



**Planning Commission Meeting
February 13, 2020 - 7:00 PM
City of Newberg Public Safety Building
401 East Third Street**

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PUBLIC COMMENTS

(5-minute maximum per person - for items not on the agenda)

IV. CONSENT CALENDAR

IVA. Newberg Planning Commission Meeting Minutes

[PC Meeting Minutes 2020-0109 Draft.docx](#)

V. QUASI-JUDICIAL PUBLIC HEARING

(complete registration form to give testimony - 5-minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission).

VA. PUD19-0002 Riverlands Planned Unit Development

[PUD19-0002 Riverlands Staff Report with Attachments.pdf](#)

VI. LEGISLATIVE PUBLIC HEARINGS

(complete a registration form to give testimony - 5-minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission).

VIA.

MUNICIPAL CODE AMENDMENT

ACCESSORY DWELLING UNIT PARKING REQUIREMENTS

[DCA19-0009 Staff Report to PC w ATT 02-13-20.pdf](#)

VIB. Development Code Amendment of Residential Use Restrictions on the First Floor of Buildings on E/W Second Street

[DCA19-0003 Residential Use Limitations-Commercial Use Requirement on Second St - Staff Report - 20200213 - PC Final.pdf](#)

VII. ITEMS FROM STAFF

VIIA. OGEC Letter to City Manager, City Council, Municipal Judge, Planning Commission and Historic Planning Commission
[OGEC letter to Council 2020-0203 SEI first reminder.pdf](#)

VIIA. Anticipated Schedule of Planning Commission Activities
[Memo Planning Commission Activities 2020.doc](#)

VIII. ITEMS FROM COMMISSIONERS

IX. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the Community Development Department Office Assistant II of any special physical or language accommodations you may need as far in advance of the meeting as possible as and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the Office Assistant at (503) 537-1240. For TTY services please dial 711.

Planning Commission Agenda Item Report

Meeting Date: February 13, 2020

Submitted by: Bobbie Morgan

Submitting Department: Community Development

Item Type: MEETING MINUTES

Agenda Section:

Subject:

Newberg Planning Commission Meeting Minutes

Suggested Action:

Approval of Planning Commission Meeting Minutes for January 9, 2020

Attachments:

[PC Meeting Monutes 2020-0109 Draft.docx](#)

NEWBERG PLANNING COMMISSION MINUTES

January 9, 2020
Newberg Public Safety Building
401 E Third Street

Chair Edwards called the meeting to order at 7:00 pm.

ROLL CALL

Members Present: Allyn Edwards
Kriss Wright
Jason Dale
Jeffrey Musall
John Wuitschick
Robert Ficker
Sharon Capri
Colin Bolek, Student Planner

Staff Present: Doug Rux, Community Development Director
Keith Leonard, Associate Planner

PUBLIC COMMENTS:

None

CONSENT CALENDAR:

1. Approval of the December 12, 2019 Planning Commission meeting minutes

MOTION: PC Wuitschick/PC Wright moved to approve the December 12, 2019 Planning Commission Meeting Minutes. Motion carried (7 Yes/0 No).

NEW BUSINESS

1. Election of Planning Commission Chair and Vice Chair

Community Development Director Rux explained the process for electing the Chair and Vice Chair.

MOTION: PC Edwards/PC Ficker moved to nominate PC Dale as Planning Commission Chair for 2020. Motion carried (7 Yes/0 No).

Chair Dale continued as the new Chair and asked for nominations for Vice Chair.

MOTION: PC Wright/PC Ficker moved to nominate PC Musall as Planning Commission Vice Chair for 2020. Motion carried (7 Yes/0 No).

Workshop

1. Workshop to gather input from the Planning Commission regarding suggested Comprehensive Plan and Development Code amendments suggested in the 2018 Yamhill County Transit Area Transit Development Plan.

Associate Planner Leonard presented the suggested Comprehensive Plan and Development Code amendments suggested in the 2018 Yamhill County Transit Development Plan. In February 2019, the Council directed staff to initiate these amendments. He discussed the Comprehensive Goals and Policies for transportation. Staff recommended deleting number 5 which was a previous policy and adding number 8 with a policy that was from the Transit Development Plan. It would state, "The City will facilitate transit services for its community members with special attention to the needs of members

who may be classified as transit dependent due to factors such as age, income, and/or disabilities.” He asked if the Commission was comfortable with these changes.

PC Capri thought the change only added more factors and made it more complete. AP Leonard responded it did provide more depth to the policy.

PC Edwards asked about the impact of Tri-Met’s fees on businesses. CDD Rux responded Tri-Met had its own service area that did not include Yamhill County. The policy was for Yamhill County and Tri-Met to work together to get people from Yamhill County to the Portland area. There was a new statewide transit tax. There had been no discussions about Tri-Met moving into Yamhill County.

PC Capri asked if there were plans to add a rail system. CDD Rux responded there had been discussions for decades about a commuter rail line that might run from Portland to McMinnville, but it had never moved forward.

PC Wright clarified the commuter bus only ran at peak times in the morning and night.

PC Wright asked about the dial a ride service. CDD Rux responded that was run by the transit district. He explained how there were plans for more transit coverage and a transit center in downtown in the future.

Student PC Bolek asked about the deletion of number 5. CDD Rux responded that was an old policy about establishing a transit district, which had already been done.

PC Capri asked where people could pick up transit maps. CDD Rux said most of them were online.

There was consensus to make the changes as staff recommended.

AP Leonard continued by saying that new Goal 13 stated they would utilize the Transit Development Plan as a guidance document and below were the recommended policies. He asked if they were comfortable with that goal.

PC Edwards thought there should be a transit hub across from City Hall in the capital improvement plan.

There was consensus to keep the goal language as staff recommended.

AP Leonard continued through the policies under Goal 13. Policy A stated the Transit Development Plan provided the policy and implementation direction for the City transit planning which included route development, financing, and physical improvements necessary to maintain and improve public transit services for the City, residents, businesses, and visitors.

Policy B stated transit improvements within the City should be guided by the findings and recommendations in the Transit Development Plan.

Policy C stated the City will seek to implement, through capital improvement projects and private development requirements, improvements that encourage increased transit use and are consistent with and supportive of the Transit Development Plan recommendations.

PC Musall asked how the City would implement the Plan. CDD Rux responded if the City was doing a capital improvement project, such as widening a roadway, and the Transit Plan called for a stop and pull out for a bus, they would work to incorporate that into the project. If a developer was building a project on a transit line, staff would work with them to get a transit sign out front and pedestrian walkways. They also wanted to put in more shelters and signs.

Policy D stated the City will support higher density and mixed use land use around transit stops and in transit corridors to make transit service more feasible and effective.

Policy E stated in lower density areas, the City will support park and ride/rideshare facilities, demand responsive and flexible transit services, and other facilities and services that are appropriate where it is less feasible to serve the area with fixed route transit.

PC Capri asked if this policy meant they would have a parking lot. CDD Rux said they could have a park and ride parking lot or flexible transit routes, such as dial a ride.

The Commission was good with all of these policies.

AP Leonard continued with new Goal 14 which was to coordinate with Yamhill County Transit Area. He reviewed the policies under this goal.

Policy A stated the City will invite transit service providers to participate in long-range and comprehensive land use planning projects in order to optimally coordinate land use and transit service.

Policy B stated the City will invite transit service providers to participate in the review of land use applications that may have implications for transit service or impacts to transit facilities.

Policy C stated in planning for and implementing capital projects, the City will coordinate with Yamhill County Transit Area, Oregon Department of Transportation, and other road authorities if applicable to preserve or improve existing and planned transit stop amenities and connections.

Policy D stated the City will work with Yamhill County Transit Area to site and implement needed transit stops and park and ride lots within the City in support of the district-wide public transit system, with an emphasis on sites that are safe and convenient for riders.

Policy E stated the City will participate in Yamhill County Transit Area's efforts to promote and implement rideshare and other transportation demand management programs for reducing motor vehicle travel demand on state highways.

PC Capri asked if there were any plans for a park and ride by Second Street. CDD Rux responded they did not know where the locations would be for those yet. Second Street was identified to be a mixed use residential street and transit did go up and down that street.

The Commission was good with this goal and policies.

AP Leonard continued with new Goal 15 which was to implement transit-supportive improvements.

Policy A stated the City will prioritize the improvement of pedestrian and bicycle network gaps and substandard facilities along and adjacent to transit corridors in its long-range transportation planning and capital improvement programming.

Chair Dale asked if they already did that with new development, such as putting in new sidewalks. CDD Rux explained it was not a big change as there were already obligations for new development, such as putting in sidewalks. What was missing were shelters and signs. It would depend on the frequency of the service for where those shelters and signs should go. This policy furthered the obligations that the state and city already had.

Policy B stated the City will support improvements such as pedestrian and bicycle connections, shelters, easements for shelters and/or landing pads, and lighting to complement transit service and encourage increased transit use. Transit stop improvements shall be coordinated with the transit service provider.

CDD Rux commented that they already had requirements for bike lanes, but this would integrate the whole multi-modal system together and connect them to transit, such as adding bike shelters.

PC Edwards suggested adding verbiage to Policy B regarding handicap regulations. CDD Rux said they could add verbiage about ADA accessibility.

Chair Dale asked who paid for the shelters and signs. CDD Rux responded the transit agency would install them. The City would make sure the public sidewalk was in place.

PC Wright asked about ODOT and the road diet for 99W. CDD Rux clarified the road diet would remove one travel lane on First Street and one travel lane on Hancock. He explained what the proposed lane changes would be in the areas coming in and going out of that road diet.

PC Wright asked if the Special Transportation Area applied to the Riverfront Master Plan area. CDD Rux said no, it would only apply to the downtown. It was a special designation in the downtown that gave them alternative mobility standards.

Policy C stated the City will work to improve safety for transit riders through the local planning and development review process, helping to ensure safe locations of transit stops and safe connections to transit stops, including roadway crossings.

Policy D stated the City will prioritize improvements to the City's pedestrian environment that increase safe and attractive access to transit, including lighting, landscaping, public art, marked and protected crossings, and curb ramps.

PC Wuitschick asked if the City would make this a priority. CDD Rux commented they had a lot of priorities and there was always a balancing of the priorities. Transit might not always be the top priority.

PC Wright asked if studies were taken into consideration to know what improvements should be done. CDD Rux responded they took all of the master plans into consideration when they created the capital improvement projects. They also had to look at the funding and possible grants. If they were doing a capital project and the Transit Plan identified it was on a transit route and there should be a transit stop, then putting in a shelter would be incorporated into the project. This would help the City be proactive and responsive to transit.

Policy E stated the City will establish and implement development requirements that provide preferential parking for ridesharing and allow parking areas to be used for park and ride.

