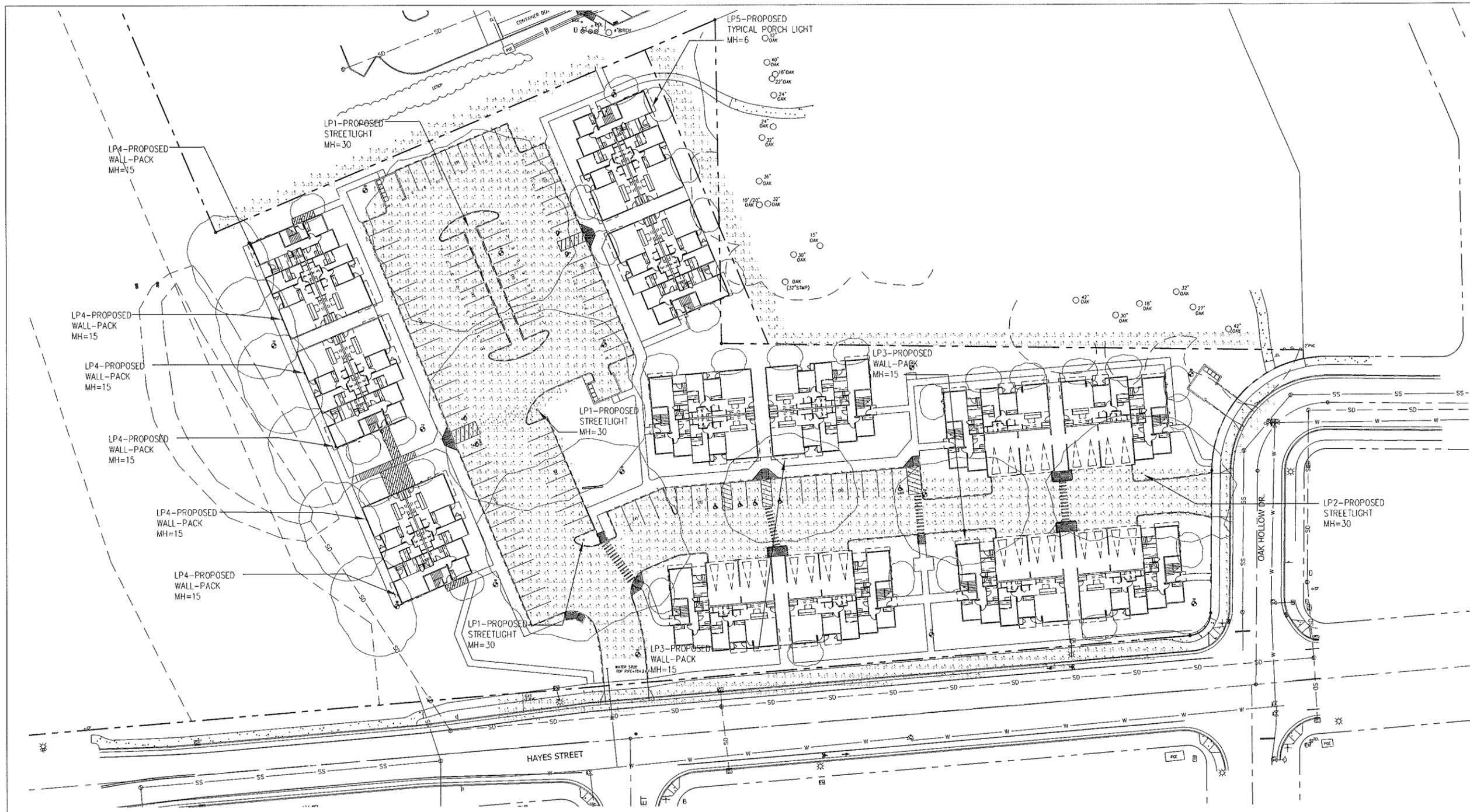
REV	DATE	SUMMARY

Project #: 8345 Drawn:

PRELIMINARY LIGHTING PLAN

Date: April 23, 2012

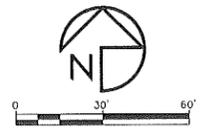
EL1.1



LABEL	CALCTYPE	UNITS	AVG	MAX	MIN	AVG/MIN
WEST PARKING LOT	ILLUMINANCE	FC	1.05	3.20	0.20	5.25
CENTER PARKING LOT	ILLUMINANCE	FC	0.75	4.70	0.20	3.75
NORTHWEST PARKING LOT	ILLUMINANCE	FC	0.78	3.10	0.30	2.60
EAST PARKING LOT	ILLUMINANCE	FC	1.58	9.70	0.40	3.95
OFFSITE NORTHWEST	ILLUMINANCE	FC	0.16	0.30	0.00	NA
OFFSITE EAST	ILLUMINANCE	FC	0.18	0.40	0.00	NA
OFFSITE NORTH	ILLUMINANCE	FC	0.15	0.50	0.00	NA
OFFSITE SOUTH	ILLUMINANCE	FC	0.02	0.10	0.00	NA

PROJECT: OAK GROVE APARTMENTS									
QTY	LABEL	DESCRIPTION	WATTS	LUMENS	ARM	ARRANGEMENT	LLF		
3	LP1-PROPOSED STREETLIGHT	MH, 'SHOEBOX' STYLE, LUMINAIRE MOUNTED ON A 30' MOUNTING HEIGHT METAL POLE	250	28000	0.667	SINGLE	0.690		
1	LP2-PROPOSED STREETLIGHT	MH, 'SHOEBOX' STYLE, LUMINAIRE MOUNTED ON A 30' MOUNTING HEIGHT METAL POLE	150	14000	0.667	SINGLE	0.690		
2	LP3-PROPOSED WALL-PACK	MH, 'WALL-PACK' STYLE, LUMINAIRE MOUNTED 15'	250	28000	0	SINGLE	0.690		
6	LP4-PROPOSED WALL-PACK	MH, 'WALL-PACK' STYLE, LUMINAIRE MOUNTED 15'	100	8500	0	SINGLE	0.690		
31	LP5-PROPOSED PORCH LIGHT	INCANDESCENT, PORCH-LIGHT, MOUNTED 6'	60	855	0	SINGLE	0.690		

1 SITE LIGHTING PLAN  
 Scale: 1" = 30'





**First American**

*First American Title Insurance Company of Oregon*  
775 NE Evans Street  
McMinnville, OR 97128  
Phn - (503)472-4627  
Fax - (866)800-7294

**FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:**

**Clayton Carter**, Title Officer

Phone: (503)472-4627 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

MJG Development, Inc.  
901 N. Brutcscher PMBD 352  
Newberg, OR 97132

Order No.: 1039-1861105  
April 02, 2012

Attn: Mike Gougler  
Phone No.: (503)810-5576 - Fax No.:  
Email: ggoug@yahoo.com

Re:

**Preliminary Title Report**

2006 ALTA Owners Standard Coverage	Liability \$	Premium \$
2006 ALTA Owners Extended Coverage	Liability \$	Premium \$
2006 ALTA Lenders Standard Coverage	Liability \$	Premium \$
2006 ALTA Lenders Extended Coverage	Liability \$	Premium \$
Endorsement		Premium \$
Govt Service Charge		Cost \$
Other		Cost \$

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of March 21, 2012 at 8:00 a.m., title to the fee simple estate is vested in:

Chehalem Park and Recreation District, an Oregon non-profit corporation, as to Parcel 2  
Werth Family LLC, an Oregon limited liability company, as to Parcel 3

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

# Attachment 4: Project Application

Preliminary Report

Order No.: **1039-1861105**

Page 2 of 5

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims or easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or other facts which a correct survey would disclose.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

**The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.**

**In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:**

- A. Survey or alternative acceptable to the company
  - B. Affidavit regarding possession
  - C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
    - i. Satisfactory evidence that no construction liens will be filed; or
    - ii. Adequate security to protect against actual or potential construction liens;
    - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
- 
6. Subject property is under public ownership and is tax exempt. Any change in ownership before delivery of assessment roll may result in tax liability. Account No. 527506, R3216 02016.
  7. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
  8. An easement reserved in a deed, including the terms and provisions thereof; Parcel 2 Permanent easement for drainage facilities  
Recorded: May 21, 2001 as Instrument No. 200107893  
From: Werth Family LLC, an Oregon Limited Liability Corporation  
To: State of Oregon, by and through its Department of Transportation
  9. Easement as shown on the recorded Partition 2002-44  
For: 10 Public Utility Easement

# Attachment 4: Project Application

Preliminary Report

Order No.: **1039-1861105**

Page 3 of 5

10. Deed of Conservation Easement, including terms and conditions contained therein:  
Granted to: Chehalem Park and Recreation District, a municipal corporation  
Recorded: December 23, 2003  
Recording Information: 200332180
11. Easement as shown on the recorded partition 2004-24  
For: 25 foot private access easement

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: Taxes for the year 2011-2012 PAID IN FULL

Tax Amount: \$36,556.32  
Map No.: R3216 02016  
Property ID: 527506  
Tax Code No.: 29.20

Situs Address as disclosed on Yamhill County Tax Roll:

Oak Grove Apartment Project &, Oak Grove Park, Newberg, OR 97132

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!  
WE KNOW YOU HAVE A CHOICE!**

## RECORDING INFORMATION

Filing Address: **Yamhill County**  
535 NE Fifth Street  
McMinnville, OR 97128

Recording Fees: \$ **41.00** for the first page  
\$ **5.00** for each additional page

cc:

cc: Werth Family LLC



## First American Title Insurance Company of Oregon

### SCHEDULE OF EXCLUSIONS FROM COVERAGE

#### ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

#### ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

#### SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien" or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

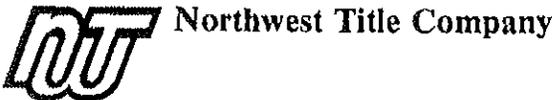
TI 149 Rev. 7-22-08

## **Exhibit "A"**

Real property in the County of Yamhill, State of Oregon, described as follows:

Parcel 2 of Partition Plat 2004-24, recorded June 29, 2004 as Instrument No. 200412859, Deed and Mortgage Records, Yamhill County, State of Oregon.  
R3216-02016

Parcel 3 of Partition Plat 2004-24, recorded June 29, 2004 as Instrument No. 200412859, Deed and Mortgage Records, Yamhill County, State of Oregon.  
R3217-02017



THIS SPACE RESERVED FOR RECORDER'S USE

After Recording Return to:  
CHEHALEM PARK AND RECREATION DISTRICT  
125 S. Elliott Road  
Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK

200504841



\$26.00

00193391200500048410010018

03/11/2005 10:49:27 AM

Until a change is requested all tax statements shall be sent to the following address:

SAME AS ABOVE

DMR-ODMR Cnt=1 Stn=2 ANITA

\$5.00 \$10.00 \$11.00

STATUTORY BARGAIN AND SALE DEED

WERTH FAMILY, LLC, an Oregon Limited Liability Company, Grantor, conveys to CHEHALEM PARK AND RECREATION DISTRICT, a Political Subdivision of the State of Oregon, Grantee, the following described property:

Parcel 2 of Partition Plat 2004-24; located in the Sebastian Brutscher D.L.C. No. 51, in the SW quarter of Section 16, Township 3 South, Range 2 West, W.M., City of Newberg, Yamhill County, Oregon.

THIS IS AN ACCOMMODATION RECORD  
IT HAS NOT BEEN EXAMINED AS TO ITS  
CORRECTNESS BY NORTHWEST TITLE COMPANY

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is: \$1.00

Dated this 10<sup>th</sup> day of March, 2005

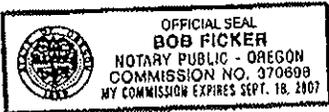
WERTH FAMILY LLC

BY:

DEAN M. WERTH, Operating Manager

STATE OF OREGON, COUNTY OF Yamhill )ss.

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of March, 2005 by DEAN M. WERTH, Operating Manager of Werth Family, LLC



Notary Public for Oregon  
My Commission Expires: 9-16-2017

DEAN WERTH  
ELMER M. & ELSIE F. WERTH TTEE  
THE WERTH JOINT VENTURE

STATE OF OREGON,  
County of \_\_\_\_\_ ) ss.

Grantor's Name and Address  
WERTH FAMILY LLC

I certify that the within instrument was received for record on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book / reel / volume No. \_\_\_\_\_ on page \_\_\_\_\_

Grantee's Name and Address

Recorded in Official Yamhill County Records  
CHARLES STERN, COUNTY CLERK

After recording, return to (Name, Address, Zip):  
Werth Family LLC  
4709 E. Fernwood  
Newberg, OR 97132



70.00

Until requested otherwise, send all fee statements to (Name, Address, Zip):

2:50:59 PM 11/30/1999

Same as above

DMR DDMR \$ - 2 ANITA  
49.00 10.00 20.00

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that DEAN WERTH as to a 1/6 interest, ELMER MELTON WERTH & ELSIE FERN WERTH, Trustees of the WERTH LIVING TRUST dated 6/15/99,\* hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto WERTH FAMILY LLC, an Oregon Limited Liability Company, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Yamhill County, State of Oregon, described as follows, to-wit:  
\*\*as to a 1/6 interest and THE WERTH JOINT VENTURE, consisting of THE HEXWORTH FAMILY PARTNERSHIP and THE PENTWORTH FAMILY PARTNERSHIP, both Oregon General Partnerships as to a 2/3 interest

See Exhibit "A" Attached

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ none

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on November 24, 1999; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

SEE ATTACHED SIGNATURE PAGES

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.030.

STATE OF OREGON, County of \_\_\_\_\_ ) ss.

This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_  
This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_

Notary Public for Oregon

My commission expires \_\_\_\_\_

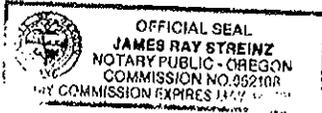
WERTH FAMILY LLC COMPANY

SIGNATURE PAGE TO BARGAIN AND SALE DEED

Dean E. Werth  
DEAN WERTH

STATE OF OREGON COUNTY OF YAMHILL)ss

This instrument was acknowledged before me on the 25<sup>th</sup> day of November, 1999 by DEAN WERTH



James Ray Streinz  
Notary Public for Oregon  
My Commission Expires: 5/14/2000

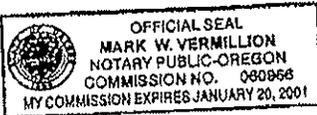
WERTH LIVING TRUST DATED JUNE 15, 1999

BY: Elmer Melton Werth  
ELMER MELTON WERTH, TRUSTEE

Elsie Fern Werth  
ELSIE FERN WERTH, TRUSTEE

STATE OF OREGON COUNTY OF YAMHILL)ss

This instrument was acknowledged before me on the 26<sup>th</sup> day of November, 1999 by ELMER MELTON WERTH, TRUSTEE & ELSIE FERN WERTH, TRUSTEE



Mark W. Vermillion  
Notary Public for Oregon  
My Commission Expires: 1/20/2001

THE PENTWORTH FAMILY PARTNERSHIP

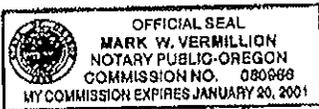
WERTH LIVING TRUST DATED JUNE 15, 1999

Elmer Melton Werth  
ELMER MELTON WERTH, TRUSTEE

Elsie Fern Werth  
ELSIE FERN WERTH, TRUSTEE

STATE OF OREGON COUNTY OF YAMHILL)ss

This instrument was acknowledged before me on the 26<sup>th</sup> day of November, 1999 by ELMER MILTON WERTH, TRUSTEE & ELSIE FERN WERTH, TRUSTEE



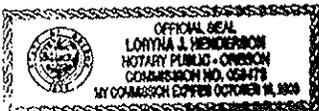
Mark W. Vermillion  
Notary Public for Oregon  
My Commission Expires: 1/20/2001

Jo Anne Yates  
JO ANNE YATES

STATE OF OREGON COUNTY OF YAMHILL)ss

This instrument was acknowledged before me on the 29 day of November, 1999 by JO ANNE YATES

James J. Henderson  
Notary Public for Oregon  
My Commission Expires: 10-15-2000



2/2

PAGE TWO - SIGNATURE PAGE TO BARGAIN AND SALE DEED

WERTH LIVING TRUST DATED APRIL 6, 1998

Dennis R. Werth  
DENNIS R. WERTH, TRUSTEE

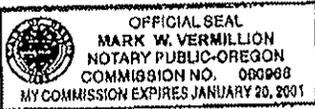
Mary S. Werth  
MARY S. WERTH, TRUSTEE

Dennis R. Werth  
DENNIS R. WERTH (Individually)

Mary S. Werth  
MARY S. WERTH (Individually)

STATE OF OREGON COUNTY OF YAMHILL)ss

This instrument was acknowledged before me on the 26<sup>th</sup> day of November, 1999 by DENNIS R. WERTH, TRUSTEE & MARY S. WERTH, TRUSTEE and DENNIS R. WERTH & MARY S. WERTH



Mark W. Vermillion  
Notary Public for Oregon  
My Commission Expires: 1/20/2001

WERTH LIVING TRUST DATED APRIL 17, 1998

James L. Werth  
JAMES L. WERTH, TRUSTEE

Deanne E. Werth  
DEANNE E. WERTH, TRUSTEE

James L. Werth  
JAMES L. WERTH (Individually)

Deanne E. Werth  
DEANNE E. WERTH (Individually)

STATE OF OREGON COUNTY OF YAMHILL)ss

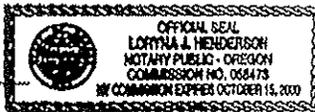
This instrument was acknowledged before me on the 29 day of November, 1999 by ~~JAMES L. WERTH, TRUSTEE~~ & DEANNE E. WERTH, TRUSTEE and by ~~JAMES L. WERTH~~ & DEANNE E. WERTH

Lorretta J. Henderson  
Notary Public for Oregon  
My Commission Expires: 10-15-2000

THE HEXWORTH FAMILY PARTNERSHIP  
BY:

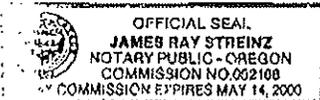
Dean E. Werth  
DEAN E. WERTH

Patricia A. Werth  
PATRICIA A. WERTH



STATE OF OREGON COUNTY OF YAMHILL)ss

This instrument was acknowledged before me on the 25<sup>th</sup> day of November, 1999 by Dean E. Werth & Patricia A. Werth



James Ray Streinz  
Notary Public for Oregon  
My Commission Expires: 5/14/2000

3/8

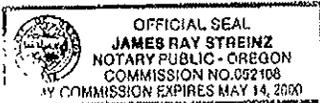
PAGE THREE - SIGNATURE PAGE TO BARGAIN AND SALE DEED

Howard D. Werth  
HOWARD D. WERTH

Linda M. Werth  
LINDA M. WERTH

STATE OF OREGON COUNTY OF YAMHILL)ss

This instrument was acknowledged before me on the 25<sup>th</sup> day of November, 1999 by Howard D. Werth & Linda M. Werth

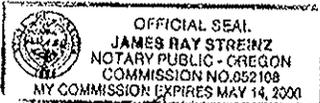


James R. Streinz  
Notary Public for Oregon  
My Commission Expires: 5/14/2000

Roger A. Werth  
ROGER A. WERTH

STATE OF OREGON COUNTY OF YAMHILL)ss

This instrument was acknowledged before me on the 25<sup>th</sup> day of November, 1999 by ~~Howard D. Werth & Linda M. Werth~~ Roger Werth

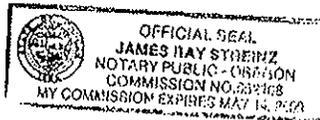


James R. Streinz  
Notary Public for Oregon  
My Commission Expires: 5/14/2000

Barbara A. Calmels  
BARBARA A. CALMELS by Dean E. Werth as her Attorney in Fact

STATE OF OREGON COUNTY OF YAMHILL)ss

This instrument was acknowledged before me on the 25<sup>th</sup> day of November, 1999 by Dean E. Werth as Attorney in Fact for Barbara A. Calmels



James R. Streinz  
Notary Public for Oregon  
My Commission Expires: 5/14/2000

STATE OF OREGON, }  
County of Yamhill } ss.

On this 26<sup>th</sup> day of November, 1999, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named James L. Werth, Trustee aka James L. Werth known to me to be the identical individual.... described in and who executed the within instrument and acknowledged to me that h.e. executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Mark W. Vermillion  
Notary Public for Oregon  
My commission expires 1/20/2001

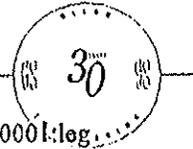
OFFICIAL SEAL  
MARK W. VERMILLION  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 080888  
MY COMMISSION EXPIRES JANUARY 20, 2001

COM-61-78

4/8



LAND SURVEYORS  
ENGINEERS



60370001:log

EXHIBIT "A"

LEGAL DESCRIPTION FOR DEAN E. WERTH  
Parcel B

1111 Broadway  
Vancouver, WA  
98660

May 26, 1999

A parcel of property located in the South half of the Sebastian Brutscher Donation Land Claim No. 51, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon, described as follows:

COMMENCING at the Southeast corner of said Brutscher Donation Land Claim;

THENCE North  $00^{\circ} 50' 10''$  East along the East line of said Donation Land Claim, a distance of 2536.79 feet to the Northeast corner of the South half of said Donation Land Claim;

THENCE North  $89^{\circ} 13' 14''$  West along the North line of the South half of said Donation Land Claim, a distance of 4005.30 feet to a point on the East line of Lot 2 of Minor Partition No. 1990-61, Yamhill County Surveys;

THENCE South  $04^{\circ} 03' 33''$  West along said East line, a distance of 143.50 feet to the TRUE POINT OF BEGINNING;

THENCE South  $04^{\circ} 03' 33''$  West continuing along said East line a distance of 143.12 feet;

THENCE South  $67^{\circ} 04' 37''$  West along said South line, a distance of 1207.91 feet to an angle point;

THENCE North  $22^{\circ} 55' 23''$  West along said South line, a distance of 346.71 feet to an angle point;

THENCE North  $89^{\circ} 04' 35''$  West along said South line, a distance of 181.58 feet to a point on the East right-of-way line of Springbrook Road;

THENCE South  $08^{\circ} 13' 10''$  West along said right-of-way line, a distance of 50.94 feet to an angle point on the East right-of-way line of Springbrook Road, said point being 40.00 feet from, when measured at right angles to the centerline;

THENCE South  $00^{\circ} 55' 29''$  West along said right-of-way line a distance of 922.18 feet to a point on the North line of that tract conveyed to Fernwood Grange No. 770 by deed recorded in Volume 130, Page 511 Yamhill County records;

THENCE South  $88^{\circ} 59' 09''$  East along said North line, a distance of 401.00 feet to the Northeast corner of said tract;

THENCE South  $10^{\circ} 11' 21''$  West along the East line of said tract, a distance of 130.72 feet to the Southeast corner of said tract;

5/4

Attachment 4: Project Application

60370001.leg

THENCE South 89° 20' 12" East along the Northerly South line of that tract conveyed to Walter and Gladys Werth by deed recorded in Volume 3, Page 121, Yamhill County records, a distance of 240.04 feet to a point on the West line of said tract;

THENCE South 00° 55' 29" West along said West line, a distance of 990.00 feet to a point on the South line of said Brutscher Donation Land Claim;

THENCE South 00° 54' 42" West along the East line of that tract conveyed to Jesse and Irene Walker by deed recorded in Volume 8, Page 247, Yamhill County records, a distance of 162.47 feet to a point on the North right-of-way line of Fernwood Road, said point being 30.00 feet from, when measured at right angles to the centerline;

THENCE South 89° 00' 47" East along said right-of-way line, a distance 992.11 feet;

THENCE North 01° 00' 00" West a distance of 2053.64 feet;

THENCE North 89° 13' 14" West a distance of 60.02 feet;

THENCE North 01° 00' 00" West a distance of 384.72 feet to a point on a 365.00 foot radius curve to the left;

THENCE along said 365.00 foot radius curve to the left (the long chord of which bears North 10° 49' 52" West a distance of 124.64 feet) a distance of 125.26 feet;

THENCE North 20° 39' 45" West a distance of 10.86 feet to the TRUE POINT OF BEGINNING.

EXCEPT the following described parcel:

A parcel of property located in the South half of the Sebastian Brutscher Donation Land Claim No. 51, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon, described as follows:

COMMENCING at the Southeast corner of said Brutscher Donation Land Claim;

THENCE North 00° 50' 10" East along the East line of said Donation Land Claim, a distance of 2536.79 feet to the Northeast corner of the South half of said Donation Land Claim;

THENCE North 89° 13' 14" West along the North line of the South half of said Donation Land Claim, a distance of 4005.30 feet to a point on the East line of Lot 2 of Minor Partition No. 1990-61, Yamhill County Surveys;

THENCE South 04° 03' 33" West along said East line, a distance of 143.50 feet to a point on the west right-of-way line of Brutscher Street, being 30.00 feet from, when measured at right angles to the centerline of said Brutscher Street and the TRUE POINT OF BEGINNING;

6/8

Attachment 4: Project Application

60370001.leg

THENCE South 20° 39' 45" East along said West right-of-way line a distance of 10.86 feet to a point on a 365.00 foot radius curve to the right;

THENCE continuing along the right-of-way line around said 365.00 foot radius curve to the right (the long chord of which bears South 10° 49' 52" East a distance of 124.64 feet) a distance of 125.26 feet;

THENCE South 01° 00' 00" East a distance of 129.71 feet;

THENCE North 89° 22' 57" West a distance of 163.79 feet;

THENCE North 22° 55' 22" West a distance of 60.06 feet to a point on the South line of the aforementioned Lot 2 of Minor Partition No. 1990-61;

THENCE North 67° 04' 37" East along said South line a distance of 160.17 feet to a point on the East line of said Lot 2;

THENCE North 04° 03' 33" East along said East line a distance of 143.16 feet to the TRUE POINT OF BEGINNING.

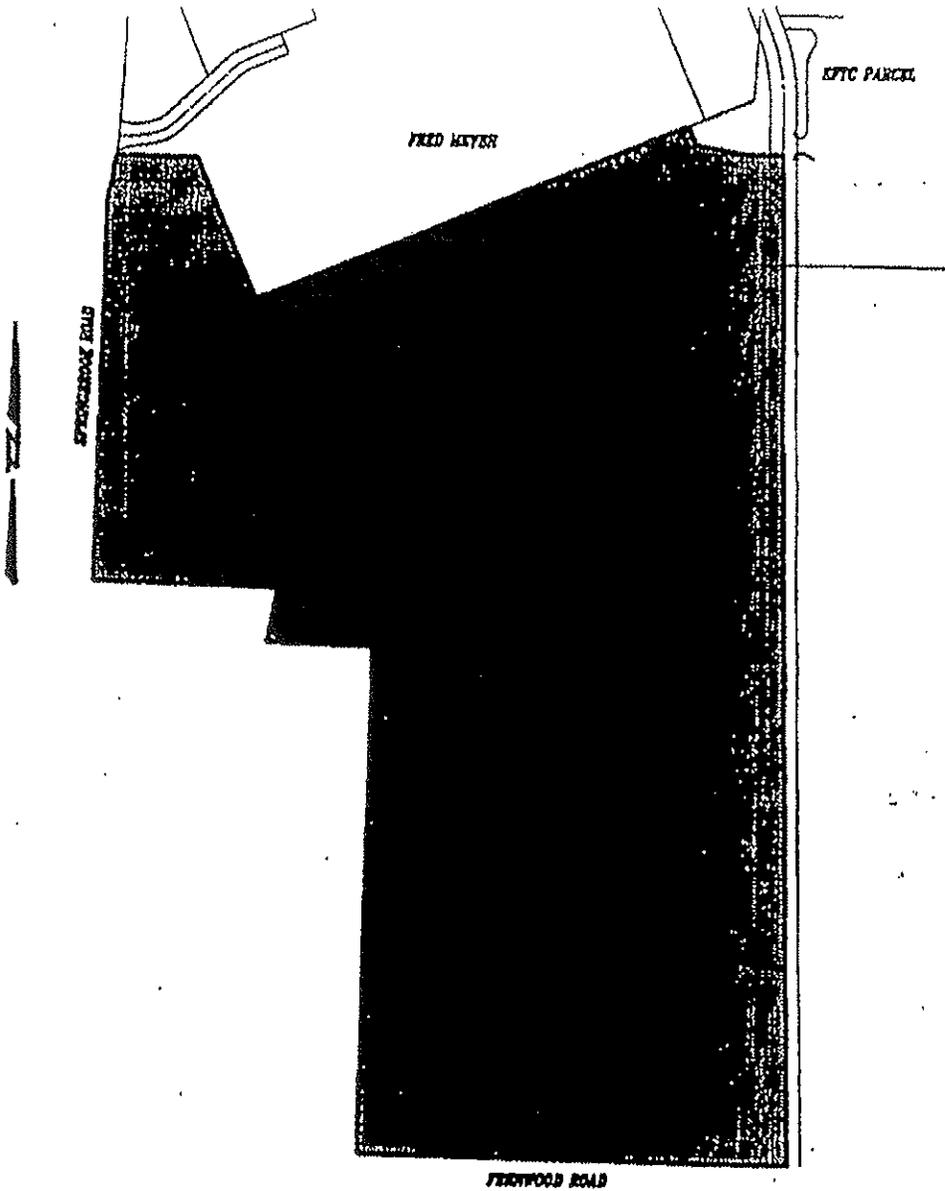
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Bruce D. Towle*

OREGON  
FEBRUARY 3, 1983  
BRUCE D. TOWLE  
2030

RENEWAL DATE: 6/30/02

7/8



8/8







PARCEL 2 – PARTITION PLAT 2004-24

EXISTING LEGAL DESCRIPTION

PARCEL 2 OF PARTITION PLAT 2004-24 RECORDED JUNE 29, 2004 AS INSTRUMENT NO. 200412859, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON.

TOGETHER WITH ACCESS AND UTILITY EASEMENTS AS DISCLOSED ON THE SAID RECORDED PARTITION PLAT.

PARCEL 2 – PARTITION PLAT 2004-24  
EXCEPTION PARCEL LEGAL DESCRIPTION

**EXCEPTING** THAT PORTION OF PARCEL 2 OF PARTITION PLAT 2004-24 RECORDED JUNE 29, 2004 AS INSTRUMENT NO. 200412859, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON BEING DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF PARCEL 2 OF SAID PARTITION PLAT, SAID CORNER ALSO BEING THE NORTHERLY CORNER OF PARCEL 3 OF SAID PARTITION PLAT; THENCE SOUTH 01°00'00" EAST ALONG THE LINE COMMON TO SAID PARCELS 2 AND 3 A DISTANCE OF 123.15 FEET TO A POINT THAT BEARS NORTH 01°00'00" W 69.48 FEET FROM THE SOUTHWEST CORNER OF SAID PARCEL 2, SAID POINT ALSO BEING **THE POINT OF BEGINNING OF THE HEREIN-DESCRIBED EXCEPTION TRACT**; THENCE CONTINUING SOUTH 01°00'00" EAST ALONG THE LINE COMMON TO SAID PARCELS 2 AND 3 A DISTANCE OF 69.48 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2; THENCE SOUTH 89°13'14" EAST ALONG THE SOUTH LINE OF SAID PARCEL 2 A DISTANCE OF 28.09 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 22°45'28" WEST 75.74 FOOT TO A POINT ON THE WEST LINE OF SAID PARCEL 2 AND **THE POINT OF BEGINNING OF THE HEREIN-DESCRIBED EXCEPTION TRACT**.

SAID EXCEPTION PARCEL CONTAINING 975 SQUARE FEET, MORE OR LESS.

PARCEL 2 – PARTITION PLAT 2004-24

ADJUSTED LEGAL DESCRIPTION

PARCEL 2 OF PARTITION PLAT 2004-24 RECORDED JUNE 29, 2004 AS INSTRUMENT NO. 200412859, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON.

TOGETHER WITH ACCESS AND UTILITY EASEMENTS AS DISCLOSED ON THE SAID RECORDED PARTITION PLAT.

**EXCEPTING** THAT PORTION OF PARCEL 2 OF PARTITION PLAT 2004-24 RECORDED JUNE 29, 2004 AS INSTRUMENT NO. 200412859, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF PARCEL 2 OF SAID PARTITION PLAT, SAID CORNER ALSO BEING THE NORTHERLY CORNER OF PARCEL 3 OF SAID PARTITION PLAT; THENCE SOUTH 01°00'00" EAST ALONG THE LINE COMMON TO SAID PARCELS 2 AND 3 A DISTANCE OF 123.15 FEET TO A POINT THAT BEARS NORTH 01°00'00" W 69.48 FEET FROM THE SOUTHWEST CORNER OF SAID PARCEL 2, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN-DESCRIBED EXCEPTION TRACT; THENCE CONTINUING SOUTH 01°00'00" EAST ALONG THE LINE COMMON TO SAID PARCELS 2 AND 3 A DISTANCE OF 69.48 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2; THENCE SOUTH 89°13'14" EAST ALONG THE SOUTH LINE OF SAID PARCEL 2 A DISTANCE OF 28.09 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 22°45'28" WEST 75.74 FOOT TO A POINT ON THE WEST LINE OF SAID PARCEL 2 AND THE POINT OF BEGINNING OF THE HEREIN-DESCRIBED EXCEPTION TRACT.

**TOGETHER WITH** THAT PORTION OF PARCEL 3 OF PARTITION PLAT 2004-24 RECORDED JUNE 29, 2004 AS INSTRUMENT NO. 200412859, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID PARCEL 3, SAID CORNER ALSO BEING THE NORTHWESTERLY CORNER OF PARCEL 2 OF SAID PARTITION PLAT; THENCE SOUTH 01°00'00" EAST ALONG THE LINE COMMON TO SAID PARCELS 2 AND 3 A DISTANCE OF 123.15 FEET; THENCE LEAVING SAID LINE NORTH 22°45'28" WEST 114.24 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL 3; THENCE NORTH 67°04'37" EAST ALONG SAID NORTHERLY LINE 45.65 FEET TO THE NORTH CORNER COMMON TO SAID PARCELS 2 AND 3 AND THE POINT OF BEGINNING OF THE HEREIN-DESCRIBED TRACT.

SAID ADJUSTED PARCEL 2 CONTAINING 1.939 ACRES, MORE OR LESS.

PARCEL 3 – PARTITION PLAT 2004-24

EXISTING LEGAL DESCRIPTION

PARCEL 3 OF PARTITION PLAT 2004-24 RECORDED JUNE 29, 2004 AS INSTRUMENT NO. 200412859, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON.

TOGETHER WITH ACCESS AND UTILITY EASEMENTS AS DISCLOSED ON THE SAID RECORDED PARTITION PLAT.

PARCEL 3 – PARTITION PLAT 2004-24  
EXCEPTION PARCEL LEGAL DESCRIPTION

**EXCEPTING** THAT PORTION OF PARCEL 3 OF PARTITION PLAT 2004-24 RECORDED JUNE 29, 2004 AS INSTRUMENT NO. 200412859, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON BEING DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTH CORNER OF SAID PARCEL 3, SAID CORNER ALSO BEING THE NORTHWESTERLY CORNER OF PARCEL 2 OF SAID PARTITION PLAT; THENCE SOUTH 01°00'00" EAST ALONG THE LINE COMMON TO SAID PARCELS 2 AND 3 A DISTANCE OF 123.15 FEET; THENCE LEAVING SAID LINE NORTH 22°45'28" WEST 114.24 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL 3; THENCE NORTH 67°04'37" EAST ALONG SAID NORTHERLY LINE 45.65 FEET TO THE NORTH CORNER COMMON TO SAID PARCELS 2 AND 3 AND **THE POINT OF BEGINNING OF THE HEREIN-DESCRIBED EXCEPTION TRACT.**

SAID EXCEPTION PARCEL CONTAINING 2,608 SQUARE FEET, MORE OR LESS.

PARCEL 3 – PARTITION PLAT 2004-24

ADJUSTED LEGAL DESCRIPTION

PARCEL 3 OF PARTITION PLAT 2004-24 RECORDED JUNE 29, 2004 AS INSTRUMENT NO. 200412859, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON.

TOGETHER WITH ACCESS AND UTILITY EASEMENTS AS DISCLOSED ON THE SAID RECORDED PARTITION PLAT.

**EXCEPTING** THAT PORTION OF PARCEL 3 OF PARTITION PLAT 2004-24 RECORDED JUNE 29, 2004 AS INSTRUMENT NO. 200412859, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID PARCEL 3, SAID CORNER ALSO BEING THE NORTHWESTERLY CORNER OF PARCEL 2 OF SAID PARTITION PLAT; THENCE SOUTH 01°00'00" EAST ALONG THE LINE COMMON TO SAID PARCELS 2 AND 3 A DISTANCE OF 123.15 FEET; THENCE LEAVING SAID COMMON LINE NORTH 22°45'28" WEST 114.24 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL 3; THENCE NORTH 67°04'37" EAST ALONG SAID NORTHERLY LINE 45.65 FEET TO THE NORTH CORNER COMMON TO SAID PARCELS 2 AND 3 AND THE POINT OF BEGINNING OF THE HEREIN-DESCRIBED EXCEPTION TRACT.

**TOGETHER** WITH THAT PORTION OF PARCEL 2 OF PARTITION PLAT 2004-24 RECORDED JUNE 29, 2004 AS INSTRUMENT NO. 200412859, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON BEING DESCRIBED AS FOLLOWS:

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THE ADJUSTED AREA OF PARCEL 3 CONTAINING 10.678 ACRES, MORE OR LESS.

## Oregon Traffic Engineering LLC



Date: March 19, 2012  
 To: Mr. Joe Schiewe, PE  
 From: Karl Birky, PE  
 Re: Capacity Analysis  
 Springbrook Oaks, Newberg, OR

Mr. Schiewe:

You have asked me to provide information about the proposed changes to the Springbrook Oaks Specific Plan (SOSP) Development Parcel B. The Springbrook Oaks Mixed Use Development traffic impact analysis was originally completed in June 1999 by Kittelson and Associates, Inc. The study considered developing 288 acres with 8 parcels. The study included recommendations for traffic improvements in the conclusions of the study. By 2004, some of the planned uses had changed and JRH Transportation Engineering reviewed the 1999 study to determine whether the proposed changes would increase traffic or change any of the conclusions included in the 1999 study. In the summary in the 2004 study, James R. Hanks, P.E. notes

“Based on traffic demand, an additional east-west connection across East Springbrook Creek is not warranted. There does not appear to be a need for additional analysis beyond that which is contained in the Kittelson report and supplemented by this document.”

Since 1999, the hospital has been built with the signal at Providence Drive at Highway 99W, the signal at Hayes at Springbrook is operating, much of the site has been developed, the proposed Newberg-Dundee bypass appears to be becoming a reality and the economy continues to work its way through the current downturn. You have asked the City to approve building 84 units of apartments and 82 units of townhomes on Parcel B instead of the 62 apartment units and 82 townhomes in the 1999 study. The effect of adding 22 apartment units to the prior traffic studies is the focus of this analysis.

**Summary:** It is the conclusion of this analysis that the planned (and constructed) roadway and traffic improvements included in the 1999 study will serve traffic from the planned 84 apartments and 82 townhomes without additional roadway or traffic improvements. It is noted that the 2004 study adjusted the projected traffic from the entire development down from 19,245



**Oregon Traffic Engineering LLC**

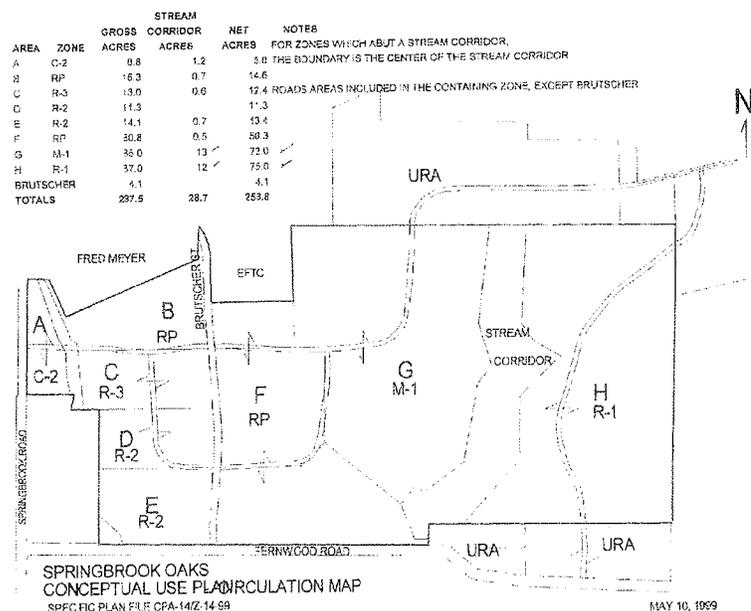
ADT to 16,230 ADT and the PM Peak Hour trips down from 2370 to 1845. The planned additional 22 apartments will generate 150 ADT and 10 PM Peak Hour trips.

**Review of Previous Studies:** The 1999 Springbrook Oaks Mixed Use Development traffic impact analysis completed by Kittelson and Associates, Inc, assumed that Parcel B would be developed with a school that would generate 690 ADT and 60 PM Peak Hour trips. In the 2004 Springbrook Oaks Development Parcel H review completed by JRH Transportation Engineering the planned development of Parcel B was changed to 62 apartment units and 82 townhomes. The 2004 study determined that the apartments and townhomes would generate 895 ADT and 85 PM Peak Hour trips from Parcel B. The study also found a net 15% decrease in daily traffic from the proposed changes in the development of the entire site (Parcels A through H). There would be 3,015 fewer trips each day (ADT) from the development of the site and 525 fewer trips during the PM Peak Hour.

The 1999 study assumed that Parcels C, D and E, lying south of Hayes (the east west road) and west of Brutscher Street would develop with 200 apartments and 180 single family homes. If one includes the planned school in Parcel B the total traffic in the 1999 traffic study in areas B, C, D and E was

Land Use	ITE Code	Size	Daily Trips	PM Peak Hour
B – School	521	300 Students	690	60
C - Apts	220	200 Units	1,335	125
D – Single Family	210	100 Units	1,035	105
E – Single Family	210	88 Units	920	95
<b>Total Trips</b>			<b>3,980</b>	<b>385</b>

The 2004 study revised these numbers as shown in the following table.



## Oregon Traffic Engineering LLC

Land Use	ITE Code	Size	Daily Trips	PM Peak Hour
B – Apts	220	62 Units	415	40
Townhouses	230	82 Units	480	45
C - Single Family	210	70 Units	725	75
D & E – Single Family	210	136 Units	1,405	150
<b>Total Trips</b>			<b>3,025</b>	<b>310</b>

The proposed change in this study is to increase the number of apartments in parcel B from 62 to 84 units.

Land Use	ITE Code	Size	Daily Trips	PM Peak Hour
B – Apts	220	84 Units	565	50
Townhouses	230	82 Units	480	45
C - Single Family	210	70 Units	725	75
D & E – Single Family	210	136 Units	1,405	150
<b>Total Trips</b>			<b>3,175</b>	<b>320</b>

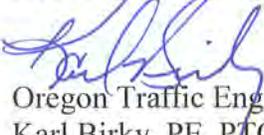
Traffic and traffic patterns of vehicles from a proximate area generally travel the same routes to reach major roadways. Vehicles traveling to and from Parcel B will generally share the roadway with traffic from neighboring parcels (C, D and E) and with some traffic from other parcels though there may be other more convenient routes to the highway or major roadways for traffic from these other parcels. Traffic with the proposed increase in apartments in Parcel B from 62 to 84 will result in 805 fewer daily trips from areas B, C, D and E than in the approved 1999 study. There will also be 65 fewer PM Peak Hour trips than in the approved 1999 study.

The 1999 study included 14 conclusions, including roadway and intersection improvements that should be made as development continued. It appears that all the recommendations for improvements have been completed even though the entire site is not built yet nor will the anticipated traffic volume increase in the 1999 traffic study be reached even at build-out.

It is my opinion, that there is nothing in the 1999 traffic study, the 2004 modification to the proposed development or in this proposal to build 84 apartments on Parcel B instead of the proposed 62 in the 2004 study that indicates that traffic levels would be greater than the traffic volumes in the approved 1999 study.

I can be reached at 503-550-7777 if there are additional questions that arise or additional information is needed.

Sincerely yours,

  
Oregon Traffic Engineering LLC  
Karl Birky, PE, PTOE  
Engineer



March 4, 2004

Joe Schiewe, P.E.  
Oakridge Estates Development Corporation  
4386 S.W. Macadam Avenue  
Portland, OR 97239

RE: Development Parcel H  
Springbrook Oaks Specific Plan

Dear Joe:

I have reviewed the documents and maps describing the plans for the development within the Springbrook Oaks Specific Plan (SOSP) Development Parcel H. You provided us with documents and maps describing the proposed 236-lot single-family housing subdivision and a 9-hole golf course in Parcel G replacing a portion of the property previously planned for Light Industrial. In addition, the hospital planned for Parcel F has been constructed on another site directly accessing Highway 99. The 20-acre SOSP hospital site has been replaced with 10 acres of assisted living facilities, and approximately 10 acres are proposed for senior housing.

Kittelson & Associates developed a traffic report for the SOSP in 1999. This letter updates the findings of that report and describes modifications which have occurred.

**Review and Update the Assumptions of the Kittelson Traffic Study**

Table 1 shows a comparison of the trips generated under the June 1999 Traffic Impact Analysis of the Springbrook Oaks Mixed Use Development with the revised land uses described above. The parcel layout is shown in Figure 1.



**Springbrook Oaks Specific Plan**  
**Table 1: Trip Generation**  
**1999 Kittelson Traffic Impact Analysis vs Current Plans**

Land Use	ITE Code	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
<b>Total Trips</b>									
Parcel A- Shopping Center	820	70 ksp	5,420	80	50	130	240	255	495
Parcel B- School	521	300-students	690	165	110	275	25	35	60
<i>Apartments</i>	220	62 units	415	5	30	35	25	15	40
<i>Townhouses</i>	230	82 units	480	5	30	35	30	15	45
Parcel C- <i>Apartments</i>	220	200 units	1,335	15	90	105	85	40	125
<i>Single Family</i>	210	70 units	725	15	40	55	50	25	75
Parcel D- <i>Single Family</i>	210	100 units	1,035	20	60	80	65	40	105
Parcel E- <i>Single Family</i>	210	88 units	920	20	50	70	60	35	95
<i>Parcels D&amp;E- Single Family</i>	210	136 units	1,405	30	80	110	90	60	150
Parcel F- <i>Hospital</i>	610	100-beds	1,175	75	30	105	40	80	120
<i>Assisted Living</i>	254	60 beds	165	7	3	10	10	15	25
<i>Senior Housing</i>	251	178 units	670	10	20	30	30	15	45
Parcel F- <i>Med Office Bldg</i>	720	25 kfs	805	50	10	60	25	60	85
		19.5 kfs	625	40	5	45	20	45	65
Parcel G- <i>Light Industrial</i>	110	941 ksf	6,925	900	125	1,025	140	1,045	1,185
<i>Light Industrial</i>	110	444 ksf	3,270	425	60	485	65	495	560
<i>Golf Course</i>	430	9-holes	320	15	5	20	10	15	25
Parcel H- <i>Single Family</i>	210	90 units	940	20	50	70	65	35	100
		236 units	2,465	50	130	180	170	90	260
<i>URA- Single Family</i>	210	60 units	620	5	35	40	35	25	60
<i>S/O Parcel H</i>									
<i>Total Trips</i>			19,245	1,345	575	1,920	745	1,625	2,370
			16,230	687	488	1,195	775	1,070	1,845
<b>Internal Trips</b>									
Parcel A- Shopping Center			830	10	10	20	30	40	70
Parcel B- School			70	15	10	25	5	5	10
Parcels C,D,E&H- Residential			655	10	5	15	40	20	60
Parcel F- Medical			250	5	5	10	5	20	25
			0	0	0	0	0	0	0
Parcel G- Industrial			350	5	5	10	15	15	30
			165	0	0	0	0	5	10
<i>Total Internal Trips</i>			2,155	45	35	80	90	100	195
			1,650	20	15	35	70	65	140
<b>Pass-by Trips</b>									
Parcel A- Shopping Center (30%)			1,375	20	10	30	65	65	130
<b>Total Pass-by Trips</b>			1,375	20	10	30	65	65	130
<b>Total Net New Trips</b>			15,715	1,280	530	1,810	585	1,460	2,045
			13,205	647	450	1,105	635	940	1,560

NOTE: Italics indicate changes from original plan.



### Changes in Land Use

Table 1 reflects the number of changes which have occurred or are planned to occur in the Springbrook Oaks Specific Plan area. These are itemized below.

- Parcel A – Shopping Center

This parcel has been constructed in accordance with the SOSP.

- Parcel B – School

The school has been replaced with 62 units of apartments and 82 units of townhomes.

- Parcel C – Single Family

The proposed 200 units has been reduced to 57-70 single-family units.

- Parcel D and Parcel E

The proposed 188 units between those two parcels have been reduced to a combined 136 units.

- Parcel F – Hospital

The hospital site has been replaced by a 60-bed assisted living facility and two senior housing units, one of 55 units and the other 123 units, for a total of 178 units of senior housing.

- Parcel F – Medical Office Building

After the assisted living and senior housing units are subtracted, as described above, there are 35.4 gross acres remaining in Parcel F. Of that, 2.6 acres are being targeted by the proposed Newberg/ Dundee Bypass, and another 5.2 acres will be occupied by the golf course, which is included in the trip generation estimate for Parcel G. This leaves a net of 27.6 acres for development.

- Parcel G – Light Industrial

Parcel G originally had a net acreage, exclusive of the Springbrook Creek corridor of 72 acres. This has been reduced by 7.9 acres for the proposed bypass and 33.2 acres for the planned golf course. This leaves 34 acres in the M-1 Light Industrial-zoned property. The trip generation shown is for a proportional share of the Light Industrial land and for a 9-hole golf course. Portions of the golf course are also located in Parcel F and Parcel H; although, the entire trip generation is accounted for in Parcel G.

- Parcel H – Single Family

This property was originally planned for 90 units. This has now been increased to 236 units. In URA land south of Parcel H, an application has been filed for annexation and future development of this parcel. This would amount to 44 additional units of single-family dwelling units.



### **ODOT Highway 99 Bypass**

A principal difference in the transportation system since the Kittelson report was published is the provision of the Oregon Highway 99 bypass. This bypass passes through the SOSP area through the southeasterly portion of Parcel F and then through the center of Parcel G. The bypass is currently in the environmental impact study stage. The bypass impacts the SOSP area in a number of ways. First, the land occupied by the bypass will no longer be available for development. This in itself will produce a significant reduction in trip generation. Secondly, the bypass will be access-controlled without an intersection in the SOSP area. Frontage roads will be provided at either side of the bypass to provide local access. The bypass will have a grade-separation with Fernwood Road. Fernwood Road within the proposed ODOT right-of-way would have to be reconstructed to build this grade separation. Because any additional east-west connectivity within the SOSP area would require another grade separation, the Oregon Department of Transportation has recommended that the Hayes Street Extension envisioned in the original SOSP be eliminated.<sup>1</sup> In response, the developer proposes continuing Hayes east from Brutscher and then northward to intersect Highway 99 at Providence Way, which will connect to the planned northern arterial. ODOT believes that Fernwood Road would be adequate to handle the traffic diverted from the eliminated section of Hayes. ODOT recommends that a better system alternative would be Fernwood Road to Brutscher Street to Hayes Street to Springbrook Road.

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<sup>1</sup> Letter – Oregon Department of Transportation – July 23, 2003 – to Jim Bennett, City Manager, City of Newberg, from Allen Fox, Project Leader.



## TRANSPORTATION OPTIONS FOR PARCEL H

- **Access to the Post 236-lot Residential Subdivision (Greens at Springbrook) with Development Parcel H of the SOS**

Ideally, collectors and arterial streets should be latticed in a way to provide connectivity in all directions. This helps to distribute traffic onto a roadway system in a most efficient manner and helps to reduce total vehicle miles traveled. Unfortunately, due to physical constraints, this ideal connectivity is not always practical to achieve. However, anticipating the possibility of additional properties being annexed by the City, the developer has designed the R-1 development in Parcel H to connect to a possible future roadway which would provide east – west connectivity.

The Oregon Department of Transportation is currently examining development for the Newberg/ Dundee bypass. These plans have not been finalized. There is concern that a connection might adversely impact development costs as a result of environmental consequences of a possible additional bridge over East Spring Brook Creek.

Given those facts, it seems reasonable to examine whether a connection is warranted. Three issues must be considered in this evaluation: 1) connectivity, 2) level of service analysis, and 3) emergency service.

- **Connectivity**

Currently east/ west connectivity is provided in the area on Fernwood Road and on Highway 99. Both of these connect with north/ south collector streets – Springbrook Street, Brutscher Street, and Corral Creek Road. ODOT has stated that as part of the Newberg/ Dundee bypass plans; they are considering developing a frontage road to the bypass and OR 99 to provide access to properties adversely affected by the construction of a limited access by-pass. This frontage road “would extend eastward to provide access to all properties to the west of Springbrook Creek. All properties east of Springbrook Creek would access to Corral Creek via Trails End or a newly constructed frontage road, if necessary.”<sup>2</sup>

- **Level of Service Analysis**

For this analysis, we have made use of the *Springbrook Oaks Mixed-use Development Traffic Impact Analysis* by Kittelson & Associates, dated June 1999. Table 5 in the Kittelson report indicates that the Brutscher Street/ Highway 99 intersection will operate at level of service (LOS) D in the year 2012. With the construction of a frontage road, traffic will be lowered at this intersection for an improved level of service. Also, as indicated in Table 1 above, traffic volumes from the SOS will be approximately 25 percent less during the PM peak hour than originally projected. A number of the improvements projected for the year 2012 have already been completed. Hayes Street (East – West Roadway) has been constructed between

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<sup>2</sup> Ibid.



Brutscher and Springbrook. Also, the roundabout has been constructed at the intersection of Brutscher and Hayes. Fernwood Road improvements west of Brutscher are nearly complete, and a traffic signal at Hayes/ Springbrook is scheduled for completion the summer of 2004.

- **Emergency Service**

The key element of providing emergency service in generally flat terrain, such as in the southeast section of Newberg, is to ensure that there is access from at least two different directions to all points in the development. This is achieved in Springbrook Oaks by having access at Brutscher and Springbrook to both Highway 99 and Fernwood Road. The development site east of Brutscher Street is located so that circulation can be provided from both the north and south. This should alleviate any concerns on the Springbrook Oaks side of Springbrook. East of Springbrook, future development should be designed in such a way as to provide access both to the north and to the south to alleviate emergency access concerns.

- **Secondary Access between Parcel H and Corral Creek Road**

The developer has agreed and intends to construct an emergency access road between Parcel H and Corral Creek Road over a permanently dedicated access easement. With concurrence of the Fire Marshall, it is proposed that an all-weather 24-foot minimum width connection be provided from the north end of the Parcel H development to Corral Creek. This road would not cross over any sensitive areas, as would a Hayes Street Extension crossing over East Springbrook Creek. This roadway could be built to accommodate pedestrians and bicyclists and, if necessary, could be built to residential street standards and used as an outlet to Highway 99.

Another opportunity for secondary access would be a road from Parcel H to the proposed bypass frontage road. Again, this route would not require crossing of the sensitive Springbrook Creek area and would provide for future connections with Corral Creek Road, allowing development of the County lands west of Corral Creek.

#### **CONCLUSION REGARDING EAST-WEST ACCESS**

Page 14 of the SOSP states that “Regardless of which access develops first, the second access to and from development Parcel H should be provided as traffic and/or public safety needs warrant it.

Based on the analysis described above and considering the traffic volumes projected from the SOSP area, it can be concluded that, if emergency access as proposed is provided, an east-west connector across the Springbrook corridor is not warranted to accommodate the traffic or public safety needs of the proposed subdivision, the URA lands under annexation request and for the remaining developable acres within the SOSP.



## RELATED ISSUES

- **East/West connectivity for pedestrians**

The SOSR has been designed to provide for east/west pedestrian and bicycle connectivity directly across East Springbrook Creek. Two, low impact, pedestrian crossings are planned; one at the north end of the property, the other near Fernwood road.

- **Signalization of Fernwood and Springbrook**

The Kittelson study suggests that a traffic signal would be appropriate at the intersection of Fernwood and Springbrook; however, ODOT is planning to disconnect the intersection of Second Street with Highway 219. As Second Street forms a westerly extension of Fernwood Road, this disconnection will have a major effect on traffic volumes using the intersection. It is highly likely that once Second Street is disconnected, a signal at Springbrook and Fernwood would never be warranted. For this reason, my recommendation is to not install a signal and to review its need sometime after the bypass is constructed.

- **Temporary Cross-section of Fernwood Road in the Vicinity of the Future Bypass**

The Newberg/Dundee bypass will be grade-separated from Fernwood Road. It is not known at this time which road will go over the other. In either case, Fernwood Road would be completely reconstructed as part of the bypass project in this area. Because of this, it would not seem to be physically prudent to build the road to full collector street standards until after the bypass improvement is in. My recommendation would be to provide a minimum of 22 feet of paved surface with at least 2-foot gravel shoulders on either side. From Brutscher to the sanitary sewer pump station, a separated asphalt pedestrian way should also be provided.

- **Fernwood Road Crossing of Springbrook Creek**

The existing Fernwood Road crossing of East Springbrook Creek is at a sharp 'S' section of Fernwood Road. It is recommended that this sharp curve be softened. The roadway section recommended for this area would be that used in the recent crossing of West Springbrook Creek, as shown in Figure 2. This cross-section minimizes the impacts to the creek-related riparian areas.

- **Fernwood Entrance to Parcel H Subdivision**

At 236 units, plus the potential of 44 additional units in URA lands, the traffic from the proposed subdivision is light enough to not require any special turn lane provisions. Care should be taken at the exit to ensure that adequate sight distance is provided.

- **Traffic Volumes at Fernwood Road and Corral Creek Road**

There is some local concern that the subdivision will produce abnormally high volumes at the intersection of Fernwood Road and Corral Creek Road. The absolute number of vehicles using this intersection will be quite low and well within the levels



capable of being handled by the intersection. This number will be diminished further if the bypass frontage road is constructed.

- **Corral Creek Road and Highway 99**

Although the Kittelson report shows that the intersection of Corral Creek Road and Highway 99 meets the ODOT volume-to-capacity (v/c) ratio standard, it also shows that the left turns onto and off of Highway 99 will be operating at level of service (LOS) F. This is a result of the high level of delays required for traffic trying to make a left turn across high-speed traffic. One solution would be to place a traffic signal at the intersection; however, volumes are going to be extremely light, and a signal at this location coming out of a rural high-speed section of Highway 99 could be problematic. ODOT is considering several options for this intersection ranging from closing it altogether to placing an island in Highway 99 to limit access to and from Corral Creek Road to be right turns only. This recommendation will serve to also minimize traffic at the Corral Creek/ Fernwood intersection.



**SUMMARY**

The proposed changes in the SOSA area, especially those relating to Parcel H, Parcel G, and Parcel F will have the effect of overall reducing traffic volumes into the SOSA area and should have no substantial effect upon the analysis contained in the Kittelson report.

Based on traffic demand, an additional east-west connection across East Springbrook Creek is not warranted. There does not appear to be a need for additional analysis beyond that which is contained in the Kittelson report and supplemented by this document.

Please let me know if you have any further questions or desire elaboration.

Very truly yours,

James R. Hanks, P.E.

Transportation Impact Analysis

# Springbrook Oaks Mixed-Use Development

Newberg, Oregon

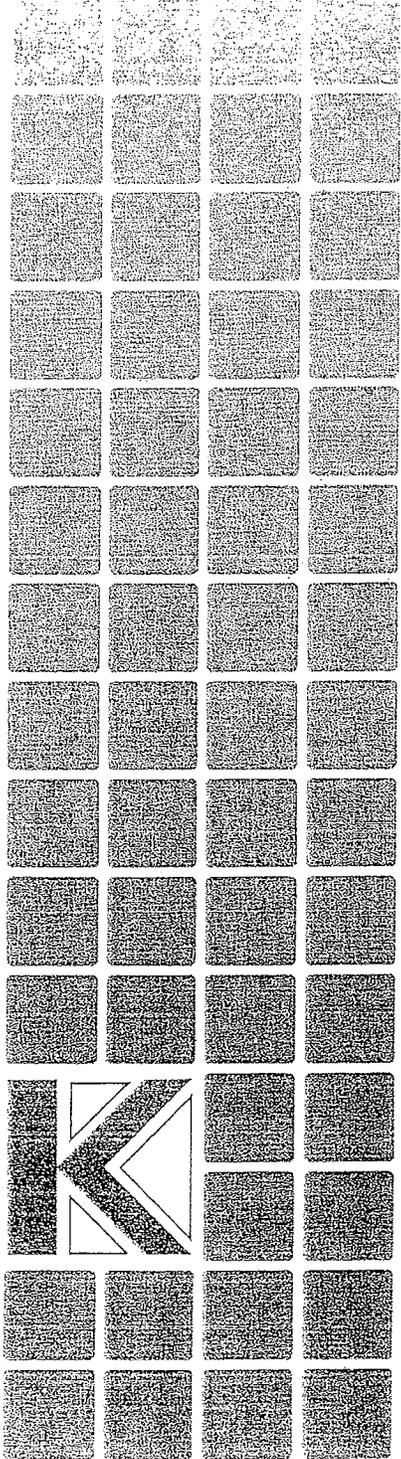
June 1999

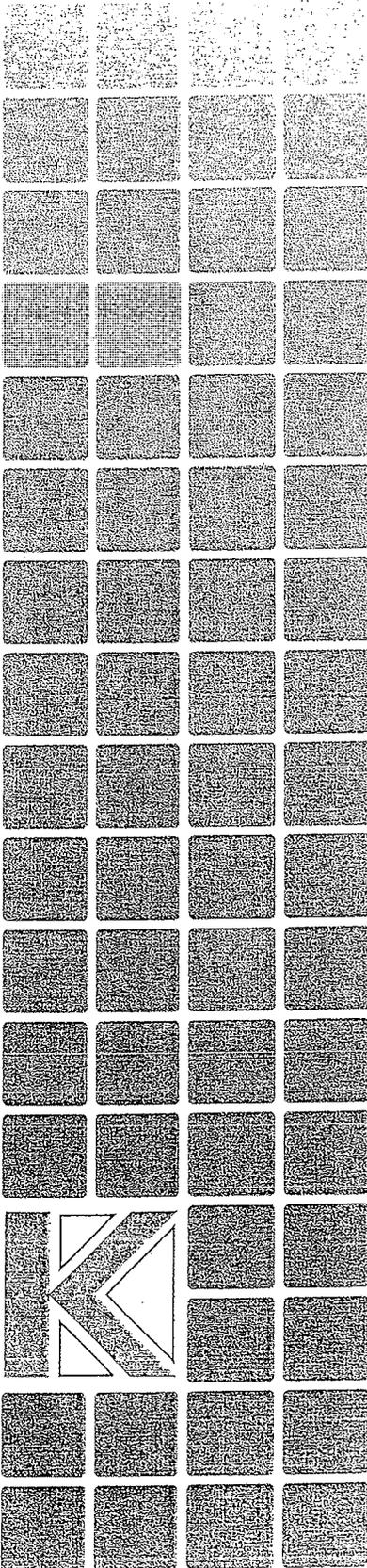
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**KITTELSON & ASSOCIATES, INC.**

Transportation Planning/Traffic Engineering

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**Section 5**

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Conclusions

## Conclusions

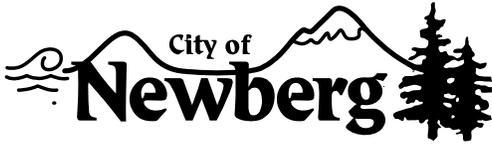
The results of the traffic impact analysis indicate that the site can be developed while maintaining acceptable operations on the surrounding transportation network. The site was assumed to be developed with high trip generating uses to result in a conservative analysis. Actual trip generation may be less as the site develops. In addition, the analysis assumes no other significant changes to the surrounding transportation system other than future East-West Road and extension of Brutscher Street. Therefore, the need for and timing of the recommended improvements may vary as the site develops and the surrounding transportation system changes. Specific conclusions and recommendations are listed below.

### CONCLUSIONS

- The study intersections currently operate with acceptable levels of service under existing weekday a.m. and p.m. peak hour traffic conditions.
- Regardless of development of the site, 2012 background traffic conditions will require the construction of a separate northbound right-turn lane at the Springbrook Street/Highway 99W intersection to maintain acceptable traffic operations. The remaining intersections will continue to operate acceptably under 2012 background traffic conditions.
- Construction of dual northbound left-turn lanes at the Springbrook Street/Highway 99W intersection is recommended after development of approximately 40 percent of the site in order to maintain acceptable traffic operations. Construction of dual southbound left-turn lanes at this intersection is recommended after development of 60 percent of the site.
- Construction of a separate southbound left-turn lane is recommended at the future East-West Road/Springbrook Street intersection after development of approximately 10 percent of the site.
- The future East-West Road/Springbrook Street intersection will require a traffic signal after development of approximately 60-percent build-out of the site. Construction of more than one access on Springbrook Street may eliminate or postpone the need for this signal by distributing the traffic.
- If the majority of site traffic is directed through the future Brutscher Street/East-West Road intersection, then this intersection will require a traffic signal in the future. Alternatives to a traffic signal include construction of a roundabout or an internal grid network of streets to disperse traffic.
- The Corral Creek Road/Highway 99W, Brutscher Street/Highway 99W, Fernwood Road/Springbrook Street, and Brutscher Street/Fernwood Road intersections are expected to continue to operate acceptably with development of the site.
- A two-lane roadway will provide adequate capacity for the future East-West Road, but separate left-turn lanes should be provided at all major intersections.
- Intersecting the future East-West Road halfway between Highway 99W and Fernwood Road will provide the ideal spacing between major intersections. If this is not feasible, a minimum of 365 feet of space is recommended between the future East-West Road and any other major intersections on Springbrook Street.
- The East-West Road should be constructed for future connection with Hancock Street and/or Hayes Street west of Springbrook Street to provide an alternative east-west route to

Highway 99W. Although connecting the road with Hancock Street will extend the route further west and is expected to have slightly higher utilization, either roadway is constrained by Hess Creek to the west and will require motorists to use Highway 99W when traveling further west.

- The eastern alignment of the future East-West Road is not critical for utilization as long as connections to the parcels north and east of the site are provided.
- The potential golf course or 90 homes to be located on the east portion of the site are low trip generators and can be adequately served with primary access on Fernwood Road.
- Sidewalks and bicycle lanes internal to the site and between the site and the commercial properties to the north will provide for safe circulation of pedestrians and bicyclists and encourage non-automobile trips, potentially reducing automobile traffic.
- More than one access is recommended for emergency vehicles for all major areas of the site.



**WE WANT YOUR COMMENTS ON A PROPOSED NEW DEVELOPMENT IN YOUR NEIGHBORHOOD**

A property owner in your neighborhood submitted an application to the City of Newberg to acquire approval to construct *a multi-family apartment development. Development review applications include a property line adjustment, preliminary partition plat, code adjustment and a Type II design review.* You are invited to take part in the City's review of this project by sending in your written comments. For more details about giving comments, please see the back of this sheet.

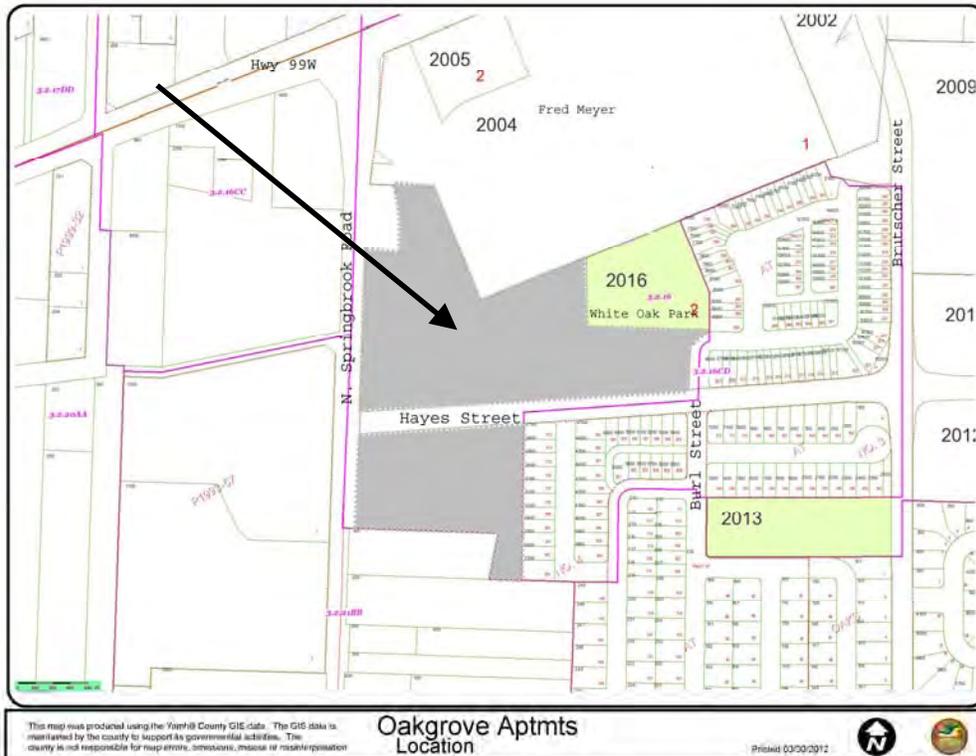
The development would include *seven apartment buildings holding 84 mid-market apartment units, 123 on-site parking spaces, pedestrian paths, dedicated storage and a resident garden on a portion of Yamhill County Tax Lot 3216 02017.*

APPLICANT: *MJG Development, Inc.; Attn: Mike Gougler*  
 TELEPHONE: *(503) 810-5576*

PROPERTY OWNER: *Werth Family LLC; Attn: Dean Werth*

LOCATION: *3411 Hayes Street, Newberg, Oregon 97132*

TAX LOT NUMBER: *3216-02017*



## Attachment 4: Project Application

We are mailing you information about this project because you own land within 500 feet of the proposed new project. We invite you to send any written comments for or against the proposal within 14 days from the date this notice is mailed.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No. DR1-12-003, PAR-23-002, ADJC-12-001, ADJP-12-002  
City of Newberg Planning & Building Department  
PO Box 970  
Newberg, OR 97132

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

All written comments must be turned in by 5:00 p.m. on \_\_\_\_\_.  
Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the City in writing before this date. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on these applications (s) are found in the Newberg Development Code sections 15.210, 15.220, 15.230, 15.235, 15.310, 15.405, 15.410, 15.415, 15.420, 15.425, 15.430, 15.440, 15.505 and Springbrook Oaks Specific Plan Appendix A, B & PUD-07-04/ADJ-131-04.

The City Planning director will make a decision at the end of a 14-day comment period. If you send in written comments about this project, you will be sent information about any decision made by the City relating to this project.

Date Mailed: \_\_\_\_\_

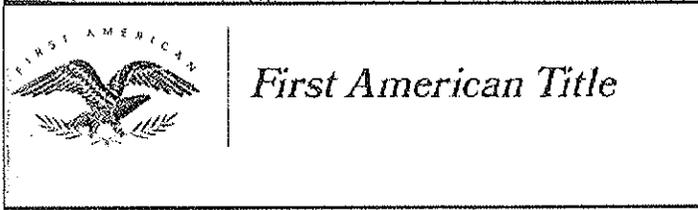
# Land Use Notice

**FILE #:** ADJP-12-002; ADJC-12-003; PAR-12-002 & DR1-12-003

**PROPOSAL:** *1) Property line adjustment between Partition 2004-24 parcels 2 & 3; 2) Partition of above parcel 3 into two parcels and one greenway tract; 3) Code adjustment for off-street parking; 4) Design review for 84 unit apartment site development.*

## FOR FURTHER INFORMATION, CONTACT:

City of Newberg  
Planning & Building Department  
414 E First Street  
Phone: (503) 537-1240



This map has been copied from the public records and is provided solely for the purpose of assisting in locating the premises. No liabilities are assumed for inaccuracies contained herein or for variations, if any, in dimensions, area or location of the premises or the location of improvements ascertained by actual survey.



# Attachment 4: Project Application



*First American Title*

## 500 Foot List

ParcelID	Site Addr	Site City	Site Zip	Acres	Beds	Baths	SqFt	Owner
R321602002	901 N Brutscher St	Newberg	97132	2.8000	0	0.00	0	Werth Investment I LLC
R321602004	3300 E Portland Rd	Newberg	97132	17.3500	0	0.00	0	Texas Commerce Bank National Association
R321602005	3220 E Portland Rd	Newberg	97132	1.3800	0	0.00	0	United States National Bank Of Oregon
R321602013	3720 Mistletoe Dr	Newberg	97132	2.0300	0	0.00	0	Chehalem Park & Recreation District
R321602016	3575 Oak Grove St	Newberg	97132	1.9000	0	0.00	0	Chehalem Park And Recreation District
R321602017	0	Newberg	97132	10.7200	0	0.00	0	Werth Family LLC
R3216CC00100	3105 E Portland Rd	Newberg	97132	0.6000	0	0.00	0	Convenience Retailers LLC
R3216CC01100	0 E Portland Rd	Newberg	97132	4.8200	0	0.00	0	Francis Enterprises Inc
R3216CC01200	3102 E Portland Rd	Newberg	97132	0.3600	3	2.00	2270	Francis Enterprises Inc
R3216CC01300	0 E Portland Rd	Newberg	97132	0.2700	3	1.50	1946	Francis Deborah
R3216CC01400	705 N Springbrook Rd	Newberg	97132	1.4800	0	0.00	0	Jennings Jerry M
R3216CD00100	0	Newberg	97132	0.1500	0	0.00	0	Oaks At Springbrook Homeowners Assoc
R3216CD00200	3729 Bur Oak Ct	Newberg	97132	0.0982	4	2.50	1988	Williams Todd E
R3216CD00300	3719 Bur Oak Ct	Newberg	97132	0.0998	3	2.50	1865	Knox Brenda L & John S
R3216CD00400	3713 Bur Oak Ct	Newberg	97132	0.0977	4	2.50	1988	Crugnaie Ercolino M Jr & Laura N
R3216CD00500	3707 Bur Oak Ct	Newberg	97132	0.0956	3	2.50	1865	Alonso Ramon
R3216CD00600	3703 Bur Oak Ct	Newberg	97132	0.0985	3	2.50	2205	Duerr Jeffrey M
R3216CD00700	3633 Bur Oak Ct	Newberg	97132	0.0913	3	2.50	1994	Wirrkala Douglas G
R3216CD00800	3629 Bur Oak Ct	Newberg	97132	0.0893	3	2.50	1865	Calton Tara L
R3216CD00900	3625 Bur Oak Ct	Newberg	97132	0.0918	3	2.50	2205	Kawahara Yasunari & Rebecca L
R3216CD01000	3619 Bur Oak Ct	Newberg	97132	0.0850	4	2.50	1994	Amsg LLC
R3216CD01100	3613 Bur Oak Ct	Newberg	97132	0.0829	4	2.50	1865	Marsico Francesco & Raffaolina
R3216CD01200	3607 Bur Oak Ct	Newberg	97132	0.1028	4	2.50	1988	Gibbs Patrick L & Karen J B
R3216CD01300	3606 Bur Oak Ct	Newberg	97132	0.1038	3	2.50	1865	Rodriguez David & Tamara L
R3216CD01400	3612 Bur Oak Ct	Newberg	97132	0.0806	4	2.50	1994	Apa-Hall Paula J
R3216CD01500	3618 Bur Oak Ct	Newberg	97132	0.0806	3	2.50	1865	Kraig Krystal M
R3216CD01600	3624 Bur Oak Ct	Newberg	97132	0.0828	4	2.50	1988	Gotham Robert D
R3216CD01700	3628 Bur Oak Ct	Newberg	97132	0.0806	3	2.50	1865	Mix Melissa A & Claude C
R3216CD01800	3632 Bur Oak Ct	Newberg	97132	0.0806	4	2.50	1994	Knutson Andy James-Lee
R3216CD01900	3702 Bur Oak Ct	Newberg	97132	0.0850	4	2.50	2205	Lawson Walton W & Shelby L
R3216CD02000	3708 Bur Oak Ct	Newberg	97132	0.0806	4	2.50	1994	Federal Home Loan Mortgage Corporation
R3216CD02100	3712 Bur Oak Ct	Newberg	97132	0.0806	3	2.50	1865	Apple Aida & Earl A Trustees For
R3216CD02200	3718 Bur Oak Ct	Newberg	97132	0.0850	4	2.50	2205	Samter Rachel & Joshua
R3216CD02300	3728 Bur Oak Ct	Newberg	97132	0.0806	3	2.50	1988	Bacon Robert S Jr & Kari J
R3216CD02700	439 Oak Leaf St	Newberg	97132	0.1035	3	2.50	2205	Water Todd & Fengling
R3216CD02800	429 Oak Leaf St	Newberg	97132	0.0782	4	2.50	1994	Teslow Katie & Richard
R3216CD02900	419 Oak Leaf St	Newberg	97132	0.0826	4	2.50	2205	Tannler Nicole H & Kurt M
R3216CD03000	409 Oak Leaf St	Newberg	97132	0.0785	3	2.50	1865	Davis Jolee N
R3216CD03100	401 Oak Leaf St	Newberg	97132	0.0787	4	2.50	1994	Johnson Living Trust
R3216CD03200	349 Oak Leaf St	Newberg	97132	0.0831	3	2.50	2205	Johnson David & Elizabeth
R3216CD03300	339 Oak Leaf St	Newberg	97132	0.0790	3	2.50	1865	Motta Jared P
R3216CD03400	329 Oak Leaf St	Newberg	97132	0.0792	4	2.50	1988	Kuenzi Teresa
R3216CD03500	319 Oak Leaf St	Newberg	97132	0.0837	3	2.50	2205	Bak Hun

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R3216CD03600	309 Oak Leaf St	Newberg	97132	0.0795	3	2.50	1865	Wang Peter C
R3216CD03700	303 Oak Leaf St	Newberg	97132	0.1259	3	2.50	2205	Creighton Kirk G & Belinda L
R3216CD03800	308 Oak Leaf St	Newberg	97132	0.0974	3	2.50	2205	Hope George L & Constance L
R3216CD03900	318 Oak Leaf St	Newberg	97132	0.0806	4	2.50	1994	Banc Of America Funding 2006-a Trust
R3216CD04000	328 Oak Leaf St	Newberg	97132	0.0806	3	2.50	1865	Vasquez Anthony & Stephanie
R3216CD04100	338 Oak Leaf St	Newberg	97132	0.0850	4	2.50	2205	Meyer Mary H
R3216CD04200	348 Oak Leaf St	Newberg	97132	0.0817	3	2.50	1994	Patterson Justin T & Melissa H
R3216CD04300	400 Oak Leaf St	Newberg	97132	0.0805	3	2.50	1865	Kelley Heather D & George L
R3216CD04400	408 Oak Leaf St	Newberg	97132	0.0761	4	2.50	2205	Choate Erald & Yesenia
R3216CD04500	418 Oak Leaf St	Newberg	97132	0.0721	4	2.50	1988	Tschan Liana T
R3216CD04600	428 Oak Leaf St	Newberg	97132	0.0721	3	2.50	1865	Wanner Donald M Jr
R3216CD04700	438 Oak Leaf St	Newberg	97132	0.1154	3	2.50	2205	Malich Gaetano
R3216CD04800	3503 Bur Oak Alley	Newberg	97132	0.0733	3	2.50	1611	Walker Gregory B & Alissa K
R3216CD04900	3507 Bur Oak Alley	Newberg	97132	0.0585	3	2.50	1875	Raquel Corie S
R3216CD05000	3511 Bur Oak Alley	Newberg	97132	0.0601	3	2.50	1785	Toye Ryan M & Kelly M (wros)
R3216CD05100	3515 Bur Oak Alley	Newberg	97132	0.0618	3	2.50	1611	Mendonsa Paul A
R3216CD05200	3517 Bur Oak Alley	Newberg	97132	0.0636	3	2.50	1875	Fidanzo Tyler & Brittany
R3216CD05300	3521 Bur Oak Alley	Newberg	97132	0.0653	3	2.50	1785	Focareto David M & Kathryn L
R3216CD05400	3525 Bur Oak Alley	Newberg	97132	0.0857	3	2.50	1875	Nomie Habib A & Dorcas
R3216CD05500	411 Burl St	Newberg	97132	0.0643	3	2.50	1611	Gorny Nancy J
R3216CD05600	3519 Willow Oak Dr	Newberg	97132	0.0505	3	2.50	1785	Dean Anthony C
R3216CD05700	3513 Willow Oak Dr	Newberg	97132	0.0505	3	2.50	1611	Wang Peter C
R3216CD05800	3509 Willow Oak Dr	Newberg	97132	0.0505	3	2.50	1785	Snider Brian R & Rebecca S
R3216CD05900	3505 Willow Oak Dr	Newberg	97132	0.0506	3	2.50	1611	Glaven Cathy L & Scott C
R3216CD06000	3501 Willow Oak Dr	Newberg	97132	0.0773	3	2.50	1875	Davidhi Arber
R3216CD06100	0	Newberg	97132	0.0898	0	0.00	0	Oaks At Springbrook Homeowners Assoc
R3216CD06200	3729 Oak Hollow Dr	Newberg	97132	0.0666	3	2.50	1641	Okelley Deborah A
R3216CD06300	3725 Oak Hollow Dr	Newberg	97132	0.0441	3	2.50	1551	Smith Patrick J & Hsin-Hui Chien
R3216CD06400	3721 Oak Hollow Dr	Newberg	97132	0.0436	3	2.50	1551	Comfort Kandie L
R3216CD06500	3717 Oak Hollow Dr	Newberg	97132	0.0632	3	2.50	1647	Hillyard Mark A & Cindy L
R3216CD06600	3713 Oak Hollow Dr	Newberg	97132	0.0632	3	2.50	1681	Kaeo Kenneth & Heather
R3216CD06700	3709 Oak Hollow Dr	Newberg	97132	0.0435	3	2.50	1592	Davidson Joseph E & Vera
R3216CD06800	3705 Oak Hollow Dr	Newberg	97132	0.0435	3	2.50	1592	Marten Julie A
R3216CD06900	3701 Oak Hollow Dr	Newberg	97132	0.0632	3	2.50	1681	Lashley Carol
R3216CD07000	3629 Oak Hollow Dr	Newberg	97132	0.0632	3	2.50	1648	Smith Kristina
R3216CD07100	3625 Oak Hollow Dr	Newberg	97132	0.0435	3	2.50	1536	Farris Samuel & Sarah R
R3216CD07200	3621 Oak Hollow Dr	Newberg	97132	0.0418	3	2.50	1536	Oelke Christian & April 50
R3216CD07300	3617 Oak Hollow Dr	Newberg	97132	0.0715	3	2.50	1648	Ritala Stacey
R3216CD07400	3613 Oak Hollow Dr	Newberg	97132	0.1090	3	2.50	1658	Kallianis Anthony M & Sally
R3216CD07500	3609 Oak Hollow Dr	Newberg	97132	0.0509	3	2.50	1556	McClay Brandy
R3216CD07600	3605 Oak Hollow Dr	Newberg	97132	0.0466	3	2.50	1556	Welsh Ryan & Kate
R3216CD07700	3601 Oak Hollow Dr	Newberg	97132	0.0604	3	2.50	1658	Stein Matthew C & Jocelyn M
R3216CD07800	717 Oak Hollow Dr	Newberg	97132	0.0576	3	2.50	1656	Jeronimo Lucy M
R3216CD07900	713 Oak Hollow Dr	Newberg	97132	0.0430	3	2.50	1543	Marohn Beatrice Trustee For
R3216CD08000	709 Oak Hollow Dr	Newberg	97132	0.0435	3	2.50	1543	Gladheim David M
R3216CD08100	705 Oak Hollow Dr	Newberg	97132	0.0786	3	2.50	1656	McCarty William G
R3216CD08200	627 Oak Hollow Dr	Newberg	97132	0.0850	3	2.50	1644	Bryant Kenna I
R3216CD08300	623 Oak Hollow Dr	Newberg	97132	0.0436	3	2.50	1543	McNamara Michael T & Julie M
R3216CD08400	619 Oak Hollow Dr	Newberg	97132	0.0436	3	2.50	1543	Harris Walter C & Diana M
R3216CD08500	615 Oak Hollow Dr	Newberg	97132	0.0884	3	2.50	1644	Harris Walter C & Diana M

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R3216CD08600	3600 Oak Grove St	Newberg	97132	0.0908	3	2.50	1667	Moshberger Judy
R3216CD08700	3604 Oak Grove St	Newberg	97132	0.0463	3	2.50	1479	Smith Norbert R & Mary M
R3216CD08800	3608 Oak Grove St	Newberg	97132	0.0454	3	2.50	1479	Rice David G
R3216CD08900	3612 Oak Grove St	Newberg	97132	0.0644	3	2.50	1667	Cooke Peter J & Carolyn W
R3216CD09000	3616 Oak Grove St	Newberg	97132	0.0640	3	2.50	1654	Sherman Michael & Emily
R3216CD09100	3620 Oak Grove St	Newberg	97132	0.0435	3	2.50	1448	Romero Stephanie N
R3216CD09200	3624 Oak Grove St	Newberg	97132	0.0435	3	2.50	1448	Newkirk Danette L
R3216CD09300	3628 Oak Grove St	Newberg	97132	0.0565	3	2.50	1654	Schmelling Heather M
R3216CD09400	3702 Oak Grove St	Newberg	97132	0.0565	3	2.50	1674	McNelis Kathleen L
R3216CD09500	3706 Oak Grove St	Newberg	97132	0.0435	3	2.50	1513	Deveny Susette Trustee For
R3216CD09600	3710 Oak Grove St	Newberg	97132	0.0435	3	2.50	1513	Campbell Deann
R3216CD09700	3714 Oak Grove St	Newberg	97132	0.0565	3	2.50	1674	McCarthy Kathleen
R3216CD09800	3718 Oak Grove St	Newberg	97132	0.0565	3	2.50	1652	LA Rotonda Dominic M
R3216CD09900	3722 Oak Grove St	Newberg	97132	0.0435	3	2.50	1523	Morse Shannon M & Keith A
R3216CD10000	3726 Oak Grove St	Newberg	97132	0.0432	3	2.50	1523	Bergen Marcus
R3216CD10100	3730 Oak Grove St	Newberg	97132	0.0946	3	2.50	1652	Sawyer Mark
R3216CD10200	0	Newberg	97132	0.0469	0	0.00	0	Oaks At Springbrook Homeowners Assoc
R3216CD10300	600 Little Oak St	Newberg	97132	0.0879	3	2.50	1674	Adamski Caitlin E
R3216CD10400	604 Little Oak St	Newberg	97132	0.0420	3	2.50	1619	Whitmore David J & Patricia K
R3216CD10500	608 Little Oak St	Newberg	97132	0.0424	3	2.50	1619	Dickerson Bradley & Jami
R3216CD10600	612 Little Oak St	Newberg	97132	0.0816	3	2.50	1674	Holland Carole Trustee For
R3216CD10700	616 Little Oak St	Newberg	97132	0.0566	3	2.50	1674	Reed Robert W
R3216CD10800	620 Little Oak St	Newberg	97132	0.0436	3	2.50	1619	Rinehart Kelly A
R3216CD10900	624 Little Oak St	Newberg	97132	0.0436	3	2.50	1619	Barnes Lance M & Yolanda B
R3216CD11000	628 Little Oak St	Newberg	97132	0.0567	3	2.50	1674	Birtcher Kable & Heather
R3216CD11100	704 Little Oak St	Newberg	97132	0.0567	3	2.50	1674	Morgan Travis C & Kalina M
R3216CD11200	708 Little Oak St	Newberg	97132	0.0436	3	2.50	1619	Folk Gregory A & Melissa L
R3216CD11300	712 Little Oak St	Newberg	97132	0.0436	3	2.50	1619	Moore Katie
R3216CD11400	716 Little Oak St	Newberg	97132	0.0567	3	2.50	1674	Zinkel Terrence D & Donna M
R3216CD11500	720 Little Oak St	Newberg	97132	0.0567	3	2.50	1674	Horgan-Dickson LLC
R3216CD11600	724 Little Oak St	Newberg	97132	0.0436	3	2.50	1619	Cenotto Lisa
R3216CD11700	728 Little Oak St	Newberg	97132	0.0436	3	2.50	1619	Haraden Robert
R3216CD11800	732 Little Oak St	Newberg	97132	0.0567	3	2.50	1674	Lietz June D
R3216CD11900	736 Little Oak St	Newberg	97132	0.0567	3	2.50	1674	Koepke Stanley
R3216CD12000	740 Little Oak St	Newberg	97132	0.0436	3	2.50	1619	Harrell Charles J
R3216CD12100	744 Little Oak St	Newberg	97132	0.0436	3	2.50	1619	Willows Sean M
R3216CD12200	748 Little Oak St	Newberg	97132	0.0736	3	2.50	1674	Stagg Larry S & Debra M
R3216CD12300	0	Newberg	97132	0.0341	0	0.00	0	Oaks At Springbrook Homeowners Assoc
R3216CD12400	722 Oak Hollow Dr	Newberg	97132	0.0464	4	2.50	1864	Palmore John
R3216CD12500	718 Oak Hollow Dr	Newberg	97132	0.0344	4	2.50	1817	Smialek Gary M
R3216CD12600	714 Oak Hollow Dr	Newberg	97132	0.0464	3	2.50	1864	Kellogg Janice L
R3216CD12700	710 Oak Hollow Dr	Newberg	97132	0.0464	3	2.50	1864	Gray Gary R & Kelli
R3216CD12800	706 Oak Hollow Dr	Newberg	97132	0.0344	3	2.50	1817	Avedovech Barbara
R3216CD12900	702 Oak Hollow Dr	Newberg	97132	0.0565	3	2.50	1864	Korol Peggy A & Emil B
R3216CD13000	3701 Oak Grove St	Newberg	97132	0.0711	3	2.50	1852	Bush Joseph L & Haley E
R3216CD13100	3705 Oak Grove St	Newberg	97132	0.0344	3	2.50	1822	Rue Sarah S
R3216CD13200	3709 Oak Grove St	Newberg	97132	0.0344	3	2.50	1822	Wilson Daniel C & Laurie L
R3216CD13300	3713 Oak Grove St	Newberg	97132	0.0464	3	2.50	1853	Lund Michael & Melissa
R3216CD13400	3717 Oak Grove St	Newberg	97132	0.0464	4	2.50	1853	Hebert Thomas B & Susan A Trustees For

## Attachment 4: Project Application

R3216CD13500	3721 Oak Grove St	Newberg	97132	0.0344	4	2.50	1826	Rosal Michael E & Racquel
R3216CD13600	3725 Oak Grove St	Newberg	97132	0.0344	4	2.50	1826	Smialek Michael
R3216CD13700	3729 Oak Grove St	Newberg	97132	0.0621	4	2.50	1853	Palma Michael G & Amy J
R3216CD13800	703 Little Oak St	Newberg	97132	0.0563	4	2.50	1817	Zolotoff Nicholas T & Lindsay H
R3216CD13900	707 Little Oak St	Newberg	97132	0.0344	4	2.50	1817	Gurlides Stephen P Jr & Susan K
R3216CD14000	711 Little Oak St	Newberg	97132	0.0344	4	2.50	1817	Grobey Gail
R3216CD14100	715 Little Oak St	Newberg	97132	0.0464	4	2.50	1817	Romer Richard K & Kammy M
R3216CD14200	719 Little Oak St	Newberg	97132	0.0464	4	2.50	1777	Petrillo Anthony R
R3216CD14300	723 Little Oak St	Newberg	97132	0.0344	4	2.50	1817	Whitzel Denny N
R3216CD14400	727 Little Oak St	Newberg	97132	0.0344	4	2.50	1817	Everett Steven L & Shiela C
R3216CD14500	731 Little Oak St	Newberg	97132	0.0462	4	2.50	1777	Taylor-Weber Anthony & Jamie
R3216CD14600	0	Newberg	97132	0.0129	0	0.00	0	Oaks At Springbrook Homeowners Assoc
R3221BA00201	231 Burl St	Newberg	97132	0.1136	4	3.00	2392	Van Dordrecht Cornell J & Julie D
R3221BA00202	241 Burl St	Newberg	97132	0.1155	4	3.00	2086	Grimm Heather
R3221BA00203	251 Burl St	Newberg	97132	0.1136	4	3.00	2295	Cotter Dianna C & Eric F
R3221BA00204	261 Burl St	Newberg	97132	0.1155	4	3.00	2941	Chenoweth David B & Shari L
R3221BA00205	271 Burl St	Newberg	97132	0.1136	4	3.00	2392	Root Bradford J & Shanda J
R3221BA00206	281 Burl St	Newberg	97132	0.1145	5	3.00	2941	Nadora Luisito S & Florinia G
R3221BA00207	301 Burl St	Newberg	97132	0.0662	3	2.50	1628	Clyde Jeffrey J
R3221BA00208	311 Burl St	Newberg	97132	0.0662	3	2.50	1790	Gonzales Arian Baquero
R3221BA00209	321 Burl St	Newberg	97132	0.0662	3	2.50	1533	Bonnell James M & Kimberlee
R3221BA00210	331 Burl St	Newberg	97132	0.0662	3	2.50	1676	Peters Dewayne & Mary A
R3221BA00211	341 Burl St	Newberg	97132	0.0738	3	2.50	2138	Popoff Peter C & Vicki L
R3221BA00212	351 Burl St	Newberg	97132	0.0739	3	2.50	1790	Crew Hillery
R3221BA00213	346 Royal Oak St	Newberg	97132	0.0814	0	2.50	1790	Alley Clinton M & Norma I
R3221BA00214	336 Royal Oak St	Newberg	97132	0.0662	3	2.50	1772	Courter Patrick D
R3221BA00215	326 Royal Oak St	Newberg	97132	0.0662	3	2.50	1533	Bender Timothy & Nancy
R3221BA00216	316 Royal Oak St	Newberg	97132	0.0662	3	2.50	1790	Jensen Gayle M
R3221BA00217	306 Royal Oak St	Newberg	97132	0.0662	3	2.50	1772	Corsetti Shane
R3221BA00218	300 Royal Oak St	Newberg	97132	0.0662	3	2.50	1533	Senegor Moris Trustee For
R3221BA00219	286 Royal Oak St	Newberg	97132	0.1145	3	3.00	2392	Griffith Stuart
R3221BA00220	276 Royal Oak St	Newberg	97132	0.1136	4	2.50	1957	Opitz Nancy
R3221BA00221	266 Royal Oak St	Newberg	97132	0.1155	4	2.50	2295	Shinneman Charles & Jessica E
R3221BA00222	256 Royal Oak St	Newberg	97132	0.1136	4	3.00	2392	Parker Virginia L
R3221BA00223	246 Royal Oak St	Newberg	97132	0.1155	4	3.00	2958	Rummel Lawrence D & Linda D Trustess OF
R3221BA00224	236 Royal Oak St	Newberg	97132	0.1136	3	3.00	2392	Maskew Rodney M & Denise M
R3221BA00225	226 Royal Oak St	Newberg	97132	0.1155	5	3.00	2856	Stanley Tommy H & Kathy
R3221BA00242	211 Royal Oak St	Newberg	97132	0.1408	5	4.00	3397	Maugeri Rose
R3221BA00243	221 Royal Oak St	Newberg	97132	0.1391	4	4.00	3064	Beecher Christopher J & Christine
R3221BA00244	231 Royal Oak St	Newberg	97132	0.1373	4	3.00	2769	Wells Jeffrey & Karyn K
R3221BA00245	241 Royal Oak St	Newberg	97132	0.1355	3	3.00	2392	Harris Jacob E & Amanda S
R3221BA00246	251 Royal Oak St	Newberg	97132	0.1337	4	2.50	2856	Flannigan Lynn M & Michael W
R3221BA00247	261 Royal Oak St	Newberg	97132	0.1320	4	3.00	2959	Andrews David W & Margaret
R3221BA00248	271 Royal Oak St	Newberg	97132	0.1302	3	3.00	2392	Harris Bryan J & Gennie S
R3221BA00249	281 Royal Oak St	Newberg	97132	0.1277	3	3.00	2359	Mendenhall David Trustee For
R3221BA00253	0	Newberg	97132	0.0261	0	0.00	0	Chehalem Parks & Recreation District
R3221BB00100	216 NE Springbrook Rd		97132	1.2300	0	0.00	0	Fernwood Grange NO 770
R3221BB00200	212 NE Springbrook Rd		97132	2.0000	4	1.50	2002	Landis Curt & Tammy L