The Commission was good with this goal and policy.

AP Leonard continued with the proposed changes to the Development Code regulations.

1. The first change was regarding a pre-application meeting. AP Leonard said the Transit Authority would be added to the list of agencies to be contacted to make comments on applications. CDD Rux commented that the City did not have a required pre-application conference provision for land use applications. He had been moving towards that, but they were not there yet. He suggested revisiting the idea in the future, but he did not want to make it mandatory now.
2. The second was the application review. Currently they mailed out notices to governmental agencies and staff recommended leaving the code as it was for this one.
3. The third change was regarding hearing notices. Staff recommended leaving the code as it was for this one as well.

CDD Rux commented that if a development was going in on a transit street, they would add the transit agency onto the distribution list for hearing notices. This would be standard operating procedure.

4. The fourth was regarding access between the site and the street. Staff recommended leaving the code as it was for this one.
5. The fifth was regarding the access to the transit stop and supportive improvements, which staff recommended leaving the code as it was.
6. The sixth was regarding off-site access to transit stops. AP Leonard suggested adding a third point under 15.505.020(O) dealing with pedestrian and bicycle access ways.

CDD Rux commented that instead of specifying the "Planning Commission" in the text, because some applications came to them and some did not, that it state "The approval authority."

7. The seventh was regarding transit-related uses/facilities in parking areas which staff recommended leaving as it was.
8. The eighth was regarding carpool/vanpool parking which staff recommended leaving the code as it was.
9. The ninth was regarding maximum parking requirements. AP Leonard said some zoning districts were left out of this one, C-1 and C-2. They would add under letter A language similar to number 3 regarding the number of parking spaces. A letter F would need to be added to 15.440.010 to include provisions for C-2.

PC Edwards asked if this took into consideration the parking requirements for residential. CDD Rux responded ADUs did not require parking anymore which had recently been passed by the state legislature.

CDD Rux clarified there was a minimum number of parking spaces required, and letter E would be instituting a maximum number of parking spaces. The maximum would be based on one of three variables.

Chair Dale asked what impact that would have on applications. CDD Rux responded they would have to meet the minimum number, but there would also be a cap on the maximum number. This would support transit by encouraging people to use transit to get where they were going and to get back home. It was nudging towards using alternative modes of transportation.

10. The tenth was regarding reduced parking requirements which staff recommended leaving the code as it was.

11. The eleventh was regarding parking area landscaping which staff recommended leaving the code as it was.

CDD Rux said the proposal in the Transit Plan would reduce the amount of landscaping within a parking lot, and he thought the current regulations did a good job of providing landscaping on the interior and on the perimeter of lots. Instead of making a wholesale change that he did not know what it would look like, he recommended leaving the code as it was.

12. The twelfth was regarding the minimum bicycle parking requirements. AP Leonard stated this addressed short and long term bicycle parking. They would be striking out "Transit Transfer Stations" which were not in the Code and replacing that with "Transit Centers and park and ride lots". The minimum number of bicycle parking spaces for those would be 4 spaces or 1 per 10 vehicle spaces, whichever was greater. It would increase the number of spaces required. They also defined short and long term bicycle parking.

PC Edwards asked about motorcycles spaces. CDD Rux responded they would be parking in the parking lot like a car.

13. The last was regarding maximum building setbacks. This pertained to East Portland Road or Highway 99W as well as C-1 and C-2 zoning districts. It would bring up the buildings and add flexibility for the pedestrian amenities so if there was a transit stop there could be a change of the maximum setbacks.

CDD Rux added Portland Road was 99W, but they would write Portland Road and in parenthesis Highway 99W.

ITEMS FROM STAFF:

CDD Rux announced a new City Manager had been hired and would begin work in February. He discussed the anticipated schedule of Planning Commission agenda items.

PC Capri had question about an email on the Governance 101 class in Salem, CDD Rux responded.

CDD Rux added that it was PC Wuitschick's last day as a Planning Commissioner.

ITEMS FROM COMMISSIONERS:

The next Planning Commission meeting is scheduled for February 13, 2020.

ADJOURNMENT:

Chair Dale adjourned the meeting at 8:19 pm.

Approved by the Newberg Planning Commission this February 13, 2020.

Jason Dale, Planning Commission Chair

Bobbie Morgan, Office Assistant II

Planning Commission Agenda Item Report

Meeting Date: February 13, 2020

Submitted by: Doug Rux

Submitting Department: Community Development

Item Type: Planning Commission Hearings

Agenda Section:

Subject:

PUD19-0002 Riverlands Planned Unit Development

Suggested Action:

Move to adopt Planning Commission Order 2020-01, which approves the requested Planned Unit Development, tentative plat with the attached conditions.

Attachments:

[PUD19-0002 Riverlands Staff Report with Attachments.pdf](#)



Community Development Department

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PLANNING COMMISSION STAFF REPORT RIVERLANDS PLANNED UNIT DEVELOPMENT

HEARING DATE: February 13, 2020

FILE NO: PUD19-0002

REQUEST: To develop a 18 lot PUD single-family residential subdivision with associated improvements

LOCATION: 1303 S River Street

TAX LOTS: Yamhill County tax lot R3229 02500

PROPERTY SIZE: 1.56 acres

APPLICANT: Del Boca Vista LLC

OWNER: Riverlands Subdivision LLC

ZONE: R-2/RD Medium Density Residential/Riverfront District

PLAN DISTRICT: MDR (Medium Density Residential)

OVERLAY: Airport Inner Horizontal Surface, Riverfront District Overlay

Attachments:

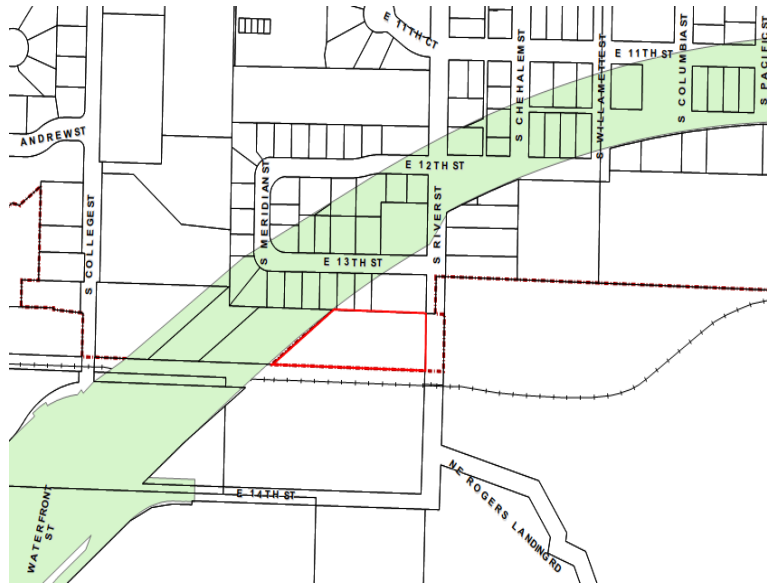
Order 2020-01 with

Exhibit "A": Findings

Exhibit "B": Conditions

Attachments

1. Application Material
2. Supplemental Application Material
3. Preliminary Plat
4. Agency Comments
5. Public Comments



Location Map

A. DESCRIPTION OF APPLICATION:

The applicant is proposing to construct a 18 lot PUD single family residential development located at 1303 S River Street (Tax Map 3229 02500) at a density of 11.5 dwelling units per acre. The housing will include fifteen 3 bedroom dwellings and three 2-bedroom dwellings.

Attachment 1 contains the applicants' narrative, plans and supporting documents. Attachment 2 illustrates the preliminary plat submitted with the application. The proposed PUD meets the City of Newberg's Development Code (NDC) except for one requirement that the applicant is proposing to adjust through the PUD process. The requirement is the following:

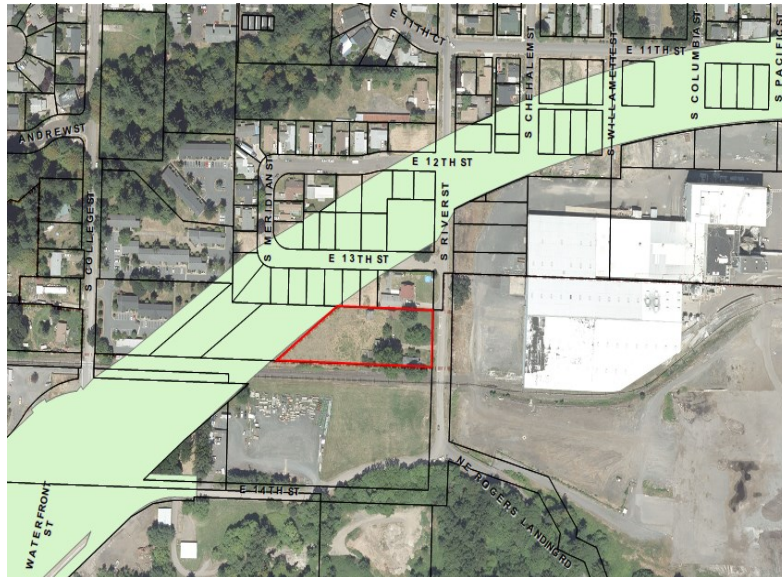
1. 15.405.010 Lot area – Lot areas per dwelling unit under the provision of 15.405.020 Lot area exceptions.

The proposed development is also in the Riverfront Subdistrict and is required to comply with NDC Chapter 15.352 which will be addressed later in this report.

SITE INFORMATION:

1. Location: 1303 S River Street
2. Size: 1.56 Acres
3. Topography: Topography slopes east to west at less than 1%
4. Current Land Uses: single family residential

5. Natural Features: None



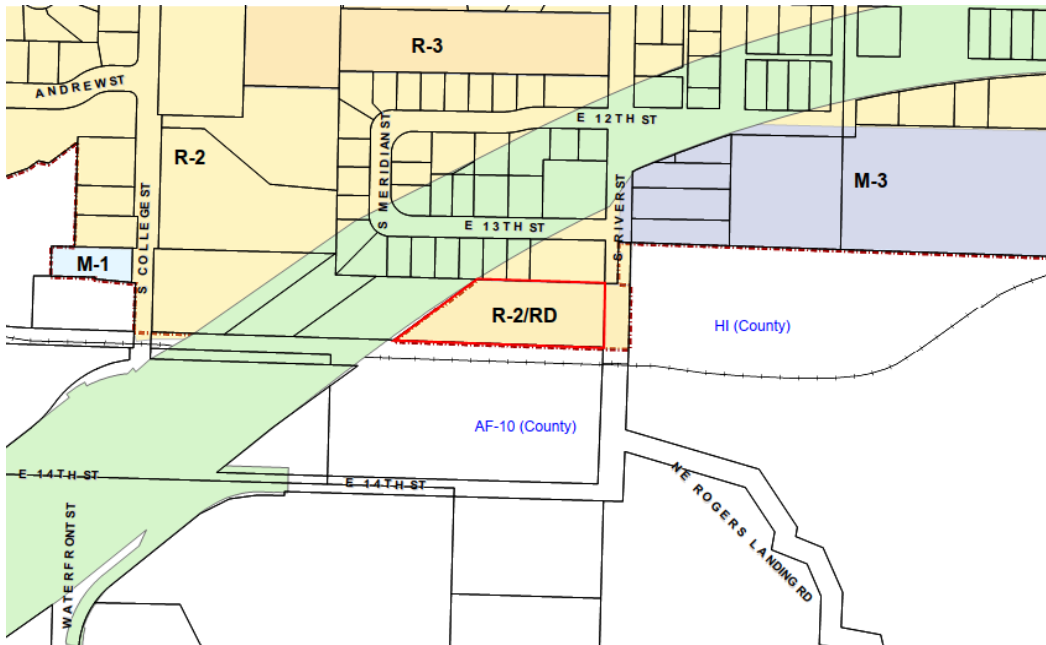
Aerial Photo

6. Adjacent Land Uses:

- a. North: single family residential and Newberg-Dundee Bypass
- b. East: industrial (WestRock Mill Site)
- c. South: undeveloped and rail line spur (WestRock Mill Site)

7. West: Newberg-Dundee Bypass Zoning:

- a. North: Medium Density Residential/Riverfront District (R-2/RD)
- b. East: AF-10 Agriculture/Forestry Small Holding District (Yamhill County)
- c. South: AF-10 Agriculture/Forestry Small Holding District (Yamhill County)
- d. West: HI Heavy Industrial District (Yamhill County)



Zoning

8. Access and Transportation: The applicant is proposing a 18-lot PUD of single family homes. Access to these lots will occur from a residential street that accesses S River Street, which is classified as a major collector.
9. Utilities:
 - a. Wastewater: The City's GIS system shows the nearest wastewater line is located at the intersection of S River Street/E Thirteenth Street. There is an 8-inch wastewater line that runs along S River Street that terminates at E Thirteenth Street near the City limits.
 - b. Water: The City's GIS system shows there is a 6-inch ductile iron water line along S River Street.
 - c. Stormwater: The City's GIS system shows there is an existing 15-inch stormwater line along S River Street.
 - d. Overhead lines: There are existing overhead lines running along the property frontage. All new or modified service lines are required to be undergrounded.

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

1. 11/21/19: The Community Development Director deemed the application complete.

2. 1/13/20: The applicant mailed notice to the property owners within 500 feet of the site.
3. 1/13/20: The applicant posted notice on the subject property.
4. 1/22/20: The *Newberg Graphic* newspaper published notice of the Planning Commission hearing for the February 13, 2020 meeting.
5. 1/22/20: City staff posted notice of the Planning Commission hearing in 4 public places.
6. 02/13/20: After proper notice the Planning Commission held a public hearing, took public testimony and deliberated on the proposal.

C. 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 external agency comments (Attachment 2):

1. Yamhill County – Reviewed, no conflict with a note “The house most likely has a septic system. Decommission info will need to be sent to County Sanitarian.”
2. Frontier Communications – Reviewed, not conflict
3. Newberg Finance 0 Reviewed, no conflict.
4. Newberg Public Works – Reviewed, no conflict with note “All utility plans to be reviewed and approved by Engineering Department prior to construction.”
5. TVF&R – Reviewed, no conflict, comments have been worked into Exhibit “A” Findings and Exhibit “B” Conditions of Approval
6. Oregon Department of Transportation – Rail Division provided comments that are integrated into the Public Improvements Standards section of the report regarding a crossing order, sidewalks and fencing.

D. PUBLIC COMMENTS: At the time of writing this staff report no public comments have been received.

E. ANALYSIS:

1. **Description:** The applicant is proposing an 18-lot PUD residential subdivision on property that is zoned R-2/RD. The applicant is proposing a limited residential street with a 26-foot wide public street and 5-foot wide sidewalk. A 6-foot wide curb tight sidewalk is proposed in the cul-de-sac. The applicant is proposing 47-feet of public right-of-way. The applicant is requesting one modification of Newberg Development Code requirements, which is allowed through the PUD process. The following modification is being requested:

- a. 15.405.010 Lot area – Lot areas per dwelling unit under the provision of 15.405.020 Lot area exceptions.

F. PRELIMINARY STAFF RECOMMENDATION: At this time staff recommends the following motion:

Move to adopt Planning Commission Order 2020-01, which approves the requested Planned Unit Development, tentative plat with the attached conditions.



An ORDER APPROVING PUD19-0002 FOR THE RIVERLANDS PUD AT 1303 S RIVER STREET, YAMHILL COUNTY TAX LOT NUMBER 3229 02500

RECITALS

1. Del Boca Vista LLC submitted an application for preliminary plan approval of a Planned Unit Development (PUD) for eighteen (18) lots of residential use and one (1) tract on Medium Density R-2/Riverfront District residentially zoned property at 1303 S River Street with the Yamhill County Tax Lot number of 3229-02500.
2. After proper notice, the Newberg Planning Commission held a hearing on February 13, 2020 to consider the application, take public testimony and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. The PUD preliminary plan application PUD19-0002 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 February 27, 2020 unless appealed prior to that date.
4. This Order shall expire one year after the effective date above if the applicant does not apply for final plan approval by that time, unless an extension is granted per Newberg Development Code 15.240.020.

Adopted by the Newberg Planning Commission this 13th day of February, 2020.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions

**Exhibit “A” to Planning Commission Order 2020-01
Findings –File PUD19-0002
Riverlands PUD**

I. Chapter 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS

15.240.020 General provisions.

A. Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.

Finding: The subject property is under ownership by Riverlands Subdivision LLC.

This criterion is met because the subject property is under single ownership.

B. Processing Steps – Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:

1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.

Finding: This application is being processed by a Type III procedure. The applicant has acknowledged that their application is in the first step of the PUD review process. There are no natural amenities on the site. There is a single family home to the north in the R-2/RD zoning designation which is the same land use proposed by the applicant. To the east is the closed WestRock mill site outside of the city limits. Under the current Newberg Comprehensive Plan designation the WestRock area would be given an industrial designation at the time the property is annexed.

To the south is undeveloped land and a rail road spur owned by WestRock. Under the current Newberg Comprehensive Plan the area would be given a commercial designation at the time the property is annexed. To the northwest is the Newberg-Dundee Bypass.

The PUD is in the area of the 2019 Riverfront Master Plan that has been adopted by the City Council. As the Riverfront Master Plan is implemented the property to the east of S River Street is identified be a mixed employment area and the property to the south of the proposed PUD to be commercial and high density residential.

The proposed PUD for single family residential will provide an attractive, safe, efficient and stable environment for its residents as well as surrounding property owners. The applicant is proposing three story homes, which are not unlike the homes constructed north of the Newberg-Dundee Bypass.

This criterion is met because the applicant has made an effort to preserve natural amenities, create an attractive, safe, efficient, stable environment that is compatible with surrounding uses or planned land use.

2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.

Finding: Not applicable for the first step in the PUD review process. The applicant has acknowledged that there is a two-step process in the PUD review process.

This criterion will be reviewed during step two of the PUD review process with the submittal of the final PUD plans and associated material being provided by the applicant.

C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.

Finding: This criterion is not applicable because the applicant is not requesting a phased PUD and has stated in their narrative that they will develop the project in one phase.

D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically

renders all phases void that are not yet finally approved or upon which construction has not begun.

Finding: The applicants' narrative acknowledges the requirement of this section of the NDC.

E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

Finding: The applicants' narrative acknowledges the requirement of this section of the NDC.

F. Density. Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:

1. Maximum Density.

a. Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:

District	Density Points
R-1	175 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
R-2	310 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
R-3	640 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
RP	310 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
C-1	As per required findings
C-2	As per required findings

District	Density Points
C-3	As per required findings

b. Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant’s discretion by 25 percent for deed-restricted affordable dwelling units as follows:

Density Point Table		
Dwelling Type	Density Points: Standard Dwelling	Density Points: Income Restricted Affordable Dwelling Unit
Studio and efficiency	12	9
One-bedroom	14	11
Two-bedroom	21	16
Three-bedroom	28	21
Four or more bedrooms	35	26

The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.

2. Approved Density. *The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval only if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.*

3. Easement Calculations. *Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.*

4. Dedications. *Density calculations may include areas dedicated to the public for recreation or open space.*

5. Cumulative Density. *When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.*

Finding: The applicants' narrative indicates that the property is zoned R-2/RD and is allowed 310 density points per gross acre. Maximum density is calculated as follows, 310 points per acre x 1.56 acres = 483.6 density points. The applicant is proposing to construct 15 new three-bedroom and 3 new two-bedroom single family homes. Therefore, the proposed number of density points is 28 (three bedroom) x 15 dwelling units + 21 (two bedroom) x 3 dwelling units = 483 density points. Therefore, the proposed development is less dense than what is allowed in the code. Easements are included in the density calculation for utilities that are a benefit to the residents of the PUD. No dedication of land for recreation or open space is proposed in the PUD. The applicant has indicated the PUD will not be phased. City staff concurs with the applicants' findings.

This criterion is met because the applicant has not exceeded the total allowed density provided for in the NDC.

G. Buildings and Uses Permitted. *Buildings and uses in planned unit developments are permitted as follows:*

1. R-1, R-2, R-3 and RP Zones.

a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.

b. Accessory buildings and uses.

c. Duplexes.

d. Dwellings, single, manufactured, and multifamily.

e. Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.

Finding: The applicant is proposing single family home development for their project, which is a permitted use under this section of the NDC.

This criterion is met because the applicant is proposing single family home development which is a permitted use for PUDs.

H. Professional Coordinator and Design Team. Professional coordinators and design teams shall comply with the following:

1. Services. A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall ensure that the required plans are prepared. Plans and services provided for the city and between the applicant and the coordinator shall include:

- a. Preliminary design;**
- b. Design development;**
- c. Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and**
- d. Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.**

2. Address and Attendance. The coordinator or the coordinator's professional representative shall maintain an Oregon address, unless this requirement is waived by the director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.

3. Design Team Designation. Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice the team member's profession in the State of Oregon.

4. Design Team Participation and Waiver. Unless waived by the director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all three steps.

5. Design Team Change. Written notice of any change in design team personnel must be submitted to the director within three working days of the change.