## Attachment 4: Project Application

R3221BB00300	208 NE Springbrook Rd		97132	0.3600	2	2.00	2050	Kindsvogol Robert W & Susan M
R3221BB00400	0 NE Springbrook Rd		97132	0.8300	0	0.00	0	Mueller Gerald D & Mary S
R3221BB00500	204 NE Springbrook Rd		97132	0.9900	4	3.00	2088	Mueller Gerald D & Mary S
R3221BB00600	116 NE Springbrook Rd		97132	0.6800	3	2.50	1443	Stout Linda M
R3221BB00700	112 N Springbrook Rd	Newberg	97132	3.9700	3	2.50	2148	Anderson Lawrence J & Christie L
R3221BB01000	0		97132	1.0000	0	0.00	0	Spencer John W & Janelle L
R3221BB01100	305 N Springbrook Rd	Newberg	97132	6.2100	0	0.00	0	Spencer John W & Janelle L
R3221BB01200	309 N Springbrook Rd	Newberg	97132	5.6400	0	0.00	0	Portland General Electric Company

**CONSTRUCTION BUDGET**

Cost Code	Description	Quantity	Unit	Unit Price	Total	Cost Per Bldg Square foot
<b>Site Civil Improvements</b>						
02-1000	Existing Facilities Demolition			\$0.00	\$0	\$0.00
31-2000	Clear/ Earthwrk/EC/Ret Walls	3.65	Acres	\$2.50	\$9,125	\$4.13
31-2500	Wet/Dry Utilities	158,994	SF	\$2.30	\$365,686	\$3.80
32-3000	Exterior Concrete/Curbs/Fencing	13,764	SF	\$12.20	\$167,924	\$1.74
32-4000	Parking & Bldg Pad Base Rock/Paving	95,396	SF	\$2.30	\$219,412	\$2.28
32-5000	Landscaping/Irrigation	63,598	SF	\$1.50	\$95,396	\$0.99
<b>Vertical Construction</b>						
01-9900	Final Clean	96,305	SF	\$0.25	\$24,076	\$0.25
03-3000	Concrete (Figs & SOG)	44,292	SF	\$7.00	\$310,044	\$3.22
05-1200	Steel	96,305	SF	\$0.10	\$9,631	\$0.10
06-1000	Rough Carpentry	96,305	SF	\$11.85	\$1,141,214	\$11.85
06-2000	Finish Carpentry	96,305	SF	\$2.95	\$284,100	\$2.95
06-4000	Cabinets	96,305	SF	\$3.35	\$322,622	\$3.35
07-1000	Insulation	96,305	SF	\$1.05	\$101,120	\$1.05
07-5400	Roofing & Waterproofing	44,292	SF	\$3.25	\$143,949	\$1.49
07-6200	Siding/Downspouts/Gutters	96,305	SF	\$2.85	\$274,469	\$2.85
07-7000	Skylights	74.0	EA	\$550.00	\$40,700	\$0.42
08-1000	Doors/Frames/Hardware	96,305	SF	\$1.40	\$134,827	\$1.40
08-3000	Windows	385	EA	\$250.00	\$96,305	\$1.00
08-4000	Business Office	400	SF	\$25.00	\$10,000	\$0.10
09-1000	Signage	1	Lot	\$3,000.00	\$3,000	\$0.03
09-2900	Drywall	96,305	SF	\$2.45	\$235,947	\$2.45
09-4000	Flooring	96,305	SF	\$1.95	\$187,795	\$1.95
09-4500	Finish exposed concrete	-	SF	\$0.95	\$0	\$0.00
09-9000	Painting (interior & exterior)	96,305	SF	\$1.65	\$158,903	\$1.65
10-1000	Finish Plumbing - Fixtures	770	FXTR	\$165.00	\$127,123	\$1.32
14-1000	Elevator	-	EA	\$60,000.00	\$0	\$0.00
21-1300	Fire Sprinkler	96,305	SF	\$1.75	\$168,534	\$1.75
22-1000	Rough Plumbing	96,305	SF	\$1.05	\$101,120	\$1.05
23-1000	HVAC	96,305	SF	\$3.50	\$337,068	\$3.50
24-1000	Appliances	96,305	SF	\$2.15	\$207,056	\$2.15
26-1000	Electrical	96,305	SF	\$5.05	\$486,340	\$5.05
27-1000	Solar	44,292	SF	\$0.00	\$0	\$0.00
<b>Site and Building Improvements Total ==&gt;</b>						<b>\$6,151,845</b>

**Joe Schiewe**

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**From:** Joe Schiewe  
**Sent:** Friday, April 13, 2012 2:08 PM  
**To:** 'james.coombes@fredmeyer.com'  
**Cc:** 'Mike Gougler'  
**Subject:** Newberg Oakgrove Apartments development improvements on Fred Meyer property

Thank you for granting Mike Gougler and I with a meeting today regarding the proposed WFLLC Oakgrove Apartments development adjacent to your Newberg store and its proposed improvements on Fred Meyer property. Please review the following draft meeting notes and let me know if I missed something and/or you remember anything differently. Thanks.

- 1) Both parties agree that the proposed 84 unit apartment development with the proposed pedestrian stair connection and landscape/fence buffer should be a win/win opportunity.
- 2) Fence location - Both parties agreed that maintenance of the slope by WFLLC, the sound barrier qualities and delineation of landscaping responsibilities would be enhanced by placing the fence at top of slope.
- 3) Fence type - Jim asked whether the fence could match the one installed by Fred Meyer adjacent to the fuel station – Mike agreed.
- 4) Fence, stair & landscaping encroachment construction & maintenance easement – WFLLC would be responsible for the maintenance of the proposed improvements; Jim will try to find and forward a previously approved easement to follow.
- 5) Stair & railing details: a) 6” rise/12” run treads with brushed concrete finish, b) lighting: Mike said a variance would be required to light it from apartment side due to the City’s lighting limits across property lines. It was agreed to try to find a power source on Fred Meyer’s property to provide any lighting needs so that electrical permits would not have power crossing a property line, c) **railing – standard metal tube stair railing with baked on black vinyl coating & anti-skateboarding bumps. (added)**
- 6) Landscaping – Proposing evergreen trees with wildflower ground cover near the top of the slope and deciduous trees with vinca ground cover on steeper slopes. Jim mentioned a specific pine tree type that Fred Meyer did not have luck with in the past, Mike said that type would not be used and we would show in the landscape drawing what the proposed types were.
- 7) Storage – Jim said that might be able to accommodate some temporary storage needs.
- 8) Stripping topsoil fill placement on panhandle strip of WFLLC land – Jim thought that an easement that allowed minor encroachment of the proposed topsoil fill onto Fred Meyer’s property up against the east side of its water quality swale berm could be accommodated. WFLLC would be responsible to maintain the planted grass surface of the topsoil fill and buttressing the swale berm.

Thanks again.

Joe Schiewe  
Property R&D Manager  
3852 NE Zimri Drive  
Newberg, Oregon 97132  
Phone: (503) 537-9950 x 202

Mobile: (503) 710-8612



Real-World Geotechnical Solutions  
Investigation • Design • Construction Support

April 3, 2012  
Project No. 12-2540

**Mr. Dean Werth & Mr. Mike Gougler**  
**Werth Family, LLC**  
33180 NE Haugen Road  
Newberg, Oregon 97132  
Via email: [ggoug@yahoo.com](mailto:ggoug@yahoo.com)

CC: Joe Schiewe, The Saunders Company [jschiewe@thesaunderscompany.net](mailto:jschiewe@thesaunderscompany.net)

**SUBJECT: GEOTECHNICAL ENGINEERING REPORT  
OAK GROVE APARTMENTS  
HAYES STREET & OAK HOLLOW DRIVE  
NEWBERG, OREGON**

This report presents the results of a geotechnical engineering study conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above-referenced project. The purpose of our investigation was to evaluate subsurface conditions at the site and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with GeoPacific Proposal No. P-4128, dated March 2, 2012, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

#### **SITE DESCRIPTION AND PROPOSED DEVELOPMENT**

The subject site is approximately 4 acres in size located northwest of the intersection of Hayes Street and Oak Hollow Drive in the City of Newberg, Yamhill County, Oregon. Topography is flat to very gently sloping. Grades steepen slightly to the west where a small drainage is present. The site is currently unimproved and vegetation consists primarily of short grasses.

A site plan indicates the proposed development includes the construction of seven structures for residential apartments. It is our understanding that five of the structures will be two-story buildings and two will be three-story. The two-story structures adjacent to the drainage are planned with daylight basement storage below the living space. A grading plan has not been finalized; however, we anticipate cuts and fills will be on the order of 8 and 5 feet, respectively.

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## **REGIONAL AND LOCAL GEOLOGIC SETTING**

Regionally, the subject site lies within the Willamette Valley/Puget Sound lowland, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. A series of discontinuous faults subdivide the Willamette Valley into a mosaic of fault-bounded, structural blocks (Yeats et al., 1996). Uplifted structural blocks form bedrock highlands, while down-warped structural blocks form sedimentary basins.

The subject site is underlain by the Quaternary age (last 1.6 million years) Willamette Formation, a catastrophic flood deposit associated with repeated glacial outburst flooding of the Willamette Valley (Madin, 1990). The last of these outburst floods occurred about 10,000 years ago. In the Tualatin basin, these deposits consist of horizontally layered, micaceous, silt to coarse sand forming poorly-defined to distinct beds less than 3 feet thick. Locally, the flood deposits are mantled by a thin layer of loess (windblown silt) that is difficult to distinguish from the water deposited silt. Regional studies indicate that the thickness of the Willamette Formation in the vicinity of the subject site is approximately 60 feet (Madin, 1990).

Underlying the Willamette Formation is an unnamed sequence of non-marine, fine-grained strata that consists of moderately to poorly lithified siltstone, sandstone, mudstone, and claystone with common wood fragments and minor volcanic ash and pumice (Yeats et al., 1996). These rocks are tentatively correlated with the Sandy River Mudstone, and the Troutdale and Helvetia Formations. The estimated thickness of unnamed sedimentary rock beneath the subject site is about 500 feet. The unnamed strata rest on Miocene (about 14.5 to 16.5 million years ago) Columbia River Basalt, a thick sequence of lava flows which forms the crystalline basement of the basin.

## **REGIONAL SEISMIC SETTING**

At least three major fault zones capable of generating damaging earthquakes are thought to exist in the vicinity of the subject site. These include the Portland Hills Fault Zone, the Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone.

### **Portland Hills Fault Zone**

The Portland Hills Fault Zone is a series of NW-trending faults that include the central Portland Hills Fault, the western Oatfield Fault, and the eastern East Bank Fault. These faults occur in a northwest-trending zone that varies in width between 3.5 and 5.0 miles. The combined three faults vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years) sediment (Madin, 1990). The Portland Hills Fault occurs along the Willamette River at the base of the Portland Hills, and is about 18 miles northeast of the site. The Oatfield Fault occurs along the western side of the Portland Hills, and is about 16 miles northeast of the site. The accuracy of the fault mapping is stated to be within 500 meters (Wong, et al., 2000). No historical seismicity is correlated with the mapped portion of the Portland Hills Fault Zone, but in 1991 a M3.5 earthquake occurred on a NW-trending shear plane located 1.3 miles east of the fault (Yelin, 1992). Although there is no definitive evidence of recent activity, the Portland Hills Fault Zone is assumed to be potentially active (Geomatrix Consultants, 1995).

### **Gales Creek-Newberg-Mt. Angel Structural Zone**

The Gales Creek-Newberg-Mt. Angel Structural Zone is a 50-mile-long zone of discontinuous, NW-trending faults that lies about 3.5 miles southwest of the subject site. These faults are recognized in

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the subsurface by vertical separation of the Columbia River Basalt and offset seismic reflectors in the overlying basin sediment (Yeats et al., 1996; Werner et al., 1992). A geologic reconnaissance and photogeologic analysis study conducted for the Scoggins Dam site in the Tualatin Basin revealed no evidence of deformed geomorphic surfaces along the structural zone (Unruh et al., 1994). No seismicity has been recorded on the Gales Creek Fault or Newberg Fault; however, these faults are considered to be potentially active because they may connect with the seismically active Mount Angel Fault and the rupture plane of the 1993 M5.6 Scotts Mills earthquake (Werner et al. 1992; Geomatrix Consultants, 1995).

## **Cascadia Subduction Zone**

The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year (Goldfinger et al., 1996). A growing body of geologic evidence suggests that prehistoric subduction zone earthquakes have occurred (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). This evidence includes: (1) buried tidal marshes recording episodic, sudden subsidence along the coast of northern California, Oregon, and Washington, (2) burial of subsided tidal marshes by tsunami wave deposits, (3) paleoliquefaction features, and (4) geodetic uplift patterns on the Oregon coast. Radiocarbon dates on buried tidal marshes indicate a recurrence interval for major subduction zone earthquakes of 250 to 650 years with the last event occurring 300 years ago (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). The inferred seismogenic portion of the plate interface lies approximately 50 miles west of the Portland Basin at depths of between 20 and 40 kilometers below the surface.

## **FIELD EXPLORATION**

Our site-specific exploration for this report was conducted on March 15, 2012. A total of 14 exploratory test pits were excavated with a backhoe provided by The Saunders Company at the approximate locations shown on Figure 2. It should be noted that exploration locations were located in the field by pacing or taping distances from apparent property corners and other site features shown on the plans provided. As such, the locations of the explorations should be considered approximate.

A GeoPacific geologist continuously monitored the field exploration program and logged the test pits. Soils observed in the explorations were classified in general accordance with the Unified Soil Classification System. During exploration, our geologist also noted geotechnical conditions such as soil consistency, moisture and groundwater conditions. Logs of test pits are attached to this report. The following report sections are based on the exploration program and summarize subsurface conditions encountered at the site.

**Undocumented Fill** – Undocumented fill was encountered in test pits TP-1, TP-9, TP-11, TP-12, and TP-14. The fill generally consisted of soft to medium stiff clayey silt with trace subangular rock and trace organics. In explorations, the fill extended to 0.5 to 6.5 feet below the ground surface. A thin (6 to 9 inches thick) topsoil horizon had developed on the fill in test pits TP-11 and TP-12. We anticipate other areas of fill may exist in the vicinity of the existing streets, the parking lot to the north, and adjacent to the drainage.

**Buried Topsoil** – A Buried topsoil horizon was encountered beneath the undocumented fill in test pits TP-1, TP-9, and TP-14. The buried topsoil was generally highly organic SILT (OL-ML) and varied in thickness from 0.5 to 2 feet.

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**Topsoil** – Topsoil was encountered at the ground surface in test pits TP-2 through TP-8, TP-10, and TP-13. The topsoil horizon generally consisted of highly to moderately organic, brown SILT (OL-ML). The topsoil was loose, moist, contained many fine roots, and extended to a depth of about 12 to 18 inches below the ground surface.

**Willamette Formation** – Material belonging to the Willamette Formation was encountered beneath the fill or topsoil horizon in all explorations. These soils were typically light brown, clayey SILT (ML) with strong orange and gray mottling and were generally medium stiff to very stiff. In test pits, soils belonging to the Willamette Formation extended to a depth of about 5.5 to 9.5 feet below the ground surface.

**Weathered Sandy River Mudstone** – Underlying the Willamette Formation in test pits TP-10 and TP-12 through TP-14 was weathered Sandy River Mudstone. These soils generally consisted of very stiff, micaceous, light brown, silty CLAY (CL). The clay to silt generally exhibited orange and gray mottling, and extended beyond the maximum depth of exploration (9 feet).

### Soil Moisture and Groundwater

On March 15, 2012, soils encountered in test pits were moist to wet. Groundwater seepage was encountered in test pits TP-1, TP-3, TP-4, TP-6, TP-7, TP-10, TP-11, and TP-13 at depths ranging between 0.5 to 6.5 feet. Discharge was visually estimated at 1 to 5 gallons per minute. Experience has shown that temporary perched storm-related groundwater conditions often occur within the surface soils over fine-grained native deposits such as those beneath the site, particularly during the wet season. It is anticipated that groundwater conditions will vary depending on the season, local subsurface conditions, changes in site utilization, and other factors.

## CONCLUSIONS AND RECOMMENDATIONS

Our investigation indicates that the proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project. GeoPacific should review the foundation excavation prior to placement.

### Site Preparation

Areas of proposed construction and areas to receive fill should be cleared of vegetation and any organic and inorganic debris. Existing buried structures, if encountered, should be demolished and any cavities structurally backfilled. Organic-rich root zones should then be stripped from construction areas of the site or where engineered fill is to be placed. The estimated average necessary depth of removal in undisturbed areas for moderately organic soils is about 12 to 15 inches. The final depth of soil removal will be determined on the basis of a site inspection after the stripping/ excavation has been performed. Stripped topsoil should preferably be removed from the site. Any remaining topsoil should be stockpiled only in designated areas and stripping operations should be observed and documented by the geotechnical engineer or his representative.

Remaining undocumented fills and any subsurface structures (dry wells, basements, driveway and landscaping fill, old utility lines, septic leach fields, etc.) should be removed and the excavations backfilled with engineered fill. Explorations indicate that 0.5 to 6.5 feet of undocumented fill is present at the site. We anticipate that other areas of undocumented fill likely exist outside our explorations. The fill encountered in our explorations had a low to moderate organic content. This material should be suitable for reuse as engineered fill provided that it is blended with low organic material and properly moisture conditioned prior to placement.

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## **Engineered Fill**

All grading for the proposed construction should be performed as engineered grading in accordance with the applicable building code at time of construction with the exceptions and additions noted herein. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill. Imported fill material must be approved by the geotechnical engineer prior to being imported to the site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 8 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 90% of the maximum dry density determined by ASTM D1557 (Modified Proctor) or equivalent. Field density testing should conform to ASTM D2922 and D3017, or D1556. All engineered fill should be observed and tested by the project geotechnical engineer or his representative. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd<sup>3</sup>, whichever requires more testing. Because testing is performed on an on-call basis, we recommend that the earthwork contractor be held contractually responsible for test scheduling and frequency.

Site earthwork will be impacted by soil moisture and shallow groundwater conditions. Earthwork in wet weather would likely require extensive use of cement or lime treatment, or other special measures, at considerable additional cost compared to earthwork performed under dry-weather conditions. In general, Cement would need to be added once the moisture content gets about 5 percent above optimum. The cement should be added initially at 5 percent by volume and 1 percent additional for every 2 percent moisture content over and above 5 percent over optimum to a maximum of 10 percent cement content.

## **Wet Weather Earthwork**

Soils underlying the site are likely to be moisture sensitive and may be difficult to handle or traverse with construction equipment during periods of wet weather. Earthwork is typically most economical when performed under dry weather conditions. Earthwork performed during the wet-weather season will probably require expensive measures such as cement treatment or imported granular material to compact fill to the recommended engineering specifications. If earthwork is to be performed or fill is to be placed in wet weather or under wet conditions when soil moisture content is difficult to control, the following recommendations should be incorporated into the contract specifications.

- Earthwork should be performed in small areas to minimize exposure to wet weather. Excavation or the removal of unsuitable soils should be followed promptly by the placement and compaction of clean engineered fill. The size and type of construction equipment used may have to be limited to prevent soil disturbance. Under some circumstances, it may be necessary to excavate soils with a backhoe to minimize subgrade disturbance caused by equipment traffic;
- The ground surface within the construction area should be graded to promote run-off of surface water and to prevent the ponding of water;
- Material used as engineered fill should consist of clean, granular soil containing less than 5 percent fines. The fines should be non-plastic. Alternatively, cement treatment of on-site soils may be performed to facilitate wet weather placement;

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- The ground surface within the construction area should be sealed by a smooth drum vibratory roller, or equivalent, and under no circumstances should be left uncompacted and exposed to moisture. Soils which become too wet for compaction should be removed and replaced with clean granular materials;
- Excavation and placement of fill should be observed by the geotechnical engineer to verify that all unsuitable materials are removed and suitable compaction and site drainage is achieved; and
- Bales of straw and/or geotextile silt fences should be strategically located to control erosion.

If cement or lime treatment is used to facilitate wet weather construction, GeoPacific should be contacted to provide additional recommendations and field monitoring.

### **Excavating Conditions and Utility Trenches**

We anticipate that on-site soils can be excavated using conventional heavy equipment such as scrapers and trackhoes to a depth of 12 feet. All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Health Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing native soil is classified as Type B Soil and temporary excavation side slope inclinations as steep as 1H:1V may be assumed for planning purposes. This cut slope inclination is applicable to excavations above the water table only. Maintenance of safe working conditions, including temporary excavation stability, is the responsibility of the contractor. Actual slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions.

Saturated soils and groundwater may be encountered in utility trenches, particularly during the wet season. We anticipate that dewatering systems consisting of ditches, sumps and pumps would be adequate for control of perched groundwater. Regardless of the dewatering system used, it should be installed and operated such that in-place soils are prevented from being removed along with the groundwater.

Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

PVC pipe should be installed in accordance with the procedures specified in ASTM D2321. We recommend that trench backfill be compacted to at least 90% of the maximum dry density obtained by Modified Proctor ASTM D1557 or equivalent. Initial backfill lift thickness for a  $\frac{3}{4}$ "-0 crushed aggregate base may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, one density test is taken for every 4 vertical feet of backfill on each 100-lineal-foot section of trench.

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## **Erosion Control Considerations**

During our field exploration program, we did not observe soil types that would be considered highly susceptible to erosion. In our opinion, the primary concern regarding erosion potential will occur during construction, in areas that have been stripped of vegetation. Erosion at the site during construction can be minimized by implementing the project erosion control plan, which should include judicious use of straw bales and silt fences. If used, these erosion control devices should be in place and remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

## **Foundations**

Based on our understanding of the proposed project and the results of our exploration program, and assuming our recommendations for site preparation are followed, native deposits or engineered fill are anticipated to be encountered at or near the foundation level of the proposed structures. These soils are generally medium stiff to very stiff and should provide adequate support of the structural loads.

Shallow, conventional isolated or continuous spread footings may be used to support the proposed structure, provided they are founded on competent native soils as indicated above. We recommend a maximum allowable bearing pressure of 1,500 pounds per square foot on native soils and 2,000 pounds per square foot (psf) for designing the footings on fill soils. The recommended maximum allowable bearing pressure may be increased by a factor of 1.33 for short term transient conditions such as wind and seismic loading. All footings should be founded at least 12 inches below the lowest adjacent finished grade. Minimum footing widths should be determined by the project engineer/architect in accordance with applicable design codes.

Assuming construction is accomplished as recommended herein, and for the foundation loads anticipated, we estimate total settlement of spread foundations of less than about 1 inch and differential settlement between two adjacent load-bearing components supported on competent soil of less than about  $\frac{3}{4}$  inch. We anticipate that the majority of the estimated settlement will occur during construction, as loads are applied.

Wind, earthquakes, and unbalanced earth loads will subject the proposed structure to lateral forces. Lateral forces on a structure will be resisted by a combination of sliding resistance of its base or footing on the underlying soil and passive earth pressure against the buried portions of the structure. For use in design, a coefficient of friction of 0.5 may be assumed along the interface between the base of the footing and subgrade soils. Passive earth pressure for buried portions of structures may be calculated using an equivalent fluid weight of 390 pounds per cubic foot (pcf), assuming footings are cast against dense, natural soils or engineered fill. The recommended coefficient of friction and passive earth pressure values do not include a safety factor. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

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Footing excavations should be trimmed neat and the bottom of the excavation should be carefully prepared. Loose, wet or otherwise softened soil should be removed from the footing excavation prior to placing reinforcing steel bars. GeoPacific should observe foundation excavations prior to placement of reinforcing steel and formwork, to verify that an appropriate bearing stratum has been reached and that the actual exposed soils are suitable to support the planned foundation loads.

The above foundation recommendations are for dry weather conditions. Due to the high moisture sensitivity of engineered fill and native soils, construction during wet weather is likely to require overexcavation of footings and backfill with compacted, crushed aggregate. As a result of this condition, we recommend foundation excavations be observed to verify subgrade strength.

### **Concrete Slabs-on-Grade**

Preparation of areas beneath concrete slab-on-grade floors should be performed as recommended in the *Site Preparation* section. Care should be taken during excavation for foundations and floor slabs, to avoid disturbing subgrade soils. If subgrade soils have been adversely impacted by wet weather or otherwise disturbed, the surficial soils should be scarified to a minimum depth of 8 inches, moisture conditioned to within about 3 percent of optimum moisture content, and compacted to engineered fill specifications. Alternatively, disturbed soils may be removed and the removal zone backfilled with additional crushed rock.

For evaluation of the concrete slab-on-grade floors using the beam on elastic foundation method, a modulus of subgrade reaction of 150 kcf (87 pci) should be assumed for the medium stiff native silt soils anticipated at subgrade depth. This value assumes the concrete slab system is designed and constructed as recommended herein, with a minimum thickness of crushed rock of 8 inches beneath the slab.

Interior slab-on-grade floors should be provided with an adequate moisture break. The capillary break material should consist of ODOT open graded aggregate per ODOT Standard Specifications Table 02630-2 or open graded ¾"-0 rock containing less than 5% fines from an approved source. The minimum recommended thickness of capillary break materials on re-compacted soil subgrade is 8 inches. The total thickness of crushed aggregate will be dependent on the subgrade conditions at the time of construction, and should be verified visually by proof-rolling. Under-slab aggregate should be compacted to at least 90% of its maximum dry density as determined by ASTM D1557 or equivalent.

In areas where moisture will be detrimental to floor coverings or equipment inside the proposed structure, appropriate vapor barrier and damp-proofing measures should be implemented. A commonly applied vapor barrier system consists of a 10-mil polyethylene vapor barrier placed directly over the capillary break material. Other damp/vapor barrier systems may also be feasible. Appropriate design professionals should be consulted regarding vapor barrier and damp proofing systems, ventilation, building material selection and mold prevention issues, which are outside GeoPacific's area of expertise.

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### **Pavement Design**

For design purposes, we used an estimated resilient modulus of 4,000 for compacted native soil. Table 1 presents our recommended minimum pavement section for dry weather construction.

**Table 1 - Recommended Minimum Dry-Weather Pavement Section**

Material Layer	Private Driveways	Parking Lots	Compaction Standard
Asphaltic Concrete (AC)	3 in.	2.5 in.	91%/ 92% of Rice Density AASHTO T-209
Crushed Aggregate Base ¾"-0 (leveling course)	2 in.	2 in.	95% of Modified Proctor AASHTO T-180
Crushed Aggregate Base 1½"-0	10 in.	8 in.	95% of Modified Proctor AASHTO T-180
Subgrade	12 in.	12 in.	95% of Standard Proctor ASTM T-99 or equivalent

For design purposes, we used an estimated resilient modulus of approximately 15,000 for cement treated native soil. Table 2 presents our recommended minimum pavement section for wet weather and cement treated construction.

**Table 2 - Recommended Minimum Cement Treated Pavement Section**

Material Layer	Private Driveways	Parking Lots	Compaction Standard
Asphaltic Concrete (AC)	3 in.	2.5 in.	91%/ 92% of Rice Density AASHTO T-209
Crushed Aggregate Base ¾"-0 (leveling course)	2 in.	4 in.	95% of Modified Proctor AASHTO T-180
Crushed Aggregate Base 1½"-0	4 in.	--	95% of Modified Proctor AASHTO T-180
Subgrade	12 in.	12 in.	5 % to 10% cement by volume 95% of Standard Proctor ASTM T-99 or equivalent

Any pockets of organic debris or loose fill encountered during ripping or tilling should be removed and replaced with engineered fill (see *Site Preparation* Section). In order to verify subgrade strength, we recommend proof-rolling directly on subgrade with a loaded dump truck during dry weather and on top of base course in wet weather. Soft areas that pump, rut, or weave should be stabilized prior to paving. If pavement areas are to be constructed during wet weather, the subgrade and construction plan should be reviewed by the project geotechnical engineer at the time of construction so that condition specific recommendations can be provided. The moisture sensitive subgrade soils make the site a difficult wet weather construction project.

During placement of pavement section materials, density testing should be performed to verify compliance with project specifications. Generally, one subgrade, one base course, and one asphalt compaction test is performed for every 100 to 200 linear feet of paving.

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### Seismic Design

Structures should be designed to resist earthquake loading in accordance with the methodology described in the 2006 International Building Code (IBC) with applicable 2007 Oregon Structural Specialty Code (OSSC) revisions. We recommend Site Class D be used for design per the OSSC, Table 1613.5.2. Design values determined for the site using the USGS (United States Geological Survey) *Earthquake Ground Motion Parameters* utility are summarized below.

**Table 3. Recommended Earthquake Ground Motion Parameters (2006 IBC / 2007 OSSC)**

Parameter	Value
Location (Lat, Long), degrees	45.304, -122.944
Mapped Spectral Acceleration Values (MCE, Site Class D):	
Short Period, $S_s$	0.856 g
1.0 Sec Period, $S_1$	0.337 g
Soil Factors for Site Class D:	
$F_a$	1.158
$F_v$	1.726
$SD_s = 2/3 \times F_a \times S_s$	0.661 g
$SD_1 = 2/3 \times F_v \times S_1$	0.388 g

Soil liquefaction is a phenomenon wherein saturated soil deposits temporarily lose strength and behave as a liquid in response to earthquake shaking. Soil liquefaction is generally limited to loose, granular soils located below the water table. Following development, on-site soils will consist predominantly of stiff native coarse and fine-grained soils which are not considered susceptible to liquefaction. Therefore, it is our opinion that special design or construction measures are not required to mitigate the effects of liquefaction.

### Drainage

The outside edge of perimeter footings should be provided with a drainage system consisting of 3-inch diameter, slotted, flexible plastic pipe embedded in a minimum of 1 ft<sup>3</sup> per lineal foot of clean, free-draining gravel or 1 1/2" - 3/4" drain rock. The drain pipe and surrounding drain rock should be wrapped in non-woven geotextile (Mirafi 140N, or approved equivalent) to minimize the potential for clogging and/or ground loss due to piping. Water collected from the footing drains should be directed into the local storm drain system or other suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. The 0.5 percent fall may be omitted provide a 4-inch diameter, slotted, flexible plastic pipe is utilized in construction. Down spouts and roof drains should not be connected to the foundation drains in order to reduce the potential for clogging. The footing drains should include clean-outs to allow periodic maintenance and inspection. Grades around the proposed structure should be sloped such that surface water drains away from the building. Perimeter footing drains are recommended to prevent detrimental effects of groundwater on foundations, and should not be expected to eliminate all potential sources of water entering a crawlspace or beneath a slab-on-grade. An adequate grade to a low point outlet drain in the crawlspace is required by code. Underslab drains are sometimes added beneath the slab when placed over soils of low permeability and shallow, perched groundwater.

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**UNCERTAINTIES AND LIMITATIONS**

We have prepared this report for the owner and their consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. The checklist attached to this report outlines recommended geotechnical observations and testing for the project. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

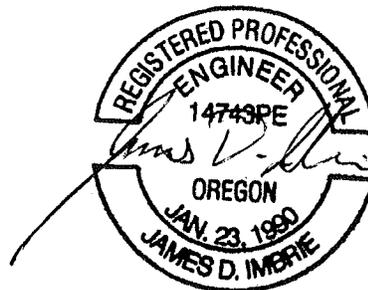
We appreciate this opportunity to be of service.

Sincerely,

**GEOPACIFIC ENGINEERING, INC.**



Beth K. Rapp, G.I.T.  
Project Geologist



**EXPIRES: 06/30/2013**

James D. Imbrie, G.E., C.E.G.  
Principal Geotechnical Engineer

- Attachments: References  
Checklist of Recommended Geotechnical Testing and Observation  
Figure 1 – Vicinity Map  
Figure 2 – Site and Exploration Plan  
Test Pit Logs (TP-1 – TP-14)

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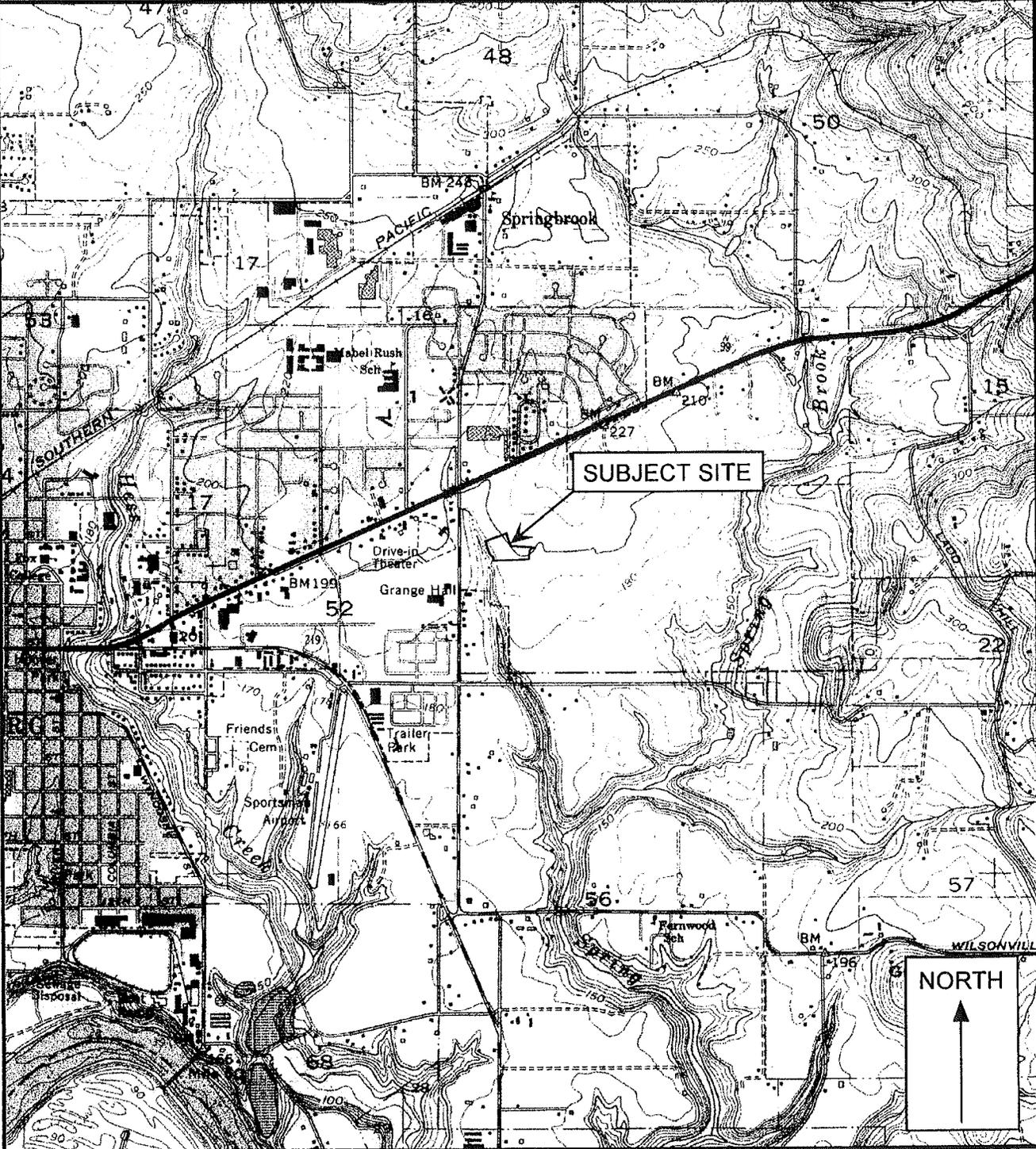
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14835 SW 72nd Avenue  
Portland, Oregon 97224  
Tel: (503) 598-8445 Fax: (503) 941-9281

VICINITY MAP



Legend Date: 03/23/12  
Approximate Scale 1 in = 2,000 ft Drawn by: EKR  
Base map: U.S. Geological Survey 7.5 minute Topographic Map Series, Newberg, Oregon Quadrangle, 1961 (Photorevised 1985).

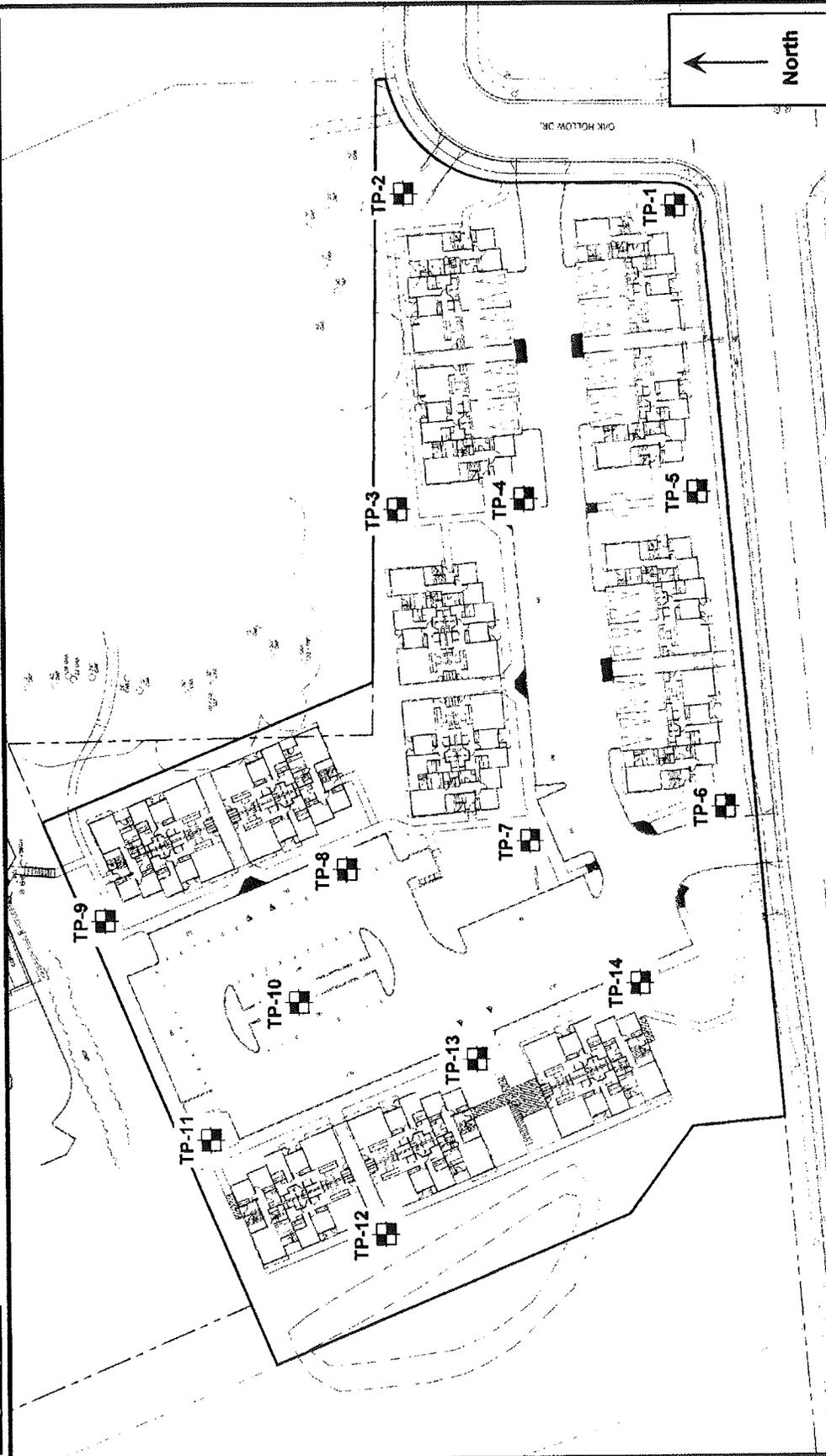
Project: Oak Grove Apartments  
Newberg, Oregon

Project No. 12-2540

FIGURE 1

**SITE PLAN AND  
EXPLORATION LOCATIONS**

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Date: 04/03/12  
Drawn by: EKR



APPROXIMATE SCALE 1"=80'

**Legend**

- TP-1 Test Pit Designation and Approximate Location

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Newberg, Oregon

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**FIGURE 2**



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# TEST PIT LOG

Project: Oak Grove Apartments  
 Newberg, Oregon

Project No. 12-2540

Test Pit No. TP- 1

Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	1.0					Medium stiff to stiff, clayey SILT (ML), trace gravel, brown, strong orange and gray mottling, moist (Fill)
2	1.5					Highly organic SILT (OL-ML), dark brown, moist (Buried Topsoil)
3	2.0					
4	3.0					Stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, moist (Willamette Formation)
5						
6						
7						
8						Test Pit Terminated at 8 Feet.
9						
10						Note: Groundwater seepage encountered at 5 feet. Discharge visually estimated at approximately 1 gallon per minute.
11						
12						
13						
14						
15						
16						
17						

LEGEND



Bag Sample



Bucket Sample



Shelby Tube Sample



Seepage



Water Bearing Zone

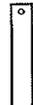


Water Level at Abandonment

Date Excavated: 3/15/12

Logged By: B. Rapp

Surface Elevation:

		14835 SW 72nd Avenue Portland, Oregon 97224 Tel: (503) 598-8445 Fax: (503) 941-9281				TEST PIT LOG	
Project: Oak Grove Apartments Newberg, Oregon				Project No. 12-2540		Test Pit No. <b>TP-2</b>	
Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description	
1	1.0					Highly organic SILT (OL-ML), dark brown, loose, roots throughout, moist to wet (Topsoil)	
2	2.5					Stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, moist (Willamette Formation)	
3	4.0						
4	3.0						
5							
6							
7							
8							
9							
10						Test Pit Terminated at 9.5 Feet.	
11						Note: No seepage or groundwater encountered.	
12							
13							
14							
15							
16							
17							
<b>LEGEND</b>  Bag Sample  5 Gal. Bucket  Shelby Tube Sample  Seepage  Water Bearing Zone  Water Level at Abandonment						Date Excavated: 3/15/12 Logged By: B. Rapp Surface Elevation:	



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# TEST PIT LOG

Project: Oak Grove Apartments  
 Newberg, Oregon

Project No. 12-2540

Test Pit No. TP-3

Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	0.5					Highly organic SILT (OL-ML), dark brown, loose, roots throughout, moist to wet (Topsoil)
2	1.0					Medium stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, trace fine roots, trace black staining, moist (Willamette Formation)
3	2.5					
4	3.5					
5						
6						
7						
8						Test Pit Terminated at 8 Feet.
9						
10						
11						Note: Groundwater seepage encountered at 2 feet. Discharge visually estimated at approximately 2 gallons per minute.
12						
13						
14						
15						
16						
17						

**LEGEND**



Bag Sample



Bucket Sample



Shelby Tube Sample



Seepage



Water Bearing Zone



Water Level at Abandonment

Date Excavated: 3/15/12

Logged By: B. Rapp

Surface Elevation:



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# TEST PIT LOG

Project: Oak Grove Apartments  
 Newberg, Oregon

Project No. 12-2540

Test Pit No. **TP-4**

Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	0.5					Highly organic SILT (OL-ML), dark brown, loose, roots throughout, moist to wet (Topsoil)
2	0.5					Medium stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, trace black staining, moist (Willamette Formation)
3	3.0					
4	3.5					
5	4.5					
6						
7						
8						Test Pit Terminated at 7.5 Feet.
9						
10						Note: Groundwater seepage encountered at 1 to 2 feet. Discharge visually estimated at approximately 2 gallons per minute.
11						
12						
13						
14						
15						
16						
17						

**LEGEND**



Bag Sample



Bucket Sample



Shelby Tube Sample



Seepage



Water Bearing Zone



Water Level at Abandonment

Date Excavated: 3/15/12

Logged By: B. Rapp

Surface Elevation:



14835 SW 72nd Avenue  
 Portland, Oregon 97224  
 Tel: (503) 598-8445 Fax: (503) 941-9281

# TEST PIT LOG

Project: Oak Grove Apartments  
 Newberg, Oregon

Project No. 12-2540

Test Pit No. **TP-5**

Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	1.0					Highly organic SILT (OL-ML), dark brown, loose, roots throughout, moist to wet (Topsoil)
2	1.5					
3	2.5					Stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, moist (Willamette Formation)
4	4.0					
5						
6						
7						
8						Test Pit Terminated at 7.5 Feet.
9						
10						Note: No seepage or groundwater encountered.
11						
12						
13						
14						
15						
16						
17						

**LEGEND**



100 to 1,000 g  
Bag Sample



5 Gal. Bucket Sample



Shelby Tube Sample



Seepage



Water Bearing Zone



Water Level at Abandonment

Date Excavated: 3/15/12

Logged By: B. Rapp

Surface Elevation:



14835 SW 72nd Avenue  
 Portland, Oregon 97224  
 Tel: (503) 598-8445 Fax: (503) 941-9281

# TEST PIT LOG

Project: Oak Grove Apartments Newberg, Oregon	Project No. 12-2540	Test Pit No. <b>TP-6</b>
--	---------------------	--------------------------

Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	1.0					Moderately organic SILT (OL-ML), dark brown, trace fill in upper 4 inches, loose, roots throughout, moist to wet (Topsoil)
2	3.0					
3	3.5					
4	3.5					Stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, trace black staining, moist (Willamette Formation)
5						
6						
7						
8						Test Pit Terminated at 7.5 Feet.
9						
10						Note: Groundwater seepage encountered at 1 foot. Discharge visually estimated at approximately 5 gallons per minute.
11						
12						
13						
14						
15						
16						
17						

**LEGEND**

 Bag Sample	 Bucket Sample	 Shelby Tube Sample	 Seepage	 Water Bearing Zone	 Water Level at Abandonment
---	--	---	--	---	---

Date Excavated: 3/15/12  
 Logged By: B. Rapp  
 Surface Elevation:



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 Portland, Oregon 97224  
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# TEST PIT LOG

Project: Oak Grove Apartments  
 Newberg, Oregon

Project No. 12-2540

Test Pit No. TP-7

Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	0.5					Moderately organic SILT (OL-ML), dark brown, loose, roots throughout, moist to wet (Topsoil)
2	3.0					
3	2.5					Medium stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, trace fine roots, moist (Willamette Formation)
4	2.5					
5						
6						
7						
8						Test Pit Terminated at 8 Feet.
9						
10						Note: Groundwater seepage encountered at 5.5 feet. Discharge visually estimated at approximately 1 to 2 gallons per minute.
11						
12						
13						
14						
15						
16						
17						

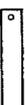
**LEGEND**

					
Bag Sample	Bucket Sample	Shelby Tube Sample	Seepage	Water Bearing Zone	Water Level at Abandonment

Date Excavated: 3/15/12  
 Logged By: B. Rapp  
 Surface Elevation:

		14835 SW 72nd Avenue Portland, Oregon 97224 Tel: (503) 598-8445 Fax: (503) 941-9281		TEST PIT LOG		
Project: Oak Grove Apartments Newberg, Oregon			Project No. 12-2540		Test Pit No. TP-8	
Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	0.5					Moderately organic SILT (OL-ML), dark brown, loose, roots throughout, moist to wet (Topsoil) <hr style="border-top: 1px dashed black;"/> Medium stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, trace fine roots, trace black staining, moist (Willamette Formation)
	2.0					
2	2.5					
3	4.0					
4	4.5					
5						
6						
7						
8						Test Pit Terminated at 7.5 Feet.
9						
10						Note: No seepage or groundwater encountered.
11						
12						
13						
14						
15						
16						
17						
<b>LEGEND</b>						Date Excavated: 3/15/12 Logged By: B. Rapp Surface Elevation:
 Bag Sample	 Bucket Sample	 Shelby Tube Sample	 Seepage	 Water Bearing Zone	 Water Level at Abandonment	

		14835 SW 72nd Avenue Portland, Oregon 97224 Tel: (503) 598-8445 Fax: (503) 941-9281		TEST PIT LOG		
Project: Oak Grove Apartments Newberg, Oregon			Project No. 12-2540		Test Pit No. <b>TP-9</b>	
Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1						Soft to medium stiff, low to moderately organic, clayey SILT (ML), gray to brown, strong mottling, moderate sidewall caving, moist (Fill)
2						
3						
4						
5						
6						
7						----- Highly organic SILT (OL-ML), dark gray, organic smell, moist (Buried Topsoil)
8						----- Stiff, clayey SILT (ML), light brown, strong mottling, moist (Willamette Formation)
9						----- Stiff, clayey SILT (ML), light brown, strong mottling, moist (Willamette Formation)
10						Test Pit Terminated at 9 Feet.
11						Note: No seepage or groundwater encountered.
12						
13						
14						
15						
16						
17						
<b>LEGEND</b>						Date Excavated: 3/15/12 Logged By: B. Rapp Surface Elevation:
						
Bag Sample	Bucket Sample	Shelby Tube Sample	Seepage	Water Bearing Zone	Water Level at Abandonment	

		14835 SW 72nd Avenue Portland, Oregon 97224 Tel: (503) 598-8445 Fax: (503) 941-9281		TEST PIT LOG		
Project: Oak Grove Apartments Newberg, Oregon			Project No. 12-2540		Test Pit No. <b>TP-10</b>	
Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	0.5					Highly organic SILT (OL-ML), dark brown, fine roots throughout, loose, moist to wet (Topsoil)
2	1.0					Medium stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, trace fine roots, moist (Willamette Formation)
3	4.0					
4	3.5					
5						
6						
7						
8						Very stiff, silty CLAY (CL), light brown, micaceous, strong orange and gray mottling, trace black staining, moist (Residual Soil)
9						Test Pit Terminated at 8.5 Feet.  Note: Groundwater seepage encountered at 0.5 feet. Discharge visually estimated at approximately 1 to 2 gallons per minute.
10						
11						
12						
13						
14						
15						
16						
17						
<b>LEGEND</b>						Date Excavated: 3/15/12 Logged By: B. Rapp Surface Elevation:
						
Bag Sample	5 Gal. Bucket Sample	Shelby Tube Sample	Seepage	Water Bearing Zone	Water Level at Abandonment	



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# TEST PIT LOG

Project: Oak Grove Apartments  
Newberg, Oregon

Project No. 12-2540

Test Pit No. **TP-11**

Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	0.5					Soft to medium stiff, clayey SILT (ML), trace gravel, trace organics, brown to gray, strong orange and gray mottling, thin topsoil developed at surface, moist (Fill)
2	0.5					Medium stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, trace black staining, moist (Willamette Formation)
	2.0					
3	3.5					
4	2.5					
5						
6						
7						
8						Test Pit Terminated at 7.5 Feet.
9						
10						Note: Groundwater seepage encountered at 6 feet. Discharge visually estimated at approximately 1 to 2 gallons per minute.
11						
12						
13						
14						
15						
16						
17						

**LEGEND**

 Bag Sample	 5 Gal. Bucket Bucket Sample	 Shelby Tube Sample	 Seepage	 Water Bearing Zone	 Water Level at Abandonment
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Date Excavated: 3/15/12  
Logged By: B. Rapp  
Surface Elevation:



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# TEST PIT LOG

Project: Oak Grove Apartments Newberg, Oregon	Project No. 12-2540	Test Pit No. <b>TP-12</b>
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Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	0.5					Soft to medium stiff, clayey SILT (ML), trace gravel, trace organics, brown to gray, strong orange and gray mottling, thin topsoil developed at surface, moist (Fill)
2	0.5					
3	2.5					
4	4.0					Very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, trace black staining, moist (Willamette Formation)
5						
6						
7						
8						Very stiff, silty CLAY (CL), light brown, micaceous, strong orange and gray mottling, trace black staining, moist (Residual Soil)
9						
10						Test Pit Terminated at 9 Feet.
11						Note: No seepage or groundwater encountered.
12						
13						
14						
15						
16						
17						

**LEGEND**

 100 to 1,000 g Bag Sample	 5 Gal. Bucket Bucket Sample	 Shelby Tube Sample	 Seepage	 Water Bearing Zone	 Water Level at Abandonment
---	---	---	--	---	---

Date Excavated: 3/15/12  
 Logged By: B. Rapp  
 Surface Elevation:



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# TEST PIT LOG

Project: Oak Grove Apartments  
 Newberg, Oregon

Project No. 12-2540

Test Pit No. **TP-13**

Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	0.5					Moderately organic SILT (OL-ML), dark brown, fine roots throughout, loose, moist to wet (Topsoil)
2	1.5					Stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, trace fine roots, moist (Willamette Formation)
3	3.0					
4	4.5					
5						Very stiff, silty CLAY (CL), light brown, micaceous, strong orange and gray mottling, trace black staining, moist (Residual Soil)
6						
7						Test Pit Terminated at 7 Feet.
8						Note: Groundwater seepage encountered at 6.5 feet. Discharge visually estimated at approximately 1 gallon per minute.
9						
10						
11						
12						
13						
14						
15						
16						
17						

**LEGEND**



Bag Sample



Bucket Sample



Shelby Tube Sample



Seepage



Water Bearing Zone



Water Level at Abandonment

Date Excavated: 3/15/12

Logged By: B. Rapp

Surface Elevation:



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# TEST PIT LOG

Project: Oak Grove Apartments Newberg, Oregon	Project No. 12-2540	Test Pit No. <b>TP-14</b>
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Depth (ft)	Pocket Penetrometer (tons/ft <sup>2</sup> )	Sample Type	In-Situ Dry Density (lb/ft <sup>3</sup> )	Moisture Content (%)	Water Bearing Zone	Material Description
1	1.0					Medium stiff, clayey SILT (ML), trace gravel, brown, strong mottling, moist (Fill) Highly organic SILT (OL-ML), dark brown, fine roots throughout, moist to wet (Buried Topsoil)
2	2.0					
3	2.5					
4	4.5					Stiff to very stiff, clayey SILT (ML), light brown, micaceous, strong orange and gray mottling, trace black staining, moist (Willamette Formation)
5						
6						
7						
8						Very stiff, silty CLAY (CL), light brown, micaceous, strong orange and gray mottling, moist (Residual Soil)
9						
10						Test Pit Terminated at 9 Feet.
11						Note: No seepage or groundwater encountered.
12						
13						
14						
15						
16						
17						

<b>LEGEND</b> Bag Sample Bucket Sample Shelby Tube Sample Seepage Water Bearing Zone Water Level at Abandonment	Date Excavated: 3/15/12 Logged By: B. Rapp Surface Elevation:
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4/21/12

Dear city of Newberg,

The proposed 84-unit apartment complex to be known as Oak Grove apartment, would only congest traffic and increase noise in an already busy area.

I and my wife would like to go on record as being opposed to this proposal.

Peter & Vicki Poff  
341 Burk St  
Newberg, OR  
97132

P.S. Let's error on the safety of children already here!!

## Attachment 5: Public Comments through 5/4/12

April 22, 2012

City of Newberg

Planning and Building Dept.

PO Box 970

Newberg, OR. 97132

RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

I am writing to express my concern about the Oak Grove Apartment project planned for my neighborhood. While it will be nice to have the land developed and the proposal to have pedestrian paths and a resident garden are intriguing, my concern is with the request to reduce the number of off street parking spaces.

I am assuming occupancy of these units will be similar to the homes and townhomes in our neighborhood which means each adult residing in a unit will have a vehicle. If we assume only 2 adults per unit, which I believe is a low estimate; we can expect there will be a minimum of 168 vehicles. With a plan for 123 on-site parking spaces, where will the additional 45 vehicles park?

There is currently no parking on Hayes St. or Springbrook Rd. Is this changing? If not, then it appears the new development would bring, at minimum, an additional 45 vehicles to the surrounding streets in the Oaks at Springbrook development. If you would drive through our neighborhood in the evening, you will see the streets nearest the proposed development are already at capacity.

In addition, what are the plans for tenants that may have trailers, recreational vehicles, boats, etc.? The governing documents of our homeowner association restrict these from our development. Will there be parking available at the Oak Grove Apartments or will these be parked on our streets too?

It is imperative that this new development be a good neighbor and provide adequate off-street parking for its residents. Thank you for your consideration and help in keeping this a livable neighborhood.

Sincerely,



Judy Moshberger

3600 Oak Grove St.

Newberg, OR. 97132

## Attachment 5: Public Comments through 5/4/12

April 23, 2012

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

RE: Written Comments: File No. PAR-12-002, DR2-12-003, ADJC-12-001,  
ADJP-12-002

To Whom it May Concern,

Thank you for the opportunity to allow us homeowners bordering the above referenced project to express our concerns. We only hope that you are sincere in your statement, "We want your comments on a proposed new development in your neighborhood", because my husband and I have serious safety, economic and quality of life concerns regarding the plan.

Firstly, to say, as it does in the report, that there would be "minimal traffic impact", could only be made by someone paid by the developer who does not reside here, dodging thru traffic, which, as an Association, have gone on record with the city complaining about in the past. Our residence's driveway, set on a blind corner, is a tense challenge daily to back out of without fear of some car cutting through to go to Fred Meyer crashing into me as I back out. Do the engineers take into consideration that taking a survey for one day cannot possibly re-enact all circumstances which occur on our streets? Does the land use board really think that an addition of 84 (!) apartment units will NOT impact traffic on our little neighborhood streets? We who live here can well imagine the nightmare our streets will turn into to worsen the already over-used bypass taken by drivers as a turnaround to get into the Fred Meyer Gas Station. Not to mention the already dangerous off-street parking situation. Adding not enough parking to an 84 unit apartment super complex won't worsen our off street parking? I don't comprehend that argument. It's nonsense.

What about the impact on the small slice of park we have in the neighborhood? It cannot possibly absorb the amount of new users such a huge development would entail! It will be overrun, and cause even more need for clean up by the Parks Department (the garbage cans are already filled to overflowing quite often after a weekend of use).

## Attachment 5: Public Comments through 5/4/12

Most notably, we plead with you to please realize the adverse financial impact the homeowners will have when faced with an overcrowded neighborhood. Our townhouse neighborhood currently has 4 rental vacancies, 2 homes for sale, and at least one (perhaps more that I don't know about) empty foreclosed home! Just how does it help Newberg to add to the vacancy rate by building more units, which may or may not be filled? Our property values have already been hit very hard. This project is going to cheapen our home even more. As it is now, many of us are underwater on our mortgages and are just barely holding on.

My husband, Robert Reed, bought this townhouse pre-built on his way out of the country to serve in his second term in Iraq. He bought at the worst time, of course not realizing it at the time. When he returned safely he lived here, finished his degree at George Fox, and after we met, we both have been enjoying living in Newberg. However, because of the bad economy and terribly mortgage situation we do live in fear of not ever being able to sell, should the need arise. Now Bob is in Afghanistan at the end of a two-year stint working as a contractor (helping soldiers fix armored vehicles) just trying to recover some of the money losses suffered during this current economic downturn.

It was with grave disappointment when I had to notify my husband via Skype what the newest plans were for our development. That's all he needs to concern himself and worry about when he is living in the middle of a war zone. It's very hard. For both of us.

These plans make us very unhappy, and we sincerely wish you will consider what ill effect this grossly out of place development will make on our neighborhood, surrounding streets, and the city of Newberg as a whole. Thank you.

With Concern,

*M. E. Anderson & Marsha Evelyn Anderson et al*

Marsha E. Anderson & Robert W. Reed  
616 Little Oak St.  
Newberg OR 97132  
503.679.7944

*in fact for  
Robert W. Reed*

## Attachment 5: Public Comments through 5/4/12

Habib Nomie  
3525 Bur Oak Alley  
Newberg, OR 97132

April 23, 2012

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Sir or Madam:

I am a homeowner in the Oaks at Springbrook neighborhood. My home sits directly across the street from these proposed apartments. I am completely opposed to the building of apartments at this location.

The building of apartments will completely diminish the value of my home, and all other homes in the community. In an economy where not many people are able to keep above water on their home loan, this project will completely drown the homeowners in this community. Right now our homes are not what there were worth when we bought into this community 6 years ago, yet it is our home and we are determined to weather the storm. If apartments are allowed to be built in our backyard, it will be detrimental to this community. If I had know that apartments were to be build when I purchased my home, it would have severely affected my decision to buy here. I am now seriously considering moving, and leaving all together, the only reason being this proposed apartment complex.

We would like to share our input, and would request a community meeting on the subject of allowing apartments to be built on this parcel of land. It is not fit for those kind of buildings.

It can be estimated that there are approximately 4 people to a household in this country. There are a proposed 84 units to be built in this apartment complex. That would put an extra 336 people into this community. Currently there are 288 units in this community, quite dense in itself. Adding these apartments would increase in population almost 30%. We have a small park inside our community that is just the right size right now. If this increased happens our park would be overrun. Also there is the issue of parking. We have had issues within the community of parking. Now there is the proposed 84 units with only 123 spaces for parking. How is that enough parking spaces? Assuming that only half the units will be using two parking spaces (which now of days is under assuming), that means there would be a needed 126 spaces. This is not including visitor parking. Parking will be limited and overflow onto the streets, which have limited parking already for the residents of this community.

This community is a community of people who have pride in owning their own home. Apartments do not bring that kind of mindset into the community. Apartments do have their place in a city, but not here in this community's backyard. Having homes or town homes added to this community would fit in, if that parcel of land has to be developed, but apartments do not bring pride to a community. Nobody wants to live next to apartments. They would be an eyesore, even with a 30ft. vegetation barrier between.

I will be discussing with our association about the intrusion of building apartments so close to a single family housing community. I will use every means at my disposal to stop the building of an apartment complex here in my backyard, whether it means using the political system, media outlets, justice system, or community organization.

Sincerely,



Habib Nomie

Attachment 5: Public Comments through 5/4/12

RECEIVED

April 24, 2012

APR 30 2012

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

Initial: \_\_\_\_\_

RE: File No. PAR-12-002, DR-12-003, ADJC-12-001, ADJP-12-002

Dear Sir or Madam:

I am a homeowner in the Oaks at Springbrook neighborhood. My home sits directly across the street from the proposed apartments. I am completely opposed to the building of apartments at this location.

The building of apartments will completely diminish the value of my home, and all other homes in this community (particularly the homes on Bur Oak Alley). In an economy where not many people are able to keep above water on their home loan, this project will completely drown the homeowners (myself included) in this community. Right now our home is not appraising for even close to what we purchased it for. We have already lost over \$50, 000.00 on the value of the home from what we paid for our home three years ago. Honestly, what attracted me to purchase my home was the green space area directly behind my home. If I had known that apartments would be allowed to be built in our backyard, I surely would NOT have decided to purchase our home or live in this community. I am extremely disappointed in the decision to have apartments going in at this location. If you must build on every single piece of grass in this community, could you at lease choose to add townhomes or single family housing? Why must we live like sardines?

I would like to share this input with you in hopes of convincing you to not allow this 84-unti apartment complex to go up in this location. It can be estimated that there are approximately four people to a household in this country. There are proposed 84 units to be built in this complex. That would put an extra 336 people into this community-a community that I feel is already bursting at the seams. Adding these apartments would increase the community population by 30%. The park that is currently enjoyed by myself and neighbors would be gone and overcrowded. Traffic would increase and parking, which is already full, would be disgusting. I strongly feel the additional complex is the wrong decision for our small community.

This is a nice community of people who pride themselves on their homes and lifestyle. Folks in apartments tend to not be as invested in the community as it is more of a short term living arrangement for them. I hope the city decides to make the right decision for the people who have already invested and lost so much to live here. The least we deserve is to be able to enjoy the view of a few trees and a place to take our children to play. I will strongly consider moving should the city decide to build up this area. What a terrible disappointment.

I will be discussing with our HOA Association about the intrusion of building apartments so close to a single family housing community. I will use every means at my disposal to stop the building of an apartment complex here in my own "backyard."

Sincerely,  
Kati Focareto



## Attachment 5: Public Comments through 5/4/12

April 26, 2012

To: City of Newberg

Planning and Building Dept.

RE: Proposed apartment complex on Hayes St.

I live at 620 Little Oak St. in the townhomes very close to the proposed site. I am adamantly against this proposed building because of numerous safety issues we currently have that will only be exacerbated with the addition of more housing units.

Currently this small townhome neighborhood is used as a shortcut to Fred Meyer's back entrance causing a constant stream of traffic that poses a danger to the children and residents of this neighborhood. People have no respect for the LOCAL TRAFFIC ONLY signs at both entrances to the neighborhood and drive through these streets at excessive speeds. We have had no cooperation from the Newberg police dept in spite of numerous requests to patrol and stake out this neighborhood to ticket speeders and non-residents. Further, our HOA board does not enforce the parking in your garage CC&R because residents want to use their garages for storage and not for their cars. This has resulted in the streets being lined with parked cars making visibility even more precarious for moving vehicles and pedestrians. In the 6 years I've lived here, I've witnessed children almost being hit by speeding cars, I have also almost been hit while walking my dogs, and some near miss head on collisions at Little Oak and Oak Grove.

As much as I hate to see more building and people congesting this area, I know it's inevitable and my letter will probably have no impact on the building of this apartment complex. My plea is if you go ahead and build, you need to get Fred Meyer to close that back entrance to their shopping center. They have 5 other entrances. In the interest of public safety, they should comply with this request. People need to use Hayes and Brutscher to enter Fred Meyer parking lots.

One last comment, I'm terribly disappointed in the residents of this community, the Newberg police dept., and Fred Meyer for not making public safety a priority. As usual, a child will need to be hit by a car and killed before any action will be taken.

Kelly Rinehart

3624 Oak Grove St  
Newberg, OR 97132  
April 23, 2012

City of Newberg  
Planning and Building Department  
PO Box 970  
Newberg, OR 97132

RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-009

To Whom It May Concern:

Due to the current traffic and parking situation our neighborhood already experiences, I am concerned and disappointed that the Planning and Building Department of the city is considering allowing the construction of apartments boarding Hays and Oak Grove Street. I urge you to, at the least, divert the entrance of the apartment complex on to Hays Street. Also, please consider the addition of soft speed bumps on each side of Oak Grove and Burl Street to slow the traffic on Hays. The amount of traffic through Hays and the Townhomes boarding Hayes is excessive for a neighborhood.

Much of the traffic through and around this neighborhood could have easily been diverted on to the main roads with better city planning. Please require MJG Development, Inc. to make traffic reducing improvements along Hayes and provide parking of two cars per unit to guarantee adequate parking for those living there. Please do not approve a code adjustment to reduce the number of off-street parking spaces—this is crucial as there are already issues with on street parking.

Thank you for your consideration of the homeowners in this neighborhood; and please do the right thing by helping to keep your neighborhood and Newberg a nicer city to live.

Sincerely,



Danette Newkirk

Attachment 5: Public Comments through 5/4/12

RECEIVED

APR 30 2012

Brittany Fidanzo  
3517 Bur Oak Aly  
Newberg, OR 97132  
April 26, 2012

Initial: \_\_\_\_\_

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

To Whom it May Concern:

I am a homeowner in the Oaks at Springbooks neighborhood and my property is directly in front of the proposed apartments. I am against the building of these apartments to the scale that is proposed and I insist on an opportunity to let my concerns be heard.

I am a stay-at-home mom to two small children. My family and I purchased our home because of the quiet, safe, secure neighborhood. We have been here for three years and enjoy the quiet streets, the neighborhood park, and the feeling of security. The building of these apartments compromises every one of those things. To begin, the huge influx of people will make our park overcrowded and our streets less safe. The proposed number of parking spaces is not nearly enough—where are all of the cars expected to park? The only logical option is on the streets of our neighborhood. We pay money every month for our HOA to maintain the landscaping and beauty of the streets and having it clogged with cars from the apartment complex is a violation.

I am also concerned about the noise. The proposed complex is far too close to our single-family homes. The noise of both the added people as well as the traffic would completely change the feel and quality of life in our neighborhood.

This is an inappropriate location for a large apartment complex. Our neighborhood is considered one of the very best of Newberg, and this complex would completely destroy that. Hayes Street is NOT equipped to handle the additional traffic, there is not even close to the correct number of parking spots allotted, and our parks as well as quality of life would be completely compromised.

The homeowners in this neighborhood take pride in their homes. There is a strong sense of community here—people who understand the importance of a healthy environment for our families. The apartment complex would completely destroy that. I, along with my fellow neighbors, will use every means available to us to stop the building of these apartments. This piece of land is not at all fit for this type of building.

Sincerely,



Brittany Fidanzo

RECEIVED

APR 30 2012

Initial: \_\_\_\_\_

Larry Rummel  
246 Royal Oak St  
Newberg, OR 97132  
(503) 554-6775

April, 27, 2012

Written Comments: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

Dear Planning and Building Director,

I am opposed to any code adjustment to reduce the number of off-street parking spaces for the proposed Oak Grove Apartments on Hayes Street. In fact I would prefer that the parking space requirement be increased.

Hayes Street does not have any on-street parking spaces available due to the bike path on each side of the road. I prefer that the bike path remain rather than providing on-street parking. There are no on-street parking spaces on other nearby major streets namely Highway 99, Springbrook, Fernwood, and Brutscher. The only on-street parking available near the Oak Grove Apartment location is within the Oaks at Springbrook (OAS) residential community. Within the OAS community we have specific areas that already have problems with limited off-street parking which stresses the available on-street space availability. This has created much tension among owners in these specific areas and caused much time, cost, and heated arguments affecting all Owners within our HOA. These specific areas are the Townhomes east of and adjacent to the proposed Oak Grove Apartments and the portion of the OAS adjoining Hayes Street to the south of the proposed Oak Grove Apartments (specifically south of Hayes St. and north of Mistletoe Dr.).

Our OAS development was designed with less off-street parking than is actually needed by our community and the on-street parking that was included in our development has been barely sufficient to meet the additional parking needs.

I am asking that the same combination of off-street and on-street parking be provided to handle the total needs to the residents of the proposed Oak Grove Apartments within their platted area so that our development does not become their overflow parking lot.

I would have no objection to MJG Development using the industrial zoned portion of their property to provide the needed off-street parking for their apartment residents. If this is not a viable option, then I would suggest that they reduce the number or size of the rental units such that the total parking needs of their residents can be contained within the area platted for apartment development.

Thank you for your consideration of these concerns,



Attachment 5: Public Comments through 5/4/12

RECEIVED

APR 30 2012

Ryan & Kate Welsh  
3605 Oak Hollow Drive  
Newberg, OR 97132

April 27, 2012

Initial: \_\_\_\_\_

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Sir or Madam:

I am a homeowner in the Oaks at Springbrook Townhomes neighborhood. My home backs up to the park looking out to where these proposed apartments would be. I am completely opposed to the building of apartments at this location.

The building of apartments will completely diminish the value of my home, and all other homes in the community. In an economy where not many people are able to keep above water on their home loan, this project will completely drown the homeowners in this community. Right now our homes are not what there were worth when we bought into this community 6 years ago, yet it is our home and we are determined to weather the storm. If these apartments are allowed to be built in our backyard, it will be detrimental to this community. If I had know that apartments were to be build when I purchased my home, it would have severely affected my decision to buy here. I am now seriously considering moving, and leaving all together, the only reason being this proposed apartment complex.

We would like to share our input, and would request a community meeting on the subject of allowing apartments to be built on this parcel of land. It is not fit for those kind of buildings.

It can be estimated that there are approximately 4 people to a household in this country. There are a proposed 84 units to be built in this apartment complex. That would put an extra 336 people into this community. Currently there are 288 units in this community, quite dense in itself. Adding these apartments would increase in population almost 30%. We have a small park inside our community that is just the right size right now. If this increased happens our park would be overrun. Also there is the issue of parking. We have had issues within the community of parking. Now there is the proposed 84 units with only 123 spaces for parking. How is that enough parking spaces? Assuming that only half the units will be using two parking spaces (which now of days is under assuming), that means there would be a needed 126 spaces. This is not including visitor parking. Parking will be limited and overflow onto the streets, which have limited parking already for the residents of this community.

This community is a community of people who have pride in owning their own home. Apartments do not bring that kind of mindset into the community. Apartments do have their place in a city, but not here in this community's backyard. Having homes or town homes added to this community would fit in, if that parcel of land has to be developed, but apartments do not bring pride to a community. Nobody wants to live next to apartments. They would be an eyesore, even with a 30ft. vegetation barrier between.

I will be discussing with our association about the intrusion of building apartments so close to a single family housing community. I will use every means at my disposal to stop the building of an apartment complex here in my backyard, whether it means using the political system, media outlets, justice system, or community organization.

Sincerely,



Kate Welsh

RECEIVED  
MAY 01 2012

Initial: \_\_\_\_\_

April 26, 2012

Re:

Applicant: MJG Development, Inc; Attn: Mike Gougler

Location: 3411 Hayes Street, Newberg, Or 97132 - Tax lot # 3216-02017

This is in response to the letter dated April 20, 2012, regarding a projected apartment development called Oak Grove Apartments. We are owners in the Oaks at Springbrook Townhomes (716 Little Oak) and object to this proposed development and the code adjustment to reduce the number of off-street parking spaces. We believe that this proposed development will devalue the townhomes in our development and increase the amount of traffic running through our neighborhood putting small children and pedestrians in harms way. We already have a great deal of traffic coming from Fred Meyers through our neighborhood to avoid going all the way down Brutscher to Hayes. This traffic shows no concern for those of us who call this neighborhood home and travel faster than they should. The apartment residents would undoubtedly also drive through our neighborhood to get to their development as a short-cut. Also, reducing the number of off-street parking spaces puts our streets in compromise for extra parking, which we are already extremely short of space. The City and County should have made the developer of Oaks at Springbrook create more parking for the townhomes as most people who live in three and four bedroom townhomes have more than one car, especially if there are teenagers in the family. We simply do not have enough parking in our development and 123 parking spaces for 84 units is not enough parking space for that many people, period.

Most owners in the Oaks at Springbrook Townhomes are already up-side-down in their homes and the addition of an apartment complex would devalue our homes even more.

Sincerely,



Terrence and Donna Zinkel (716 Little Oak St)

Mailing address: 901 Brutscher St, #D167 , Newberg, Or 97132

April 28, 2012

RECEIVED

MAY 01 2012

Initial: \_\_\_\_\_

City of Newberg

Planning & Building Department

P.O. Box 970

Newberg, OR 97132

File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

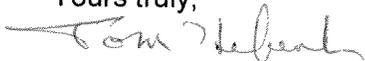
Dear Newberg Planning & Building Director:

This letter is in regard to the proposed Oak Grove Apartments, consisting of an 84-unit apartment complex. My husband & I moved into the Oaks at Springbrook community June 2006. We enjoy the community very much, and our HOA Board works hard at maintaining our community in a pleasant environment.

In light of the proposed Apartment complex consisting of 84 units and 123 on-site parking spaces, our concern is the lack of parking spaces and additional traffic through our neighborhood. I would think that the statistics reveal that most units will have two adults, which means two vehicles, totally an estimate of 168 parking spaces needed. My calculations estimate that there would be 45 vehicles needing parking spaces.

I hope you take our concerns seriously and possibly re-evaluate the number of apartment units.

Yours truly,



Tom & Susan Hebert

3717 Oak Grove Street

Newberg, Oregon 97132

## Attachment 5: Public Comments through 5/4/12

**From:** Gennie Harris [<mailto:geharris@linfield.edu>]  
**Sent:** Tuesday, May 01, 2012 2:12 PM  
**To:** Barton Brierley  
**Subject:** Proposed Apartments on Hayes St.

Dear Mr. Brierley,

I am writing to you about the proposed apartments on Hayes St. (near Fred Meyer). I would like to formally submit my concerns about the project via email (but please let me know if you need them in another format). I live at 271 Royal Oak St. at the Oaks at Springbrook.

I am supportive of the property owner's rights to build an apartment complex. However, I would ask the city to NOT allow an exception to the current policies on parking. The proposed 123 parking spaces for 84 units is simply not enough, and I fear that Hayes Street will become a dangerous area of overflow street parking. I used to live at the townhouses (3705 Oak Grove St.), and parking was a huge issue there with many townhomes rented to college students (with 4 cars/unit) and many homeowners who used garages for purposes other than for parking. The streets were packed with parking during the GFU school year. I would anticipate this being an issue for the apartment complex, as well. Also, most families have at least two cars. I think it would be more responsible for the developer to have fewer units and more parking.

Thank you for your consideration. As my children grow older, I am especially concerned about their safety as they walk and ride bikes near and around our home. Again, I support the property owner's rights, but I strongly feel that current parking policies should be enforced for the safety of the community.

Sincerely,  
Gennie Harris

--

*Genevieve Harris, PhD Assistant Professor of Multicultural Education 503.883.2238*

April 29, 2012

City of Newberg  
Planning and Building Department  
P.O. Box 970  
414 First Street  
Newberg, OR 97132

RECEIVED  
MAY 01 2012

Initial: \_\_\_\_\_

Dear Planning and Building Department,

I am writing in regards to your recent letter alerting the homeowners of those in the Springbrook Oaks NEIGHBORHOOD of the possibility of an apartment complex being built within 500 feet of our NEIGHBORHOOD!

I do not feel that this would be an improvement within the town of Newberg nor our NEIGHBORHOOD! The building of apartments would bring increased traffic, increased transitional families, and increased crime! Families moving in and out, not owning a piece of the NEIGHBORHOOD, and therefore not invested in the livelihood, peace, and upkeep required to ensure a NEIGHBORHOOD'S safety is definitely not the way we should be allowing Newberg to grow.

Yes, Newberg is growing and more housing may be needed however please think of this in terms of keeping Newberg more safe and enjoyable for all! In order to keep the NEIGHBORHOOD feel, please only allow single family homes in this place instead of multi-family apartments.

Thank you very much for reading and reconsidering the future of Newberg and our NEIGHBORHOOD!!



Heather Grimm  
241 Burl St.  
Newberg, OR 97132

Attachment 5: Public Comments through 5/4/12

April 29, 2012

To: City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

From: Joseph & Robyn Marsico  
261 White Oak St  
Newberg, OR 97132

Re: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

RECEIVED

MAY 01 2012

Initial: \_\_\_\_\_

To whom it may concern,

I am writing to express my strong opposition to the proposed apartment complex to be developed on Hayes St.

We moved to Newberg nine years ago to be a part of quiet residential community of homeowners. In that time we've witnessed the development of a community college directly across the street from our subdivision, a public golf course, and expansion of the Fred Meyer to include a multiple lane gas station. While many of these additions have positive qualities, it also further detracts from the quiet, stable community we envisioned when we chose Newberg, and specifically this area of Newberg to invest in.

The approval by the City of Newberg of an apartment complex with 84 units and 123 parking spaces this close to our subdivision will cause me to put my home up for sale and relocate out of Newberg.

This development will impact our community in the following ways:

- This apartment complex will bring increased traffic and congestion to an area where children routinely play and the elderly walk.
- This complex will bring renters who are more transient than stable, and take less pride in maintaining their properties.
- Apartment complexes frequently bring an increase in crime to a community.
- An apartment complex this close to my subdivision will lower my property value and make it more difficult to attract homeowners who want to reside in a quiet neighborhood.

All one needs to do is drive on the other side of 99W and view the conditions of many of the apartment complexes to see the negative impact these properties have on a residential community to further validate the points I note above.

I respectfully ask for your consideration of my feedback and request that this proposal be denied by the city.

Regards  
Joe & Robyn Marsico



Attachment 5: Public Comments through 5/4/12

April 29, 2012

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

RECEIVED

MAY 01 2012

Initial: \_\_\_\_\_

RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear City of Newberg:

I am writing as a home owner in the Oaks at Springbrook Townhomes neighborhood concerning the recent application for development of multifamily homes adjacent to our property. I have serious concerns of the impact of this new development in regards to traffic impacts, parking, property values, crime, and the livability of our community.

My main concern is traffic, living here for over five years I have noticed in our development people coming to and from the south entrance/exit to Fred Meyers. People constantly take short cuts through our streets to cut their commute to wherever they are going south of our Townhomes. Living in a town home whose backyard faces Brutscher Street I am constantly reminded a majority of drivers do not obey the 25mph speed limit, and I notice it while driving or walking my dog along Hayes Street. Adding an apartment complex will not doubt exacerbate this issue as new renters speeding through our streets to get home or to/from Fred Meyers faster. Our neighborhood has many children who play in their (small) front yards and as many know children do go into the street from time to time.

Parking is a huge concern in our neighborhood and has come up in our home owner association meetings. This development is asking for a variance to the parking code, which again will only exacerbate these conditions along Oak Hollow Drive which is already full with parking of residents and visitors to the Townhomes owners. Overflow parking from the development will no doubt impact the streets south of Hayes Street also. I don't know if the planning department as a consideration in this variance, actually travels out to the adjacent developments and reviews parking conditions on an average weekday or weekend, but it should.

I believe these adjacent properties would serve a better purpose as a public space such as expanding the current White Oak Park with other activities. I constantly see people out my back window walking their dogs, and kids playing in the parking lot of the vacant Suntron business, which I assume they are trespassing on private property. Then again, I assume they have called Suntron to get permission, as I believe the City has for their Fire Department to train and the School District to train bus drivers.

I am also concerned about diminishing property values that a development of this type brings, and the current rental values as some property owners in our townhouses rent

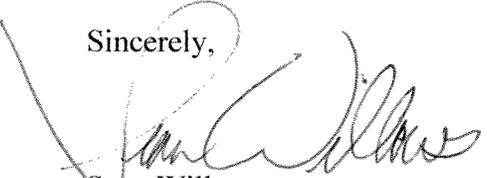
## Attachment 5: Public Comments through 5/4/12

their properties. If I would have known there would be apartments being built next to my townhouse, I would have not purchased my current home.

The livability of our neighborhood will only diminish with the high occupancy turn over rate of an apartment complex. I know, I traveled for work and lived in five apartments before settling into my current residence. It's unfortunate that due to the economic times we are experiencing the developer is talking about rental properties instead of additional Townhomes or single family residences that would blend in more with our community. Hopefully the City is looking out for its citizens interests and not helping its own internal budget concerns this type of development would bring.

I would hope the City of Newberg would consider the existing homeowners concerns about adding another densely populated development to our neighborhood. What happened to the proposal for a new school, or consider expanding the adjacent park instead?

Sincerely,



Sean Willows  
744 Little Oak Street  
Newberg, OR 97132

Attachment 5: Public Comments through 5/4/12

Arian and Karalee Baquero Gonzalez

311 Burl St

Newberg, OR 97132

RECEIVED

MAY 02 2012

Initial: \_\_\_\_\_

April 30, 2012

City of Newberg  
Planning and Building Development  
PO BOX 970  
Newberg, OR 97132

RE: File NO. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

To Whom It May Concern:

We are writing to you about our concerns over allowing an apartment complex to be built in the Oaks at Springbrook neighborhood.

As current homeowners here, we are **strongly** opposed to the addition of this apartment complex in our neighborhood. We feel our community is one with hard-working families that enjoy the opportunity to live in a nice neighborhood. We work diligently to pay our mortgages, our HOA's, keep our homes nice and to have a safe, family friendly community. The addition of an apartment complex so close to this community would greatly depreciate the value of our homes and decrease the value of this neighborhood.

We recently bought our home here and one of the deciding factors for us was the fact that it was a quiet neighborhood with little traffic in a nice community. We feel that when people decide to live in a place like Newberg, they are choosing to buy in an area that has lower crime, less noise, less traffic and to escape from the "big city" lifestyle. Adding an apartment complex would not only add many more people to this quiet neighborhood, but more noise, a lot more traffic and a higher potential for crime. It is said that the apartment complex would have 84 apartments with only 123 designated parking spaces. This doesn't even allow for each apartment to park 2 vehicles. What about any visitors these apartments may have? They will be parking on our streets which already have enough cars parked on them. We pay a fairly high HOA to keep our streets and parks in nice condition and to reside in a nice area. As a home owner right across from Gladys park, we strongly oppose having people commonly use this park that do not have any type of personal investment in keeping it nice. People living in the apartments will have no financial responsibility in keeping the neighborhood well maintained; therefore they will be less likely to do so. Had we known that there were going to be apartments possibly built in this area, we would have chosen to buy elsewhere.

We believe that although apartments are important to many cities, Newberg is a small community that seems to be trying hard to improve the overall appearance and feel of this city. Adding an apartment community in a nice/newer neighborhood seems only to be benefitting the developer financially without respect to people that actually live in this community.

Please take into consideration the concerns expressed here by us, and those of our neighbors, and allow us a community meeting about the apartments to be built on these parcels of land.

Sincerely,



Arian and Karalee Baquero Gonzalez

Attachment 5: Public Comments through 5/4/12

RECEIVED

MAY 02 2012

Carole Holland  
612 Little Oak Street  
Newberg, OR 97132

April 30, 2012

Initial: \_\_\_\_\_

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

Dear Sir or Madam,

**RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002**

I am writing to complain about the plans to build apartments very close to our home. I find the idea absolutely preposterous and I am ashamed to find that the Newberg Planning and Building Department have even considered the plan, and have absolutely no regard for the people that live in the district already.

We like this area, and we bought the home here because it is not too overdeveloped and never thought it would be. I expected that there would be houses built on the suggested land at some point but never apartments. The economy is such that most people would have trouble selling their homes if the plans were approved, I assume the planning department is well aware of this fact.

I have included Mr Nomies' letter to show my approval that our reasons for complaint are just. I could not have put my complaint into words as well as he did. So I can't see the need to write it all again.

We agree with everything he has to say. Please do not allow this plan to materialise.

Sincerely,



Carole Holland

## Attachment 5: Public Comments through 5/4/12

Habib Nomie  
3525 Bur Oak Alley  
Newberg, OR 97132

April 23, 2012

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Sir or Madam:

I am a homeowner in the Oaks at Springbrook neighborhood. My home sits directly across the street from these proposed apartments. I am completely opposed to the building of apartments at this location.

The building of apartments will completely diminish the value of my home, and all other homes in the community. In an economy where not many people are able to keep above water on their home loan, this project will completely drown the homeowners in this community. Right now our homes are not what there were worth when we bought into this community 6 years ago, yet it is our home and we are determined to weather the storm. If apartments are allowed to be built in our backyard, it will be detrimental to this community. If I had know that apartments were to be build when I purchased my home, it would have severely affected my decision to buy here. I am now seriously considering moving, and leaving all together, the only reason being this proposed apartment complex.

We would like to share our input, and would request a community meeting on the subject of allowing apartments to be built on this parcel of land. It is not fit for those kind of buildings.

It can be estimated that there are approximately 4 people to a household in this country. There are a proposed 84 units to be built in this apartment complex. That would put an extra 336 people into this community. Currently there are 288 units in this community, quite dense in itself. Adding these apartments would increase in population almost 30%. We have a small park inside our community that is just the right size right now. If this increased happens our park would be overrun. Also there is the issue of parking. We have had issues within the community of parking. Now there is the proposed 84 units with only 123 spaces for parking. How is that enough parking spaces? Assuming that only half the units will be using two parking spaces (which now of days is under assuming), that means there would be a needed 126 spaces. This is not including visitor parking. Parking will be limited and overflow onto the streets, which have limited parking already for the residents of this community.

This community is a community of people who have pride in owning their own home. Apartments do not bring that kind of mindset into the community. Apartments do have their place in a city, but not here in this community's backyard. Having homes or town homes added to this community would fit in, if that parcel of land has to be developed, but apartments do not bring pride to a community. Nobody wants to live next to apartments. They would be an eyesore, even with a 30ft. vegetation barrier between.

I will be discussing with our association about the intrusion of building apartments so close to a single family housing community. I will use every means at my disposal to stop the building of an apartment complex here in my backyard, whether it means using the political system, media outlets, justice system, or community organization.

Sincerely,



Habib Nomie

## Attachment 5: Public Comments through 5/4/12

May 2, 2012

Submitted VIA Email Delivery

City of Newberg  
Planning and Building Department  
Barton Brierley, AICP  
Jessica Nunley, AICP  
PO Box 970  
Newberg, OR 97132

RE: Written Comments: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Mr. Brierly and Ms. Nunley,

This letter is in regard to the proposed Oak Grove Apartment project, and intended to provide objections to a specific aspect of the development. As a property owner within 500 feet of the project, I am in receipt of the public notice land use notice dated April 20, 2012.

I phoned Ms. Nunley on Tuesday, April 24 to discuss certain aspects of the proposed development. During that conversation I learned the preliminary partition, property line adjustment, design review and code adjustment are being considered collectively as Type I and II decisions. As explained by Ms. Nunley, the decision to approve, deny or modify therefore rests in the hands of the Planning Director, Mr. Brierley.

While I support many aspects of the project, I would like to make specific objections to the proposed reduction in off-street parking and corresponding creation of 18 on-street spaces. According to the applicant's information and related Newberg Code sections, the proposed 84-unit complex would require the provision of 143 off-street spaces.

The application proposes to reduce the number of off-street spaces to 123. The application also suggests creating 18 on-street parking spaces to move within 2 spaces of the code required 143. This leaves an actual reduction of only 2 overall spaces, but 20 total off-street code-required parking spaces.

Initially, I would like to address specific approval criteria listed in Chapter 15.210.020.C.2 relating to reductions in off-street parking spaces. Within that section it states (emphasis added);

The Director *shall* find that approval will provide adequate *off-street* parking in relation to user demands. The following *may* be considered in granting an adjustment;

## Attachment 5: Public Comments through 5/4/12

- a. Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly).
- b. Opportunities for joint use of nearby parking facilities.
- c. *Availability of public transit.***
- d. Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.
- e. Possible conversion of the site to other uses in the future.

The applicant's rationale for granting the elimination of 20 off-street parking spaces is summarized on page 11 of their application. The rationale states;

"...1) the site is immediately adjacent to the mass transit stop, retail stores, restaurants, business and bank services within the Springbrook (Fred Meyer) shopping complex, 2) additional storage is available within the development, 3) within a couple of blocks to public parks, 4) a hospital, dog kennel, golf course and many other services are within one mile and 5) the application proposes to modify Hayes Street striping so that a total of eighteen on-street parallel parking spaces is made available along the site's Hayes Street and Oak Hollow Drive Street frontage. "

The only specific approval criteria from 15.210.020.C listed in the applicant's rationale is the presence of a nearby transit stop. While applicable, the suggestion (and reasonably interpreted intent of the code) would be fewer spots are needed on the assumption residents would use transit.

However, the applicant fails to propose an outright reduction of off-street spaces to uphold that intent. Rather, they propose to simply shift the proposed reduction in off-street spots to on-street, while also reducing the overall code-required 143 spaces by 2 locations. Additionally, there is no evidence provided to support the claim of transit ridership use by residents other than to suggest a stop is nearby.

As proposed, the applicant's reasoning does not serve as a rational nexus for approving the reduction in off-street parking spaces. A reasonable interpretation of the intent of this request is the applicant simply wishes to fit more units on the site.

Understanding the decision to grant the parking reduction request could potentially take other factors into consideration given the word "may" is included in listing approval criteria in section 15.210.020.C.2, I would offer the following;

- The applicant's response to the lot area development criteria from 15.405.010 suggests their proposed ratio of 2.64 units is well above the minimum 1.0 and leaves ample room

## Attachment 5: Public Comments through 5/4/12

for a reduction in total units on the site, and thus fewer parking space needs. Certainly it suggests there is enough room to adjust the layout of the development to accommodate off-street parking needs.

- The proposed on-site parking ratio is calculated at 24.7%, which is far below the maximum of 30%. The project also suggests a combined lot coverage of 52.2%, which is well below the maximum of 60%. Combined, these factors suggest the availability of ample room for additional off-street parking to accommodate resident needs.
- There is no evidence to suggest there are any natural features, hazards or other limiting conditions that would restrict placing additional off-street parking on the site.

I would suggest the reasoning outlined here is more than adequate to support a denial of the request for parking requirement adjustments. There appear to be no factors that would prevent the developer from providing the code required off-street parking on the development site.

I look forward to your response.