6. Plan Certification. Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.

Finding: The applicants' narrative states that the property owner is utilizing David Evans & Associates for civil engineering and surveying. Brady Berry is an Oregon licensed engineer (#14919PE) and is the professional coordinator for the project. Suntel Design, Inc. has

submitted the architectural plans for the proposed houses. The landscape plan was designed by Otten Landscape Architects. The applicant has acknowledged the requirement to notify the City in writing of any design team changes. The applicants' narrative states that all PUD plans are signed and stamped by the following: Brady Berry, PE (Civil), Janet Otten (Landscape) Jim Mei (Architect), Stephen Williams (Surveyor).

This criterion is met because the property owner is utilizing a licensed civil engineer, Brady Berry, P.E., to design the proposed Riverlands PUD.

I. Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this code and those regulations. Departures from the hearing authority upon a finding by the engineering director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this code.

Finding: ODOT rail has indicated that fencing along the south property line will need to meet their requirements consisting of chain link or wrought iron picket. The applicant's material notes that building height for the three house designs is 29' 11 3/8' which meets the 30 foot maximum. Yards meet the requirement for space on the same lot with a building, unoccupied and unobstructed from a point 30 inches above grade upward. Lot width and frontage meets the 25 foot requirement. Lot depth requirements are met and lot is conditioned as noted later in this report. The number of off-street parking spaces are conditioned as noted later in this report. Front yard setbacks will be 15 feet, setback of 20 feet to the garage, and 5 feet setback for interior yards.

The applicant is proposing the following modification under the allowances of this section of the NDC.

The applicant is proposing to adjust the following code requirements:

1. Lot area requirements under NDC 15.405 to reduce the minimum lot size so that the development would be more compatible with the target density of the Medium Density Residential Comprehensive Plan designation. The required base R-2 lot size is 3,000 square feet. The proposed lot sizes range from 1,823 to 3,637 square feet. There will be additional modifications to this lot size range for Lots 9 and 10 based on discussions with the applicant that the lot perimeters need to expand to the west to the cul-de-sac bulb pinch point with the sites perimeter boundary. This

modification reduces the size of Tract A where the water quality facility will be located. The applicant shall modify the proposed lot area (size) for Lots 9 and 10 so that the lots are to the cul-de-sac bulb pinch point with the sites perimeter boundary.

The criterion will be met if the aforementioned condition of approval is adhered to because the requested flexibility to development code requirements are allowed under the NDC PUD regulations and it has been determined by City Staff that no hazardous conditions have been created by allowing the aforementioned requested flexibility.

J. Lot Coverage. Maximum permitted lot and parking area coverage as provided in this code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.

Finding: The subject property is zoned R-2. The applicant has stated that the proposal meets the required lot and parking coverage standards. Under Section 15.405.030(B)(1)(b) the maximum lot coverage is 50% and under 15.405.030(B)(2) maximum parking coverage is 30%. The maximum combined lot and parking coverage allowed under Section 15.405.030(b)(3) is 60%.

A lot coverage table was submitted to determine if the requirements have been met. The coverage for Lots 9 and 10 are under question based on where the actual property boundaries are located in relation to Tract A. as noted in section I. Modification of Certain Regulations above. The applicant has also noted that the respective proposed units may shift on the lots based on what units may get constructed. Because of the modifications to the lot area for Lots 9 and 10 and no drawings on lot coverage were provided the applicant shall provide lot coverage calculation for buildings, parking and combined building and parking at the tie of submittal of building plans and shall meet the requirements of 15.405.030(B)(1)(b), 15.405.030(B)(2), and 15.405.030(b)(3).

K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of “sun exposure plane” in NMC 15.05.030). The hearing authority may further modify heights to:

- 1. Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.***
- 2. Protect lines of sight and scenic vistas.***
- 3. Enable the project to satisfy required findings for approval.***

Finding: The applicant indicates that Lot 1 – Lot 5 should apply to the sun exposure plane requirements and Lot 6 through Lot 18 should be exempt. It is further noted that Lots 1 – 5 meet the sun exposure requirements and requires buildings on these lots to have a maximum height of 39.93 feet.

Exhibit K of the applicants' narrative illustrates the sun exposure plane associated with the proposed homes on Lots 1 - 5. The applicants' narrative states "As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, the future dwellings proposed on Lot 1 through Lot 5 satisfy all applicable requirements of the sun exposure plane. The Applicant has included a 3-bedroom and 2-bedroom "solar design option" with the Application." After reviewing the applicants' diagrams it does not appear that either the future occupants of the Riverlands PUD or occupants of adjacent properties will be negatively impacted by building heights.

The criterion is met because neither the residents of the Riverlands PUD or occupants of adjacent property to the north will be negatively impacted by the proposed building heights.

L. 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 NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.***

Finding: The applicant is proposing a limited residential street with a 26-foot wide public street and 5-foot wide sidewalk. A 6-foot wide curb tight sidewalk is proposed in the cul-de-sac. The applicant is proposing 47-feet of public right-of-way. The proposed roadway (E River Court) will connect to the west side of S River Street and terminate in a cul-de-sac.

This criteria is met because the public streets and walkways will be constructed to City of Newberg specifications, dedicated to the City and there will be no negative impact to public health and safety.

2. Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.

- a. An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.***

i. A plan for managing on-street parking, maintenance and financing of maintenance of the private street, including a draft reserve study showing that the future homeowners association can financially maintain the private street;

ii. A plan demonstrating that on- and off-street parking shall be sufficient for the expected parking needs and applicable codes;

iii. Proposed conditions, covenants and restrictions that include a requirement that the homeowners association shall be established in perpetuity and shall continually employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions;

iv. Evidence that the private street is of sufficient width and construction to satisfy requirements of the fire marshal and city engineer; and

v. The PUD shall be a Class I planned community as defined in ORS Chapter 94.

b. If the PUD is established, the homeowners association shall provide an annual written report on the anniversary date of the final approval of the PUD approval to the community development director that includes the following:

i. The most recent reserve study.

ii. The name and contact information for the retained community management association.

iii. A report on the condition of the private street and any plans for maintenance of the private street.

Finding: The applicant is not proposing a private street. These criteria do not apply.

3. Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.

Finding: The applicant is proposing to dedicate right-of-way to provide for the public street, public utilities, and sidewalks. The applicant has indicated that they are providing a 10-foot public utility easement along all proposed lot frontages, except around the exterior of the cul-de-sac bulb since no single-family homes take access from the cul-de-sac. Additionally the existing railroad to the south of the development and the ODOT right-of-way for the future Newberg-Dundee Bypass alignment to the west of the development reduces the need to provide a 10-foot public utility easement in the cul-de-sac bulb for franchise utilities. Because it is unclear if franchise utilities who typically utilize the public utility easement are agreeable to the exclusion of a 10-foot public utility easement adjacent to the cul-de-sac bulb, the applicant is required to coordinate with franchise utilities and provide a public utility easement width meeting the requirements of the franchise utilities with a maximum public utility easement of 10-feet along all property frontages as coordinated with franchise

utility providers. The City of Newberg must be provided with documentation of the ultimate public utility easement locations as coordinated with and approved by the necessary franchise utilities prior to the approval of the final plat.

This criterion will be met if the aforementioned condition of approval is adhered to.

M. Underground Utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.

Finding: The applicant is proposing that all on-site utilities are located underground. This criterion is met.

N. Usable Outdoor Living Area. All dwelling units shall be served by outdoor living areas as defined in this code. Unless waived by the hearing authority, the outdoor living area must equal at least 10 percent of the gross floor area of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor living space may be offered for dedication to the city, in fee or easement, to be incorporated in a city-approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.

Finding: The applicants' narrative states "as depicted in Exhibit H through Exhibit J, the future gross floor area to be sited on lots with the Planned Unit Development is 720 SF. As such, Section 15.240.020.N. requires each lot to provide a minimum of 72.0 SF (10% of 720 SF) of outdoor living area. In satisfaction of this requirement, the smallest backyard areas in the proposed Planned Unit Development, being that of Lot 11 through 17, is 178 SF (5.67-ft by 31.5 ft."

The applicant's architectural plans indicate that the proposed homes will be three story units but no stated gross square footage for the units is indicated that encompasses the three floors. The applicant has not asked for a waiver. Based on staff review the gross floor area of the proposed units cannot be determined but appears that the first floor is a maximum of 720 square feet. The area for Lots 9 and 10 are also in questions as to where the actual property line will be located that impacts the outdoor living area calculation.

The applicant submitted supplemental information on January 20, 2020 addressing the Usable Outdoor Living Area requirement. The table indicates that the 3-bdroom units have a livable square footage of 1,910 and required Outdoor Living Area of 191 square feet. For the 3-bedroom solar units livable square footage is 1,847 and outdoor living area required is 185 square feet. Finally, for the 2-bedroom solar units livable square footage is 1,847 and outdoor living area required is 185 square feet.

This criterion is met because each dwelling unit will have more than the required 10 percent of the gross floor area of each unit dedicated as usable outdoor living area.

O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.

Finding: The applicants' narrative states "... unless otherwise provided in Preliminary Plan approval, natural features of the subject property will remain substantially unaltered pending Final Plan approval." As noted in the applicant's narrative there are several trees on the site that will be removed as part of the development. The removal of the trees are approved and there are no additional vegetation, topography and natural features remaining on the site.

This criterion is met.

P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.

Finding: This criterion is met because the applicants' narrative acknowledges the requirement to complete the landscaping prior to occupancy, or as conditioned and that the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion of the landscaping.

Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories.

Finding: The applicant provided analysis on compliance with NMC 15.220.060. Staff believes this criterion does not apply to the proposed PUD as no multifamily dwellings are proposed and because the project is within the Riverfront District it has a separate set of design standards.

15.240.030 Preliminary plan consideration – Step one.

B. Application. An application, with the required fee, for preliminary plan approval shall be made by the owner of the affected property, or the owner's authorized agent, on a form prescribed by and submitted to the director. Applications, accompanied by such additional copies as requested by the director for purposes of referral, shall contain or have attached sufficient information as prescribed by the director to allow processing and review in accordance with these regulations. As part of the application, the property owner requesting the planned development shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197 based on the city's decision on the planned development.

Finding: The applicant has paid the required fee for a PUD review and the application was made by the property owner. Application material with sufficient information and a sufficient number of copies were provided to the city for referral reviews by other agencies and departments. The applicant has provided a Measure 49 waiver.

This criterion is met because the applicant has paid the required fee, submitted the required material for review of the project and a signed Measure 49 waiver.

C. Type III Review and Decision Criteria. Preliminary plan consideration shall be reviewed through the Type III procedure. Decisions shall include review and recognition of the potential impact of the entire development, and 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: The applicant has provided a Type III review application. As this report details, the proposed development is consistent with standards, plans, policies and ordinances adopted by the City of Newberg. In some cases conditions of approval are noted in order to address any deficiencies.

This criterion is met because the proposed development is consistent with standards, plans, policies and ordinances adopted by the city or is conditioned in order to be consistent with such requirements.

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

Finding: No information was provided on the house footprints in the proposed PUD beyond narrative statements on compliance with applicable code requirements. Architectural drawings have been provided. There is a single family home to the north, industrial development to the east, a vacant parcel with a railroad line to the south and the Newberg-Dundee Bypass to the west and northwest. Staff in prior sections of this report has raised questions about lot and parking coverage, and street trees in the cul-de-sac and suggested conditions of approval. The anticipated location of the buildings, bulk and height, parking and access will be reasonably compatible with abutting properties and the surrounding neighborhood.

This criterion is met by way of the design of the PUD and its compatibility with existing surrounding land use as conditioned.

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; and**

Finding: City Staff have evaluated the Riverlands PUD and have found that adequate public services and facilities are available to serve the development. Referrals were sent out for review by outside agencies as well as internal City of Newberg departments, no issues were noted by any of the reviewers that could not be addressed with conditions of approval. Comments from referral reviewers have been incorporated into this report. As demonstrated throughout these findings, the provisions and conditions of this code have been met.

These criteria are met as demonstrated through the applicants' submittal and the evaluation by City Staff of the applicants' submittal.

4. The provisions and conditions of this code have been met; and

Finding: As demonstrated throughout these findings and conditions, the provisions and conditions of this code have been met.

This criterion is met as demonstrated through the applicants' submittal and the evaluation by City Staff of the applicants' submittal.

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: There are no natural features or flood hazard designation on the site. The buildings, roads and water quality facility are located to address the sites features and will address soil erosion.

This criterion is met because the design of the PUD and placement of houses will soil erosion.

6. There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and

Finding: The PUD provides utility services, and allows for emergency vehicular access on the local limited residential cul-de-sac street and S River Street. There currently is no public transit facilities in the area. TVF&R has noted that the curb to curb width is 26 feet and does not allow parking on either side of the roadway to ensure emergency vehicle access.

This criterion is met because the proposed development has been reviewed by various agencies and internal City of Newberg Departments, which have determined that there are adequate on-site provisions for utilities and emergency vehicle 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 proposed 18 lot PUD does not provide recreational opportunities within the PUD. Recreation space is available at Rogers Landing south of the site approximately 0.07 miles and at Scott Levitt Park is 0.3 miles northeast of the site on E Eleventh Street and Ewing Yong Park 0.8 miles west of the site. Outdoor living space is provided for each lot in the front and back yards that meets requirements. Parking will not be allowed on the local residential street due to its 26 foot width, but parking will be allowed in the cul-de-sac portion of the local residential street. Parking is accessible by residents of the development.

This criterion is met because the applicant has demonstrated that there will be sufficient usable recreation facilities, outdoor living area, open space and parking areas.

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: No information was provided on the house footprints in the proposed PUD beyond narrative statements on compliance with applicable code requirements. Architectural drawings have been provided. There is a single family home to the north, industrial development to the east, a vacant parcel with a railroad line to the south and the Newberg-Dundee Bypass to the west and northwest. Staff in prior sections of this report has raised questions about lot and parking coverage, and street trees in the cul-de-sac and suggested conditions of approval. The anticipated location of the buildings, bulk and height, parking and access will be reasonably compatible with abutting properties and the surrounding neighborhood.

This criterion is met by way of the design of the PUD and its compatibility with existing surrounding land uses as conditioned.

D. Conditions. Applications may be approved subject to conditions necessary to fulfill the purpose and provisions of these regulations.

Finding: Exhibit “B”, Conditions of Approval, can be found in the next section of this report. With the implementation of the conditions the proposed PUD will fulfill the purpose and provisions of these regulations, therefore, this criterion is met.

15.220.030 Site design review requirements.

14. 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. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]

Finding: The applicant is proposing a 18-lot single family residential development. The ITE Trip Code for Single-Family Detached Housing is No. 210. The weekday PM Peak Hour average trip rate for Single-Family Detached Housing is 1.0. The applicant’s development is anticipated to create 18 PM Peak Hour trips which is below the 40-trips per PM Peak Hour threshold which would require a traffic study. Therefore a traffic study is not required.

This criterion does not apply because the proposed project does not meet the threshold of over 40 trips per p.m. peak hour.

15.305.020 Zoning use table – Use districts.

Finding: The subject property is zoned R-2/RD Medium Density Residential/Riverfront District. Table 15.305.020 lists single family residential as a use permitted by right.

This criterion is met because Table 15.305.020 lists single family residential as a use by right in the R-2/RD Zoning District.

15.440.010 Required off-street parking.

A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.

Finding: No information has been provided on the location of parking other than a statement that parking is provided and meets the requirement. Supplemental material submitted on January 20, 2020 notes that one garage space and one surface space in front of the garage will be provided for each house. Because no drawings have been provided to show compliance with 15.440.010 the applicant shall provide drawings at the time of building permit submittal to show compliance with parking requirements of 15.440.010.

This criterion will be met if the aforementioned condition of approval is adhered to.

15.440.030 Parking spaces required.

<i>Use</i>	<i>Minimum Parking Spaces Required</i>
<i>Residential Types</i>	
<i>Dwelling, single-family or two-family</i>	<i>2 for each dwelling unit on a single lot</i>

Notes:

* ***“1-E” refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.***

** ***“3.-G(1)” refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.***

Finding: The applicant is proposing single-family dwelling units, which will require 2 parking spots for each dwelling unit on a single lot. The applicant has stated parking will be provided. Supplemental material submitted on January 20, 2020 notes that one garage space and one surface space in front of the garage will be provided for each house. Because no drawings have been provided to show compliance with 15.440.030 the applicant shall provide drawings at the time of building permit submittal to show compliance with parking requirements of 15.440.030.

This criterion will be met if the aforementioned condition of approval is adhered to.

If parking is proposed in part to be within a garage the garage has interior wall dimension requirements of a single-car garage shall have a minimum inside width of 10 feet by 20 feet. A two-car garage shall have a minimum inside width of 20 feet by 20 feet. Supplemental material submitted on January 20, 2020 notes that single car garages are proposed and meet the 10 feet by 20 feet requirement. The requirement is met.

Chapter 15.352.030 The riverfront plan general provisions.

A. Report Adopted. The Newberg Riverfront Master Plan Final Report, dated June 29, 2001, is adopted by reference. The development standards listed in this chapter shall

take precedence over those listed in the report. If ambiguity exists, this code shall govern.

Finding: The Riverfront Master Plan has been considered by the applicant and addressed by this report.

B. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the RF overlay subdistrict shall be the same as those uses permitted in the base zoning districts.

Finding: Single family residential development is permitted in the R-2/RD overlay and meets the requirement.

C. Street, Bike Path, and Pedestrian Walkway Standards. All development improvements shall comply with standards contained in the circulation and transportation element of the Newberg riverfront master plan.

Finding: The 2002 Riverfront Master Plan identifies a concept circulation plan with the following element identified adjacent to the subject property, “River Street from Eleventh south to Fourteenth: Widen street to 42-foot width, including curbs, two 14-foot shared bike/traffic lanes, two 7-foot parking lanes. Add pedestrian connections (sidewalks or pathways) on east and west sides. Construction cost: \$450,000”. This project from the 2002 Riverfront Master Plan was not incorporated into the City’s Transportation System Plan (TSP) when it was updated in 2016, therefore, the cross-section for S River Street shall match the 2016 TSP not the cross-section noted above from the 2002 Riverfront Master Plan. The applicant has indicated constructing the S River Street cross-section to a major collector street standard as described in the response to NMC 15.505.030(E)(2) in this document. This criteria is met.

D. View Corridors. Designated key views shall be protected. Key views include the view from the top of the bluff on parcel 12 as noted in Figure 2 of the riverfront master plan, the view from the top of the bluff south of Fourteenth Street generally between College and River Streets, and the view from the riverbank near the barge tie-up facility. These key views shall be protected as follows:

- 1. Any development on parcel 12 as noted in Figure 2 of the riverfront master plan shall provide a public viewing area accessible from Fourteenth Street that allows views from the top of the bluff to the river. Any viewing area at this location may be connected to the public esplanade or the Fourteenth Street public sidewalk.***

Finding: Not applicable as the proposed PUD is not located along E Fourteenth Street.

2. Development along the bluff on parcels 14, 15, and 16 as noted in Figure 2 of the riverfront master plan shall protect views of the river by providing a public esplanade with a public walkway easement. Standards for the esplanade are identified in the circulation and transportation element.

Finding: Not applicable as the proposed PUD is not located along E Fourteenth Street or at the top of the bluff.

3. Development in the vicinity of the barge tie-up facility shall protect views of the river by providing a public viewing area near the bank of the river. A public viewing area in this location may be combined with the Willamette Greenway Trail that will run through this location.

Finding: Not applicable as the proposed PUD is not located along E Fourteenth Street or the barge tie-up area.

4. Additional important views may be identified through the land use approval process. Additional views identified through the land use process may be protected through conditions of approval.

Finding: Not applicable as no additional view corridors are identified in the Riverfront Master Plan or in staff's review of the application.

E. Significant Tree Grove. The area containing the significant tree grove located north of Fourteenth Street and between College and River Streets shall be preserved.

Finding: Not applicable as the proposed development is not located on the site where the significant tree grove is identified in the Riverfront Master Plan.

F. Visual/Noise Buffer. A visual/noise buffer shall be developed along River Street in such a manner as to:

- 1. Promote the protection of SP Newsprint, or current owner of paper mill, from uses that may complain against or otherwise hinder the operation of this important industrial facility due to visual and noise impacts; and**
- 2. Enhance the vitality and qualities of the land uses within the Newberg riverfront;**
- 3. Hardscape designs such as sound walls and similar barriers should only be located on the east side of River Street. Buffers located on the west side of River Street shall be designed in such a manner as to serve as a gateway to invite and attract people into the riverfront area.**

Finding: The applicant is proposing to plant arborvitae along the eastern boundary of the PUD along S River Street to provide a buffer to the industrial designated land to the east of S River Street. The criteria are met.

G. Separate Rail Traffic from Other Modes. Major transportation improvements shall be designed with considerations intended to separate rail traffic from other modes of transportation.

Finding: The applicant's proposed frontage improvements are adjacent to the existing railroad line. The frontage improvements and roadway widening are part of a larger transportation improvement project within the City of Newberg to develop the Riverside Master Plan. Through discussions with the Oregon Department of Transportation Rail Division in a rail diagnostic meeting that occurred on January 14, 2019, it was determined that eventually the rail crossing adjacent to this project site would require rail crossing arms and a fully signalized rail crossing. It's anticipated that the footprint of these future improvements could impact Lot 18. Because these future improvements to separate rail traffic from other modes of transportation could impact Lot 18, the applicant will be required to develop a concept plan of the future rail crossing improvements as discussed in the rail diagnostic meeting on January 14, 2019, to determine the potential future site impacts to Lot 18 to avoid constructing a permanent structure that would inhibit the future separation of rail traffic from other modes of transportation i.e. motor vehicle traffic, pedestrians, and people on bikes.