Sincerely,

Justin Patterson

Cc: Don Clements, Chehalem Parks and Recreation District

Attachment 5: Public Comments through 5/4/12

May 2, 2012

Melissa Mix  
3628 Bur Oak Ct.  
Newberg, OR. 97132

City of Newberg  
Planning & Building Dept.  
Newberg, Or. 97132

RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001,ADJP-12-002

Dear Director,

I am a homeowner in the Oaks at Springbrook and will be directly affected by my close proximity to the proposed apt. complex located on Hayes St. My concern is that we are a community of young families with children of all ages who play and use streets in and around this site. An apt. complex of 84 units with the potential of over 300 extra people and increased vehicles increases congestion for the Springbrook-Hayes street entrance into and out of our community. At the Hayes-Brutcher entrance we already have additional traffic with the new PCC complex and in the very near future Marques Newberg Care Center will begin building their new Rehab and Care Center at the other end of Hayes St. Please consider the traffic issues this complex will pose for our community. Those of us who are homeowners here chose this area specifically for the non-cramped, open natural beauty at reasonable living costs. We have already seen our water costs, city service costs go up with the increase population. When looking at other apt. complexes in the Newberg area situated next to homes in neighborhoods it degrades the appearance of the community with added cars along the side of streets, which is a concern to all of us regarding the value of our homes. We have already taken a serious hit with the economy. Jobs are not increasing pay to stay up with costs. Please consider all the many ways in which your decision on this proposal will affect those of us in this community. This area is a bright spot and adds so much to the city.

Respectfully,



Melissa Mix

T (503)537-4601

RECEIVED

MAY 02 2012

FROM THE DESK OF

MICHAEL PALMA

F 503-538-2845

Initial: \_\_\_\_\_

April 30, 2012  
City of Newberg  
Planning Council  
PO Box 970  
Newberg, OR 97132

To Whom It May Concern,

In reference to the letter received on the proposed building of an apartment complex adjacent to the homes at Oaks at Springbrook, I am writing to share my concerns.

I have 3 main concerns; traffic/safety, parking, and property values. As the owner of home in an already depressed economy, with homes having lost roughly 20% of their value in this neighborhood, I am not happy to hear of apartments being proposed literally in our backyard. Not only does it take away from the feel of our single family home atmosphere and surroundings, but it will greatly increase traffic around our homes. Neither improves the appeal, and therefore selling point of homes in our community. The city of Newberg has already shown an indifference to our safety concerns on the existing traffic that cuts through our neighborhood to access Fred Meyer, the apartments will only aggravate this situation. No amount of 'Local Traffic Only' signs is going to keep our kids safe. I can guarantee it will get a lot worse. Parking is yet another concern, that even the letter admits will only make matters worse. There is not enough parking for the people who live here as it is, and if several have company visiting there really are no options that do not risk ticketing or towing.

Obviously the home owners are concerned about this situation. Only giving 2 weeks to respond does raise the question of the intent of the short time-frame given for response. I believe you are doing a disservice to those whom you are supposed to be representing.

Sincerely yours,



Michael Palma

MAY 03 2012

April 28, 2012

Initial: \_\_\_\_\_

Written Comments: File No.  
PAR 12-002, DR2-12-003, ADJC-12-002  
City of Newberg  
Planning & Building Department  
Po Box 970  
Newberg OR 97132

City of Newberg Planning & Building Department:

I own a home located at 328 Oak Leaf Street. We are the first owners and moved in to our home in December of 2005. Since we have lived at the home we have had issues with street parking. Those issues include not enough street parking and/or improper use of street parking, such as cars parked for longer than 72 hours. Our HOA, Oaks at Springbrook, has documented these parking issue in length over the past years.

The addition of the 84 unit Apartment complex, Oak Grove Apartments, further referenced herein as "Apartments", will congest our neighborhood with overflow parking, if the Apartments are granted a reduction of "off-street parking spaces." My family and surrounding neighbors strongly object to the Planning & Building Department granting the Apartments a reduction in "off-street parking spaces."

The developer, MJG Development, Inc. states in their proposal a rationale for allowing the reduction. The bases of MJG response is that the development is located near mass transit, retail stores, restaurants, busniness and bank services; within in couple of blocks to public parks; hospital, dog kennell, golf course and many other services.

**Counter reponse:** Although this maybe be true this would not necessarily reduce the numbers of vehicles that a family may own. In fact, this may lead to vehicles being unused or abanoned on the street or in our neighborhood for longer periods of time.

The devloper MJG, proposes that the applicant modify Hayes Street striping so that a total of eighteen on-street parallel parking spaces is made avaiilable along the site's Hayes Street & Oak Hallow Drive Street frontage.

**Counter reponse:** This proposed area for additional parking is near the townhomes, which have a greater parking challenge then our neighborhood. I would assume that this proposal would not go over well with the townhome owners. More parking in these are will also bring danger to the neumerous children that play in the neighborhood.

In summary, we oppose the City of Newberg granting MJG Development a reduction in "off-street parking spaces."

Sincerely,

Anthony & Stephanie Vasquez

328 Oak Leaf Street

Newberg OR 97132

503-538-7215

Email: Vasquez72@hotmail.com

Attachment 5: Public Comments through 5/4/12

File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
City of Newberg  
Planning & Department Building  
PO BOX 970  
Newberg, OR 97132

RECEIVED  
MAY 03 2012  
Initial: \_\_\_\_\_

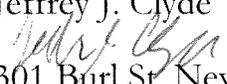
Esteemed Planning and Building Department:

I own a home on Burl Street directly across the street from Gladys Park. I am writing to express my concern over the proposed zoning change from commercial to apartment development. It is my understanding that this new zoning ordinance will bring more people into the neighborhood and force property values down. The zoning level will allow developers to build apartment buildings among the family homes already here. This will clearly bring more people into the neighborhood—increasing traffic, noise, transience, and crime.

Our community is a quiet, family-oriented neighborhood. This plays as much a part in its value as the caliber of its build. Maintaining my home's value and the wonderful community atmosphere so enjoyed by my family and I are of utmost concern to me. If my home declines in value, so does the financial security of my family. In addition, more crowding, more traffic, more noise, and crime would be extremely upsetting to the many elderly residents in the adjacent neighborhoods.

I know that as a department, you have been sensitive to the preservation of the unique character of neighborhoods in Newberg and want to maintain the family strengths of our community. I urge you to vote against this zoning issue. Zoning in our neighborhood should remain as it is. Those wishing to build apartments, rather than new homes, have many alternatives more appropriate than this from which to choose.

If I can help in any way to defeat this proposal, let me know. Thank you.

Sincerely,  
Jeffrey J. Clyde  
  
301 Burl St. Newberg, OR 97132

RECEIVED

MAY 04 2012

Initial: \_\_\_\_\_

May 3, 2012

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

Dear Planning and Building Dept:

I am writing concerning the application for the Oak Grove Apartment complex near Hayes Street. I am greatly concerned at what such a large apartment facility would do to the surrounding residential area. 84 apartment units will flood the area for housing. The houses in the Oaks at Springbrook community are facing very depressed home values, and this would only further drag those home values down further. This is going to create a lot of financial strain for many already established families in the area.

My second concern is the amount of parking the plan currently calls for. I do not think 123 parking spots for 84 apartments will be sufficient parking. Most households have multiple cars. I think it's likely that resident and guest parking from the apartment complex will flow out into the Oak at Springbrook neighborhood. The parking situation in the neighboring townhomes is already tight and a problem.

Please take these comments into account when making a decision on the application for the Oak Grove Apartments.

Sincerely,



Katie Teslow  
429 Oak Leaf St.  
Newberg, OR 97132  
(503) 538-3428

RECEIVED

MAY 03 2012

Initial: \_\_\_\_\_

*Sandra B. White*  
3616 Short Oak Drive  
Newberg OR 97132  
Ph: 503.538.4768  
Cell: 408.607.8530  
e-mail: [sandra.esr@jessent.com](mailto:sandra.esr@jessent.com)

April 27<sup>th</sup>, 2012

City of Newberg  
Planning & Building Dept.  
PO Box 970  
Newberg, OR 97132

Re: File No. PAR-12-002, DR-12-003, ADJC-12-001, ADJP-12-002

I just received notification regarding the above file. It really concerns me that the parking allowed for this apartment project, is **less** than 2 per unit. Where would anyone who was visiting park? What if there were more than two people living in a unit? Have you thought this through? There is no parking on Hayes at this time, and we who live in "The Oaks" have very little parking for visitors as it is.

Unless your plan includes a large parking lot beside the complex, I would suggest you scrap it! I am totally against any code adjustments!

Sincerely,



Sandra B. White  
3616 Short Oak Drive  
Newberg OR 97132  
503-538-4768

RECEIVED

MAY 03 2012

Initial: \_\_\_\_\_

5/1/2012

Written Comments: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

Dear City of Newberg,

It has come to our attention that an 84 unit Apartment complex is planned to be built in our neighborhood.

My husband and I are all for positive growth and development in our town however; we do not believe that the proposed building for this plot of land is appropriate.

We have lived in this community for eight years and in such a short time have experienced an ongoing, unresolved issue with the parking in the Oaks of Springbrook community. First the CC&R's written for our development state that homeowners cannot park on the street. Many homeowners have homes that either cannot accommodate the number of cars they own nor are they designed to house the typical number of cars most homeowners have. Secondly, the City of Newberg cannot support or enforce the CC&R's written because the streets are public therefore people continue to park on the street. There is still no resolution to this issue.

The intersection at Burl and Hayes, that is closest to the planned new construction site has been addressed with signage to prevent traffic accidents due to an overflow of homes with not enough parking. The new development states that 84 units will be provided with 126 parking spots. That is not enough for 2 residents per unit and visitors, assuming that each unit would have only 2 drivers (which is likely to have at least 2 if not more per unit). Where are these people going to leave their cars? Aside from the safety issue, it is an eye sore. We care about the appearance of where we live and would like to maintain a standard that gives our homes value that we are proud of.

Our concern is that there are many safety issues connected to the present parking problem and adding more homes with not enough parking in the immediate vicinity of our neighborhood is only going to make this issue more relevant and upsetting to the homeowners who have already invested in living here.

The homes closest to the new construction proposed have had their properties devalued in the present economy and such additional building will only upset and devalue their investments even further.

*Susan Nagh*  
151 Burl St.  
Newberg, OR 97132

RECEIVED

MAY 04 2012

Initial: \_\_\_\_\_

5/2/12

City of Newberg  
Planning and Building Dept.  
PO Box 970  
Newberg, OR 97132  
Re: File PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Sir or Madam,

I am writing today as a homeowner in the Oaks at Springbrook neighborhood regarding the proposed apartments at this location. There are numerous reasons that my family and neighbors are opposed to this development. First and foremost, adding this many units will bring a significant increase in traffic in our neighborhood. Though the streets in our neighborhood are supposed to be closed to through traffic, the location of these apartments guarantee many more cars driving through a neighborhood loaded with young children. This prospect truly scares our family and many of our neighbors. Second, the property values of the existing homes in this area are sure to go down with the addition of a non-descript apartment complex. With our entire development having suffered from the housing market collapse, this development will not help our community return to original purchase price any time in the near future. Finally, the proposed development is also woefully short of proposed parking spaces with only 123 spaces. That's 1.4 spaces per unit but with college students and families that will not be close to enough, so where are these cars much less visitors going to park?

For these reasons and many others, I urge the department to deny the development of this property.

Sincerely,



Matt Stein  
3601 Oak Hollow Dr  
Newberg, OR 97132

RECEIVED  
MAY 04 2012

Dolayne & Mary Ann Peters  
331 BURL ST  
97132

Initial: \_\_\_\_\_

CITY OF NEWBERG  
PLANNING DEPT.

RE: File No PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

THANK YOU FOR ASKING FOR OUR IN-PUT REGARDING 84 APARTMENTS BEING BUILT SO CLOSE TO OUR HOMES. THIS IS SHOCKING AS THAT MEANS MANY MORE CARS AND SMALL CHILDREN. WE ALREADY HAVE SAFETY PROBLEMS WITH THIS SITUATION AND GLADYS PARK.

MANY GEORGE FOX STUDENTS WILL LIKELY RENT THOSE PROPOSED APARTMENTS. THEY HAVE ROOMMATES TO CUT COSTS - WHICH IS NORMAL - BUT THEY ALL SEEM TO HAVE THEIR OWN VEHICLES. ADD ALL THOSE, THE ~~THE~~ <sup>TOO</sup> FEW PARKING SPACES AND THE OVERFLOW IS STREET PARKING. HAYES STREET IS ALREADY A CUT-OFF FROM HWY 99W TO AVOID TRAFFIC AND TRAFFIC LIGHTS, IT WOULD BE TOO DANGEROUS FOR RESIDENTS TO EVEN TRY CROSS HAYES FROM OUR NEIGHBORHOOD (THERE IS NOT A CROSS-WALK), AND GOOD-BYE TO THOUGHTS THAT HOME VALUES WILL EVER GET BACK TO "NORMAL".

SO FROM US, NO TO THE PROPOSED APARTMENTS.

HOWEVER, WE KNOW FROM EXPERIENCE THAT IN-PUT FROM OARS AT SPRINGBROOK HOME OWNERS WILL HAVE NO AFFECT ON YOUR DECISION - YOU HAVE ALREADY DECIDED TO APPROVE.

Mary Ann Peters  
Dolayne E. Peters

## Attachment 5: Public Comments through 5/4/12

To Whom It May Concern:

I am writing to express my family's concerns over the proposed apartment complex to be built at 3411 Hayes St. behind the Fred Meyers. I currently live in a townhome on Little Oak St. in the adjacent neighborhood from the proposed complex. My family has had to handle the demise of property values in the Newberg area since the economic decline of 2008. Unfortunately, we do not expect to see values increase any significant amount over the next few years. Meaning we like many others remain upside down and under water financially. As a result, we will continue to own our home for years into the future. This is not related to my concern but I believe is important in terms of understanding our concerns about construction of an apartment complex adjacent to our neighborhood. My family has three major areas of concern which whomever has the ultimate decision needs to carefully consider.

First of all, The Oaks at Springbrook is obviously located directly behind Fred Meyers and there is an entrance to Fred Meyers (previously explained to homeowners as the delivery driver's entrance) at the north end of the neighborhood which is continuously used by customers from all surrounding neighborhoods to access Fred Meyer. This had led to multiple occasions yelling at drivers for speeding through our neighborhood risking our children's lives, as well as our own since all activities happen in the front yards of our homes. With yet more residents in the immediate area we will be forced to deal with even more drivers using our neighborhood as a short cut to Fred Meyers, putting ourselves and most importantly our children in more danger of being hit by a car.

This brings us to our next concern. Our neighborhood has consistently struggled with available parking. Being single car garages many homeowners are forced to park along the streets. This has been a topic of contention at many homeowner meetings and most likely will continue to be so. A new apartment complex does nothing but risk adding more parking troubles to our neighborhood and surrounding neighborhoods as well. Although most research shows that renters are less likely to own a car and more likely to use public transportation this cannot be considered common for Newberg. We have a large portion of renters who are college students at George Fox University and also commuting students at the new Portland Community College. Based on my calculations, there will not be enough spaces in the new development for residents nor visitors, meaning more vehicles that will require street parking either on Hayes St. and/or spilling into the Oaks at Springbrook Townhome neighborhood which per previous comments is already congested!

Our last concern is the burden this will place on property values in the Newberg area. All of the Oaks neighborhoods have been hit by the economy, none more damaging than the townhomes. The only relief owners have had is the opportunity to rent their homes in an effort to sideline their financial challenges and retain the opportunity to achieve the American dream of homeownership. However, if this project is approved the ability to rent our homes will be immediately and permanently damaged due to the competitive nature of rental homes versus apartments. Both price and availability put homeowners at a distinct disadvantage.

I completely understand the attraction to building a new apartment complex to the city. More residents equals, more tax revenue, more consumers. But I implore you to explore the negative impacts that will

## Attachment 5: Public Comments through 5/4/12

be placed on your current city residents around this proposed project. What has damaged this country on so many levels is the continual push to build and expand. Whereas, we would be better served developing what we have and finding the things we need. We need more services, we need more shopping options. I do not want to see my neighborhood decline even further than it has since 2008 because someone wants a shot at getting rich building another apartment complex.

Regards,

Charles and Shannon Harrell

740 Little Oak St.

Newberg, OR. 97132

RECEIVED

Attachment 5: Public Comments through 5/4/12

MAY 04 2012

May 4, 2012

Initial: \_\_\_\_\_

Written Comments: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
City of Newberg  
Planning and Building Department  
PO Box 970  
Newberg, OR 97132

We live at 261 Royal Oak Street. When we made the decision to buy our home over 6 years ago we made that decision knowing that apartments had been planned in the area north of Hays and just west of Springbrook.

Our concern is not that there will be apartments, but rather the issue of adequate parking to support those that live in them and still provide adequate parking. Adjusting the code to reduce the number of off-street parking would potentially result in a higher number of cars parked within our neighborhoods than currently predicted. We feel the estimates of how many cars would need on-street parking away from the apartments are unrealistically low.

Given the likelihood that these will be desirable apartments that could be affordable to not only families but also George Fox students, the estimates of new bodies living in this area, many with their own cars might be considerably higher than projected. Assuming 4-6 students sharing an apartment, it is likely that number of cars needing parking spaces will be much higher than anticipated. Additionally we believe there will be more total vehicles in the family component that move into this development.

We are concerned that this overflow of more cars than predicted would create definite safety concerns as a result of more car traffic and risk to pedestrians (mostly children) and also the need to leave adequate access for fire and safety vehicles.

This is a wonderful community, with a great mix of families. Our concern is not with the nature of apartments, but that challenge of providing enough safe parking for this new influx of people in the area. We are not in favor of this code adjustment.

Respectfully,

David and Maggie Andrews



## Attachment 5: Public Comments through 5/4/12

**Jessica Nunley**

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**From:** Arber [huntagratsna@yahoo.com]  
**Sent:** Friday, May 04, 2012 1:16 PM  
**To:** Jessica Nunley  
**Subject:** Proposed Oak Grove Apartments: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Hi Jessica,

Thank you for speaking with me on the phone today.

As I mentioned, there are a number of issues that I have with the Oak Grove apartment proposal that I would like added to the file No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002. I have been speaking with some other neighbors here at Oaks at Springbrook and they also are concerned about its impact on our community. Let me just list some of the issues that have led me to oppose it in its current form including some of the ones I mentioned on the phone:

1. The time frame for soliciting input from owners is too short. I understand that 14 days is the requirement. However, if you include mailing time, that leaves something like 8 business days. I only received the letter on April 24. So the city should have given owners at Oaks at Springbrook (OAS) more time to respond.
2. The letter was sent only to certain owners and while I understand again that by law you are only required to notify owners whose property falls within 500 feet of the proposed project, a more responsible action would have been to mail all the owners at Oaks at Springbrook. If one is to combine reasons 1 and 2, the process of notifying people who will be impacted comes across as hastened and rather secretive. Not good.
3. I have some major issues with parking that will be needed by the project. The project states 123 on site parking spaces which is insufficient for a complex of 84 units. I have lived in quite a few apartment complexes and it has been my experience that usually there are 2 cars per unit, which brings the needs of the future residents to at least 168 parking spaces with full capacity. That would be a massive amount of parking that I don't believe can be supported without a serious impact on the adjacent townhomes/detached homes at OAS. The parking in the townhome community at OAS is a mess because the developer did not anticipate the number of cars that people would have correctly and as such everybody struggles with that on a daily basis. I am concerned that a similar scenario will be created by the project as well.
4. Property values: I am really concerned about the impact that this project will have on our property values especially because we don't know much about the projected design of these apartments. As far as I know there have been no models produced. Are they luxury apartments, low income, 55+? Will they fit in? Will they not? I had no idea about this project when I purchased my house at OAS. Had I known, my choice might have been for a different property.
5. Parking along Hayes: I see this as unrealistic. Hayes is not used by any other community for parking. If we forget the safety for a moment regarding young families whose children might play near it, the parking will create congestion. In addition, in the project application, page 13, it seems that the proposed needed parking space is 1.7 per unit whereas the request is for 1.46? That does not meet code.
6. If the project was initially calling for 60, why is it now calling for 84? Shouldn't the first approval be invalidated since the terms of the initial proposal have changed? It's been 8 years since the project was approved in 2004. Things have changed quite a bit in this area

## Attachment 5: Public Comments through 5/4/12

and the project needs to reflect that. While profit may be a legal reason for the developer to build in the area, it is concerning that it will happen at the expense of the neighborhood.

7. The buildings will have a serious impact on the wildlife near the townhomes such as coyotes, deer, skunks etc.

8. I also am against the proposal as the request property line adjustment takes away from Oaks Park.

I believe the city needs to give the Oaks at Springbrook owners more time and should come up with a platform e.g. meeting so that these issues can be raised more directly and where the developer should be available to answer any questions we all have.

Thank you.

Best,  
Arber Davidhi  
3501 Willow Oak Dr.

Attachment 5 Public Comments through 5/4/12

April 29, 2012

RECEIVED

MAY 04 2012

Bradley Dickerson  
608 Little Oak St  
Newberg, OR 97132

Initial: \_\_\_\_\_

City of Newberg  
Planning and Building Department  
PO Box 970  
Newberg, OR 97132

RE: PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Sir or Madam:

I am a homeowner in the Oaks at Springbrook neighborhood. I am opposed to the building of apartments at this location.

Currently the City of Newberg fails to help enforce the closed nature of our community. The outlet that is by the Fred Meyer parking lot onto Little Oak Street onto Brutscher is a constant concern for the safety of my small child. It is clearly marked that the loop of the Townhomes is for local residents only, but it is consistently used as a cut through for cars that don't want to go through the round about on Brutscher. Adding another 84 units of apartment housing with the potential of 123 cars minimum is even more of a threat to the safety of my child. Parking within the Oaks at Springbrook is always a problem and adding apartments will add to this because of a lack of enforcement and plans for the additional cars.

Apartment buildings in general become eyesores to the public and create more of a nuisance to the city infrastructure including police departments, fire departments and schools.

The fact that this plan was in the works for the past 13 years and that both Mike Gougler and Dean Werth (Listed as Property Owners for the Springbrook Oaks Specific Plan) were a part of this plan creates what I would call a conflict of interest. I am sure that both made more than enough money off selling property to D.R. Horton who built the houses that we live in and were inspected by potentially county and city officials. Currently we have had the siding on our homes ripped off and replaced with the potential of having a roof repair in our futures because of poor inspection and building.

How many townhomes, single-family homes and then apartments does it take to overload a school infrastructure that already struggles to accommodate our children with valuable education? The children that come with these tenants will most likely attend a primary school within the vicinity of the apartments, but will not contribute what I and the other homeowners in the area contribute in property taxes and state taxes.

I also have concerns as to why the proposed new development lists 84 total units when the document (PUD-7-04/ADJ-131-04) states that only 60 units will be built. Also a driveway from Little Oak Street into the Apartments is planned instead of cutting into Hayes St near Oak Leaf St. This driveway will run parallel to the Park, which creates another hazard to the children that play at this park.

I strongly urge you and my government to consider a better use of this land, which does not include apartments. I will be discussing this use of land with the homeowners of the Oaks at Springbrook Association.

Sincerely,



Bradley Dickerson

**Jessica Nunley**

---

**From:** Arber [huntagratsna@yahoo.com]  
**Sent:** Friday, May 04, 2012 1:16 PM  
**To:** Jessica Nunley  
**Subject:** Proposed Oak Grove Apartments: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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I believe the city needs to give the Oaks at Springbrook owners more time and should come up with a platform e.g. meeting so that these issues can be raised more directly and where the developer should be available to answer any questions we all have.

Thank you.

Best,  
Arber Davidhi  
3501 Willow Oak Dr.

## Attachment 5: Public Comments through 5/4/12

Date: May 4, 2012

To: Newberg Planning and Building Department

From: Mary Meyer, Oaks at Springbrook resident, 338 Oak Leaf St



RE: Written Comments: File No PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
Oak Grove Project

The primary concern I have with the project application is in regards to the increased number of units and parking requirements.

I purchased my home on Oak Leaf St seventeen months ago and was drawn to this neighborhood because of its family-oriented small-town atmosphere and beautiful design. Although many of the homes along Oak Leaf St and the adjacent Royal Oak St have 2 car garages and driveways, there are still many cars parked on the street daily. I would not want to see increased load due to overflow from the apartments.

Also, I am opposed to allowing parallel parking along Hayes Street to make up for the shortfall in on-site parking in the project plan. This will detract from the aesthetics of the neighborhood and cause a safety hazard for drivers and pedestrians in the area. The proposed parallel parking along Hayes St, will result in a 30% narrower section of the street and will be very inconsistent with the section of Hayes St from Oak Hollow Dr to the traffic circle at Brutscher. The result will be a much more congested feel to that area. In addition, it appears to me that this layout may not be in compliance with the Vision Clearance Setback in NDC 151.555. Anyone exiting the property onto Hayes will have to pull into the bike lane in order to see around the vehicles parallel parked along Hayes. This could be a serious safety hazard.

The application mentions availability of mass transit stop and various shopping and restaurants nearby, and yes, we would like to see more people use mass transit, but the fact is that mass transit in this area is not convenient for everyday transportation and the majority of residents will still have a car and need a place to park it.

In summary:

Please deny requested modification for frontage parallel parking along Hayes Street.

Please deny request to modify code 15.210.020 to reduce required number of off-street parking spaces and require that they provide at least 1.7 spaces per total units in off-site parking. This can be easily achieved by reducing the number of units built back to 60 units as originally approved by the Planning Commission and detailed in PUD-7-04/ADJ-131-04, Oaks at Springbrook Oaks No. 3. This will also provide compliance with the maximum density of 21.8 units per acre requirement.

Thank you for your time and consideration of my comments.

## Attachment 5: Public Comments through 5/4/12

May 3, 2012

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Sir or Madam,

My husband and I are homeowners in the Oaks at Springbrook Townhomes neighborhood, due east of a proposed apartment complex by MJG Development, Inc.. We are adamantly opposed to this proposed development!

Please give serious consideration to the negative and potentially harmful impact this development would have if built on this location. Also, for future reference, we would have appreciated earlier notification and a longer time period to respond to this proposal for starters. Many of us work and travel and did not have much time to prepare our input and response. Therefore, our feedback will be briefer than we would have liked, to address such a important matter, but with no less greater concern.

Our concerns agree with and concur with the concerns addressed on the attached letter as well as these concerns;

Because of the proposed road out of the new development onto Little Oak Street (which runs through our neighborhood to direct access to Fred Meyers and Brutscher Street), we have grave concern first and foremost for the obviously huge traffic increase through our neighborhood caused by population of renters of 84 apartments! Do the math! This was not meant to be a thru-way! This puts our playing children at greater risk with the potential of bodily harm as people may speed through our neighborhood to go to Fred Meyers or as a short cut! If your time permits, we invite you to come see for yourself the potential harm this would have on our little neighborhood, which was not built for such traffic volume.

Parking is already a problem for our neighborhood and this proposed development does not allot enough parking spaces to contain its own units! Guess where they will be trying to park!?

We currently have several units in our own town home neighborhood for rent and often have a few sitting empty. Is there really a need for 84 more rentals in this immediate area?

The potential of increased crime, inappropriate public disturbances would rock our relatively peaceful area. This proposed apartment complex may attract lots of college students, which we support having adequate housing available for them, just not in this small of location and the resulting impact.

The nature area/stream/wildlife would be removed, destroyed, greatly impacting our natural environment and stability within the area!

## Attachment 5: Public Comments through 5/4/12

This is only a few of our concerns; but none the less important regarding this proposal. Please give serious consideration to denying this development. Is there not another area closer to the college or outside a community neighborhood like we currently enjoy, in which MJG Development could consider? At the very least, although still not preferred, scale down the project to a reasonable scale, bearing in mind the impact of such a large development onto such a small area.

We do appreciate your time and consideration. One last appeal, please consider carefully the negative impact this development would have not only on our neighborhood, but for our community in general.

We know that financial outcome may be positive for the landowner, developer and city for tax purposes, but in the end, we the residents, stand to lose more than that profit would ever replace.

Thank you again for your time. If you are planning a meeting or other avenues to address this proposal, please let us know. Please keep us informed as to your decision(s) BEFORE its too late to be a part of the process hence forth.

Sincerely;

A handwritten signature in cursive script that reads "Kammy Romer".

Kammy Romer (Richard)  
Homeowners in the Oaks  
km.romer@gmail.com

# Attachment 5: Public Comments through 5/4/12

Habib Nomie  
3525 Bur Oak Alley  
Newberg, OR 97132

April 23, 2012

City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Sir or Madam:

I am a homeowner in the Oaks at Springbrook neighborhood. My home sits directly across the street from these proposed apartments. I am completely opposed to the building of apartments at this location.

The building of apartments will completely diminish the value of my home, and all other homes in the community. In an economy where not many people are able to keep above water on their home loan, this project will completely drown the homeowners in this community. Right now our homes are not what there were worth when we bought into this community 6 years ago, yet it is our home and we are determined to weather the storm. If apartments are allowed to be built in our backyard, it will be detrimental to this community. If I had know that apartments were to be build when I purchased my home, it would have severely affected my decision to buy here. I am now seriously considering moving, and leaving all together, the only reason being this proposed apartment complex.

We would like to share our input, and would request a community meeting on the subject of allowing apartments to be built on this parcel of land. It is not fit for those kind of buildings.

It can be estimated that there are approximately 4 people to a household in this country. There are a proposed 84 units to be built in this apartment complex. That would put an extra 336 people into this community. Currently there are 288 units in this community, quite dense in itself. Adding these apartments would increase in population almost 30%. We have a small park inside our community that is just the right size right now. If this increased happens our park would be overrun. Also there is the issue of parking. We have had issues within the community of parking. Now there is the proposed 84 units with only 123 spaces for parking. How is that enough parking spaces? Assuming that only half the units will be using two parking spaces (which now of days is under assuming), that means there would be a needed 126 spaces. This is not including visitor parking. Parking will be limited and overflow onto the streets, which have limited parking already for the residents of this community.

This community is a community of people who have pride in owning their own home. Apartments do not bring that kind of mindset into the community. Apartments do have their place in a city, but not here in this community's backyard. Having homes or town homes added to this community would fit in, if that parcel of land has to be developed, but apartments do not bring pride to a community. Nobody wants to live next to apartments. They would be an eyesore, even with a 30ft. vegetation barrier between.

I will be discussing with our association about the intrusion of building apartments so close to a single family housing community. I will use every means at my disposal to stop the building of an apartment complex here in my backyard, whether it means using the political system, media outlets, justice system, or community organization.

Sincerely,



Habib Nomie

MAY 04 2012

TO: Newberg Planning and Building Department

Initial: \_\_\_\_\_

RE: Request for written comments concerning Oak Grove Apartments, Springbrook  
<http://www.newbergoregon.gov/planning/oak-grove-project>

From : Todd Waters, Springbrook resident, 439 Oak Leaf Street, email: [huang\\_fl@hotmail.com](mailto:huang_fl@hotmail.com)

Date: May 3, 2012

I have eight specific objections, and some general observations to the Oaks Apartment development.

**Objection 1:**

The proposed parking space quantity does not meet code, need 1.7 spaces per unit, but requesting 1.46. See Project Application, page 13.

Comments:

- a) Parking is already the number one problem for the Springbrook townhomes and single detached homes, as evidenced by many months of HOA meeting minutes and surveys.
- b) The developer's previous Springbrook construction, phase 4, 82 townhomes, has gone terribly wrong. The tiny garages in the townhomes do not fit most cars, and most residents park two to a driveway or on the street. The townhome area looks so bad when commuters return home, due to high density of cars and trucks scattered everywhere, no wonder prices have dropped from original \$220-260k to as low as \$129-149k for the last 4 purchases according to Zillow.
- c) The developer proposes using frontage along busy Hayes Street as parking. This is ludicrous. No other tracts use Hayes as direct frontage in the area. The area will immediately look low end.
- d) Fails NDC 151.210: It is not in harmony with the surrounding neighborhood.
- e) The project originally claimed no on street parking, but now they plead for parking along Hayes, Street, bait and switch. See PUD -7-04 / ADJ-131-04, page 19, phase 5 description.

**Objection 2:**

The developer proposes a design that has ground floor front yards along busy Hayes Street. However, no other development in the neighborhood does so. Front yards along busy Hayes would be dangerous for young families. It will detract from the quietness of the area as well.

See Project Application, page 22.

**Objection 3:<sup>1</sup>**

The project exceeds the maximum dwellings per acre, set at 21.8.

Calculation: Parcel 3a is 3.65 acres. With 84 units, the dwellings per acre are over 23.

See Project Application, page 24.

Comment: The owner and developer are more interested in maximizing their profits at the expense of the neighborhood. Please reduce the number of units back to 60, the original proposal.

**Objection 4:**

The project originally called for 60 units, but now they want 84

See PUD-7-04 / ADJ 131-04, page 18-19, phase 5 descriptions.

**Objection 4 continued:**

See PUD-7-04 / ADJ-131-04, page 57, phase 5 development plan approval, section B.

Comments: Bait and switch. The owner is more interested in maximizing profits at the expense of the preserving the nature of the area.

**Objection 5:**

The PUD-07-04 / ADJ-131-04, page 48, which the public was required to reference, specifically states there is insufficient information to conclude compliance to SOS design standards for the apartments..

Comment: If the city cannot make conclusions yet, how are we supposed to have a onetime only shot by May 4, 2012 to influence the apparently incomplete design?

**Objection 6:**

The requested property line adjustment, which takes land away from Oaks Park, is unacceptable.

See drawing on page 30 of the Project Application.

Comment: Go back to the original plan for 60 units, leave existing green space in place.

**Objection 7:**

The buildings are too close to the stream corridor, not enough barriers, will harm wildlife.

Comment: I live directly adjacent to the stream corridor, and directly across the street from the proposed apartments, 439 Oak Leaf Street, corner of Hayes and Oak Leaf. I have personally witnessed the following animals near my house in the last two years: a) skunk, b) coyotes, c) deer, d) porcupine, e) even a newt. I am certain their habitat will be partially destroyed by the new apartments, and lack of barrier between the apartments and the stream corridor.

**Objection 8:**

The proposed stairwell to Fred Meyers should also include a ramp for young parents with strollers.

See Project Application, page 21.

**General Observations:**

It is no secret, nor unsurprising, that the residents of the single detached homes are very upset with this development. They fear reduced property value, higher congestion, and lower quality of life, as a result of the apartments. However, I do not begrudge the owner of their value and excellent foresight in their decades long plan for their property, they should receive the benefit. However, I also believe they have significantly underestimated the impact of their apartment proposal in terms of too little parking and too many units.

I also fear the owner and developers will not control specific design and quality features, like what happened to the townhomes with their tiny garages and complete retrofit of external weather proofing, paid for by DR Horton after they lost the lawsuit. These repairs took all summer on the 82 units in 2011.

It is interesting to note that these will be the only apartments that I am aware of, south of Hwy 99, and east of Springbrook, to be built. I hope they are designed and built to look beautiful and last a long time.

The developer<sup>2</sup> met with a Fred Meyers representative, why not meet with the homeowners on Oak Leaf Street to hear our concerns directly?

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [Josh Brown](#)  
**To:** [Barton Brierley](#)  
**Subject:** Drive-In [File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002]  
**Date:** Wednesday, May 09, 2012 12:01:57 PM

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**Re:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Just sending a quick note to say that I really hope you guys do the right thing when it comes to lighting on this new apartment complex that's being built.

People from all over Oregon and southern Washington visit our town because of the Drive in as one of the last in that state. It's a landmark.

Thank you,  
Josh.

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [Josh Brown](#)  
**To:** [Barton Brierley](#)  
**Subject:** Drive-In. [File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002]  
**Date:** Wednesday, May 09, 2012 12:01:02 PM

---

**Re:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Just sending a quick note to say that I really hope you guys do the right thing when it comes to lighting on this new apartment complex that's being built.

People from all over Oregon and southern Washington visit our town because of the Drive in as one of the last in that state. It's a landmark.

Thank you,  
Josh.

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [Frank Purcell](#)  
**To:** [Steve Olson](#); [Barton Brierley](#)  
**Cc:** [99wdrivein@msn.com](mailto:99wdrivein@msn.com)  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 7:27:35 PM

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Hey Steve & Barton,

Just a friendly reminder that the 99w is an important part of the Newberg community, which needs protecting. Please require the developer of the 84 unit apartment complex being built on Springbrook Road (and across from 99W Drive-In) to install lighting that cuts down on ambient light, and has zero additional direct light directed towards the 99w drive-in screen. Please require all new developments in the area of the 99w to work the theater so that both can co-exist and thrive together.

Take care,  
Frank Purcell  
503.702.4404

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [SunnyDay76@aol.com](mailto:SunnyDay76@aol.com)  
**To:** [Steve Olson](#); [Barton Brierley](#)  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 4:23:26 PM

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Re: 99W Drive-In

I understand that there is a new potential development across from the Drive In. As I am sure you know, the 99W Drive In is the only Drive In in this area, and one of only 4 in the State of Oregon. This is historically significant. If the viewability is not maintained, patrons will not continue to come, and the Drive In will cease to exist. There is already a great deal of light pollution which makes it difficult to enjoy the Drive In in certain areas of the viewing area. It would be an enormous loss, for those interested in history, for Oregon families, and for the Newberg Community to lose the Drive In. My feeling is that you should do everything that you can to make sure that any new Development follow specific rules and guidelines in order to preserve the integrity of the Drive In.

See you out there this summer!

Jody Day  
Patron of the 99W

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [Mark Fredricks](#)  
**To:** [Steve Olson](#); [Barton Brierley](#)  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 3:59:14 PM

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Regarding File Numbers PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002:

I hope that the developers intend to include in their planning all necessary steps and provisions in the lighting plans and landscaping plans to limit the threat of light pollution that could interfere with the viewing of movies on the 99W Drive-in screen by way of ambient light and direct light.

The 99W Drive In is a treasure to the Newberg community and it would be a shame to lose it just to gain another apartment complex.

-Mark Fredricks

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [Samuel Provoast](#)  
**To:** [Steve Olson](#); [Barton Brierley](#)  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 3:48:47 PM

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Hello Mr. Steve Olson and Mr. Barton Brierley,

I am emailing you to comment as a fan of the 99W Driv-In. I would like to ask that you make sure light pollution won't be an issue to the people who watch movies at the outdoor theater across the street from where the proposed new apartments will be built. The 99W Drive-In is an attraction from all over the state and it would be a shame to tarnish the quality with outside light pollution.

Thank you for your service to our community and listening to my concerns.

--

Sam Provoast  
[sprovoast04@gmail.com](mailto:sprovoast04@gmail.com)  
503.501.7717

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [lori dickson](#)  
**To:** [Steve Olson](#); [Barton Brierley](#)  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 1:35:39 PM

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I am writing on behalf of the 99W Drive In. I have been told that there will be an 84 unit apartment complex to be known as Oak Grove Apartments built across from the 99W drive-in screen. I love the Drive-in and just want to be sure that the Planning and Building Department of Newberg and the Applicant and developers include in their planning all necessary steps and provisions in the lighting plans and landscaping plans to limit the threat of light pollution that could interfere with the viewing movies on the 99W Drive-in screen by way of ambient light and direct light.  
Thank you, Lori Dickson

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [Adam Barr](#)  
**To:** [Steve Olson](#); [Barton Brierley](#)  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 12:22:25 PM

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Hello,

My name is Adam and I am writing to share my support of the Newberg Drive-in and the recent application for a new apartment building nearby.

Just last week I was conferring with two people who just moved to the city and they asked if there were any drive-ins left. I smiled and gladly told them where the 99 Drive-in was and we all shared stories about how great drive-ins are and how rare they are these days. That drive-in is a special relic that people cherish. It is unique and, while people do need apartments, those things are everywhere. No one is gonna come spend money in Newberg simply because there are more apartment buildings. They will come out fo the woodwork for something special like a drive-in.

Please consider finding a way to make sure that the apartment complex does not interfere with the drive-ins ability to function.

It will be a sad day if that place closes.

Thanks for your time.

Cheers

-Adam

--

<http://teacheradam.com>

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [italiandragn@gmail.com](mailto:italiandragn@gmail.com) on behalf of [Andrew Russell Farley](#)  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 11:45:01 AM

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Please include in your planning for Oak Grove Apartments all necessary steps and provisions in the lighting plans and landscaping plans to limit the threat of light pollution that could interfere with the viewing movies on the 99W Drive-in screen by way of ambient light and direct light. It must remain dark to see the movies there.

-----  
Andrew Russell Farley  
DragonTechnologies.Net  
503.913.06.45

"We often have the choice between choosing what is right and what is easy."

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [demetrius anubis](#)  
**To:** [Steve Olson](#); [Barton Brierley](#)  
**Subject:** PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 2:04:56 PM

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Hello. I'm a Newberg resident and recently learned of plans to build an 84 unit apartment complex across Springbrook from the 99w drive in. I'm all for the jobs and business this will generate here in Newberg. I am somewhat concerned about the potential light pollution issues this could cause for the drive in theater across the road from the site. Please make sure that all precautions are taken to minimize the effect these apartments would have on one of the few remaining drive in theaters in our state.

Thank you for your time and consideration,  
Shawn Wise.

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [Jimmy Radosta](#)  
**To:** [Steve Olson](#); [Barton Brierley](#)  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 11:28:31 AM

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Dear Sirs:

Please make sure that Oak Grove Apartments are required to limit light pollution that could threaten one of your city's most beloved institutions, the 99W Drive-In.

As a resident of Portland, I frequently visit Newberg and contribute to the local economy while patronizing the 99W Drive-In, and it would be a shame to damage its draw as one of the Pacific Northwest's only remaining drive-ins. Thank you for your consideration.

Sincerely,

Jimmy Radosta  
4372 NE 88th Ave.  
Portland, OR 97220

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [Russell Fleming](#)  
**To:** [Barton Brierley](#)  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 8:55:13 PM

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The development of the Oak Grove Apartments in the Springbrook area of Newberg has recently come to my attention, and I am concerned about the impact of its ambient light upon the 99W Drive-in movie theater.

Please consider the theater's landmark status. Having such an iconic attraction is one thing that makes Newberg a desirable destination. You must appreciate how the owners and operators of the theater have achieved a very safe, and family-friendly atmosphere. Kids can play ball, grandparents can play cards, and everyone can enjoy a great movie on a giant screen under the stars when the sun goes down.

My first experience at the drive-in was when I was 5 and it is still as marvellous today as it was back then. I am very proud that we still have it and I think it would be a terrible shame to lose it because of poor planning decisions. I am certain you would forever regret allowing it to slip away, so please take all matters into consideration when reviewing the applications from the above-mentioned development.

Sincerely,

Russell N. Fleming  
PO Box 254  
Dundee, OR, 97115  
(503) 789-6835

## Attachment 6: Public Comments 5/5/12 - 5/24/12

**From:** [Pat](#)  
**To:** [Steve Olson](#); [Barton Brierley](#)  
**Subject:** No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
**Date:** Wednesday, May 09, 2012 1:12:44 PM

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I have just learned about the plans for the Oak Grove Apartments to begin construction in Newberg. While I am happy to see Newberg growing so well I want to make sure that it is being done so with forethought and careful planning. My fear is that it is in dangerous proximity to the historic Newberg Drive-In. Is there nowhere else in Newberg this complex can go up? It is my hope that anything and everything is being done to help mitigate light pollution from the proposed complex from destroying this treasured pastime that so many of us grew up with. The drive-in is a historic landmark and is one of the last ones still operating in the state. We need to be doing everything we can to protect this thriving business in such tough economic times.

*Pat Ross*

**Assistant Shipper**  
**Mountain View Seeds**  
**Phone: (503) 588-7333**  
**Fax: (503) 587-8688**  
**[pat@mtviewseeds.com](mailto:pat@mtviewseeds.com)**  
**[www.mtviewseeds.com](http://www.mtviewseeds.com)**

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**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Thursday, May 10, 2012 8:45 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** liz Fleming [<mailto:lonalea2003@yahoo.com>]  
**Sent:** Thursday, May 10, 2012 1:06 AM  
**To:** Steve Olson; Barton Brierley  
**Cc:** liz fleming  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Folks, I have understood that you are proposing to build an apartment structure next to the 99W drive-in theater. I am all for making new room for people to live in the Newberg community. However....we really cherish the tradition of going to a drive-in theater during the summer months. It is one the last attractions that Newberg has to offer. Matter of fact, Newberg drive-in theater is one of the rarest drive-in theaters around. They just don't make them anymore. But when you build these units you well be putting in some light fixtures so people can see. But these lights will be interfering with the screen at the 99W drive-in theater !! They will put such a glare on the screen that it is going to be greatly hard to see it. So with the say of many people who feel the same way about this.....We **STRONGLY** ask that you take into consideration the fact that the street lights will affect the screen of the theater, and maybe you could strategically put them so they have none, or little effect on the 99W Drive-in theater screen !! Please don't disrupt the only family tradition of going to the Drive-in theater. We would really like to preserve this fun entertainment ! The one really good thing about going to this theater is that it helps promote keeping children and teenagers off the streets and getting into trouble such as partying and using drugs, as well as staying out of the arm of the law !!

Thank You for your time and consideration in this matter !

Elizabeth Fleming

[lonalea2003@yahoo.com](mailto:lonalea2003@yahoo.com)

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Thursday, May 10, 2012 8:44 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Mike Scott [<mailto:miscott454@yahoo.com>]  
**Sent:** Wednesday, May 09, 2012 9:18 PM  
**To:** Steve Olson; Barton Brierley  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

More traffic on Springbrook Rd? More threats to the 99W Drive-in? It's bad enough Jack in the box was added to town. Now more apartments? Newberg is quickly losing it's appeal as a place to live.

Applicant and developers to include in their planning all necessary steps and provisions in the lighting plans and landscaping plans to limit the threat of light pollution that could interfere with the viewing movies on the 99W Drive-in screen by way of ambient light and direct light.

It must remain dark to see the movies there and just to send a short little note will help, the project is a little ways away but is still close enough that we would want the planners and developers to remember the drive-in screen is there, is threatened by light, and to please try to include it in their application.

Mike Scott

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Thursday, May 10, 2012 10:38 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002 Oak Grove Apartments Development and the 99W Drive-in

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**From:** Brian [<mailto:99wdrivein@msn.com>]  
**Sent:** Thursday, May 10, 2012 10:26 AM  
**To:** Steve Olson; Barton Brierley  
**Subject:** RE: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002 Oak Grove Apartments Development and the 99W Drive-in

City of Newberg  
Planning and Building Department  
PO Box 970  
Newberg, Oregon 97132

Dear City of Newberg,

We just want the City and the builders to take in account the drive-in screens sensitivity to ambient light and direct light when reviewing the planning stages for the proposed Oak Grove Apartments complex. This has worked so far particularly well with the Fred Meyer gas station, Crossroads Plaza and Coyote Place, and we hope it works with Jack in the Box. The outdoor theatre screen is affected by light pollution and must stay diligent and comment every time a development that brings in new light fixtures is created. Unless provisions are accounted for in the lighting plan to aim the fixtures down and cut off the light at the end of their property-it could eventually get to a constant pollution level to light up the screen like a full moon to where we can only view daylight scenes.