The criterion will be met if the aforementioned condition of approval is adhered to.

H. Esplanade Development. Prior to the development of the riverfront esplanade, a slope stability and flood study shall be performed.

Finding: Not applicable to the PUD application as the site is not located adjacent to the location of the esplanade.

15.352.050 Residential Design Standards.

A. Single-Family Dwellings.

1. For single-family dwellings, including manufactured homes on individual lots, at least two of the following design features must be provided on the street-facing facade:
 - a. Covered front porch at least six feet in width and length.
 - b. Eaves (minimum 12-inch overhang).
 - c. Bay or bow windows.
 - d. Dormers.
 - e. Window shutters.
 - f. Cupolas.

g. Horizontal lap siding.

Finding: The application material notes that Eaves (minimum 12-inch overhang and horizontal lap siding are provided on the homes two meet the minimum of two design features. The criterion is met.

2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

Finding: The application material notes that T1-11 and all other wood-based “full sheet” or panel-type siding is not proposed on elevations visible from public rights-of-way and meet the criterion.

B. Attached and Multifamily Dwellings. The intent of the standards is to provide for multifamily development of a smaller-scale character that is compatible with the vision contained in the riverfront master plan. The standards are intended to require larger developments to be compatible with single-family detached housing by requiring the building to have a massing and appearance that are consistent with a single-family house or townhouse.

1. For multifamily or attached housing, each dwelling unit shall be emphasized by providing a unique element on the street-facing elevation. Examples of such elements include roof dormers, roof gables, bay windows, porches, and balconies.

Finding: This criterion does not apply as the proposed development is for detached single family homes and not attached or multifamily dwellings.

2. Each dwelling unit with windows facing the street frontage shall also have an exterior entrance on the street-facing elevation. Dwelling units on the corner of an intersection shall only be required to meet this standard on one street-facing elevation.

Finding: This criterion does not apply as the proposed development is for detached single family homes and not attached or multifamily dwellings.

3. Individual units shall be articulated either with a change in roof line or in building plane at an interval of no more than 40 feet. Roof line offsets shall be a minimum four-foot variation vertically as measured from the gutter line. Gable ends facing the street shall be considered to provide a roof line offset. Building plane offsets shall be a minimum of three feet.

Finding: This criterion does not apply as the proposed development is for detached single

family homes and not attached or multifamily dwellings.

4. For multifamily dwellings and all nonresidential structures in residential districts, at least two of the following design features must be provided:

- a. Covered front porch at least six feet in width and length for each individual unit that faces a public street. If a covered front porch is provided to serve two or more units, the porch must provide not less than 30 square feet of area for each unit served within a single building and have a minimum width of six feet.**
- b. Eaves (minimum 12-inch overhang).**
- c. Bay or bow windows.**
- d. Dormers.**
- e. Window shutters.**
- f. Cupolas.**
- g. Horizontal lap siding.**

Finding: This criterion does not apply as the proposed development is for detached single family homes and not attached or multifamily dwellings.

5. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

Finding: This criterion does not apply as the proposed development is for detached single family homes and not attached or multifamily dwellings.

C. Standards for Garage Doors and Parking in Residential Zones.

1. Garage Location. All residential structures shall have a pedestrian entrance facing the street. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

- a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.**

Finding: Submitted Architectural drawings represent a pedestrian entrance facing the street (E River Court) for all three house designs. The garages are 9 feet in width. The front facade is 21 feet for all three house designs. 40% of the facade would be 8.4 feet. The 9 feet garage door width is less than 12 feet and meets the criterion.

- b. The front of the garage can be no closer to the front lot line than the front facade of the house.**

Finding: Submitted Architectural drawings for all three house designs indicate that that the garage is no closer to the front line than the front façade of the house and meet the criterion.

c. Individual garage doors may be no more than 90 square feet in area.

Finding: Submitted Architectural drawings and the written narrative indicate that the garage doors for the three house designs is 72 square feet each and meets the criterion.

d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.

Finding: Submitted Architectural drawings and the written narrative indicate the three house designs have single car garages and not side by side garages and meets the criterion.

2. Surface parking areas shall be located behind or to the side of residential structures.

Finding: No surface parking beyond the driveway to access the garage is proposed by the three houses designs and meets the criterion.

3. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials.

Finding: This criterion does not apply as the proposed development is not proposing carports.

Chapter 15.505 PUBLIC IMPROVEMENTS STANDARDS

15.505.010 Purpose.

This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development.

15.505.020 Applicability.

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No

development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).

A. Public Works Design and Construction Standards. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.

Finding: The preliminary plans show the installation of a new public limited residential street. Other improvements not limited to water, wastewater, and stormwater infrastructure are also included in the applicant's plans. These improvements requiring City approval shall comply with the City's Public Works Design and Construction Standards. Some improvements may require approval from other agencies.

The City of Newberg received comments on the land-use application from the ODOT Rail Division on January 8, 2019. ODOT Rail indicated that the applicant would need to submit a rail crossing application and obtain appropriate permitting for modifications to the area of influence within the public right-of-way proximate to the existing rail crossing 1505.

Because permitting was not discussed in detail in the applicant's narrative, public utility infrastructure improvements not limited to street improvements, water, wastewater, and stormwater will require completed permits from partner agencies to authorize different work tasks. Issuance of required permits for roadway work and work associated with the ODOT rail crossing adjacent to the development, etc. not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.

This criterion will be met if the aforementioned condition of approval is adhered to.

B. Street Improvements. All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.

Finding: The preliminary plans and narrative indicate the applicant will be installing a limited residential street with 47-feet of right-of-way, 26-foot curb-to-curb, 5-foot wide sidewalks along E River Court, and 6-foot wide curb tight sidewalks along the cul-de-sac bulb.

This criterion will be met if all improvements necessary to serve the development are completed, see conditions in Section 15.505.030.

C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.

Finding: The preliminary plans show a connection to the existing water line in S River Street, and extension of a public water line through the development with a blow off located on the western end of the alignment.

This criterion will be met if all water improvements necessary to service the development are completed, see conditions in Section 15.505.040(D).

D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.

Finding: The preliminary plans show an extension of the wastewater line in S River Street approximately 210-feet north of the development before extending to the west along the proposed limited residential street (E River Court).

This criterion will be met if all wastewater improvements necessary to service the development are completed, see conditions in Section 15.505.040(E).

E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.

Finding: The applicant's narrative indicates the applicant will be creating a public stormwater tract to treat new impervious surface areas created by the development. The stormwater facility will then drain into the storm line in S River Street.

This criterion will be met if all stormwater improvements necessary to service the development are completed, see conditions in Section 15.505.050.

F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.

Finding: The applicant's narrative indicates that all public utilities are to be constructed in the new street right-of-way or in Tract A. The applicant has also indicated that public utility easements are located along all proposed lots.

This criterion will be met if all easements necessary to service the development are completed, see conditions in Section 15.505.040(F).

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public

Works Design and Construction Standards.

Finding: This criterion will be verified to have been met during the building permit review process.

15.505.030 Street standards.

A. Purpose. The purpose of this section is to:

- 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.**
- 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.**
- 3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.**

B. Applicability. The provisions of this section apply to:

- 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.**
- 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.**
- 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.**
- 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.**
- 5. Developments outside the city that tie into or take access from city streets.**

C. Layout of Streets, Alleys, Bikeways, and Walkways. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and

construction standards, the Newberg transportation system plan, and other adopted city plans.

D. Construction of New Streets. Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:

- 1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and**
- 2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.**

Finding: The applicant is proposing to construct a new limited residential street. The applicant has proposed the following cross-section which requires a minimum of 47-feet of right-of-way:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 4.5-foot planter strip
- 0.5-foot curb
- 13-foot travel lane
- 13-foot travel lane
- 0.5-foot curb
- 4.5-foot planter strip
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The applicant's proposed roadway cross-section and dedication of right-of-way meets the City's Standard for a limited residential street. The applicant's narrative indicates that they're proposing on-street parking along one side of the limited residential street. However, Tualatin Valley Fire & Rescue (TVF&R) has indicated their standard is to not allow on-street parking when the curb-to-curb pavement width is 26-feet or less. Because TVF&R is the City's fire service provider and their preference is to not allow on-street parking on streets with a curb-to curb pavement width of 26-feet or less, the applicant will be required to disallow on-street parking on the limited residential street and to sign the street appropriately with "no parking" signage. On-street parking is allowed for in the cul-de-sac.

The criteria will be met if the aforementioned condition of approval is adhered to.

E. Improvements to Existing Streets.

- 1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.**

2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.

Finding: The applicant is proposing to widen S River Street adjacent to their development and to construct improvements that meet the City’s standards for a major collector street. The applicant has proposed the following half-street improvement cross-section which requires a minimum of 30-feet of right of way:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter strip
- 0.5-foot curb
- 6-foot bike lane (southbound)
- 12-foot travel lane (southbound)

In addition to constructing the cross-section for the major collector street, the applicant is proposing a 4-foot grind and inlay to the east of the road centerline. The applicant’s proposed roadway cross-section meets the City’s Standard for a major collector street. This requirement is met.

3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant’s engineer and shall be approved by the director.

Finding: The applicant’s property is not located on a street scheduled for a near term reconstruction and therefore a fee in lieu for improvements is not applicable.

This criterion does not apply.

F. Improvements Relating to Impacts. Improvements required as a condition of development approval shall be roughly proportional to the impact of the

development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this code. If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land use application.

Finding: There are no improvements related to impacts identified as part of this proposed action, therefore, this criterion does not apply.

G. Street Width and Design Standards.

1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

Table 15.505.030(G) Street Design Standards

Type of Street	Right-of-Way Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
Arterial Streets						
Expressway**	ODOT	ODOT	ODOT	ODOT	ODOT	ODOT
Major arterial	95 – 100 feet	74 feet	4 lanes	TWLTL or median*	Yes	No*
Minor arterial	69 – 80 feet	48 feet	2 lanes	TWLTL or median*	Yes	No*
Collectors						
Major	57 – 80 feet	36 feet	2 lanes	None*	Yes	No*
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
Local Streets						
Local residential	54 – 60 feet	32 feet	2 lanes	None	No	Yes

Table 15.505.030(G) Street Design Standards

<i>Type of Street</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes</i>	<i>Median Type</i>	<i>Striped Bike Lane (Both Sides)</i>	<i>On-Street Parking</i>
<i>Limited residential, parking both sides</i>	<i>44 – 50 feet</i>	<i>28 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking one side</i>	<i>40 – 46 feet</i>	<i>26 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>One side</i>
<i>Local commercial/ industrial</i>	<i>55 – 65 feet</i>	<i>34 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>No*</i>	<i>Yes*</i>

* *May be modified with approval of the director. Modification will change overall curb-to-curb and right-of-way width. Where a center turn lane is not required, a landscaped median shall be provided instead, with turning pockets as necessary to preserve roadway functions.*

** *All standards shall be per ODOT expressway standards.*

2. Motor Vehicle Travel Lanes. Collector and arterial streets shall have a minimum width of 12 feet.

Finding: The applicant is proposing a 12-foot southbound travel lane on S River Street which is a major collector roadway.

This criterion is met.

3. Bike Lanes. Striped bike lanes shall be a minimum of six feet wide. Bike lanes shall be provided where shown in the Newberg transportation system plan.

Finding: The applicant is proposing a 6-foot southbound bike lane on S River Street which is a major collector roadway.

This criterion is met.

4. Parking Lanes. Where on-street parking is allowed on collector and arterial streets, the parking lane shall be a minimum of eight feet wide.

Finding: The applicant will be making improvements to S River Street, a major collector street, adjacent to the development. No on-street parking on S River Street is proposed.

This criterion is met.

5. Center Turn Lanes. Where a center turn lane is provided, it shall be a minimum of 12 feet wide.

Finding: There are no center turn lanes proposed as part of this project. This criterion does not apply.

6. Limited Residential Streets. Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:

- a. The requirements of the fire chief shall be followed.**
- b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.**
- c. Use for through streets or looped streets is preferred over cul-de-sac streets.**
- d. Use for short blocks (under 400 feet) is preferred over longer blocks.**
- e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.**
- f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.**

Finding: The applicant has indicated they will follow the requirements of the fire chief.

The applicant has indicated that the estimated future traffic associated with the proposed development will generate approximately 172 average daily trips (ADT) based on ITE Trip Code 210. The projected number of trips (172 ADT) is less than the threshold of 600 ADT and therefore the traffic volume on the street is categorized a low. This criterion is met.

The applicant has indicated that due to existing development patterns in the vicinity of the subject property, that continuation of the public street network through the property is infeasible. The property is boarded by an existing railroad to the south and the Newberg-Dundee Bypass right-of-way to the west and northwest. The applicant is therefore proposing a cul-de-sac. This criterion is met.

The applicant has indicated the dead-end right-of-way is approximately 350-feet in length. This criterion is met.

The applicant's proposal indicates that 18-lots are being created and will access the limited residential street. This criterion is met.

The applicant's proposal indicates that 18-lots are being created and each lot will have the required off-street parking in driveways and garages. Therefore, the need for on-street parking should be limited. Parking per TVF&R, will not be allowed in the 26-foot curb-to-curb cross-section. This criterion is met.

7. Sidewalks. Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.

Finding: The applicant is proposing 5-foot sidewalks with a planter strip along E River Court and S River Street. The E River Court cul-de-sac will have a 6-foot sidewalk.

This criterion is met.

8. Planter Strips. Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:

- a. Additional reinforcement is done to the sidewalk section at corners.**
- b. Sidewalk width is six feet.**

Finding: On S River Street the applicant is proposing a 6-foot planter strip inclusive of the curb, which meets City standards. On River Court the applicant is proposing a 5-foot planter strip inclusive of the curb. The applicant is proposing 6-foot curb tight sidewalks in the cul-de-sac bulb at the western terminus of E River Court and omitting the planter strip.

This criterion is met.

9. Slope Easements. Slope easements shall be provided adjacent to the street where required to maintain the stability of the street.

Finding: The applicant is not proposing a slope easement. This criterion does not apply.

10. Intersections and Street Design. The street design standards in the Newberg public works design and construction standards shall apply to all public streets, alleys, bike facilities, and sidewalks in the city.

Finding: The applicant is proposing to construct a new public limited residential street. Because the applicant has not completed an intersection sight distance evaluation of proposed intersection, the applicant will be required to conduct and submit an intersection sight distance evaluation per Section 5.23 in the Public Works Design & Construction Standards.

The criterion will be met if the aforementioned condition of approval is adhered to.

11. The planning commission may approve modifications to street standards for the purpose of ingress or egress to a minimum of three and a maximum of six lots through a conditional use permit.

Finding: The applicant is not proposing a conditional use permit. This criterion does not apply.

H. Modification of Street Right-of-Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:

- 1. The modification is necessary to provide design flexibility in instances where:**
 - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or**
 - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or**
 - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or**
 - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.**
- 2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.**

Finding: The applicant is proposing a limited residential street, and is not proposing further modifications to the street right-of-way or improvement width. This criterion does not apply.

I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

Finding: The applicant is not proposing a temporary turnaround. This criterion does not apply.

J. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.

Finding: The applicant has given suitable recognition to surrounding topographical conditions. This criterion is met.

K. Future Extension of Streets. All new streets required for a subdivision, partition, or a project requiring site design review shall be constructed to be “to and through”: through the development and to the edges of the project site to serve adjacent properties for future development.

Finding: The applicant’s plan and narrative show there are no possible future street extensions as part of this project. This criterion does not apply.

L. Cul-de-Sacs.

1. 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, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.

a. Physical or topographic conditions make a street 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.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.

c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.

d. 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.

2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).

3. Cul-de-sacs shall not serve more than 18 single-family dwellings.

Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

Finding: The applicant has indicated that due to existing development patterns in the vicinity of the subject property, that continuation of the public street network through the property is infeasible. The property is bordered by an existing railroad to the south and the Newberg-Dundee Bypass right-of-way to the east. The applicant is therefore proposing a cul-de-sac. The cul-de-sac is approximately 350-feet in length and serves 18-single family dwellings. The cul-de-sac bulb has a curb-to-curb diameter of 96-feet, and a right-of-way diameter of 110-feet.

This criterion is met.

M. Street Names and Street Signs. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.

Finding: The applicant has indicated on the plans they intend to call the new limited residential street E River Court. Because a street name sign has not yet been selected, the applicant will be required to select a street name, and install new street name signs at the intersection of their proposed limited residential street and S River Street.

The criterion will be met if the aforementioned condition of approval is adhered to.

N. Platting Standards for Alleys.

- 1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.***
- 2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.***
- 3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.***
- 4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.***
- 5. 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: The applicant is not proposing alleys. These criteria do not apply.

O. Platting Standards for Blocks.

1. Purpose. Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.

2. Maximum Block Length and Perimeter. The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

Zone(s)	Maximum Block Length	Maximum Block Perimeter
R-1	800 feet	2,000 feet
R-2, R-3, RP, I	1,200 feet	3,000 feet

3. Exceptions.

a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.

b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.

c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.

d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.

e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.

f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those

approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

Finding: The applicant is not proposing blocks. These criteria do not apply.

P. Private Streets. New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).

Finding: The applicant is not proposing private streets. This criterion does not apply.

Q. Traffic Calming.

1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:

- a. Serpentine alignment.***
- b. Curb extensions.***
- c. Traffic diverters/circles.***
- d. Raised medians and landscaping.***
- e. Other methods shown effective through engineering studies.***

2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.

Finding: The applicant is not proposing traffic calming. These criteria do not apply.

R. Vehicular Access Standards.

1. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

Table 15.505.R. Access Spacing Standards

Roadway Functional Classification	Area¹	Minimum Public Street Intersection Spacing (Feet)²	Driveway Setback from Intersecting Street³
Expressway	All	Refer to ODOT Access Spacing Standards	NA
Major arterial	Urban CBD	Refer to ODOT Access Spacing Standards	
Minor arterial	Urban CBD	500 200	150 100
Major collector	All	400	150
Minor collector	All	300	100

¹ “Urban” refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).

“CBD” refers to intersections within the central business district (C-3 zone).

“All” refers to all intersections within the Newberg urban growth boundary.

² Measured centerline to centerline.

³ The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or on adjoining streets, one driveway is allowed as far from the intersection as possible.

Finding: The applicant has indicated that the newly proposed limited residential street will create a new intersection with S River Street which is classified as a major collector. As such, major collector minimum public street intersection spacing is 400-feet. The closest improved intersection to the subject property is the intersection of S River Street at E Twelfth Street. The new public street proposed by this application will be located approximately 485-feet south of the existing intersection.

This criterion is met.

3.Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.

Finding: The applicant's plans show that once subdivided, Lot 1 and Lot 18 will have frontage on E River Court (limited residential street) and S River Street (major collector). Because the applicant's plan do not show proposed driveway access locations for Lot 1 and Lot 18, the applicant will be required to take driveway access for Lot 1 and Lot 18 from the limited residential street (E River Court) which has the lesser functional classification. Driveways for Lot 1 and Lot 18 to be located as far from the intersection of E River Court/S River Street as possible.

The criterion will be met if the aforementioned condition of approval is adhered to.

4. Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.

Finding: The applicant is not proposing more than one driveway per lot. This criterion does not apply.

5. Alley Access. Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:

- a. The review body finds that creating a public street frontage is not feasible.**
- b. The alley access is for no more than six dwellings and no more than six lots.**
- c. The alley has through access to streets on both ends.**
- d. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.**

Finding: The applicant's property does not have alley access. These criteria do not apply.

6. Closure of Existing Accesses. Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.

Finding: The applicant is not proposing to close an existing access. This criterion does not apply.

7. Shared Driveways.

- a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).**
- b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.**
- c. No more than four lots may access one shared driveway.**
- d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.**
- e. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.**

Finding: The applicant is not proposing shared driveways. These criteria do not apply.

8. Frontage Streets and Alleys. The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

Finding: The applicant's project is not proposing frontage streets or alleys. This criterion does not apply.

9. ODOT or Yamhill County Right-of-Way. Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.

Finding: The applicant's proposed limited residential street connects to S River Street which is jurisdictionally owned by Yamhill County. The property also abuts a rail line which is jurisdictionally regulated through the Oregon Department of Transportation (ODOT), and the property abuts ODOT right-of-way to the west as part of the Newberg-Dundee Bypass alignment. Because the applicant has not indicated the need to obtain permitting from other

agencies, the applicant will be required to acquire the necessary right-of-way access permitting from Yamhill County and ODOT for improvements related to the development.

This criterion will be met if the aforementioned condition of approval is adhered to.

10. Exceptions. The director may allow exceptions to the access standards above in any of the following circumstances:

a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.

b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.

c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.

11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

Finding: The applicant is not proposing any exceptions. These criteria do not apply.

S. Public Walkways.

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.

2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.

3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.

4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.

5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.

6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.