Thank you for your help and support over the years,

Brian Francis  
Francis Enterprises, Inc.  
99W Drive-in Theatre  
<http://www.99w.com>

503-554-8836

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Thursday, May 10, 2012 9:27 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** jenipher thommen [<mailto:jenipher.thommen@gmail.com>]  
**Sent:** Thursday, May 10, 2012 9:22 AM  
**To:** Steve Olson; Barton Brierley  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

In reference to the 99W Drive-in and Oak Grove Apartments,  
I am asking that the Planning and Building Department of Newberg and for the Applicant and developers to include in their planning all necessary steps and provisions in the lighting plans and landscaping plans to limit the threat of light pollution that could interfere with the viewing movies on the 99W Drive-in screen by way of ambient light and direct light.

Keep in mind that there are only 2 Drive-ins left in Oregon.  
Please help us keep this one dark.  
Thank you,

Jenipher Thommen  
21740 S Foothills Ave  
Oregon City OR 97045  
(971)212-4821

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Thursday, May 10, 2012 8:45 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Matt S [<mailto:33matt@gmail.com>]  
**Sent:** Thursday, May 10, 2012 3:34 AM  
**To:** Steve Olson; Barton Brierley  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

To whom it may concern,

I wish to submit my concerns related to the new apartment building on Springbrook near the 99W drive-in theater. When I young I would go to the drive-in in Beaverton, off of Menlo and 153rd. That closed, and the closest one is the one in Newberg now. I live in North Portland as of late, and your drive-in is my only option for a drive-in theater. I am bringing business in from 30+ miles away! That means money not coming into Newberg from elsewhere if this happens, just from light pollution! We would be losing our last drive-in, my future children won't know what that even was, what a sad state of affairs.

Please heed our concerns!

Thank you

Matthew Saks

7534 N Ivanhoe St

Portland, OR 97203

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Friday, May 11, 2012 8:34 AM  
**To:** Jessica Nunley  
**Subject:** FW: PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** [theatergeek16@aol.com](mailto:theatergeek16@aol.com) [mailto:[theatergeek16@aol.com](mailto:theatergeek16@aol.com)]  
**Sent:** Thursday, May 10, 2012 8:08 PM  
**To:** Steve Olson; Barton Brierley  
**Subject:** PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

To whom it may concern,

I have recently found out that a property on the other side of Springbrook Road across from the 99W drive-in screen has submitted an application to the City of Newberg for approval of an 84 unit apartment complex.

I am writing to voice my concern about light pollution. My cousins and I go to the drive-in every summer, and we grew up attending with our parents. Recently I've started taking my nephew and my cousin takes her daughter. None of us want the drive-in to close for something as trivial as too much light.

If there is any way that this issue can be taken into consideration, it would be much appreciated by us, our friends, and generations of drive-in attendees to come.

Thank you for your time,

Kayla Nasco-Nunley

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Thursday, May 10, 2012 11:56 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** [jimcoop@aol.com](mailto:jimcoop@aol.com) [<mailto:jimcoop@aol.com>]  
**Sent:** Thursday, May 10, 2012 11:53 AM  
**To:** Barton Brierley; Steve Olson  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

I am writing in regard to the Oak Grove Apartments that are in the permit process to be built across the street from the 99W Drive In.

As a customer of the drive in, I hope that the direct and ambient lighting concerns are dealt with. With the decline of drive ins in recent years, it becomes increasingly important to preserve the the few we have left. The 99W Drive In caters to the family atmosphere that I especially appreciate. I used to bring my kids there and now I bring my grandchildren to watch movies outside. Please do what you can to minimize the impact of the apartments on the drive in. Thank you,  
Jim Cooper

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Thursday, May 10, 2012 1:15 PM  
**To:** Jessica Nunley  
**Subject:** FW: PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** [HopelesRomantc91@yahoo.com](mailto:HopelesRomantc91@yahoo.com) [<mailto:HopelesRomantc91@yahoo.com>]  
**Sent:** Thursday, May 10, 2012 12:35 PM  
**To:** Barton Brierley; Steve Olson  
**Subject:** PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

My name is Reuben and I'm one of a 7 person family. Most of us frequent the 99W Drive-In. I understand that there is an apartment complex that some people are wanting to build right across from the Drive-In. I've been going there regularly with groups of up to 5 other people for about 4 years now, averaging about 7-10 visits per open season. I'm not thoroughly educated on the engineering and legal processes that go along with the building of structures like an apartment complex. But from what I do know, it seems that it would ultimately be more time consuming and costly to go without precautions and possibly have the Drive-In sue the complex owners for lost business and/or shut down because they can't stay afloat. I do know that it would not add considerable costs nor time to require that the complex builders take measures preventing light pollution that could be financially damaging to the Drive-In. Please require the apartment complex builders to account for potential light pollution that would be financially damaging to the 99W Drive-In and take measures to prevent it.

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Monday, May 14, 2012 7:23 AM  
**To:** Jessica Nunley  
**Subject:** FW: 99W Drive-In Theater File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Curt Fleischman [<mailto:cfpunk619@yahoo.com>]  
**Sent:** Sunday, May 13, 2012 7:11 AM  
**To:** Steve Olson; Barton Brierley  
**Cc:** Curt Fleischman; [curtis.fleischman@safeway.com](mailto:curtis.fleischman@safeway.com); Troy Russell  
**Subject:** 99W Drive-In Theater File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Good Morning,

This Email is in Regards to the Developement around the 99W Drive-In. I live in Camas Washington & the ever decreasing Drive-In Theater in this area is a concern for me & my Family. The Nostalgia of this for mentioned Drive-In & itself is something that should be placed on a Historical Landmark list. They are fading fast & those that are left should be Nurtured & treated as a Landmark. Developements such as yours are killing this American Icon.

I would hope that in your Developemnt plans there would be Measure put into place to Protect this Historic Place so that we & our children will still be able to enjoy this American Institute of Entertainment.

Sincerely  
Curtis Fleischman

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Monday, May 14, 2012 7:24 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** John Smith [<mailto:inurtrash@gmail.com>]  
**Sent:** Saturday, May 12, 2012 9:01 AM  
**To:** Steve Olson  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Please don't allow ambient light to ruin the viewing pleasure of 99W drive-in customers. And, if this complex must be built, pass a rule the drive-in cannot be sued by occupants of the complex who may complain about noise and light, since they were there first.

Andy Holthouse

Oregon City, Oregon

[andyocoregon@comcast.net](mailto:andyocoregon@comcast.net)

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Tuesday, May 15, 2012 8:31 AM  
**To:** Jessica Nunley  
**Subject:** FW: PAR-12-002, DR2-12-003, ADJC-12-001, ADJP

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**From:** Martin Gottlieb-Hollis [<mailto:mpgottli@gmail.com>]  
**Sent:** Monday, May 14, 2012 9:50 PM  
**To:** Steve Olson  
**Subject:** PAR-12-002, DR2-12-003, ADJC-12-001, ADJP

please keep light to a minimum in the new apartment complex so the movie theater can continue to run.

Thanks

Marty

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Tuesday, May 15, 2012 8:30 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

-----Original Message-----

From: Peter Kagey [<mailto:peterkagey@gmail.com>]  
Sent: Monday, May 14, 2012 11:12 PM  
To: Steve Olson; Barton Brierley  
Subject: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

I like the 99W Drive-in. In fact, it's probably the main reason that I come to Newberg - and whenever I'm there, I stop by grocery stores and restaurants for something to eat. So for the sake of supporting the arts and the local economy, make sure that light pollution is regulated at Oak Grover Apartments.

Best,  
Peter Kagey

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Tuesday, May 15, 2012 8:30 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** sara davis [<mailto:kittyprincess@gmail.com>]  
**Sent:** Monday, May 14, 2012 11:06 PM  
**To:** Steve Olson; Barton Brierley  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Steve Olson and Barton Brierley,

I've just heard of the proposed Oak Grove Apartments project on Springbrook Road and write to ask that the needs of the 99W Drive-In be considered during the planning and development process. I used to live in Dundee and would regularly see movies at the drive-in, and now that I live in Portland, my friends and family and I continue to make the trip out to Newberg to enjoy this uniquely American experience several times a summer--and while in Newberg we stop for dinner, gas, and often sundries and groceries. Please consider limiting the threat of light pollution that could interfere with the viewing of movies on the 99W Drive-in screen by way of ambient light and direct light so that folks may continue to enjoy evenings there. There are so few of these historic locations left that it is important to conserve them as best we can. Thank you.

Sincerely,  
Sara K Davis

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Tuesday, May 15, 2012 12:04 PM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Raymond [<mailto:muehlman@gmail.com>]  
**Sent:** Tuesday, May 15, 2012 11:40 AM  
**To:** Barton Brierley; Steve Olson  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Hello,

It is my understanding that a property on the other side of Springbrook Road across from the 99W drive-in screen has submitted an application to the City of Newberg for approval of an 84 unit apartment complex to be known as Oak Grove Apartments' the plans are 123 on site parking spaces, pedestrian paths, dedicated storage and a resident garden. This would likely include lighting at night. The Drive-in requires relative darkness for the projection screen to function, and I ask that you take this into consideration.

The 99w Drive-in is nearly 60 years old, and is an institution in Newberg. The historical and cultural significance can not be undervalued here, especially when compared to the generic apartment complex that is currently threatening this classic venue. Please, take a moment to visit the 99w "About Us" page for context: <http://www.99w.com/aboutus.htm> .

Thank you.

--

-Raymond Muehlman, Oregon Voter.

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Tuesday, May 15, 2012 2:56 PM  
**To:** Jessica Nunley  
**Subject:** FW: PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Alyssa York [<mailto:drum.badum@gmail.com>]  
**Sent:** Tuesday, May 15, 2012 2:37 PM  
**To:** Steve Olson  
**Subject:** PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

It is to my understanding the a property across the way from the 99 W drive in movie theatre have submitted an application to the City of Newberg for approval of an 84 unit apartment complex to be known as Oak Grove Apartments' the plans are 123 on site parking spaces, pedestrian paths, dedicated storage and a resident garden.

In order for the drive-in movie theatre to work, it must remain dark and the potential new apartment complex's light would prevent viewing of movies at 99 W.

I simply ask that you consider the downside and how these apartments could ruin business for a well-loved establishment (that's been around for 60 years!).

Sincerely,

A Newberg Resident.

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Tuesday, May 15, 2012 9:43 AM  
**To:** Jessica Nunley  
**Subject:** FW: 99W Drive-in

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**From:** Katie Mann [[mailto:katie\\_mann@c2f.com](mailto:katie_mann@c2f.com)]  
**Sent:** Tuesday, May 15, 2012 9:25 AM  
**To:** Steve Olson  
**Cc:** Barton Brierley  
**Subject:** 99W Drive-in

Mr. Olson, Mr. Brierley,

Please keep in consideration the effect of light pollution as part of the impact statement regarding the development of apartments on Springbrook Road. Drive-in's are a dying breed and I can't think of a better way to instill a sense of community then by continuing to provide entertainment for the masses and support a local business.

Thank you for your time,  
--Katie Mann

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Tuesday, May 15, 2012 8:31 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002 / 99W Drive-In Theater

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**From:** Dameian Zabona [<mailto:standing8isdead@gmail.com>]  
**Sent:** Monday, May 14, 2012 8:06 PM  
**To:** Steve Olson  
**Cc:** Barton Brierley  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002 / 99W Drive-In Theater

Dear Mr. Olson and Mr. Brierley -

I'm writing in defense of the 99W Drive-In Theater and asking the Planning & Building Department of Newberg and for the applicant and developers of property on the other side of Springbrook Road to include in their planning all necessary steps and provisions in the lighting plans and landscaping plans to limit the threat of light pollution that could interfere with the viewing movies on the 99W Drive-in screen by way of ambient light and direct light.

The Drive-In is a family owned and operated business that has provided me with countless summers of memories and fun while giving me an excuse to frequent businesses there - it would be a shame to forego any protective action on your behalf for this loved business in the name of progress.

Please keep the needs of this cherished business in mind when planning for the adjacent development.

Yours - A loyal customer,

Dameian C. Zabona  
444 NE Stanton #11  
Portland, OR  
97212

**Jessica Nunley**

---

**From:** Steve Olson  
**Sent:** Tuesday, May 15, 2012 8:31 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

-----Original Message-----

From: Megan Lehar [<mailto:mlehar@gmail.com>]  
Sent: Monday, May 14, 2012 9:55 PM  
To: Steve Olson; Barton Brierley  
Subject: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

99W drive-in theater is the last in the Portland metro area. Please respect it's historical and cultural significance to the metro community when planning development that surrounds it. Any ambient light could damage the film experience for movie lovers.

Thanks,

Megan Lehar

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Tuesday, May 15, 2012 8:30 AM  
**To:** Jessica Nunley  
**Subject:** FW: PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002 Regarding lighting near 99W drive-in

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**From:** Chase Bailey [<mailto:chase.a.bailey@gmail.com>]  
**Sent:** Monday, May 14, 2012 10:59 PM  
**To:** Steve Olson  
**Subject:** PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002 Regarding lighting near 99W drive-in

To whom it may concern,

Please take thought in the lighting design of your complex named "Oak Grove Apartments," as the ambient light may affect the viewing quality of the movies at the 99W Drive-in theater. We have few of these special places to go in Oregon and would like business to continue at this establishment. Thank you.

Chase Bailey  
5029 NE 34th Ave  
Portland Or, 97211

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Tuesday, May 15, 2012 1:12 PM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001

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**From:** Frankie Mardock [<mailto:franknblu@gmail.com>]  
**Sent:** Tuesday, May 15, 2012 12:24 PM  
**To:** Steve Olson  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001

Hello, this is being sent because of the plans you are making with this apartment house.. leave the drive in alone it is a wonderful fixture and a tribute to the past when days where far better. I have been coming to the drive in for over fifty years and i hope to continue to go for another 50 years.. sincerely Frankie Lynn Mardock

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Wednesday, May 16, 2012 9:41 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Ron [<mailto:rsdotson@gmail.com>]  
**Sent:** Wednesday, May 16, 2012 9:26 AM  
**To:** Steve Olson; Barton Brierley  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Hello,

It is my understanding that a property on the other side of Springbrook Road across from the 99W drive-in screen has submitted an application to the City of Newberg for approval of an 84 unit apartment complex to be known as Oak Grove Apartments' the plans are 123 on site parking spaces, pedestrian paths, dedicated storage and a resident garden. This would likely include lighting at night. The Drive-in requires relative darkness for the projection screen to function, and I ask that you take this into consideration.

The 99w Drive-in is nearly 60 years old, and is an institution in Newberg. The historical and cultural significance can not be undervalued here, especially when compared to the generic apartment complex that is currently threatening this classic venue. Please, take a moment to visit the 99w "About Us" page for context: <http://www.99w.com/aboutus.htm> .

Thank you.

~ Ron Dotson, an Oregon Voter.

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Monday, May 21, 2012 10:33 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Caitlin Yoder [<mailto:caitliny88@gmail.com>]  
**Sent:** Friday, May 18, 2012 10:28 PM  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Steve Olson and Barton Brierley,  
Myself, my husband, and groups of our friends enjoy going to the drive in, it is one of the only times we go to newberg and well worth preserving. I fully agree with the owners in that it must remain dark to see the movies there, Also, i hope the planners and developers will remember the drive-in screen is there, is threatened by light, and will try to include it in their application.

Caitlin

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Friday, May 18, 2012 10:14 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Stanfield [<mailto:timdanakatie@canby.com>]  
**Sent:** Friday, May 18, 2012 10:09 AM  
**To:** Steve Olson; Barton Brierley  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

I am writing this letter because I am concerned about the proposed apartment complex across Springbrook Road from the 99W drive-in. It is my hope that consideration will be taken, first and foremost, to the existing businesses and the possibility that the development in question will negatively affect the drive-in and it's ability to continue to operate. Although not as popular as they once were, drive-ins offer an experience that is becoming harder and harder to find. We attend shows there regularly and always look forward to introducing new people to the 99W drive-in and, along with it, the city of Newberg and what it has to offer.

We don't live in Newberg, so I can tell you what comes to mind when an "outsider" thinks of Newberg: George Fox University and the 99W Drive-in. Please do all you can to put the interests of existing businesses first.

Thank you,  
Dana Stanfield

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Monday, May 21, 2012 10:33 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Tonya @ PFS - Bookkeeper [<mailto:info@pfsllc.net>]  
**Sent:** Friday, May 18, 2012 11:57 PM  
**To:** Steve Olson; Barton Brierley  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Planning and Building Department of Newberg,

I'm asking the applicant and developers to include in their planning all necessary steps and provisions in the lighting plans and landscaping plans to limit the threat of light pollution that could interfere with the viewing movies on the 99W Drive-in screen by way of ambient light and direct light.

Thanks!

Tonya A. Davis

**Jessica Nunley**

---

**From:** Steve Olson  
**Sent:** Friday, May 18, 2012 1:09 PM  
**To:** Jessica Nunley  
**Subject:** FW: PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Nancy Alldredge [<mailto:alldredgenancy@yahoo.com>]  
**Sent:** Friday, May 18, 2012 12:59 PM  
**To:** Steve Olson; Barton Brierley  
**Subject:** PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

I have heard there is an apartment complex being built near the 99W Drive-In that may cause light pollution for the Drive-In. One of the great things about living in Newberg is that there is still a nostalgic, awesome piece of history that most towns have gotten rid of. Please remember the Drive-In when considering the "Oak Grove Apartments" project. Newberg wants to keep the Drive-In!

Sincerely,  
Nancy Alldredge  
116 W Illinois Street  
Newberg, OR 97132

**Jessica Nunley**

---

**From:** Steve Olson  
**Sent:** Friday, May 18, 2012 10:13 AM  
**To:** Jessica Nunley  
**Subject:** FW: apartment comment

---

**From:** Lisa Hereford [<mailto:lisahere66@yahoo.com>]  
**Sent:** Thursday, May 17, 2012 9:50 PM  
**To:** Steve Olson  
**Subject:**

Please keep the drive in in mind when planning any new buildings near it. It is a historic landmark that shouldnt be destroyed by packing in new buildings.

Blessings and Grace,  
Lisa:)

To wait with openness and trust is an enormously radical attitude toward life. It is choosing to hope that something is happening for us that is far beyond our own imaginings. It is giving up control over our future and letting God define our life. It is living with the conviction that God molds us in His love, holds us in tenderness, and moves us away from the sources of our fear.

Henri Nouwen

**Jessica Nunley**

---

**From:** Steve Olson  
**Sent:** Monday, May 21, 2012 10:33 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

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**From:** Miranda Slayter [<mailto:mirandaslayter@gmail.com>]  
**Sent:** Sunday, May 20, 2012 11:36 PM  
**To:** Barton Brierley; Steve Olson  
**Subject:** File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Olson and Brierley,

The 99w Drive-In is one of the last drive in movie theaters in the country. The apartment complex being built next to it needs to not interfere with the movie screen. Please have the applicants and developers include in their planning, all necessary steps and provisions in the lighting plans and landscaping plans.

--  
M.Slayter  
[slayterdesigns.com](http://slayterdesigns.com)  
360.980.1387  
@SlayterDesigns

May 28, 2012

Written Comments: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002  
City of Newberg  
Planning & Building Department  
PO Box 970  
Newberg, OR 97132

RE: Written Comments: File No. PAR-12-002, DR2-12-003, ADJC-12-001,  
ADJP-12-002

Dear Planning and Building Department,

I'm writing in behalf of my husband (who is still in Afghanistan) and myself as regards the above reference building project. We own a townhouse near the proposed site, and make this address in Newberg our home. The scope of the proposed apartment site has several negative aspects associated with it. This includes, but is not limited to the following:

- 1) building noise pollution
- 2) increased building equipment traffic, and, if built, tenant traffic
- 3) lowering of property values in Oaks at Springbrook
- 4) over-population of a very small quadrant of land - potential for blight
- 5) off-street overflow parking (come by at midnight and see for yourself - we are already packed when everyone is home at night) from workers and, if the place gets built, from apartment dwellers
- 6) currently high vacancy rates in our own development (note: because of the down economy, as a community, we had to change our CC&Rs to include the widespread use of rentals within our townhouse area - not what the developer nor the owners originally intended)
- 7) considering how many mobile home parks are already planted in town we question the need for yet another rental complex in Newberg,
- 8) adverse impact of White Oak Park (will this apartment complex allow pets?)

These plans make us very unhappy. I will be participating at the meeting on June 14. Please don't waste city money mailing us separate letters. Thank you.

Sincerely,



Marsha E. Anderson & Robert W. Reed  
616 Little Oak St.  
Newberg OR 97132  
503.679.7944

Jessica Nunley

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**From:** Bobbie Morgan  
**Sent:** Tuesday, May 29, 2012 8:43 AM  
**To:** Jessica Nunley  
**Subject:** FW: Please join the review of Type II Notice of Appeal\_Oak Grove Apt\_2012-0524.pdf

-----Original Message-----

From: Sandra White [<mailto:sandra.esr@jessent.com>]  
Sent: Friday, May 25, 2012 10:05 PM  
To: Bobbie Morgan; [adam@teacheradam.com](mailto:adam@teacheradam.com); [drum.badum@gmail.com](mailto:drum.badum@gmail.com); [andyocoregon@comcast.net](mailto:andyocoregon@comcast.net); [99wdrivein@msn.com](mailto:99wdrivein@msn.com); [caitliny88@gmail.com](mailto:caitliny88@gmail.com); [chase.a.bailey@gmail.com](mailto:chase.a.bailey@gmail.com); [cfpunk619@yahoo.com](mailto:cfpunk619@yahoo.com); [timdanakatie@canby.com](mailto:timdanakatie@canby.com); [lonalea2003@yahoo.com](mailto:lonalea2003@yahoo.com); [fxpurcell@gmail.com](mailto:fxpurcell@gmail.com); [franknblu@gmail.com](mailto:franknblu@gmail.com); [geharris@linfield.edu](mailto:geharris@linfield.edu); [jimcoop@aol.com](mailto:jimcoop@aol.com); [SunyDay76@aol.com](mailto:SunyDay76@aol.com); [joshbbrown1@aol.com](mailto:joshbbrown1@aol.com); [km.romer@gmail.com](mailto:km.romer@gmail.com); [katie\\_mann@c2f.com](mailto:katie_mann@c2f.com); [theatergeek16@aol.com](mailto:theatergeek16@aol.com); [lisahere66@yahoo.com](mailto:lisahere66@yahoo.com); [danger.cat@hotmail.com](mailto:danger.cat@hotmail.com); [mark@fredricks.net](mailto:mark@fredricks.net); [mpgottli@gmail.com](mailto:mpgottli@gmail.com); [mlehar@gmail.com](mailto:mlehar@gmail.com); [mscott454@yahoo.com](mailto:mscott454@yahoo.com); [mirandaslayter@gmail.com](mailto:mirandaslayter@gmail.com); [pat@mtviewseeds.com](mailto:pat@mtviewseeds.com); [peterkagey@gmail.com](mailto:peterkagey@gmail.com); [muehlman@gmail.com](mailto:muehlman@gmail.com); [HopelesRomantc91@yahoo.com](mailto:HopelesRomantc91@yahoo.com); [rsdotson@gmail.com](mailto:rsdotson@gmail.com); [sprovoast04@gmail.com](mailto:sprovoast04@gmail.com); [kittyprincess@gmail.com](mailto:kittyprincess@gmail.com); [demetrius7997@yahoo.com](mailto:demetrius7997@yahoo.com); [info@pfsllc.net](mailto:info@pfsllc.net)  
Subject: RE: Please join the review of Type II Notice of Appeal\_Oak Grove Apt\_2012-0524.pdf

I don't see how we can change this document, but I do have serious doubts about having this building in this area, since we already have parking problems when we have visitors. I don't think the City has thought this through, and I did send a letter to them regarding this, so it should be a matter of record.

Sincerely,  
Sandra White  
Short Oak Drive

Subject: Please join the review of Type II Notice of Appeal\_Oak Grove Apt\_2012-0524.pdf

You are invited to review the document: Type II Notice of Appeal\_Oak Grove Apt\_2012-0524.pdf. You can use Adobe Acrobat 6 or later to review this document.

Click the attachment to open it in Acrobat, and make your comments using Comment & Markup tools. When you are finished, click "Send Comments" to return your comments to the author.

**Jessica Nunley**

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**From:** Bobbie Morgan  
**Sent:** Tuesday, May 29, 2012 8:54 AM  
**To:** Jessica Nunley  
**Subject:** FW: Please join the review of Type II Notice of Appeal\_Oak Grove Apt\_2012-0524.pdf  
**Attachments:** Type II Notice of Appeal\_Oak Grove Apt\_2012-0524.pdf

-----Original Message-----

From: Sandra White [<mailto:sandra.esr@jessent.com>]  
Sent: Sunday, May 27, 2012 3:13 PM  
To: Bobbie Morgan  
Subject: FW: Please join the review of Type II Notice of Appeal\_Oak Grove Apt\_2012-0524.pdf

Unfortunately, the city will do whatever they want, regardless of what we think. I have already sent a letter by mail to the city regarding this and heard nothing back from them. I have no idea how we can stop this from happening, but it is a very bad idea, just because of the parking issues.

Sandra White  
Short Oak Drive

-----Original Message-----

From: Bobbie Morgan [<mailto:Bobbie.Morgan@newbergoregon.gov>]  
Sent: Friday, May 25, 2012 9:34 AM  
To: [adam@teacheradam.com](mailto:adam@teacheradam.com); [drum.badum@gmail.com](mailto:drum.badum@gmail.com); [andyocoregon@comcast.net](mailto:andyocoregon@comcast.net); [99wdrivein@msn.com](mailto:99wdrivein@msn.com); [caitliny88@gmail.com](mailto:caitliny88@gmail.com); [chase.a.bailey@gmail.com](mailto:chase.a.bailey@gmail.com); [cfpunk619@yahoo.com](mailto:cfpunk619@yahoo.com); [timdanakatie@canby.com](mailto:timdanakatie@canby.com); [lonalea2003@yahoo.com](mailto:lonalea2003@yahoo.com); [fxpurcell@gmail.com](mailto:fxpurcell@gmail.com); [franknblu@gmail.com](mailto:franknblu@gmail.com); [geharris@linfield.edu](mailto:geharris@linfield.edu); [jimcoop@aol.com](mailto:jimcoop@aol.com); [SunyDay76@aol.com](mailto:SunyDay76@aol.com); [joshbbrown1@aol.com](mailto:joshbbrown1@aol.com); [km.romer@gmail.com](mailto:km.romer@gmail.com); [katie\\_mann@c2f.com](mailto:katie_mann@c2f.com); [theatergeek16@aol.com](mailto:theatergeek16@aol.com); [lisahere66@yahoo.com](mailto:lisahere66@yahoo.com); [danger.cat@hotmail.com](mailto:danger.cat@hotmail.com); [mark@fredricks.net](mailto:mark@fredricks.net); [mpgottli@gmail.com](mailto:mpgottli@gmail.com); [mlehar@gmail.com](mailto:mlehar@gmail.com); [msscott454@yahoo.com](mailto:msscott454@yahoo.com); [mirandaslayter@gmail.com](mailto:mirandaslayter@gmail.com); [pat@mtviewseeds.com](mailto:pat@mtviewseeds.com); [peterkagey@gmail.com](mailto:peterkagey@gmail.com); [muehlman@gmail.com](mailto:muehlman@gmail.com); [HopelesRomantc91@yahoo.com](mailto:HopelesRomantc91@yahoo.com); [rsdotson@gmail.com](mailto:rsdotson@gmail.com); [sprovoast04@gmail.com](mailto:sprovoast04@gmail.com); [sandra.esr@jessent.com](mailto:sandra.esr@jessent.com); [kittyprincess@gmail.com](mailto:kittyprincess@gmail.com); [demetrius7997@yahoo.com](mailto:demetrius7997@yahoo.com); [info@pfsllc.net](mailto:info@pfsllc.net);  
Bobbie Morgan  
Subject: Please join the review of Type II Notice of Appeal\_Oak Grove Apt\_2012-0524.pdf

You are invited to review the document: Type II Notice of Appeal\_Oak Grove Apt\_2012-0524.pdf.  
You can use Adobe Acrobat 6 or later to review this document.

Click the attachment to open it in Acrobat, and make your comments using Comment & Markup tools. When you are finished, click "Send Comments" to return your comments to the author.

## Attachment 7: Public Comments 5/25/12 - 6/6/12

May 30, 2012

City of Newberg Planning and Building Department  
PO Box 970  
Newberg, OR. 97132

File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Planning Commission,

I live directly across the street from the planned Oak Grove Apartments and, in reviewing the site map; it appears the plans include installing a trash collection area directly across from my front porch. This letter is to request the collection area be relocated to within the complex as was done with the other collection area that is located in the parking lot of the apartments.

In my profession as a Property Manager, I have dealt with maintaining trash enclosures on other properties and find they attract dumping of rubbish from both tenants and non-tenants who do not want to pay for proper disposal. In particular, I'm talking about items such as couches, chairs, mattresses, TVs and other furniture type items. This is especially a problem when the collection area is located near a street where the 'drop off' can be made quickly and often unseen, such as the location that is planned directly off the street on Oak Grove/Oak Hollow.

The current location of this trash collection area is located right across from the townhomes so this will be the 'view' from my front door. I purchased my home in '06 and appreciate living in a nice, well maintained neighborhood, and I certainly do not think it is appropriate to locate a trash collection area directly across from our homes. Please reconsider this placement and move it to a more suitable location within the Oak Grove Apartment complex where it is not visible to residents in the surrounding neighborhood.

In addition, I continue to be concerned about the adequacy of on-site parking for the apartments. While I am pleased to hear there will be parking available on Hayes, I believe 123 on-site parking spaces are inadequate for 84 units. At minimum, I would estimate two cars per unit, which would put 45 cars on the street without allowing any additional parking for guests.

As we have found in the Oaks at Springbrook HOA, many residents have teenagers who have cars and other homes are occupied by four to six students who each have a car. This easily increases the cars per household to four or more which means 123 on-site parking spaces for the Oak Grove Apartments is certainly inadequate for 84 units.

In reviewing the plans, I also see there is no provision for tenants to park trailers, recreational vehicles, boats, etc. The governing documents of our homeowner association restrict these from parking in our development yet I see no provision in the apartment plans for tenants to park this type of vehicle/equipment within the complex. Will these be parked on our neighborhood streets?

It is imperative that this new development be a good neighbor that provides adequate off-street parking for its residents along with trash collection facilities that are not an eyesore to the surrounding neighbors. Thank you for your consideration and help in keeping this a livable neighborhood.

Sincerely,



Judy Moshberger  
3600 Oak Grove St.

**Jessica Nunley**

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**From:** Steve Olson  
**Sent:** Wednesday, June 06, 2012 8:14 AM  
**To:** Jessica Nunley  
**Subject:** FW: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

-----Original Message-----

From: Alicia @yahoo [<mailto:alicia.bashir@yahoo.com>]  
Sent: Tuesday, June 05, 2012 11:15 PM  
To: Steve Olson; Barton Brierley  
Cc: Alicia Bashir  
Subject: File No. PAR-12-002, DR2-12-003, ADJC-12-001, ADJP-12-002

Dear Mr. Olson and Mr. Brierley,

With regard to the development above, please include in landscaping and architectural planning, provisions to reduce light pollution upon the 99W Drive In. This is great establishment that is treasured by many and provides a unique experience to children and adults.

The residents of the apartments will also surely enjoy the theater as well. Your assistance is much appreciated.  
Sincerely  
Alicia Bashir

**CITY OF NEWBERG  
PLANNED UNIT DEVELOPMENT  
STAFF REPORT**

FILE NO: PUD-7-04/ADJ-131-04

REQUEST: The applicant is requesting approval for a multi-phase 212 unit Planned Development (PD) which includes detached single family dwelling units, attached townhouses and multi-family apartment units. The application includes a request for a change of use for 12 lots previously platted within The Oaks at Springbrook No. 2. and a property line adjustment between two of those lots (lot 108 and lot 109). The requested PD is a conditional use within the R-3/RP zoned portion of the site and a permitted use in the R-P/SP portion of the site.

LOCATION: Springbrook Oaks Specific Plan - Brutscher & Hayes

TAX LOT: 3216-2010, 3221BA 207-218

APPLICANT: Oak Ridge Estates Development Corp.

OWNER: Werth Family LLC

ZONE: RP/SP, R3/SP

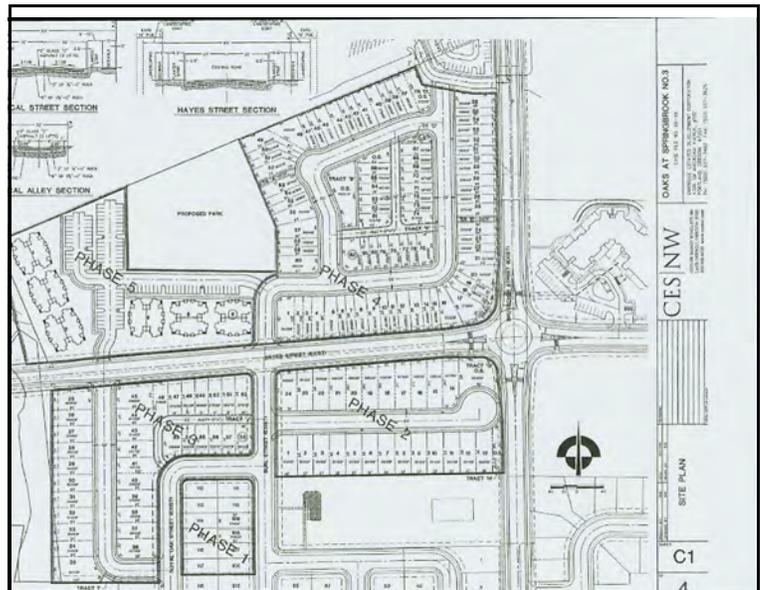
PLAN DESIGNATION: HDR/SP and MIX/SP

PREPARED BY: City of Newberg Planning Staff

HEARING DATE: April 8, 2004 Planning Commission

**ATTACHMENTS:**

- A. Reso. 2004-178 w/findings, map, and conditions
- B. Public Comments - attached
- C. PUD-7-04/ADJ-131-04 Application - enclosed
- D. Springbrook Oaks Specific Plan - enclosed
- E. Newberg Comprehensive Plan - by reference
- F. Newberg Development Code - by reference



The Planning staff has determined that the following criteria apply to the subject proposal. The Planning Commission or other interested parties should direct their comments to the criteria listed or state why they feel other criteria may apply.

***Criteria for Planned Unit Development Approval - NDC § 151.227(C)***

- (1) The proposed development is consistent with standards, plans, policies and ordinances adopted by the city; and***
- (2) The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and***
- (3) Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:***
  - (a) Public facility planning by the appropriate agencies; or***
  - (b) A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project; or***
  - (c) Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development.***
- (4) The provisions and conditions of this code have been met; and***
- (5) Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and***
- (6) There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and***
- (7) Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and***
- (8) Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.***

***Conditional Use Permit Criteria That Apply - NDC § 151.210***

- A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.***
- B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.***
- C. The proposed development will be consistent with this code.***

***Springbrook Oaks Specific Plan Development Standard - NDC § 151.511(B).***

- (1) *Report adopted. The Springbrook Oaks specific plan dated August 2, 1999 is hereby adopted by reference. The development standards listed in this section are intended to implement the policies of the Springbrook Oaks specific plan. Development of Springbrook Oaks shall follow the standards of this code section as well as the policies of the plan. If a conflict exists between the Springbrook Oaks specific plan policies and the Development Code, the Springbrook Oaks specific plan shall govern.*
- (2) *Permitted uses and conditional uses. Eight development areas have been established with corresponding zones within the Springbrook Oaks specific plan. The permitted and conditional uses allowed under the "SP" subdistrict shall be the same as those uses permitted in the base zoning districts. Exceptions to this standard include the following:*
  - (a) *A golf course shall be permitted within the M-1 area, adjacent to the stream corridor; and*
  - (b) *Densities and lot sizes shall be in accordance to the standards established in division (B)(8)(a).*
- (3) *Street and pedestrian pathway standards. Street and pedestrian pathway development standards are established in §§ 151.685 through 151.699 and 151.715 through 151.725.*
- (4) *Residential design. Multiple, non-repetitive home designs (detached dwelling units) shall be used in the development. No two identical designs shall be located closer than every three residences on any street frontage.*
- (5) *Setbacks. Figures 1 and 2 of the Springbrook Oaks Specific Plan identify special setback standards that apply to the property.*
- (6) *(a) Residential.*
  1. *Development Areas A through F Setbacks - Figure 1 of the Springbrook Oaks specific plan. Minimum and maximum front setbacks for structures shall be met in Development Areas A through F of the Springbrook Oaks specific plan. Residential structures shall be no closer nor further from the front property line than as follows:*

	<i>Minimum</i>	<i>Maximum</i>
<i>Porch</i>	<i>10'</i>	<i>25'</i>
<i>Dwelling</i>	<i>15'</i>	<i>25' (without porch)</i>
<i>Garage or carport</i>	<i>20'</i>	<i>None</i>

*The front of a garage may not be closer to the property line than the front of the house unless each front on different streets.*
  3. *Interior setbacks. Interior yard setbacks shall be the same as the base zone. An exception to this standard is made for single family attached housing, where no interior setback is required for the "zero" lot line.*
  4. *Staggered front setbacks of at least two feet shall be established for attached homes. No two attached dwelling units with the same setback shall be located closer than every two residences on any street frontage.*
- (7) *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 § 151.580(B)(4). Trees shall be selected from the street tree species list authorized by City Council. Preference should be given towards the selection of oak species to maintain the character of the development's namesake: Springbrook Oaks.*
- (8) *Residential density. Residential density is governed by the "SP" overlay subdistrict.*
  - (a) *The following development standards shall be applied to Springbrook Oaks (please refer to Graphic VI for map of development areas A through H of the Springbrook*



*which has the same zone type as that of where the public area is located. The density shift may also be directed to a different zone, in a similar manner to the above. For example:*

*Present maximum density of public land:*                      *A five-acre lot in Area D zoned R-2 = 44 units (20% = 8.8 units )*

*Proposed 20% density shift to another 5 acres in Area D zoned R-2*                      *44 units + 8.8 units = 52 units\**

**OR**

*Proposed 20% density shift to another 5 acres in Area B zoned R-3*                      *109 units + 8.8 units = 117 units\**

*\*Rounded down to a whole unit number.*

- (d) *Any area of land whose allowed density has increased due to a density shift may include a corresponding decrease in the area’s minimum lot size and minimum lot area per dwelling unit.*
- (e) *No lot within any given zone may increase density due to a density shift more than once.*
- (f) *Maximum lot coverage is described in the § 151.568.*
- (10) *Sign standards. Signs must comply with §§ 151.590 through 151.601.*
- (11) *Tree management plan. Any proposed development within Development Area H must follow the approved tree management plan for Development Area H. The plan shall be developed by a third-party licensed arborist.*
- (12) *Permitting process. Any proposed development shall follow the permit approval process described in § 151.020 through 151.046. Exceptions to this standard are as follows:*
  - (a) *Proposed subdivisions will be reviewed under the Type II process; and*
  - (b) *Any proposed development within Development Areas A through F that meet the Building Design and Development Standards in Appendix C (see Springbrook Oaks Specific Plan) will be reviewed under the Type I process. The applicant shall provide written documentation showing that each development standard has been met.*

**Springbrook Oaks Specific Plan, Miscellaneous Policies:**

*Where possible, opens space shall be conveyed to the Chehalem Park and Recreation District.*

*A central plaza park shall be located near the center of the Springbrook Oaks to provide a focal point for community activity and a common identity for the community.*

*A visual and sound buffer shall be installed between the Fred Meyer property and Springbrook Oaks. The buffer will be specifically designed to mitigate conflicts between the adjacent uses.*

*Fernwood Road shall be improved to City of Newberg Major Collector standards from Springbrook Road to the access road to the development Area H as development proceeds. The improvements shall provide, at a minium, a three-quarter street improvement along the Springbrook Oaks frontage, and safe pedestrian bicycle access to Springbrook Road.*

*Building Orientation. All development shall be oriented to a local or collector street when possible. Orientation shall be achieved by the provision of an entry door fronting upon the street with a direct sidewalk connection from the door to the public sidewalk.*

**Springbrook Oaks Specific Plan Appendix C - Building Design and Development Standards - Attached Residential Dwelling Units Areas.**

- A. *Individual entries shall be oriented towards a road.*
- B. *Buildings shall be articulated in such a manner that no more than 25 feet of horizontal building façade will be permitted.*
- C. *When possible, garages and carports should not be adjacent to primary streets.*
- D. *All buildings shall utilize materials that meet or exceed current industry standards.*
- E. *Each dwelling unit shall incorporate individual areas of exterior space no less than 50 sq. ft.*
- F. *No roof slope shall be less than 4:12 pitch.*
- G. *The minimum landscape percentage shall be 30% or more of the overall site.*
- H. *No building shall be greater than 35 feet, or three stories in overall height.*
- I. *Trash enclosures.*
- J. *Each development shall provide an internal pedestrian circulation system.*
- K. *All parking ratios shall meet city standards.*
- L. *All buildings shall be colored in earth tones.*
- M. *Exterior trim*
- N. *All primary collector streets.*
- O. *All setbacks shall comply with Figures 10 and 11.*

**Subdivision Criteria That Apply - NDC § 151.242**

- A. *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 any adjoining land or access thereto.*
- B. *The subdivision complies with this code including but not limited to §§ 151.450 through 151.617 and §§ 151.680 et seq.*
- C. *Either,*
  - (A) *Improvements required to be completed prior to final plat approval; or*
  - (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*
  - (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.*

**Additional Requirements for Multi-unit Residential Projects - NDC § 151.195**

*The purpose of this section is to ensure that residential projects containing three or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the site design review process, an applicant for a new multi-unit residential project must demonstrate that some*

*of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for attached single family projects of any size and smaller multi-family projects with six or fewer units and at least 20 points are required for multi-family projects with seven or more units.*

**(A) Site design elements.**

- (1) Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of open space areas which can be consolidated into children’s play areas, gardens, and/or dog-walking areas. (3 Points)*
- (2) Preserve existing natural features, including topography, water features, and/or native vegetation. (3 Points)*
- (3) Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12-15 feet for two story buildings) to create a more “pedestrian-friendly” environment. (3 Points)*
- (4) Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other “pedestrian-friendly” amenities. (3 Points)*
- (5) Create “outdoor” rooms in larger projects by grouping buildings to create well-defined outdoor spaces. (2 Points)*
- (6) Provide good quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species. (2 Points)*
- (7) Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties. (2 Points)*
- (8) Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade. (1 Point)*
- (9) Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment. (1 Point)*
- (10) Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials. (1 Point)*
- (11) Use entry accents such as distinctive building or paving materials to mark major entries to multi-unit buildings or to individual units. (1 Point)*
- (12) Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings. (1 Point)*

**(B) Building design elements.**

- (1) Orient buildings toward the street. For attached single family and smaller multi-family projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10% of the units should have main entries which face the street rather than be oriented toward the interior. (3 Points)*
- (2) Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings. (3 Points)*
- (3) Break up large buildings into bays by varying planes at least every 50 feet. (3 Points)*
- (4) Provide variation in repeated units in both single family attached and large multi-family projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety. (3 Points)*

- (5) ***Building materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim. (1 Point for each material described above)***
- (6) ***Incorporate architectural elements of one of city's historical styles (Queen Anne, Dutch Colonial Revival, Colonial Revival, or Bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards. (2 Points)***
- (7) ***Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street. (2 Points)***
- (8) ***Provide a front porch at every main entry as this is both compatible with the city's historic building pattern and helps to create an attractive, "pedestrian-friendly" street scape. (2 Points)***
- (9) ***Use slope roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable. (2 Points)***

***Criteria for Property Line Adjustments - NDC § 151.236***

***A property line adjustment is processed as a Type I application. The Director may approve the requested property line adjustment based on the following:***

***The requested property line adjustment does not create any more lots than currently exist.***

***The adjustment does not create any substandard conditions.***

***The adjustment cannot reasonably bring the lots into conformity.***

***The adjustment does not worsen the non-conforming status of the lots.***

**Request:**

The applicant is requesting approval for a multi-phase 212 unit Planned Development (PD) which includes detached 70 single family dwelling units, 82 attached townhouses and 60 multi-family apartment units. The application includes a request for a change of use for 12 lots previously platted within The Oaks at Springbrook No. 2 from attached single family to detached single family, and a property line adjustment between two of those lots (lot 108 and lot 109). The requested Planned Development is a conditional use within the R-3/SP zoned portion of the site (south of Hayes Street) and a permitted use in the R-P/SP portion (north of Hayes Street).

**Project Description:**

1. The site includes sections 'B' and 'C' of the City of Newberg - Springbrook Oaks Specific Plan, adopted in 1999. The Oaks at Springbrook No. 3 is a multi-phased residential development project continuing in the theme of the Oaks at Springbrook No. 1 and No. 2. This project includes three different residential building types: apartment buildings, attached single family townhouse units with opportunity for 'flex space options' in some townhouses, and single family detached units. The three product types provide a wide variety of housing options for residents with close proximity to most community amenities.
2. The five phases in The Oaks at Springbrook No. 3. are numbered sequentially corresponding to the anticipated order of construction and dwelling unit build-out. The planned development implements a gradual transition from larger single family detached lots at the south end of the site to smaller detached dwelling unit lots, and then across Hayes Street to attached row houses and multi-family dwelling units. This transition in development places the higher density development closer to the commercial areas, and provides a mix of affordable housing options for the community.

<b>Phase</b>	<b>Dwelling Units and other Project Improvements</b>	<b>Dwelling Unit Style</b>
<b><i>Phase 1 - Currently platted</i></b>	12 dwelling units and a property line adjustment between lots 108 and 109.	Detached single family
<b><i>Phase 2 - 2004-2005</i></b>	24 dwelling units, improvements on Tracts G and H, and streetscape improvements along phase frontage on Brutscher and Hayes Streets.	Detached single family
<b><i>Phase 3 - 2004-2006</i></b>	34 dwelling units and streetscape improvements along phase frontage on Hayes Street.	Detached single family
<b><i>Phase 4 - 2004-2007</i></b>	82 dwelling units, Oak Grove Park improvements, improvements on Tracts A, B, C, D, E, and F and streetscape improvements along phase frontage on Brutscher and Hayes Streets.	Attached single family with potential 'flex space' accessory units
<b><i>Phase 5 - 2006-2007</i></b>	60 dwelling units and streetscape improvements along phase frontage	Multi-family units - Proposed to be constructed as market allows.

on Hayes Street.

Phase 1 – This phase of the development requests approval for single family detached dwelling units on 12 lots previously platted in the Oaks at Springbrook No. 2, originally approved for construction of attached single family dwelling units. These 12 lots are included in the Planned Development review process in order to change the allowed use. Attached single family homes are an allowed use in R-3/SP, but detached single family home are allowed in R-3 only through the planned development process. The lot line adjustment between Lots 109 and 108 will allow construction of two “model homes” and a temporary parking lot during use of the model homes for new home sales. There are no other improvements required to begin home construction in this phase. This phase is currently within the Oaks at Springbrook Homeowners Association.

Phase 2 – This phase of the planned development includes a single street with 24 single family detached dwelling units. Again, single family homes are allowed in this R-3/SP zoned area only through the planned development process. An existing public neighborhood park is located south of the proposed southern row of lots. The new local street is approximately 500 feet long, ending in a cul-de-sac. This proposed modification to the 400-foot length limit for a cul-de-sac is included in the Planned Development review process. The shape and location of this phase, with very restricted vehicular access opportunity, limit the street design options. The applicant proposes to include this phase in the Oaks at Springbrook Homeowners Association.

Phase 3 – This phase contains 34 detached dwelling unit lots ranging from 6,000 square feet to 2,215 square feet in area. This area also is zoned R-3/SP, requiring the planned development to allow single family homes. This phase accommodates a variety of detached single family home plans. Proposed lots 25 through 45 are between 3,000 and 6,000 square feet and are designed to accommodate homes 30 feet to 32 feet wide with two car garages. Lots 46 through 58 are smaller, allowing homes 20 feet to 24 feet wide with single car garages. Four lots – 54 through 57 – are slightly less than 2,500 sq. feet in lot area. The applicant proposes to include this phase in the Oaks at Springbrook Homeowners Association.

Phase 4 – This phase contains 82 townhouse lots. Twenty-two (22) of these lots (lots 61 through 82) are designed for three story townhouse units with “flex” space on the ground level. The flex space is proposed to be used for a home office or for a small studio apartment rental unit. The inclusion of alleys through the center of this phase promotes a very livable streetscape and minimize the dominance of the front yards with garages and driveways. This design scheme also provides opportunities for on-street parking on one side of the street. Open space tracts A through F provide additional landscaping and pedestrian links to the Oak Grove Park and to Brutscher Street. The model homes for this phase will be constructed on either lots 1 through 4 or 57 through 60. The planned improvements to Oak Grove Park will be constructed with the construction of the infrastructure of Phase 4. There will be fencing and streetscape landscaping along the Brutscher Street and Hayes Street ROWs to buffer the rear yards of these lots. The applicant proposes to include this phase in the Oaks at Springbrook Homeowners Association.

Phase 5 - The final phase will include up to 60 multi-family units in apartment-style buildings. The site plan will include off-street parking. A detailed design review will be required prior to construction of this phase.

2. The 17.5 acre site is located south of Highway 99W, north of Fernwood Road, west of Brutscher, and east of Springbrook Road and the west Springbrook Creek stream corridor. The site is zoned R-P/SP (Residential-Professional/Specific Plan) and R-3/SP (High Density Residential/Specific Plan), with HDR/SP

## Attachment 8: PUD-07-04 Decision

and MIX/SP comprehensive plan designations. The site is subject to the provisions of the Springbrook Oaks Specific Plan, adopted August 2, 1999. The topography of the site is generally flat outside the stream corridor, with a two percent down-slope from north to south. The site is primarily comprised of former farmland

3. The Fred Meyer store abuts the subject property to the north. A portion of The Oaks at Springbrook No. 2 and a portion of the lot at 212 N. Springbrook Road are south of the site. Springbrook Road and Springbrook Creek are to the west. Suntron (formerly EFTC), Astor House retirement residence, and farm land are to the east. Primary access to the project is from Brutscher and Hayes Streets. Brutscher Street is a minor collector street with a 60 foot right-of-way. Hayes Street is a minor collector street with a 65-foot right-of-way. The entire Springbrook Oaks site fronts Fernwood Road, a major collector street. Significant improvements have been made to Fernwood Road from Brutscher Street to the west fork of Springbrook Creek. Improvements have not been made from Springbrook Road to the west fork of Springbrook Creek.
  
4. Current and proposed City sewer, water and storm water provisions to the site are shown in the following table:

<b>Utility</b>	<b>Current Provisions</b>	<b>Proposed Provisions</b>
Springbrook Sewer	<p>Springbrook Road contains a 15 inch line. Brutscher Street contains a 10 inch line, connecting to a 12 inch line in Fernwood Road, which terminates at the new pump station in Fernwood.</p> <p>A 6-inch force main and a 12 inch force main were installed in Fernwood Road in the Spring of 2001. A new pump station in Fernwood Road was completed in Fall of 2001.</p> <p>A new sewer main has been installed recently along the stream corridor on the west side of the project. There also is an existing sewer main in Burl Street and Royal Oak Street.</p>	<p>Extension of the onsite 8-inch sanitary sewer system will be continued in each phase.</p>
Water	<p>Brutscher Street and Fernwood Road contain a 12-inch water main which extends along Fernwood to the sanitary sewer pump station.</p> <p>A 24-inch water main has been installed in Hayes Street from the newly completed reservoir to Springbrook Road.</p> <p>8-inch water lines have been installed in Burl Street and Royal Oak Street.</p>	<p>Extension of the existing onsite water system will be continued in each phase.</p>
Storm Water	<p>The site drains generally to the western fork of Springbrook Creek. Storm drains currently exist in Brutscher Street north of</p>	<p>Extension of the existing onsite storm system will be continued in each phase utilizing the detention pond constructed</p>

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Hayes, and within Hayes Street. These tie in the northwest portion of the site into a storm drainage detention/water quality basin, which has an outfall to the west fork of Springbrook Creek.

### Planned Development Process:

NDC § 151.226 requires that planned unit development applications be processed as a Type III land use procedure. The Type III Planned Unit Development application is a quasi-judicial hearing process which is heard and decided by the Planning Commission. The decision of the Planning Commission is final unless the decision is appealed or the decision is a recommendation to the City Council.

The Planned Development Process is intended to allow greater design flexibility than would normally be allowed under the current zoning standards. Typically a PD includes a series of trade-offs; the City would agree to reduce some of the zoning standards in exchange for additional design amenities.

This application requests that the following dimensional criteria be established for the Oaks at Springbrook No. 3.

**Dimensional Criteria Table**

Standard	Required		Proposed
	NDC	Specific Plan	
<b>Public Local Street Right-of-way Pavement Width</b>	54' to 65' 32'	60' 32'	55' <sup>1</sup> 32'
<b>R-3 Detached Dwelling Units</b>			
Maximum Dwelling Unit Height	45' or 3 story (the lesser)	35' overall - or 3 story (the lesser)	30' / 2 story
Front Yard Porch Setback	12'	10'	10'
Front Yard Building Setback	12'	15'	15'
Front Yard Garage Setback	20'	20'	20'
Rear Yard Building Setback	5'	--	10'
Interior Yard Building Setback	5'	--	3.5'
Street Side Yard Building Setback	5'	15'	10'
Minimum Lot Width at Building Line	50'	--	30'
Maximum Lot Coverage	70%		75%
<b>RP Attached Dwelling Units</b>			
Maximum Dwelling Unit Height	30' or 2.5 story (the lesser)	35' overall - or 3 story (the lessor)	35' <sup>2</sup> 3 story
Front Yard Porch Setback	12'	10'	10'
Front Yard Building Setback	12'	15'	15'
Front Yard Garage Setback	20'	20'	20'
Rear Yard Building Setback	8'	--	10'

<sup>1</sup> Note: Staff recommends 56 feet width. 56 feet will allow a full 6-foot wide planter strip as envisioned by the Specific Plan.

<sup>2</sup> NDC defines "Building Height" as "the vertical distance.....to the average height (midpoint) of the highest gable of a pitch or hip roof".

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Interior Yard Setback	8'	--	5' <sup>3</sup>
Rear Yard Building/garage Setback to Alley Row	8'	--	2'
Street Side Yard Setback	12'	15'	10'
Minimum Lot Width at Building Line	50'		20'
Maximum Lot Coverage RP	60%		90%
<b>Multi-family Apartment Units</b>			
Building Separation Between Multi-family Units			20'
<b>Design Flexibility Table</b>			
200 sq. ft. flex space for garage, home occ., accessory dwelling on ground floor of identified townhome units	Area B in the Specific Plan is designated RP to “create a mix of residential land uses with professional offices...” This is proposed in 22 units.		
Opportunity to eliminate requirement for 50 sq. ft. of exterior space for certain townhomes			Staff recommends that this flexibility be limited to not more than 5 units.
Use of Acorn Style Street Lamps			

**Issues:**

- ▶ **Access to adjacent property.** An undeveloped portion of Tax Lot 3221BB-200 lies east of Springbrook Creek and has no other direct public access. It will be necessary for the applicant to provide a 25-foot wide access to the east side of Tax Lot 3221BB-200 for future development. The applicant will also be required to install a standard driveway curb cut on the unnamed street in Phase 3 to serve the access drive for this portion of Tax Lot 3221BB-200. The applicant proposes to record an sale option for this access. Staff recommends that this be required to be dedicated public right-of-way.
- ▶ **Northern street connection.** The applicant has proposed to connect the street at the north end of the project to an existing private driveway that accesses Fred Meyer and the Columbia River Bank building. As conditioned, the applicant will be required to create a public street access connecting directly to Brutscher Street near this area.
- ▶ **Alley access for Lots** Lots 61-66 appear to have no public street access. The applicants have shown two small recreation/open space areas within Phase 4, one labeled Tract B and an area labeled O.S. which is directly north of lots 61-66. adjacent to the public street as it dips to the south. In order to provide appropriate public street access to these 6 lots, these three areas will require reconfiguration.
- ▶ **Fernwood Road Improvement:** The applicant will be required to install an interim Fernwood Road pedestrian connection between Springbrook Road and the west fork of Springbrook Creek. The improvement will include improvements such as 5-foot wide asphalt or concrete pedestrian walk on the north side of Fernwood Road.

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<sup>3</sup> No interior yard setback is required on the attached building side.

## Attachment 8: PUD-07-04 Decision

- ▶ **Fencing:** Two neighbors to the west have requested fencing between their properties and this development. The Planning Commission could require this fencing if it feels it is necessary for neighborhood compatibility.
- ▶ **Design Review Approval Requirement:** Approval of the Planned Development will not approve the final design of the apartments proposed in Phase 5. A design review application will be required prior to development of this phase.

### Public Agency Comments

- ▶ William A. Gille, Yamhill County Roads Dept.: *Reviewed; no conflict.*
- ▶ Mike Soderquist, Newberg Community Development Director: *Reviewed; no conflict.*
- ▶ Chris Mayfield, Newberg Fire Marshal: *1. Place hydrants as required per UFC. 2. Phase 5 bldgs 1, 2, 3 - make sure they meet access requirements per UFC*
- ▶ Howard Wolfe, Newberg Building Division: *1. Rain Drains will need to go to street. 2 Fences with any part over 6 feet will need permits. 3 Retaining walls over 4 feet will need permits. 4. Changes in elevation of 30" or more will need protection. 5. No concentrated surface drainage will be allowed onto adjacent properties.*
- ▶ Brian Casey, Newberg Police Department: *Reviewed; no conflict.*
- ▶ Jack Miller, Newberg Garbage: *I talked to Kirsten Van Loo at CES/NW about my concerns with the parking in the alleys on this project. She said there was not going to be any parking in the alleys allowed on the street. This is the only way we would be able to pick-up the trash and recycling in the alley. Also another problem that we came across when the houses on foothills were built with alleys was the contractors would block the alley and would not let us through. So we had to have all customers set there cans out on the street until all house where built. Also we require house numbers on the back of the houses in the alleys also.*
- ▶ Dal Hammer, PGE: *Prior to PGE's Electrical Design, Developer must submit a full set of engineered drawings.*
- ▶ Oregon Division of State Lands: *No removal fill-permit is required for the described project because: based on the information provided, no earthwork is currently being proposed. The partition may create lots with a significant amount of wetlands or waterways. A consultant should do a wetland delineation/determination prior to earthwork.*

These comments are addressed within the attached findings and conditions.

### Citizen Comments

- ▶ Carol Williams, Astor House (phone comment) commented that she would like to add a crosswalk across Brutscher Street just north of the roundabout.
- ▶ Curt Landis, 212 N. Springbrook Road (commenting on a concurrent partition application for the property) would like to see Hayes Street opened up before further development, would like a fence around Phase 1 of Springbrook Oaks, and would like an easement and utilities to his property.
- ▶ Larry Anderson, 112 N. Springbrook Road (commenting on a concurrent partition application for the property) would like to see a fence continue from its current terminus across his property and his neighbor's property to Hayes Street.

These comments are addressed within the attached findings.

**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, the staff recommends the following motion:

- Move to adopt Planning Commission Resolution 2004-178 This motion approves the requested Planned Development, including the conditional use permit and property line adjustment with specific conditions.

**PLANNING COMMISSION RESOLUTION NO. 2004-178**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG APPROVING FILE PUD-7-04/ADJ-131-04, OAKS AT SPRINGBROOK OAKS NO. 3, INCLUDING A PLANNED UNIT DEVELOPMENT AND CONDITIONAL USE PERMIT, AND PROPERTY LINE ADJUSTMENT FOR PROPERTY LOCATED IN THE SPRINGBROOK OAKS SPECIFIC PLAN AT BRUTSCHER & HAYES STREETS, YAMHILL COUNTY TAX LOTS 3216-2010 AND 3221BA 207-218.**

**WHEREAS,** On February 24, 2004, Kirsten Van Loo, CES/NW submitted an application on behalf of OakRidge Estates Development Company. The applicant is requesting approval for a multi-phase 212 unit Planned Development (PD) which includes 70 detached single family dwelling units, 82 attached townhouses and 60 multi-family apartment units. The application includes a request for a change of use for 12 lots previously platted within The Oaks at Springbrook No. 2. and a property line adjustment between two of those lots (lot 108 and lot 109). The requested PD is a conditional use within the R-3/RP zoned portion of the site and a permitted use in the R-P/SP portion of the site. The property is within the Springbrook Oaks Specific Plan on Brutscher & Hayes Streets.

**WHEREAS,** On March 11, 2004, notice of this request was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet.

**WHEREAS,** Notice was published in the Graphic Newspaper on March 20, 2004, which is at least ten days prior to the public hearing before the Planning Commission hearing scheduled for April 8, 2004; and on March 20, 2004 notice of the Planning Commission meeting was posted on the site and at four public places.

**WHEREAS,** On April 8, 2004, a hearing was held by the Newberg Planning Commission.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Newberg that it approves PUD-7-04/ADJ-131-04, Oaks at Springbrook Oaks No. 3, including a planned unit development and conditional use permit, and property line adjustment for property located in the Springbrook Oaks Specific Plan at Brutscher & Hayes Streets, Yamhill County tax lots 3216-2010 and 3221BA 207-218. This approval is based on the staff report, findings and testimony. The approval also is subject to the attached conditions.

**BE IT FURTHER RESOLVED** that the Planning Commission adopts the following development standards for PUD-7-04/ADJ-131-04 to be known as Oaks at Springbrook No. 3.

<b>Public Local Street Right-of-way</b>	56'
<b>Pavement Width</b>	32'
<b>R-3 Detached Dwelling Units</b>	
Maximum Dwelling Unit Height	30' / 2 story
Front Yard Porch Setback	10'
Front Yard Building Setback	15'
Front Yard Garage Setback	20'
Rear Yard Building Setback	10'
Interior Yard Building Setback	3.5'

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Street Side Yard Building Setback	10'
Minimum Lot Width at Building Line	30'
Maximum Lot Coverage	75%
<b>RP Attached Dwelling Units</b>	
Maximum Dwelling Unit Height	35'/ 3 story *
Front Yard Porch Setback	10'
Front Yard Building Setback	15'
Front Yard Garage Setback	20'
Rear Yard Building Setback	10'
Interior Yard Setback	5'***
Rear Yard Building/garage Setback to Alley Row	2'
Street Side Yard Setback	10'
Minimum Lot Width at Building Line	20'
Maximum Lot Coverage RP	90%
<b>Multi-family Apartment Units</b>	
Building Separation Between Multi-family Units	20'
<b>Design Flexibility Table</b>	
200 sq. ft. flex space for home occupation, accessory dwelling on ground floor of identified townhome units. At least 22 of the townhouse units must provide flex space.	
Opportunity to eliminate requirement for 50 sq. ft. of exterior space for up to 5 townhome units.	
Use of Acorn Style Street Lamps	

- \* NDC "Building Height – the vertical distance.....to the average height (midpoint) of the highest gable of a pitch or hip roof".
- \*\* This requirement does not apply to the common wall property boundaries of attached dwelling units.

All standards not specifically listed shall be according to the RP/SP and R3/SP zoning standards in the Newberg Development Code.

**DATED** this \_\_\_ day of \_\_\_\_\_, 2004.

**AYES:**                      **NAYS:**                      **ABSTAIN:**                      **ABSENT:**

**ATTEST:**

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Planning Commission Chair

Exhibits to be forwarded to Council as part of adoption ordinance:  
Findings, Legal Description and Area Map

**PLANNED UNIT DEVELOPMENT FINDINGS**

**PUD-7-04/ADJ-131-04**

**Planned Unit Development/Property Line Adjustment - Oaks at Springbrook Oaks No. 3**

**I. § 151.226 PUD General Provisions.**

- A. *Ownership. Finding:*** The land included in this application is currently in one ownership.
- B. *Processing steps – Type III. Finding:*** This application for a Planned Development approval is being processed as a Type III land use action, subject to review and approval by the Newberg Planning Commission. The approval process includes preliminary and final plan approval.
- C. *Phasing. Finding:*** The project will have five phases with final approval of all phases. The five phases in The Oaks at Springbrook No. 3. are numbered sequentially corresponding to the anticipated order of construction and dwelling unit build-out. The planned development implements a gradual transition from larger single family detached lots at the south end of the site to smaller detached dwelling unit lots, and then across Hayes Street to attached row houses and multi-family dwelling units. This transition in development places the higher density development closer to the commercial improvements, and provides a mix of affordable housing options for the community.

<b>Phase</b>	<b>Dwelling Units and other Project Improvements</b>	<b>Dwelling Unit Style</b>
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<b><i>Phase 5 - 2006-2007</i></b>	60 dwelling units and streetscape improvements along phase frontage on Hayes Street.	Multi-family units - Proposed to be constructed as market allows.

Phase 1 – This phase of the development requests approval for single family detached dwelling units on 12 lots previously platted in the Oaks at Springbrook No. 2, originally approved for construction of duplex dwelling units. These 12 lots are included in the Planned Development review process in order to change the allowed use. The lot line adjustment between Lots 109 and 108 will allow construction of two “model homes” and a temporary parking lot during use of the model homes for new home sales. There are no other improvements required to begin home construction in this phase. This phase is currently within the Oaks at Springbrook Homeowners Association.

Phase 2 – This phase of the planned development includes a single street with 24 single family detached dwelling units. An existing public neighborhood park is located south of the proposed southern row of lots. The new local street is approximately 500 feet long, ending in a cul-de-sac. This proposed modification to the 400-foot length limit for a cul-de-sac is included in the Planned Development review process. The shape and location of this phase, with very restricted vehicular access opportunity, limit the street design options. The applicant proposes to include this phase in the Oaks at Springbrook Homeowners Association.

Phase 3 – This phase contains 34 detached dwelling unit lots ranging from 6,000 square feet to 2,215 square feet in area. The phase accommodates a variety of detached single family home plans. Proposed lots 25 through 45 are between 3,000 and 6,000 square feet and are designed to accommodate homes 30 feet to 32 feet wide with two car garages. Lots 46 through 58 are smaller, allowing homes 20 feet to 24 feet wide with single car garages. Four lots – 54 through 57 – are slightly less than 2,500 sq. feet in lot area. The applicant proposes to include this phase in the Oaks at Springbrook Homeowners Association.

Phase 4 – This phase contains 82 townhouse lots. Twenty-two (22) of these lots (lots 61 through 82) are designed for three story townhouse units with “flex” space on the ground level. The flex space is proposed to be used for a home office or for a small studio apartment rental unit. The inclusion of alleys through the center of this phase promotes a very livable streetscape and minimize the dominance of the front yards with garages and driveways. This design scheme also provides opportunities for on-street parking on one side of the street. Open space tracts A through F provide additional landscaping and pedestrian links to the Oak Grove Park and to Brutscher Street. The model homes for this phase will be constructed on either lots 1 through 4 or 57 through 60. The planned improvements to Oak Grove Park will be constructed with the construction of the infrastructure of Phase 4. There will be fencing and streetscape landscaping along the Brutscher Street and Hayes Street ROWs to buffer the rear yards of these lots. The applicant proposes to include this phase in the Oaks at Springbrook Homeowners Association.

Phase 5 - The final phase will include up to 60 multi-family units in apartment-style buildings. The site plan will include off-street parking. Design review approval will be required for this phase.

- D. *Lapse of Approval. Finding:*** The stipulations for a lapse of approval will be followed if the timely submission of materials does not follow the proscribed schedule.
- E. *Re-submittal following expiration. Finding:*** If the approval expires the proscribed procedures will be followed to re-submit an application on the subject property.
- F. *Density. Finding:*** This property is all within the Springbrook Oaks Specific Plan area and the density evaluation is examined in detail in that section of the findings.

- G. *Buildings and Permitted uses. Finding:*** This property is all within the Springbrook Oaks Specific Plan (SOSP). The SOSP mandates development of a “desirable mix of residential land uses” employing single family detached, single family attached, and multi-family housing styles specifically in areas B and C. The Planned Development is proposed on 17+ acres of land with zoning designations of R-P/SP and R-3/SP. The permitted uses within those two zoning districts include a full range of residential building types. Duplexes, multiple family dwellings, and single family dwellings are all allowed in both zoning districts. Both zoning districts allow planned developments, and the R-3 district requires the use of the planned development review process for single family dwelling project approval. The Planned Development approval process facilitates “a desirable mix” while implementing the clear mandate in the SOSP to design a project so that “Densities can (should) be laid out so as to allow a low impact transition between use zones, ranging from the most dense in the north to least dense in the south”.
- H. *Professional Coordinator. Finding:*** The application is coordinated by Mr. Tony Weller, a licensed civil engineer in the State of Oregon.
- I. *Modification of Regulations. Finding:*** The Newberg Development Code (NDC) and SOSP regulations requiring modification are identified in the “Dimensional Criteria Table” of this document.
- J. *Lot Coverage. Finding:*** The standards for lot coverage contained in the NDC and SOSP will be modified with this PD approval.
- K. *Height. Finding:*** The maximum height of buildings in the PD are specified as follows:
- Maximum height (R-3 District) detached single family unit - 30 feet (this complies with the NDC)
  - Maximum height (RP District) attached single family unit - 35 feet (this varies from the NDC)
  - Maximum height (RP District) apartment building - 40 feet (this varies from the NDC).
- Some of the buildings may project into the sun exposure plane described in NDC 151.226(K). This will not adversely affect the occupants or potential occupants of adjacent properties, because of the energy efficient design of the units and the open space provided in the vicinity of the sites.
- L. *Dedication, improvement and maintenance of public thoroughfares.***

*Dedication, improvement and maintenance of public thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:*

*(1) Streets and walkways. Including, but not limited to those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in § 151.554, pertaining to special setback requirements to planned right-of-ways, shall be required.*

*(2) Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.*

**Citizen Comment:** Curt Landis, 212 N. Springbrook Road (commenting on a concurrent partition application for the property) would like an easement and utilities to his property.

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**Finding:** All of the proposed public ROW will be dedicated on the final recorded plat of the Oaks at Springbrook No. 3. The required street improvements will be designed by a licensed engineer. The construction documents will be approved by the City of Newberg and construction will be inspected by a City of Newberg Engineering Division employee. The maintenance of the completed ROW improvements will be guaranteed through the established processes currently in place with the City.

The adjacent undeveloped portion of Tax Lot 3221BB-200 (212 N. Springbrook Road) lies east of the west fork of Springbrook Creek and has no other direct public access. As conditioned the applicant to provide a 25-foot wide access to the east side of Tax Lot 3221BB-200 for future development. The applicant also will be required to install a standard driveway curb cut on the unnamed street in Phase 3 to serve the access drive for this portion of Tax Lot 3221BB-200.

- M. *Underground Utilities.* Finding:** The required underground utilities will be designed by a licensed engineer. The construction documents will be approved by the City of Newberg and construction will be inspected by a City of Newberg Engineering division employee. The maintenance of the completed underground utility systems will be guaranteed through the established processes currently in place with the City. All of the proposed public utility easements will be dedicated on the final recorded plat of the Oaks at Springbrook No. 3.
- N. *Useable Outdoor Living Area.* Finding:** Each individual lot will have, at a minimum, 10% of the gross floor area of the dwelling unit as outdoor living area. This outdoor area may be in a front, side or rear yard, or an outdoor deck or balcony. In addition, there are numerous open space tracts throughout the Planned Development that provide additional opportunity for casual outdoor recreation. The Oak Grove Park will be cleared of blackberries and other undesirable underbrush and seeded with appropriate meadow grass seed for a pasture-like appearance. There will be walking paths through the park for casual outdoor recreation.
- O. *Site modification.* Finding:** The site will remain in a natural condition until final approval is issued for each phase of this Planned Development.
- P. *Completion of required landscaping.* Finding:** The required landscaping will be designed by a licensed landscape architect. The construction documents will be approved by the City of Newberg and construction will be inspected by a City of Newberg Engineering Division employee. The maintenance of the completed landscaping will be guaranteed through the established processes currently in place with the City, with responsibility placed through the Oaks at Springbrook Homeowners Association.
- Q. *Design Standards.* Finding:** The applicant has addressed both the SOS and NDC design standards. See Section IV., V. and VI. below.

## II. § 151.227 PUD Criteria

- A. *Pre-application conference.* Finding:** Completed
- B. *Application.* Finding:** The correct form is submitted with findings graphic drawings and the correct processing fee.

C. *Type III Review and Decision Criteria.*

*...preliminary approval shall include written affirmative findings that:*

1. *The proposed development is consistent with standards, plans, policies and ordinances adopted by the city; and*

**Finding:** This property is located within the Springbrook Oaks Specific Plan (SOSP) adopted in 1999 to manage the development of the land contained within the Plan area. The applicant has addressed the SOSP design standards. See Section IV. and V. below. Other specific standards are addressed within these findings.

2. *The proposed development's general design and character...will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood.*

**Citizen Comment:** Curt Landis, 212 N. Springbrook Road (commenting on a concurrent partition application for the property), would like a fence around Phase 1 of Springbrook Oaks. Larry Anderson, 112 N. Springbrook Road (commenting on a concurrent partition application for the property) would like to see a fence continue from its current terminus across his property and his neighbor's property to Hayes Street.

**Finding:** Abutting development includes the following:

*North:* Fred Meyer Store: The Springbrook Oaks Specific plan requires a visual and sound buffer between the Fred Meyer property and Springbrook Oaks. For the most part, this is provided by the Oak Grove, which will remain intact. A plan for a buffer must be provided for other areas along this border.

*East:* Astor House and farm land (potential assisted living facility). The Astor House is a high density, very modern facility. The proposed development is a moderate density, modern facility. The design will be very similar.

*South:* Park, Oaks at Springbrook Oaks #2, a small undeveloped part of a tract. The proposed development provides a very smooth transition from the attached single family in the Oaks #2 to higher density attached in Phases 1, 2, and 3, and eventually townhomes and apartments in Phases 4 and 5. Access will be provided to the small undeveloped tract.

*West:* Stream corridor, undeveloped commercial property, and County residential properties. The homes and apartments will have rear views of the stream corridor, taking advantage of this resource. This is a natural transition area to the commercial land.

3. *Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:*
  - a. *Public facilities planning by the appropriate agencies; or*
  - b. *A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project; or*
  - c. *Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development.*

## Attachment 8: PUD-07-04 Decision

**Finding:** Current and proposed City sewer, water and storm water master plan improvements to the Springbrook Oaks planning area are shown in the following table:

Utility	Current Provisions	Proposed Provisions
Springbrook Sewer	<p>Springbrook Road contains a 15 inch line. Brutscher Street contains a 10 inch line, connecting to a 12 inch line in Fernwood Road, which terminates at the new pump station in Fernwood.</p> <p>A 6-inch force main and a 12 inch force main were installed in Fernwood Road in the Spring of 2001. A new pump station in Fernwood Road was completed in Fall of 2001.</p> <p>A new sewer main has been installed recently along the stream corridor on the west side of the project. There also is an existing sewer main in Burl Street and Royal Oak Street.</p>	<p>Extension of the onsite 8-inch sanitary sewer system will be continued in each phase.</p>
Water	<p>Brutscher Street and Fernwood Road contain a 12-inch water main which extends along Fernwood to the sanitary sewer pump station.</p> <p>A 24-inch water main has been installed in Hayes Street from the newly completed reservoir to Springbrook Road.</p> <p>8-inch water lines have been installed in Burl Street and Royal Oak Street.</p>	<p>Extension of the existing onsite water system will be continued in each phase.</p>
Storm Water	<p>The site drains generally to the western fork of Springbrook Creek. Storm drains currently exist in Brutscher Street north of Hayes, and within Hayes Street. These tie into a storm drainage detention/water quality basin, which has an outfall to the west fork of Springbrook Creek.</p>	<p>Extension of the existing onsite storm system will be continued in each phase utilizing the detention pond constructed in the northwest portion of the site.</p>

The proposed street improvements are discussed in a subsequent section of this document.

All improvements will be constructed concurrent with each phase.

**4. *The provisions and conditions of this code have been met; and***

**Finding:** Compliance with the objectives and design standards of the SOSP will ensure that all applicable provisions and conditions of the NDC have been met. All final plat documents and all construction plans will be reviewed by City staff to ensure compliance with the conditions of approval of this Planned Development and the SOSP.

5. *Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and*

**Finding:** The design of this Planned Development respects the natural features and topography of the site. The design of this project is aligned with the preliminary planning work accomplished during adoption of the SOSP and sets aside the unique portions of the site in parks and/or open space.

6. *There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and*

**Finding:** The provision of utilities, public ROW and all required infrastructure is addressed in Section VII. of these findings. Certain modifications will be required to the utility layout. As conditioned, there is adequate public ROW for all vehicle and pedestrian needs, and adequate infrastructure for provision of all necessary utilities. The lots with access only to alleyways will require public street frontage. The cul-de-sac in Phase 2 exceeds 400 feet length and serves more than 18 units. However, the cul-de-sac bulb extends to Brutscher Street, half the lots also front Hayes Street, and the other half also front a park. Therefore, there are significant provisions for emergency access.

7. *Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and*

**Finding:** The SOSP was designed to provide adequate public parks for recreation. This Planned Development reflects the decisions made during adoption of the SOSP for location of parks and design of the public ROW system. The site contains a 1.92 acre park and 1.17 acres of open space. All standards for vehicle parking, open space and useable outdoor areas are met with this multi-phase Planned Development project.

8. *Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.*

**Finding:** Please refer to the graphics documents addressing design of the dwelling units, landscaping plans, and building elevations. These graphic documents demonstrate the design compatibility of the units and the project – taking into consideration the desired densities of the SOSP.

### III. Conditional Use Permit Criteria That Apply - NDC § 151.210

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

## Attachment 8: PUD-07-04 Decision

**Finding:** The property is within the Springbrook Oaks Specific Plan area. The proposed development is in keeping with the vision of that plan. The proposal provides a smooth transition: higher densities closer to Fred Meyer, and lower densities further south. The abutting properties include the following:

*North:* Fred Meyer Store: The Springbrook Oaks Specific plan requires a visual and sound buffer between the Fred Meyer property and Springbrook Oaks. For the most part, this is provided by the Oak Grove, which will remain intact. A plan for a buffer must be provided for other areas along this border.

*East:* Astor House and farm land (potential assisted living facility). The Astor House is a high density, very modern facility. The proposed development is a moderate density, modern facility. The design will be very similar.

*South:* Park, Oaks at Springbrook Oaks #2, a small undeveloped tract. The proposed development provides a very smooth transition from the attached single family in the Oaks #2 to higher density attached in Phases 1, 2, and 3, and eventually townhomes and apartments in Phases 4 and 5. Access will be provided to the small undeveloped tract.

*West:* Stream corridor and undeveloped commercial property. The homes and apartments will have rear views of the stream corridor, taking advantage of this resource. This is a natural transition area to the commercial land.

At the time the specific plan was created, a traffic study was prepared. This traffic study was the basis of the recommended improvements in the area, such as improvement to Fernwood Road, the traffic circle at Hayes/Brutscher, and the soon-to-be traffic signal at Hayes/Springbrook. This PD will necessitate further pedestrian improvements on Fernwood Road from the west fork of Springbrook Creek to Springbrook Road.

Thus, the proposal meets the above criterion.

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

**Finding:** The proposal follows the vision of the Springbrook Oaks Specific Plan. It provides medium and high density housing near shopping areas. It provides a strong network of pedestrian paths, parks, and open spaces. The proposed architectural styles are modern, which is similar to and compatible with the surrounding architecture. Overall, this proposal meets this criterion.

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

**Finding:** Detailed findings showing the consistency with Development Code standards are contained elsewhere in these findings.

### IV. § 151.511(B) Springbrook Oaks Specific Plan Development Standards.

**1. Report Adopted.** The project area is contained within the parameters of the Springbrook Oaks Specific Plan, adopted on August 2, 1999. The Specific Plan was developed under several important principles:

**a. *Land Use and zoning district locations should respond to existing surrounding uses.***

## Attachment 8: PUD-07-04 Decision

**Finding:** The Oaks at Springbrook No. 3 Planned Development is a mixed-use residential project that responds to the existing zoning and uses nearby. The residential products graduate from the south to the north with increasing density and height. The mix of residential styles provides an opportunity that responds to the city-wide need for affordable housing options.

**b. *Land uses should be mixed to encourage a balanced development.***

**Finding:** The Oaks at Springbrook No. 3 Planned Development is a mixed-use residential project including detached and attached products to meet the needs of a wide range of residents. The residential components of the SOSP integrate into the area with higher impact commercial uses providing separation from Highway 99W.

**c. *A variety of residential densities and housing types should be developed to provide greater housing opportunities.***

**Finding:** This Planned Development is a continuation of the development pattern initiated with The Oaks at Springbrook No.1 and No.2. With approval of this component there will be a wide variety of housing options available within the SOSP. They include senior citizen housing, detached single family options on a variety of lot sizes, attached single family housing with potential studio apartments, and multi-family apartments.

**d. *Densities should be laid out so as to allow a low impact transition between use zones, ranging from the most dense in the north to least dense in the south.***

**Finding:** The planned development implements a gradual transition from larger single family detached lots at the south end of the site to smaller detached dwelling unit lots, and then across Hayes Street to attached row houses and multi-family dwelling units. This transition in development places the higher density development closer to the commercial improvements, and provides a variety of affordable housing options for the community.

**e. *Brutscher Street should be used as a buffer between zoning districts.***

**Finding:** This SOSP principle was implemented when the Specific Plan was adopted.

**f. *The site should contain a connected street pattern that is integrated into the Newberg Transportation Plan.***

**Finding:** The Oaks at Springbrook No. 1 and No. 2 initiated a local street pattern that provides connectivity and safe traffic patterns throughout the SOSP. The Oaks at Springbrook No. 3 continues the established traffic patterns and includes the use of pedestrian links and alleys. The alleys provide opportunities for a varied streetscape with emphasis on “pedestrian friendly” facades by placing garages and driveways off of the streets. The pedestrian links throughout the project enhance walking and bicycling opportunities.

**g. *Secondary collector streets should be used as an alternative to Highway 99.***

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**Finding:** This SOSPP principle was implemented when the Specific Plan was adopted. The Planned Development respects the street classifications and the required streetscape amenities on the collector streets.

- h.** *A strong pedestrian circulation system should be developed to provide connectivity and to reduce vehicular traffic.*

**Citizen comment:** Carol Williams, Astor House (phone comment) commented that she would like to add a crosswalk across Brutscher Street just north of the roundabout.

**Finding:** The Oaks at Springbrook No. 3 continues the established traffic patterns, streetscapes and sidewalks, and includes the use of pedestrian links and alleys. The alleys provide opportunities for a varied streetscape with emphasis on “pedestrian friendly” facades by placing garages and driveways off of the streets. The pedestrian links throughout the project enhance walking and bicycling opportunities.

There is a crosswalk at the roundabout. However, there is no sidewalk on the west side of Brutscher Street. The planned development proposes constructing this sidewalk. In addition, the development should provide a series of benches along Brutscher Street and other long pedestrian paths. The benches will provide resting points; this is especially important considering the large elderly population with the area.

- i.** *Sensitive stream corridors should be protected as much as is practical.*

**Finding:** The proposed development is almost completely outside the stream corridor. There is a portion of the proposed lots Phase 3, Lots 31-35 that is within the stream corridor. The applicant will be required on all portions of the site to protect the stream corridor.

Storm drainage from the site is directed to a detention pond/water quality pond prior to release into the creek.

- j.** *Wooded areas of the property should be retained as much as is practical.*

**Finding:** The Planned Development respects the significant natural area surrounding the Oak Grove Park. The proposed “naturalizing” improvements to Oak Grove Park will be installed during construction of Phase 4 of this Planned Development.

- k.** *Recreational opportunities should be provided in residential areas through neighborhood parks.*

**Finding:** The proposed improvements to Oak Grove Park will be installed during construction of Phase 4 of this Planned Development. These amenities are in additions to the development of Gladys Park constructed in conjunction with The Oaks at Springbrook No. 2.

- l.** *Implementation policies should provide developers with some flexibility to respond to future design and market forces.*

## Attachment 8: PUD-07-04 Decision

**Finding:** The planned development process is one way this flexibility is provided. The R-P/SP area north of Hayes Street was designed to allow office use, multi-family use, or institutional use. The R-3 area south of Hayes Street was designed to allow market rate apartments. The proposed development responds to market needs for smaller lot, single family detached housing. By locating townhomes, accessory dwelling units/home office spaces, and apartments in the R-P area, the overall housing needs/mixed use needs envisioned in the specific plan are met.

**2.(b.) *Densities and lot sizes shall be in accordance to the standards established in division (B)(8)(a).***

**Finding:** See Section IV.8. below.

**3. *Street and Pedestrian Pathway Standards.***

**Finding:** Sections 151.685 – 151.699 and 151.715 – 151.725 are addressed in Section VII. of this document.

**4. *Residential Design.***

**Finding:** The applicant submitted graphics documents addressing design of the dwelling units, landscaping plans, and building elevations (Refer to Applicant’s Application, Section H.). These graphic documents demonstrate the design compatibility of the units and the project, taking into consideration the desired densities of the SOSP. The application submittal includes drawings illustrating that multiple, non-repetitive home designs (detached dwelling units) shall be used in Phase 1 and 2 of the planned development. No two identical designs shall be located closer than every three residences on any street frontage. The attached garages do not extend beyond any primary entry façade.

**5. *Setbacks. Figures 1 and 2 of the Springbrook Oaks Specific Plan identify special setback standards that apply to the property.***

**Finding:** See response under item 6.(a)(1). below.

**6. *Residential - Development Areas A through F Setbacks - Figure 1 of the Springbrook Oaks Specific Plan.***

**Finding:** Adjustments to adopted setbacks for the buildings in the Planned Development are requested. The dimensions in bold in the ‘Proposed’ column are less than mandated by the SOSP or NDC, as applicable. All other setbacks are met or exceeded.

**Dimensional Criteria Table - Setbacks**

<b>R-3 Detached Dwelling Units</b>			
Maximum Dwelling Unit Height	45’ or 3 story (the lesser)	35’ overall - or 3 story (the lesser)	30’ / 2 story
Front Yard Porch Setback	12’	10’	10’
Front Yard Building Setback	12’	15’	15’
Front Yard Garage Setback	20’	20’	20’
Rear Yard Building Setback	5’	--	10’
<b>Interior Yard Building Setback</b>	<b>5’</b>	<b>--</b>	<b>3.5’</b>

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Street Side Yard Building Setback	5'	15'	10'
Minimum Lot Width at Building Line	50'	--	30'
Maximum Lot Coverage	70%		75%
<b>RP Attached Dwelling Units</b>			
Maximum Dwelling Unit Height	30' or 2.5 story (the lesser)	35' overall - or 3 story (the lessor)	35' <sup>4</sup> 3 story
Front Yard Porch Setback	12'	10'	10'
<b>Front Yard Building Setback</b>	<b>12'</b>	<b>15'</b>	<b>15'</b>
<b>Front Yard Garage Setback</b>	<b>20'</b>	<b>20'</b>	<b>20'</b>
Rear Yard Building Setback	8'	--	10'
Interior Yard Setback	8'	--	5' <sup>1</sup>
Rear Yard Building/garage Setback to Alley Row	8'	--	2'

Attached Home Setbacks - The preliminary plans identify that 82 lots in Phase 4 shall be used for attached homes. As conditioned, the applicant will provide evidence that staggered front setbacks of at least two (2) feet shall be established for attached homes as one of the final approval submittal documents. No two attached dwelling units with the same setback shall be located closer than every two residences on any street frontage.

**7. Street Trees.**

**Finding:** The applicant has submitted a street tree plan that conforms with the Development Code and Specific Plan standards.

**8. Residential Density.**

**Finding:** Per the Springbrook Oaks Specific Plan, the following densities shall apply to the proposed development:

<i>Zone</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Area Per Dwelling Unit</i>	<i>Maximum Density (dwelling units/acre)</i>
<i>R-P</i>	<i>1,500 sq. ft.</i>	<i>1,500 sq. ft.</i>	<i>21.8</i>
<i>R-3</i>	<i>2,500 sq. ft.</i>	<i>2,500 sq. ft.</i>	<i>13.1</i>

RP Density Analysis:

Total Area: 10.5 Acres  
 Maximum Density: 21.8 Units x 10.15 Acres = 221 Units  
 Proposed Units: 142

<sup>4</sup> NDC defines "Building Height" as "the vertical distance.....to the average height (midpoint) of the highest gable of a pitch or hip roof".

<sup>1</sup>Does not apply to the attached side of the attached dwellings.

R-3 Density Analysis:

Total Area: 7.35 Acres  
Maximum Density: 13.1 Units x 7.35 Acres = 96 Units  
Proposed Units: 70

Residential density is governed by the "SP" overlay subdistrict. These standards supersede any density or density transfer standards established in the Newberg Development Code. Up to one-hundred percent (100%) of the land zoned R-P within Area B may be developed for residential use. All of the attached dwelling unit lots proposed are greater than the applicable square foot minimum listed above. Only 4 of the detached dwelling unit lots are smaller than 2500 square feet.

**9. *Sign Standards.***

**Finding:** Project signage will be addressed as a separate application subsequent to application for final approval of this Planned Development.

**10. *Tree Management Plan.***

**Finding:** The proposed development is not within Development Area H.

**11. *Permitting Process.***

**Finding:** The PUD application is being reviewed as a Type III process.

**12. *Plan Amendments.***

**Finding:** No plan amendments are proposed at this time.

**V. *Springbrook Oaks Specific Plan, Miscellaneous Policies:***

***Where possible, opens space shall be conveyed to the Chehalem Park and Recreation District.***

**Finding:** The Oak Grove park is required to be conveyed to the Chehalem Park and Recreation District.

***A central plaza park shall be located near the center of the Springbrook Oaks to provide a focal point for community activity and a common identity for the community.***

**Finding:** Previous developments within Springbrook Oaks have developed major portions of this plaza. First, a roundabout has been placed at the intersection of Brutscher and Hayes Street. There is a very attractive fountain and landscaping within this roundabout. This serves as the visual focus for the Springbrook Oaks area. Second, a neighborhood park, Gladys Park, has been constructed on the south side of the this development. The Oaks at Springbrook Oaks No. 3 will continue this central plaza focus by adding landscaping features at corner on the west side of Brutscher and Hayes. As conditioned, benches will be placed in Tract G to serve as a gathering place.

***A visual and sound buffer shall be installed between the Fred Meyer property and Springbrook Oaks. The buffer will be specifically designed to mitigate conflicts between the adjacent uses.***

**Finding:** For the most part, this is provided by the Oak Grove, which will remain intact. A plan for a buffer must be provided for other areas along this border.

***Fernwood Road shall be improved to City of Newberg Major Collector standards from Springbrook Road to the access road to the development Area H as development proceeds. The improvements shall provide, at a minimum, a three-quarter street improvement along the Springbrook Oaks frontage, and safe pedestrian bicycle access to Springbrook Road.***

**Finding:** Fernwood Road has been improved with a three-quarter street improvement from Brutscher Street to the west fork of Springbrook Creek. Safe pedestrian and bicycle access from the creek crossing to Springbrook Road must be provided with this development.

***Building Orientation. All development shall be oriented to a local or collector street when possible. Orientation shall be achieved by the provision of an entry door fronting upon the street with a direct sidewalk connection from the door to the public sidewalk.***

**Finding:** Almost all units are oriented toward the street as noted above. One exception is lots 61-66 in Phase 4. these are oriented toward a public open space. As conditioned, this area will require redesign and orientation toward the street. The other exception is Phase 5, buildings 1-4. Buildings 3 and 4 can be oriented toward the street by a simple rotation of the building. Buildings 1 and 2 are interior to the lot and, with construction of another street, cannot be oriented towards one. Since all other units are oriented toward the street, it would be a reasonable allowance through the Planned Development process to allow these two buildings interior orientation.

**VI. Springbrook Oaks Specific Plan Appendix C - Building Design and Development Standards - Attached Residential Dwelling Units Areas. (Applies to Phase 4)**

**A. Individual entries shall be oriented towards a road.**

**Finding:** All of the dwelling unit entries for Phase 4 are oriented towards a public street.

**B. Buildings shall be articulated in such a manner that no more than 25 feet of horizontal building façade will be permitted.**

**Finding:** The buildings in Phase 4 are staggered to avoid flat, unarticulated primary facades. Please refer to the elevation and plan drawings.

**C. When possible, garages and carports should not be adjacent to primary streets.**

**Finding:** The design of Phase 4 includes an alley system so that approximately 25% of the units are alley loaded to the garages.

**D. All buildings shall utilize materials that meet or exceed current industry standards.**

**Finding:** Refer to the elevation and plan drawings (Applicant's Application, Section H.) for selected materials and color schemes.

**E. Each dwelling unit shall incorporate individual areas of exterior space no less than 50 sq. ft.**

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**Finding:** The majority of the units in Phase 4 meet or exceed this requirement. As conditioned, no more than 5 units will have less than the required standard exterior space. There may be certain units that have useable exterior outdoor space adjacent to public streets.

**F. *No roof slope shall be less than 4:12 pitch.***

**Finding:** All the roof pitches will meet or exceed this standard.

**G. *The minimum landscape percentage shall be 30% or more of the overall site.***

**Finding:** The site includes a large park that will be dedicated to Chehalem Park and Recreation District. This standard is met.

**H. *No building shall be greater than 35 feet, or three stories in overall height.***

**Finding:** The townhouse units are designed as two or three story units, with a maximum height of 35 feet to the mid-point of the gable on the pitched roof.

**I. *Trash enclosures.***

**Finding:** Each townhouse will be responsible for it's own garbage and recycling.

**J. *Each development shall provide an internal pedestrian circulation system.***

**Finding:** The Phase has sidewalks along each public street and additional pedestrian links throughout the development.

**K. *All parking ratios shall meet city standards.***

**Finding:** The townhouse project includes garages for each unit with additional parking in driveways and along the public streets in limited areas.

**L. *All buildings shall be colored in earth tones.***

**Finding:** Please refer to the elevation and plan drawings.

**M. *Exterior trim***

**Finding:** Please refer to the elevation and plan drawings

**N. *All primary collector streets.***

**Finding:** All streets comply with the design standards adopted in the SOSP and/or modified in earlier project approvals.

**O. *All setbacks shall comply with Figures 10 and 11.***

**Finding:** All setbacks comply with the design standards adopted in the SOSPP and/or modified in earlier project approvals.

**VII. NDC § 151.242 - Subdivision Standards**

**A. 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 any adjoining land or access thereto.**

**Citizen Comment:** Curt Landis, 212 N. Springbrook Road (commenting on a concurrent partition application for the property) would like an easement and utilities to his property.

**Finding:** The applicant has submitted a subdivision application for development of a 140 lot subdivision named Oaks at Springbrook No. 3. The subdivision will not "adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto" because both city and state safety and health standards are built into the regulations governing approval of tentative plans, and associated infrastructure, such as access and utilities.

The adjacent undeveloped portion of Tax Lot 3221BB-200 (212 N. Springbrook Road) lies east of the west fork of Springbrook Creek and has no other direct public access. As conditioned the applicant to provide a 25-foot wide right-of-way dedication to the east side of Tax Lot 3221BB-200 for future development. The applicant will also be required to install a standard driveway curb cut on the unnamed street in Phase 3 to serve the access drive for this portion of Tax Lot 3221BB-200.

**B. The subdivision complies with this code including but not limited to §§ 151.450 through 151.617 and §§ 151.680 et seq.**

**Finding:** There are two subdistricts that overlay additional requirements on development of land or uses on the subject property. These include Part 15 Stream Corridor Sub-district and Part 17 referring to the Springbrook Oaks Specific Plan.

**1. Part 15 - Stream Corridor Subdistrict**

**Finding:** The proposed development is almost completely outside the stream corridor. There is a portion of the proposed lots Phase 3, Lots 31-35 that is within the stream corridor. The applicant will be required on all portions of the site to protect the stream corridor.

All necessary approvals and permits required for the construction of Hayes Street and the detention and water quality facilities for the Oaks at Springbrook No. 1, No. 2., and No. 3, have been designed and approved through prior land use actions.

**2. Part 17 - The Springbrook Oaks Specific Plan**

**Finding:** The Springbrook Oaks Specific Plan (SOSP) was adopted on August 2, 1999. This document included two parts, one being the development standards listed in the NDC and the second being the plan and policy document which is included as part of the NDC by reference. The Springbrook Oaks Specific Plan is addressed in detail in Sections IV. and V. of this document.

**3. NDC §§ 151.685 – 151.695 Street and Pedestrian Pathway Standards**

- **§ 151.685 Dedication.**
  - (A) *Generally. The Director may require right-of-way for adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the applicant of such design and in such locations as are necessary to facilitate provision for the transportation and access needs of the community and the subject area in accordance with the purpose of this code.*
  - (B) *Special safety requirements. Where necessary to insure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subject area, the Director may require that local streets be so designated as to discourage their use by non-local traffic.*
  - (C) *Ownership verification of dedications. In the event approval of a land division is conditioned upon the dedication of a portion of the area to the public, the applicant shall submit to the Director a title report issued by a Title Insurance Company licensed in the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public.*
  - (D) *Approval required on dedications. No instrument dedicating land to the public shall be accepted for recording unless such instrument bears the approval of the Director.*

**Finding:** The preliminary plat design proposes dedication of public streets to provide access to each proposed new lot. A preliminary title report is submitted with the application documents. The final plat documents dedicating land to the public will be signed by the appropriate City officials.

**NDC § 151.686 Street Width.**

- (A) *Generally. Roads and streets shall be laid out so as to conform to subdivisions and partitions previously approved for adjoining property as to width, general direction and in other aspects, unless it is found in the public interest to modify the street or road pattern.*
- (B) *Street width standards. The width of street right-of-way provided in the table below shall be the minimum widths of right-of-way for streets existing along, adjacent to, and within a subdivision or partition, and the applicant shall dedicate additional right-of-way ...*
- (C) *Public street standards. Public street standards identifying the street width, planter areas, location and width of utilities and utility easements ....7.*
- (D) *Slope easements. Slope easements shall be dedicated in accordance with specifications ...*
- (E) *Temporary street improvements. Three-quarter width streets may be provided ...*

<i>Local Street Width (excerpted from the NDC)</i>				
<i>Local Street Standard</i>	<i>Intended Land Use Type</i>	<i>Maximum Amount of Development with Street Access*</i>	<i>Maximum Block Length*</i>	<i>Comments</i>

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32' parking both sides 54' to 65' right-of-way	Single family	Y	No maximum	500 feet	34' in commercial areas if substantial on-street truck parking is anticipated
	Multi dwelling	Y	No maximum		
	Commercial	Y	40,000 sq. ft. floor area		
	Industrial	N	NA		

Street standard drawings within the SOSP indicate that local street should have a 60' right-of-way, a 32-foot paved width, 6-foot planter strips, and 5-foot sidewalks.

**Finding:** The preliminary plat documents illustrate the proposed local streets for the project. The applicant proposes a 55-foot ROW, a 32-foot paved width, 5'10" planter strips, and 5-foot sidewalks on local streets. The attached finding require the right-of-way to be expanded to 56 feet to accommodate a full 6-foot wide planter and sufficient right-of-way to enable monumentation. Any necessary slope easements will be recorded on the final plat documents. The graphic documents include proposed street cross sections for each of the three types of proposed public ROW. The proposed street sections and improvements meet the standards contained in the NDC.

In order to install streetscape improvements on Hayes Street similar to the existing improvements on Brutscher Street adjacent to the Oaks at Springbrook No.1 and No. 2, there will be a 7.5 foot wide landscape easement recorded along both sides of Hayes Street on the adjacent private property. There is a 10-foot wide utility easement recorded along both sides of Hayes Street on the adjacent private property.

**NDC § 151.688 Intersections of Streets.**

- (A) **Angles.** *Streets shall intersect one another at an angle as near to the right angle as is practicable considering topography of the area and previous adjacent layout; where not so practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30 feet centerline radius where such angle is not less than 75 degrees. In the case of streets intersecting at an angle of less than 75 degrees, then of such minimum as the Director may determine in accordance with the purpose of this code.*
- (B) **Offsets.** *Intersections shall be so designed that no offset dangerous to the traveling public is created as a result of staggering of intersections; and in no case shall there be an offset of less than 100 feet centerline to centerline.*
- (C) **New or improved intersection construction shall incorporate the minimum intersection curb return radii requirements:**

**Finding:** The preliminary street alignment for the Planned Development complies with the NDC standards for the intersections of streets.

**NDC § 151.689 Topography.** *The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.*

**Finding:** The preliminary street alignment for the Planned Development complies with the NDC standards for the topographic design of streets.

**NDC § 151.691 Cul-de-sac.**

- (A) *Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, pedestrian walkways shall be provided to connect with another street, greenway, school, or similar destination unless one or more of the circumstances listed in this section exist.*
- (1) *Physical or topographic conditions make a street or walkway connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.*
  - (2) *Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.*
  - (3) *Where streets or accessways would violate provisions of leases, easements, or similar restrictions.*
  - (4) *Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.*
- (B) *There shall be no cul-de-sacs more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb) or serving more than 18 single family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in the table in § 151.686.*

**Finding:** The cul-de-sac in Phase 2 is approximately 550 feet long and serves 24 homes. Based on the existing public street configuration and the location of a public park directly to the south of the parcel there is no other practicable alternative for development. No direct street access to dwelling units is allowed from Hayes Street or Brutscher Street, thus requiring a second local street running parallel to Hayes Street.

However, this particular cul-de-sac has several features that make it acceptable. The cul-de-sac bulb extends to Brutscher Street, half the lots also front Hayes Street, and the other half also front a park. Therefore, there are significant provisions for emergency access. Thus, this standard may be exceeded through the planned development.

***NDC § 151.694 Platting Standards for Alleys.***

- (A) *Dedication. The Director may require adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of this code.*
- (B) *Width. Width of right-of-way and paving design for alleys shall be not less than 20 feet, except that for an alley abutting land not in the subdivision or partition a lesser width may be allowed at the discretion of the Director where the land divider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required. Slope easements shall be dedicated in accordance with specifications adopted by the City Council under §§ 151.715 et seq.*
- (C) *Corner cut-offs. Where two alleys intersect, ten feet corner cut-offs shall be provided.*
- (D) *Grades and curves. Unless otherwise approved by the Director where topographical conditions will not reasonably permit, grades shall not exceed 12% on alleys, and centerline radii on curves shall be not less than 100 feet.*

- (E) *Other requirements. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley or alleys" respectively.*

**Finding:** There are several proposed public alleys in Phase 3 and Phase 4 of the Planned Development. All applicable design and construction criteria have been met in the design of these alleys.

*NDC § 151.695 Platting Standards for Blocks.*

- (A) *Block length and perimeter. Block length shall not exceed 500 feet. The average perimeter of blocks formed by streets shall not exceed 1,500 feet. Exceptions to the block length and perimeter standards shall only be granted where street location and design are restricted by controlled access streets, railroads, steep slopes, wetlands, water bodies, or similar circumstances.*
- (B) *Public access ways. When necessary for public convenience and safety, the Director may require the land divider to dedicate to the public access ways 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 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 uses as included in division (C) of this section.*
- (C) *Easements for utilities. Dedication of easements for storm water sewers, and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and maintenance, and dedication of easements for other public utilities, may be required of the land divider at sufficient widths for their intended uses, by the Director along lot or parcel rear lines or side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this code. Before a partition or subdivision can be approved, there shall appear thereon a restriction providing that no building, structure, or other obstruction shall be placed or located on or in a public utility easement.*

**Finding:** The proposed development provides an integrated network of public streets and pedestrian ways. In each case where the block standards can be met, they have been. One exception is for areas that front Brutscher Street. Street access has been limited here to respect the functional classification of the roadway. Through pedestrian access has been provided in two locations. The other exception is around Phase 5 and the oak grove park. The driveways and walks in this area do provide convenient pedestrian and traffic circulation. Thus, the plan meets the intent of the block length standards, and can be approved the Planned Development process.

*NDC § 151.718 Water Supply - All lots and parcels within subdivisions and partitions shall be served by the water system of the City of Newberg.*

**Finding:** The new development will be served by City water lines, and each dwelling or other site will have its own metered water system, to be installed by the developer. Specific line sizes are not identified on the Preliminary Plat. The applicant has indicated that water lines will be a minimum of 8" in diameter. Some additional looping of water lines will be required.

- A. *NDC § 151.719 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.*

**Finding:** Each dwelling or other use on the development site will have its own sewer lateral, connecting to a city sewer mainline to be installed by the developer. Service is available from the gravity lines stubbed from The Oaks at Springbrook No. 2.

*NDC § 151.720 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.*

**Finding:** The site will be graded and constructed to allow for proper drainage. Overland surface drainage is to adjacent ditches and Springbrook Creek. The existing detention pond adjacent to Phase 5 has been sized to accommodate this project. Storm water falling on the site north and west of Hayes Street will drain to the streets, where it will be collected, routed through the storm water detention facility, and eventually discharged into the west fork of Springbrook Creek. The grading and drainage improvements are not expected to negatively affect surrounding areas. Specific drainage improvements will be shown on construction drawings for the development, and erosion control plans will be provided as part of each construction permit application.

*NDC § 151.721 Streets and Alleys The land divider shall grade and pave all streets and alleys in the subdivision or partition to the width specified, 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. 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 to provide street signs.*

**Finding:** All new streets and alleys will comply with City standards. The applicant will build all streets, drainage, and street lights on the development site, and these improvements will meet City specifications. Construction plans will be prepared for each phase of development.

*NDC § 151.722 Existing Streets*

**Finding:** Right-of-way will be dedicated as necessary.

*NDC § 151.723 Sidewalks*

**Finding:** Sidewalks shall be located and constructed in accordance with the provisions of NDC. Public street and utility improvements will include sidewalks along the frontage of parks and tracts. Sidewalks on residential, multi-family, and mixed-use lots will be constructed at the time of building permits on the individual lots.

*NDC § 151.724 Pedestrian Ways*

**Finding:** All walkways will be paved by the applicant according to City specifications. The applicant will need to clarify maintenance responsibilities for each of these pedestrian ways.

***NDC § 151.725 Street Trees***

**Finding:** Street trees will be provided as required by the City. Street trees shall be provided adjacent to all public rights-of-way abutting or within the subdivision. Street trees shall be installed in accordance with the provisions of the NDC.

***NDC § 151.535 Main Buildings and Uses as Accessory Buildings.***

- (A) ***Hereinafter, any building which is the only building on a lot is a main building.***
- (B) ***In any residential district except RP, there shall be only one main use per lot or development site, provided that home occupations shall be allowed where permitted.***
- (C) ***In any residential district, there shall be no more than two accessory buildings on any lot or development site.***

**Finding:** The preliminary plans for the planned development illustrate the proposed placement of dwelling units on each lot, complying with this section of the NDC. No accessory buildings are proposed through this planned development application.

***NDC § 151.536 Building Height Limitation.***

- (A) ***Residential:***
  - (1) ***In the R-1, R-2 and RP Districts, no main building shall exceed two and one-half stories, or 30 feet in height, whichever is lesser. Accessory buildings in the R-1, R-2, R-3 and RP Districts are limited to one story, or 16 feet in height, whichever is lesser.***
  - (2) ***In the R-3 District, no main building shall exceed three stories or 45 feet in height, whichever is lesser, except where an R-3 district abuts upon an R-1 District, the maximum permitted building height shall be limited to two and one-half stories or 30 feet, whichever is the lesser, for a distance of 50 feet from the abutting boundary of the aforementioned district.***

**Finding:** This Planned Development proposed adjustments to the SOSP and NDC standards for building height in the R-3 and R-P districts in order to better accommodate the proposed building types and densities envisioned in the SOSP as shown below.

**Dimensional Criteria Table – Maximum Building Height**

Standard	Required		Proposed
	NDC	SOSP	
<b>R-3 Detached Dwelling Units</b>			
Maximum dwelling unit height (R-3)	45’ or 3 story (the lesser)	35’ overall - or 3 story (the lesser)	30’ * / 2 story
<b>RP Attached Dwelling Units</b>			
Maximum dwelling unit height	30’ or 2.5 story (the lesser)	35’ overall - or 3 story (the lesser)	40’ * / 3 story

\* NDC “Building Height – the vertical distance.....to the average height (midpoint) of the highest gable of a pitch or hip roof”.

**A. NDC § 151.538 Public Access Required.**

*No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access. Existing private streets may not be used for access for new dwelling units, except as allowed under § 151.567. No building or structure shall be erected or altered without provisions for access roadways as required in the Uniform Fire Code, as adopted by the city.*

**Finding:** All of the proposed lots front or abut a public street, with the exception of lots 61 through 66. These do not abut on a public street, but on an alley only. The plan must be modified so that these front a public street.

**NDC § 151.539 Rules and Exceptions Governing Single Family Attached.**

*In all residential districts, single family attached dwelling units may be permitted provided:*

- (A) Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot which include existing lots of record.*
- (B) The dwelling units shall have a common wall at the “zero” lot line.*
- (C) The combined area of lots shall not be less than the lot area required in the residential district.*
- (D) The lot or development site area requirement per dwelling unit listed in this code shall apply to each individual lot.*
- (E) The setback requirements will apply to each dwelling unit independently, except that the setback for the “zero” lot line shall be waived.*
- (F) Each dwelling unit shall have independent services which include, but are not limited to sewer, water and electricity.*
- (G) Authorization of single family attached dwelling units does not waive any requirement specified within the Uniform Building Codes or other applicable requirements.*
- (H) Maximum lot coverage requirements specified in this code shall apply to each individual lot.*
- (I) A site plan is approved by the Director prior to issuance of a building permit. In approving a site plan, the Director may attach any conditions necessary to fulfill the purpose of this code.*

**Finding:** The planned development includes 82 attached single family dwelling units in the R-P district. The layout of Phase 4 of the planned development encompasses all of the stipulated design standards identified in the NDC and/or SOSF for attached dwelling units.

***NDC § 151.555: Vision Clearance Setback.***

*The following vision clearance standards shall apply in all zones (Fig. 9).*

- (A) At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.*
- (B) At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.*
- (C) Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.*

**Finding:** All of the yard setback criteria for this Planned Development area governed by the standards in the SOSOP and are addressed in detail in Sections I and II of these findings. The vision clearance setbacks and standards will be met throughout the project to ensure safety for drivers and pedestrians.

***NDC § 151.565(A)(2): Lot Area; Lot Area Per Dwelling Unit.***

*In the R-2, R-3, RP, C-1, C-2, and C-3 Districts, each lot or development site shall have a minimum of 5,000 square feet or as may be established by a sub-district. In calculating lot area for this section, lot area does not include land within public or private streets.*

***NDC § 151.566 Lot Area Exceptions.***

*The following shall be exceptions to the required lot areas:*

- (C) Planned unit developments provided they conform to requirements for planned unit development approval.*

**Finding:** The lot areas for this Planned Development are established by the SOSOP.

***NDC § 151.567: Lot Dimensions and Frontage***

*Width. Widths of lots shall conform to the standards of this Code.*

*Depth. Each lot and parcel shall have an average depth between the front and rear lines of not more than 2 ½ times the average width between the side lines. Depths of lots shall conform to the standards of this Code.*

*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.*

*Frontage.*

- (A) 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 §§ 151.003, shall be created to provide frontage or access.*
  - (b) Each lot in an R-1, R-2, R-3 or RP zone shall have a minimum width of 50 feet at the front building line.**
- (B) The above standards apply with the following exceptions:*

- (a) *Legally created lots of record in existence prior to the effective date of 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 access for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to Fire Access Road standards and installation of necessary utilities.*

**NDC § 151.568: Lot Coverage and Parking Coverage Requirements.**

- (A) *For all buildings and uses the following shall mean the maximum permitted lot coverage, maximum coverage of public or private parking areas or garages, and/or combined maximum lot and parking combined coverage required in the various districts expressed in percentage of the area of the lot or development site in which district such coverage is permitted or required (Fig. 4).*
  - (1) *Maximum lot coverage.*
    - (a) *R-1: 30%.*
    - (b) *R-2 and RP: 40%.*
    - (c) *R-3: 50%.*
  - (2) *Maximum coverage for parking lots; aisles and access; and parking structures, where 50% or more of the perimeter of such structure is open on its sides: R-1, R-2, R-3 and RP: 30%.*
  - (3) *Combined maximum lot and parking area coverage:*
    - (a) *R-1, R-2 and RP: 60%*
    - (b) *R-3: 70%*

**Finding:** The proposal as submitted conforms to the requirements of NDC §§ 151.567 and 151.168 as shown below. Dimensions in bold are exceptions from the NDC or SOSP. The exceptions are authorized as part of the Planned Development request.

**Dimensional Criteria Table – Lot Dimensions and Lot Coverage**

Standard	Required		Proposed
	NDC	SOSP	
<b>R-3 Detached Dwelling Units</b>			
Minimum Lot Width at building line	50'		<b>30'</b>
Maximum Lot Coverage R-3	70%		<b>75%</b>
<b>RP Attached Dwelling Units</b>			
Minimum Lot Width at building line	50'		<b>20'</b>
Maximum Lot Coverage RP	60%		<b>90%</b>

**NDC § 151.681: 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 has been prepared by an Oregon Licensed Land Surveyor.

**(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 different 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 applicant has named the subdivision Oaks at Springbrook No. 3. The subdivision is an extension of a contiguous subdivision.

**(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.*

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

**Finding:** The tentative plat includes the date, north point, scale and area description, together with the name and address of the owner and engineer or surveyor.

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

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

**(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 ten percent.*

**(c)** *Five-foot contour intervals for ground slopes exceeding ten percent.*

**Finding:** Existing and proposed right-of-way lines are included on the tentative plan. Street dedications to supply right-of-way in compliance with the City's street specifications will be provided by the approval of the tentative plan.

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

**(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 § 151.687 of this code.*

**Finding:** The proposed grading plan indicates site contours and preliminary site grading. The plan has been prepared by an Oregon registered engineer or land surveyor.

- (9) *The approximate radii of all curves.*
- (10) *The general design of the proposed subdivision including the approximate dimension of all proposed lots and parcels.*

**Finding:** Proposed easements and reserve strips, approximate radii of all curves, and the general design of the proposed subdivision are indicated on the preliminary plat.

- (11) *The approximate location of areas subject to inundation of storm water, and the location, width, and direction or flow of all water courses.*

**Finding:** Water courses have been identified on the preliminary plat.

- (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 property is vacant.

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

**Finding:** The plan shows the proposed sewer, water, and storm drainage systems.

- (15) *All public areas proposed to be dedicated by the applicant and the proposed uses thereof.*

**Finding:** Public areas proposed for public use have been identified on the site map. The applicant will need to complete dedication of the Oak Grove park.

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

**Finding:** The required improvements will either be completed, or will 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.

- (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:** The applicant provided a legal description of the site as part of the application process.

- (18) *Outline and location of existing buildings, features, and trees (in excess of four inches d.b.h.) to remain in place on the site and within 100 feet of the site.*
- (19) *Outline and location of existing buildings, features, and trees (in excess of four inches d.b.h.) to be removed on the site.*

**Finding:** Existing structures and trees and those proposed for demolition or removal have been identified on the site analysis plan.

- (C) *Traffic study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the Director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the Director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service*

**Finding:** A traffic study was prepared as part of the creation of the SOSp. The applicant has submitted a letter stating that the proposed plan falls within the parameters of the Springbrook Oaks Specific Plan and the traffic analysis contained therein. Therefore, no further analysis for this project is required.

*Newberg Comprehensive Plan: Public Facilities and Services - All Facilities and Services Policy #1.h. The policy states that new residential areas shall have: paved streets, curbs, pedestrian ways, water, sewer, storm drainage, street lights and underground utilities.*

**Finding:** Utilities are available and can be extended to serve the site. All utilities will be underground. Paved access will be provided to the site by the applicant. Street lights will be provided in accordance with City standards. Acorn style lights, similar to those with Oaks at Springbrook Oaks No. 1 and 2, will be allowed.

C. *Either,*

- (A) *Improvements required to be completed prior to final plat approval; or*  
(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*  
(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.*

**Citizen Comment:** Curt Landis, 212 N. Springbrook Road (commenting on a concurrent partition application for the property) would like to see Hayes Street opened up before further development

**Finding:** The required improvements will either be completed, or will 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. Hayes Street is nearly complete, and will be open for traffic prior to completion of any phases.

VIII. NDC § 151.195 Additional Requirements for Multi-unit Residential Projects.

*The purpose of this section is to ensure that residential projects containing three or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live*

*there, and are compatible with surrounding development. As part of the site design review process, an applicant for a new multi-unit residential project must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for attached single family projects of any size and smaller multi-family projects with six or fewer units and at least 20 points are required for multi-family projects with seven or more units.*

**(A) Site design elements.**

- (1) Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of open space areas which can be consolidated into children’s play areas, gardens, and/or dog-walking areas. (3 Points)**
- (2) Preserve existing natural features, including topography, water features, and/or native vegetation. (3 Points)**
- (3) Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12-15 feet for two story buildings) to create a more “pedestrian-friendly” environment. (3 Points)**
- (4) Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other “pedestrian-friendly” amenities. (3 Points)**
- (5) Create “outdoor” rooms in larger projects by grouping buildings to create well-defined outdoor spaces. (2 Points)**
- (6) Provide good quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species. (2 Points)**
- (7) Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties. (2 Points)**
- (8) Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade. (1 Point)**
- (9) Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment. (1 Point)**
- (10) Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials. (1 Point)**
- (11) Use entry accents such as distinctive building or paving materials to mark major entries to multi-unit buildings or to individual units. (1 Point)**
- (12) Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings. (1 Point)**

**(B) Building design elements.**

- (1) Orient buildings toward the street. For attached single family and smaller multi-family projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10% of the units should have main entries which face the street rather than be oriented toward the interior. (3 Points)**
- (2) Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings. (3 Points)**
- (3) Break up large buildings into bays by varying planes at least every 50 feet. (3 Points)**

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- (4) *Provide variation in repeated units in both single family attached and large multi-family projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety. (3 Points)*
- (5) *Building materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim. (1 Point for each material described above)*
- (6) *Incorporate architectural elements of one of city's historical styles (Queen Anne, Dutch Colonial Revival, Colonial Revival, or Bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards. (2 Points)*
- (7) *Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street. (2 Points)*
- (8) *Provide a front porch at every main entry as this is both compatible with the city's historic building pattern and helps to create an attractive, "pedestrian-friendly" street scape. (2 Points)*
- (9) *Use slope roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable. (2 Points)*

(Note: NDC § 151.226 General Provisions (for Planned Developments), (Q) Design standard states: *The proposed development shall meet the design requirements for multi-unit residential projects identified in § 151.195. A minimum of 40% of the required points shall be obtained in each of the design categories.*)

**Finding:** These standards apply to Phase 4 and Phase 5. The proposed Phase 4 far exceeds these standards, as shown in the table below. There is insufficient information to conclude that the proposed apartment complex meets the Springbrook Oaks Specific Plan design standards. As conditioned, at the time of design review for the apartment complex, modifications can be made to bring the proposed complex into compliance.

<b>Phase 4 Analysis</b>	<b>Possible Points</b>	<b>Points</b>
<b><i>Site Design Elements</i></b>	<b>22</b>	<b>14</b>
Consolidate green space	3	3
Preserve existing natural features	3	3
Use front setback to build a street edge	3	3
Place parking lots on sides or back of projects	3	1
Create "outdoor rooms"	2	1
Provide good quality landscaping	2	1
Landscape at edges of parking lots	2	0
Use street trees and vegetative screens	1	1
Use site furnishings to enhance open space	1	0
Keep fences "neighborly"	1	0
Use entry accents	1	1
Use appropriate outdoor lighting	1	?
<b><i>Building Design Elements</i></b>	<b>25</b>	<b>17.5</b>
Orient buildings toward the street	3	2
Respect the scale and patterns of nearby buildings	3	3
Break up large building planes into bays	3	3
Provide variation in repeated units	3	2
Building materials: a) wood or wood-like siding b) shingles on roof or upper portions c) brick at base of walls or chimneys d) wood or wood-like sash windows e) wood or wood-like trim	1 each	3
Incorporate historical architectural elements	2	0
Keep car shelters accessory to building	2	.5
Provide a front porch at every main entry	2	2
Use slope roofs at a pitch of 3:12 or steeper	2	?
<b>Total</b>	<b>47</b>	<b>31.5</b>

**IX. Criteria for Property Line Adjustments - NDC § 151.236**

The applicant has requested a property line adjustment to relocated the property line between lots 108 and 109 of the Oaks at Springbrook Oaks No. 2. This adjustment would move the common line between those two lots approximately 4 feet to the south. Lot 109 would go from 35 feet wide to 39 feet wide, and from approximately 2,887 square feet to 3,198 square feet. Lot 108 would go from 35 feet wide to 31 feet wide, and from approximately 2,887 square feet to approximately 2,542 square feet. This is being requested to accommodate a proposed parking area for model homes.

*A property line adjustment is processed as a Type I application. The Director may approve the requested property line adjustment based on the following:*

*(1) The property line adjustment does not create more lots than existed prior to the adjustment.*

**Finding:** This request for a property line adjustment does not create any additional lots, it just changes the area of two lots by adjusting the width of each lot.

*(2) The adjustment does not create any substandard condition relative to this code, including lot area, lot width, setbacks, and access. If any of the original lots do not meet these standards, the adjusted lots may remain non-conforming provided:*

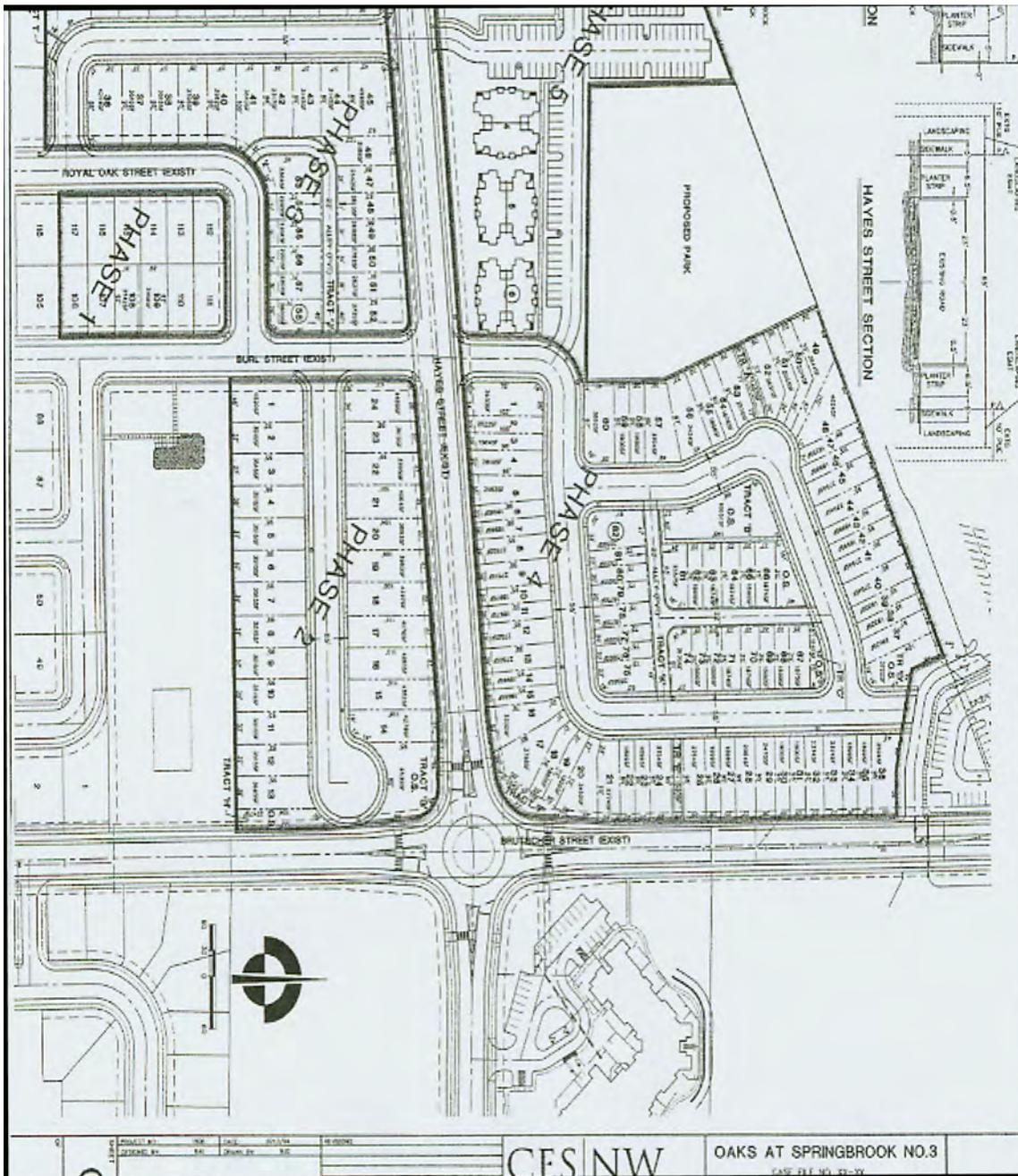
*(a) The adjustment cannot reasonably or practically bring the lots into conformity.*

*(b) The adjustment does not worsen the non-conforming status of the lots.*

**Finding:** Both of the adjusted lots will meet the prescribed minimum lot area of 2500 square feet. The lots will have less than the required NDC lot width of 50 feet for lots in the R-3 zone. The lots currently are less than 50 feet wide. The reduced lot width was approved in the subdivision for the Oaks at Springbrook No. 2 because they were planned for attached single family homes, where the lot width encompasses both lots. The combined lot width of both lots is 70 feet, which meets the lot width standards. The lots must be used for attached single family homes, unless otherwise approved through the Planned Development Process. These revised lots will be included in the Planned Development request for reduced width lots for all of the lots in the R-3 portion of the SOSP.

**Conclusion:** With the conditions listed on the attached pages, the proposal meets all applicable criteria.

Plan Map



**CONDITIONS OF APPROVAL - FILE PUD-7-04/ADJ-131-04**

- I. **Property Line Adjustment:** The developer shall complete the following prior to finalize the property line adjustment:
- A. File deeds with the County Recorder conforming to the approved property line adjustment and ORS 92.190. [NOTE: The new legal description for lot 109 must include the adjusted portion. The new legal description for lot 108 must exclude the adjusted portion. The portion of land being transferred may not be recorded separately as a "new" lot.]
  - B. File a survey with the County Surveyor of the adjusted property lines (this is not required if the adjustment relocates the property line a distance of even width along the common boundary).
  - C. File a copy of the recorded deeds and survey with the Community Development Office.
- II. **Phase I and Model Homes Conditions:** The developer shall complete the following prior to construction of the model homes:
- A. Submit building plans for review and approval for the model homes and the parking lot.
  - B. Complete the property line adjustment prior to construction on lots 108 or 109.
  - C. Prior to occupancy of the homes on lots 108 and 109, the parking lot must be removed, and driveways must be constructed for each house.
- III. **General Development Plan Refinement:** To insure consistency of the development over its several phases, the developer shall submit a revised general development plan for all phases. ***This plan must be submitted and approved prior to construction plan approval for Phases 2 through 5.*** This shall include the following:
- A. **A revised street and access plan** including the following:
    1. Show all local street right-of-ways as 56 feet wide.
    2. A street naming plan. The street naming plan shall facilitate addressing of each property.
    3. A cross-section detail for all pedestrian ways within the planned development, including walkway width and landscaping. This cross section shall comply with street and pedestrian pathway development standards established in the NDC under Sections 151.685 through 151.695. Pedestrian ways shall be provided at least at the following areas:
      - a. Tract A
      - b. Tract E
      - c. At the eastern end of the street within Phase 2 to Brutscher Street (may be through Tract G).
      - d. Connecting to the south and west sides of the proposed Oak Grove park.
    4. Show that the Oak Grove Tract (proposed Park) will be provided with a flag lot connection or easement to Burl Street. The flag pole or easement shall have a width of 25 feet.
    5. Access to Tax Lot 3221BB-200: Show dedication of sufficient public right-of-way to provide a 25-foot wide access to the east side of Tax Lot 3221BB-200 for future development.
    6. Lots 61-66 (Phase 4) appear to have no public street access. The applicants have shown two small recreation/open space areas within Phase 4, one labeled Tract B and an area labeled O.S. which is directly north of lots 61-66 adjacent to the public street as it dips to the south. In order to provide appropriate public street access to these 6 lots, these three areas will require reconfiguration prior to final plat. Provide a revised tentative

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plan and site plan reconfiguring this area. Also, show how these lots will have utility access.

7. Modify the access at the north end of the development at the driveway to Fred Meyer/Columbia River Bank. Show that a public street will be created in this area with direct connection to Brutscher Street. This may be located partly on the land where the driveway is currently located if that property owner agrees. Otherwise, it must be a separate public street connection with proper separation from the driveway.
  8. Provide a general plan to provide safe pedestrian and bicycle access on Fernwood Road from the west fork of Springbrook Creek crossing to Springbrook Road. The plan could include improvements such as a 6-foot wide asphalt or concrete pedestrian walk on the north side of Fernwood Road. As an alternative, provide the traffic study as noted in the agreement between the City of Newberg and Werth Family, LLC dated May 7, 2002 and comply with the conditions therein.
- B. **A revised Landscape/Buffering/Parks/Open Spaces plan** including the following:
1. Provide a fencing plan for each phase of the project indicating the Brutscher Street and Hayes Street treatment of the lots. Provide general fencing standards for the entire development.
  2. Indicate what street trees will be installed by the subdivider and which by the house builder.
  3. Present a plan for a visual and sound buffer between this property and the Fred Meyer lot. The buffer must be specifically designed to mitigate conflicts between the adjacent uses.
  4. Show the location of benches at strategic point in the pedestrian system, including the Brutscher Street side of Tract E and near Tract G, and along Hayes Street.
  5. Indicate the proposed ownership, maintenance responsibilities, and access allowances for the proposed park and each of the proposed tracts. This plan must be reviewed and approved by City staff. Provide confirmation that Chehalem Park and Recreation District (CPRD) will accept ownership and responsibility of any tracts planned to be dedicated to them. The Oak Grove Tract must be dedicated to CPRD, provided they will accept it. Indicate the timing for improvements to be made. All tracts and open spaces must be open to all residents within the development.
  6. Indicate the stream corridor boundary on the map. Verify that it conforms with adopted City maps.
- C. **A revised composite utility plan** as follows:
1. Show which utility improvements will be installed under each phase.
  2. Show water line looping at the following locations:
    - a. From the north end of the Phase 4 loop road to Brutscher Street
    - b. From the alley in Phase 3 (Tract J) to Royal Oak Street.
  3. Indicate which utilities in Phase 5 are intended to be public and which are intended to be private. In general, all lines with the exception of public water lines to the fire hydrants shall be private.
  4. Show proposed utility services for the Oak Grove Tract.
  5. Clarify where the storm drain connects for the street within Phase 3.
  6. Show two water line valves at each water line intersection. The City requires a minimum of two valves at all street intersections in conjunction with any associated tees. Three valves are required where crosses are required.

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7. In Phase 3 and Phase 5, the water line is shown crossing Hayes Street within what appears to be the western most portion of Royal Oak Street. Show 45-degree bends and a straight section of pipe when crossing from one side of the street to the other.

D. **Plan compliance:** All development within the Oaks at Springbrook Oaks Planned Development shall comply with the general development plan as approved. No changes may be made to the approved general plan, except as approved through the appropriate review process. All elements and phases within the plan must be constructed. No land may be withdrawn from the boundaries of the planned development without City approval. Land within the planned development may not be used for any other use than those shown on the approved general plan.

### IV. **General Construction Plan Approval, All Phases:** The following standards apply to construction plan approval of any phase:

- A. The developer must submit detailed construction drawings for review and approval. All drawings must be prepared by a licensed engineer.
- B. Show the location of all fire hydrants. Maximum spacing between fire hydrants is 500 feet. Address the spacing and applicable standards for Phase 2 and elsewhere. All fire hydrants must be fed off of a minimum 8-inch line. The location of all fire hydrants shall be subject to approval by the Newberg Fire Marshal.
- C. The plan shall show the location of water services for each lot. No water service connections will be permitted on the 24" transmission line in Hayes Street.
- D. The Plan shall show the locations of sanitary sewer services for the individual lots. Services shall come from within each phase of the development, not off of Brutscher Street.
- E. Submit detailed storm drainage designs and calculations for review and approval. The storm sewer system to be designed to accommodate subsequent phases. Lot drainage shall be designed to connect to the storm drainage within the adjacent street, unless an alternate plan is approved by the City.
- F. A site grading plan shall be submitted that identifies details for lot and site grading.
- G. The plan shall show the location of street signs, including "no parking" and other traffic related signs.
- H. The plan shall show the location of all street lights. The street light design shall match acorn style within Oaks No. 1 and No. 2. Submit a plan from a firm specializing in street light design that shows the best layout of street lighting patterns. (This is necessary because the lights deviate from City standard design).
- I. Postal Service: The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact Newberg Post Office for assistance.
- J. Garbage Service: Confirmation must be provided from Newberg Garbage Service that the design and location of refuse disposal area is approved.
- K. PGE: Prior to PGE's electrical design, the developer must submit a full set of engineered drawings.
- L. Any work within the stream corridor requires review under Newberg stream corridor ordinance and may require permits from the Oregon Division of State Lands or the U.S. Army Corps of Engineers.

### V. **General Final Plat Approval, All Phases:** The following standards apply generally to final plats of any phase:

- A. All Phases shall be platted/developed in numerical sequence as shown, unless otherwise approved by the City. Changes to this order could require that certain improvements planned

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for future phases be constructed sooner, and could change the expiration dates for certain phases. Refer to NDC § 151.249 for phased subdivision extension standards.

- B. The applicant shall substantially complete, as defined in City policies, all improvements required by that phase, prior to final plat approval. All street signs must be in place prior to issuance of any building permits for any homes within the subdivision.
- C. The applicant shall submit an application for final plat approval for each phase. The application shall include all information required by the City Development Code and City policies.
- D. The final plat shall show all existing and proposed easements. All public utilities on private property shall be contained with public utility easements. Ten-foot wide public utility easements are generally required along public streets. Pedestrian access ways shall be contained within public easements.
- E. The subdivider must complete a subdivision agreement with the City of Newberg. The completed subdivision agreement shall be recorded by the applicant at the time of final plat recordation.
- F. The subdivider must provide the City Planner with a copy of any proposed final draft of the Codes, Covenants, and Restrictions (CC&R's) for the development. The City Planner will review the proposed CC&R's for minimum compliance with City Code prior to recordation.
- G. The applicant shall provide a mechanism, such as a homeowners' association, for maintenance of all privately owned common areas, such as pedestrian ways and open spaces.
- H. The final subdivision map shall include the authorized signature of:
  - 1. The Community Development Director, whose signature shall certify that the final plat conforms to the conditions of tentative plan approval.
  - 2. The City Recorder, whose signature shall certify that all City liens on the property have been paid.
  - 3. The County Assessor certifying that all taxes on the property have been paid or bonded for in accordance with state law.
  - 4. The County Surveyor, certifying that the subdivision plat complies with applicable survey laws.

VI. **Phase 2 Construction Plan Approval:** The developer shall complete the following prior to construction plan approval for Phase 2.

- A. Complete all general construction plan requirements under Section IV above.
- B. Provide a detailed plan for Tracts G and H. Provide benches within Tract G in accordance with NDC § 151.581 (A)(4) b.
- C. Present construction plans for City review for the planned Fernwood Road improvements between Springbrook Road and the west fork of Springbrook Creek.

VII. **Phase 2 Final Plat Approval:** The developer shall complete the following prior to final plat approval for Phase 2.

- A. Expiration: The final plat for Phase 2 must be recorded no later than April 22, 2006.
- B. Complete all general conditions for final plats as noted in Section V above.
- C. Complete Fernwood Road improvements per the approved plans.
- D. Complete intersection improvements, including installation of a traffic signal, at the Springbrook/Hayes Street intersection according to approved construction plans.
- E. Complete Hayes Street improvements from Brutscher Street to Springbrook Road, according to approved construction plans.
- F. Residential Design. The applicant shall provide evidence that multiple, non-repetitive home designs (detached dwelling units) shall be used in the development. No two identical designs

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shall be located closer than every three residences on any street frontage. An example of appropriate evidence would be protective covenants that are filed and recorded with the County Clerks Office.

- G. Complete improvements within Tracts G and H.

VIII. **Phase 3 Construction Plan Approval:** The developer shall complete the following prior to construction plan approval for Phase 3.

- A. Complete all general construction plan requirements under Section IV above.
- B. Show installation of a standard driveway curb cut and utilities on the unnamed street in Phase 3 to serve the access drive for this portion of Tax Lot 3221BB-200 (note: the developer may apply for a advanced finance agreement to recover the costs of these items).
- C. Submit a plan for protecting the stream corridor during construction, such as placement of temporary construction fencing. Any unavoidable work requires prior permit through the City's stream corridor review processes.
- D. Show installation of "No Parking - Fire Lane" signs within the alley.
- E. Present a plan for garbage service continuity during construction of the homes with alley access, and after home construction. Coordinate this plan with Newberg Garbage Service.

IX. **Phase 3 Final Plat Approval:** The developer shall complete the following prior to final plat approval for Phase 3.

- A. Expiration: The final plat for Phase 3 must be recorded no later than April 22, 2007.
- B. Complete all general conditions for final plats as noted in Section V above.
- C. Residential Design. The applicant shall provide evidence that multiple, non-repetitive home designs (detached dwelling units) shall be used in the development. No two identical designs shall be located closer than every three residences on any street frontage. An example of appropriate evidence would be protective covenants that are filed and recorded with the County Clerks Office.
- D. Restore any areas disturbed within the stream corridor during construction.

X. **Phase 4 Construction Plan Approval:** The developer shall complete the following prior to construction plan approval for Phase 4.

- A. Complete all general construction plan requirements under Section IV above.
- B. Provide a detailed plan for Tracts A, B, E, and the Oak Grove park (unless completed under earlier phases). Provide benches with Tract B in accordance with NDC § 151.581 (A)(4) b. Show pedestrian benches along the street rights-of-way per the general development plan.
- C. Show installation of "No Parking - Fire Lane" signs within the alley.
- D. Present a plan for garbage service continuity during construction of the homes with alley access, and after home construction. Coordinate this plan with Newberg Garbage Service.

XI. **Phase 4 Final Plat Approval:** The developer shall complete the following prior to final plat approval for Phase 4.

- A. Expiration: The final plat for Phase 4 must be recorded no later than April 22, 2008.
- B. Complete all general conditions for final plats as noted in Section V above.
- C. Complete all improvements within the open spaces, including the Oak Grove Park. Dedicate the park to the Chehalem Park and Recreation District.

XII. **Phase 5 Development Plan Approval:** The developer shall complete the following prior to development of Phase 5.

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- A. Submit design review application for review and approval in accordance with Newberg Development Code standards.
- B. Development of the Phase 5 property must include 60 multi-dwelling units.
- C. The development plan must show that the proposal meets the following standards:
  - 1. Setbacks (Building 6 on the concept plan appears to be within the required street setback).
  - 2. Parking requirements.
  - 3. Buildings 3-6 shall be oriented toward Hayes Street.
  - 4. Uniform Fire Code access requirements.
  - 5. Show compliance with the multi-unit design standards of NDC § 151.195.

**XIII. General Development Standards for Individual Lots:**

A. Development on individual lots shall comply with the standards in the following table. For any standard not listed, development shall comply with all standards of the Springbrook Oaks Specific Plan and the Newberg Development Code.

<b>R-3 Detached Dwelling Units</b>	
Maximum Dwelling Unit Height	30' / 2 story*
Front Yard Porch Setback	10'
Front Yard Building Setback	15'
Front Yard Garage Setback	20'
Rear Yard Building Setback	10'
Interior Yard Building Setback	3.5'
Street Side Yard Building Setback	10'
Minimum Lot Width at Building Line	30'
Maximum Lot Coverage	75%
<b>RP Attached Dwelling Units</b>	
Maximum Dwelling Unit Height	35' / 3 story *
Front Yard Porch Setback	10'
Front Yard Building Setback	15'
Front Yard Garage Setback	20'
Rear Yard Building Setback	10'
Interior Yard Setback	5' **
Rear Yard Building/garage Setback to Alley Row	2'
Street Side Yard Setback	10'
Minimum Lot Width at Building Line	20'
Maximum Lot Coverage RP	90%
<b>Multi-family Apartment Units</b>	
Building Separation Between Multi-family Units	20'
<b>Design Flexibility Table</b>	
200 sq. ft. flex space for home occupation, accessory dwelling on ground floor of identified townhome units. At least 22 of the townhouse units must provide flex space.	
Opportunity to eliminate requirement for 50 sq. ft. of exterior space for up to 5 townhome units.	

\* NDC “Building Height – the vertical distance.....to the average height (midpoint) of the highest gable of a pitch or hip roof”.

\*\* This requirement does not apply to the common wall property boundaries of attached dwelling units.

- B. The builder shall place house numbers at the alley side of all homes with access to the alley.
- C. Street Trees shall be installed in front of each lot in accordance with the approved street tree plan. Tree installation must occur prior to final occupancy of the adjacent structure, or as provided in City policies.
- D. Sidewalks. Sidewalks shall be installed in front of each structure prior to final occupancy.