7. Lighting may be required for public walkways in excess of 250 feet in length.

8. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

Finding: The applicant is not proposing public walkways and no opportunities to create a public walkway exist due to the railroad line to the south and the Newberg-Dundee Bypass to the west and northwest. These criteria do not apply.

T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

Finding: The applicant's landscape plan shows the installation of street trees along E River Court, and no street trees are shown along S River Street. Street trees are required along all improved public streets. No street trees are shown on the cul-de-sac. If no public utility easement is required by the utility companies around the cul-de-sac bulb street trees will be required. Because it's unclear if the street tree criteria is being met, the applicant will be required to provide any necessary street trees that are compliant with 15.420.010(B) including street trees around the perimeter of the cul-de-sac bulb if a public utility easement is not required by utility providers, and meet the sight distance requirements as set forth by ODOT in association with the rail crossing order.

The criterion will be met if the aforementioned condition of approval is adhered to.

U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

Finding: The applicant's plans show street lighting along both S River Street and E River Court. Because it's unclear if the applicant is meeting City street lighting standards, the applicant will be required to adequately light the following locations or show via a lighting analysis that the existing street lighting meets City standards. If street existing street lighting does not meet City standards the applicant shall provide additional street lighting

along the property frontage that is compliant with the City's Public Works Design and Construction Standards.

Street lighting meeting City standards is required at the following locations:

- Street lighting will be required along the proposed limited residential street
- Street lighting will be required at the newly created intersection of the proposed limited residential street and S River Street
- Street lighting will be required on the west side of S River Street along the property frontage.

The criterion will be met if the aforementioned condition of approval is adhered to.

V. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:

- 1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.***
- 2. A transit passenger landing pad accessible to disabled persons.***
- 3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.***
- 4. Lighting at the transit facility.***

Finding: The applicant is not proposing transit improvements and the site is not adjacent to existing transit facilities. The Yamhill County Transit Development Plan does show a future transit line along S River Street which is identified as a long-term priority with no date for implementation identified. These criteria do not apply.

15.505.040 Public utility standards.

C. General Standards.

- 1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.***
- 2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.***

Finding: The applicant has indicated that the proposed improvements are located within the 47-feet of right-of-way to be dedicated for the limited residential street or are within easements meeting the City's Public Works Design and Construction Standards. Additionally, the public utilities were designed with the intent to minimize soil and site disturbance as feasible. All construction of utilities will be coordinated with the City.

These criterion are met.

D. Standards for Water Improvements. All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.

- 1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.***
- 2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.***

Finding: The applicant's plans and narrative indicate that there is an existing water line in S River Street. Water service is being shown to every lot. Because the applicant has not submitted fire flow calculations, the applicant will be required to submit fire flow calculations to show that the existing and proposed service is adequate prior to the issuance of the Public Improvement Permit.

This criterion will be verified to have been met with the adherence to the condition of approval.

- 3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.***
- 4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.***

Finding: The applicant's plans and narrative indicate that there is an existing water line in S River Street. Water service is being shown to every lot. Because the applicant has not submitted construction plans, the applicant will be required to submit construction plans and obtain a Public Improvement Permit to extend a public water line into E River Court and to install water service laterals to the requirements of the City's Public Works Design and Construction Standards.

The criterion will be met if the aforementioned condition of approval is adhered to.

E. Standards for Wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.

1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.

Finding: The applicants' narrative does not address if the existing home located on the property is served by a septic tank. Because it's unclear if the existing home located on the property is served by a septic tank, the applicant will be required to provide documentation that a septic system does not exist for the existing house and abandon and remove the existing system in accordance with Yamhill County standards and provide documentation of such abandonment/removal.

This criterion will be met if the aforementioned condition of approval is adhered to.

2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.

3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during

peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.

5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.

6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.

7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

Finding: Preliminary plans indicate that the applicant will be able to meet requirements of the Public Works Design and Construction Standards. The preliminary plans show a connection to the existing southern terminus of the wastewater line approximately 210-feet north of the development. The applicant is also showing and extension of the public wastewater line to the west along E River Court. The applicant does not show the extension of the wastewater line in S River Street to the southern extent of their property frontage. Because the applicant has not submitted construction plans and does not show the full extension of the wastewater line to the southern end of their property frontage in S River Street, the applicant will be required to extend the wastewater line in S River Street to the southern end of the subject property, submit construction plans, and obtain and Public Improvement Permit to install the wastewater service main and laterals pursuant to the requirements of the City's Public Works Design and Construction Standards.

The criterion will be met if the aforementioned condition of approval is adhered to.

F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

Finding: The applicant has submitted a preliminary PUD development that indicates some utility easements. Because the applicant has not recorded all utility easements, the applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

- 1) A 10-foot public utility easement along Lots 1 through Lot 18. Stormwater facilities are not allowed to be co-located in public utility easements.

- 2) A maximum 10-foot public utility easement adjacent to the cul-de-sac bulb as coordinated and approved by the required franchise utilities. Stormwater facilities are not allowed to be co-located in public utility easements.

The criterion will be met if the aforementioned condition of approval is adhered to.

15.505.050 Stormwater system standards.

C. General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

Finding: The applicant's plans and narrative show a water quality and detention pond proposed along the western edge of the development. The proposed water quality and detention pond in Tract A will then be conveyed into the public stormwater line in S River Street. Because the applicant has not provided construction plans or a final stormwater report, the applicant will be required to provide detailed construction plans and a final stormwater report that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management.

The criterion will be met if the aforementioned condition of approval is adhered to.

D. Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:

- 1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.**
- 2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.**
- 3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.**

Finding: The applicant's narrative indicates developing a 18-unit single-family residential PUD. New impervious surface areas will be created and the applicant indicated they would install one large stormwater facility in Tract A to treat stormwater. Because the applicant did not discuss the need for an erosion and sedimentation control permit to construct the

proposed development, the applicant will be required to obtain 1200-C permit prior to issuance of the Public Improvement Permit.

The criterion will be met if the aforementioned condition of approval is adhered to.

E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards.

Finding: The applicant's plans and narrative show a water quality and detention pond proposed along the western edge of the development. The proposed water quality and detention pond in Tract A will then be conveyed into the public stormwater line in S River Street. Because the applicant has not submitted construction plans or a final stormwater report, the applicant will need to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Public Improvement Permit prior to installing the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

The criterion will be met if the aforementioned condition of approval is adhered to.

Conclusion: Based on the above findings, the application meets the required criteria within the Newberg Development Code, subject to completion of the attached conditions found in Exhibit "B".

**Exhibit “B” to Planning Commission Order 2020-01
Conditions – File PUD19-0002
Riverlands PUD**

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

- 1. Substantially Complete the Construction Improvements:** In accordance with NDC 15.240.040, submit the final plan application. Prior to final plan approval for a given phase, the applicant must substantially complete the construction improvements and secure for them in accordance with city policy. Complete construction and call for a walk-through inspection with the Engineering Division (503-537-1273).
- 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. Lot Area and Coverage**
 - a. The applicant shall modify the proposed lot area (size) for Lots 9 and 10 so that the lots are to the cul-de-sac bulb pinch point with the sites perimeter boundary.
 - b. The applicant shall provide lot coverage calculation for buildings, parking and combined building and parking at the tie of submittal of building plans and shall meet the requirements of 15.405.030(B)(1)(b), 15.405.030(B)(2), and 15.405.030(b)(3).

4. Public Utility Easements:

- a. The applicant is required to coordinate with franchise utilities and provide a public utility easement width meeting the requirements of the franchise utilities with a maximum public utility easement of 10-feet along all property frontages as coordinated with franchise utility providers. The City of Newberg must be provided with documentation of the ultimate public utility easement locations as coordinated with and approved by the necessary franchise utilities prior to the approval of the final plat.

5. Parking

- a. The applicant shall provide drawings at the time of building permit submittal to show compliance with parking requirements of 15.440.010.
- b. The applicant shall provide drawings at the time of building permit submittal to show compliance with parking requirements of 15.440.030.

7. Required Permits:

- a. Public utility infrastructure improvements not limited to street improvements, water, wastewater, and stormwater will require completed permits from partner agencies to authorize different work tasks. Issuance of required permits for roadway work and work associated with the ODOT rail crossing adjacent to the development, etc. not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.
- b. The applicant will be required to obtain 1200-C permit prior to issuance of the Public Improvement Permit.

8. Roads and Sidewalks:

- a. The applicant will be required to develop a concept plan of the future rail crossing improvements as discussed in the rail diagnostic meeting on January 14, 2019, to determine the potential future site impacts to Lot 18 to avoid constructing a permanent structure that would inhibit the future separation of rail traffic from other modes of transportation i.e. motor vehicle traffic, pedestrians, and people on bikes.
- b. Public utility infrastructure improvements not limited to street improvements, water, wastewater, and stormwater will require completed permits from partner agencies to authorize different work tasks. Issuance of required permits for roadway work and work associated with the ODOT rail crossing adjacent to the development, etc. not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.
- c. The applicant will be required to disallow on-street parking on the limited residential street and to sign the street appropriately with “no parking” signage. On-street parking is allowed for in the cul-de-sac.
- d. The applicant will be required to conduct and submit an intersection sight distance evaluation per Section 5.23 in the Public Works Design & Construction Standards
- e. The applicant will be required to select a street name, and install new street name signs at the intersection of their proposed limited residential street and S River Street.
- f. The applicant will be required to take driveway access for Lot 1 and Lot 18 from the limited residential street (E River Court) which has the lesser functional classification. Driveways for Lot 1 and Lot 18 to be located as far from the intersection of River Court/S River Street as possible.
- g. The applicant will be required to acquire the necessary right-of-way access

permitting from Yamhill County and ODOT for improvements related to the development.

9. Street Trees:

- a. The applicant will be required to provide any necessary street trees that are compliant with 15.420.010(B) including street trees around the perimeter of the cul-de-sac bulb if a public utility easement is not required by utility providers, and meet the sight distance requirements as set forth by ODOT in association with the rail crossing order.

10. Street Lighting:

- a. The applicant will be required to adequately light the following locations or show via a lighting analysis that the existing street lighting meets City standards. If street existing street lighting does not meet City standards the applicant shall provide additional street lighting along the property frontage that is compliant with the City’s Public Works Design and Construction Standards. Street lighting meeting City standards is required at the following locations:
 - Street lighting will be required along the proposed limited residential street
 - Street lighting will be required at the newly created intersection of the proposed limited residential street and S River Street
 - Street lighting will be required on the west side of S River Street along the property frontage

11. Water:

- a. The applicant will be required to submit fire flow calculations to show that the existing and proposed service is adequate prior to the issuance of the Public Improvement Permit.
- b. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to extend a public water line into E River Court and to install water service laterals to the requirements of the City’s Public Works Design and Construction Standards.

12. Wastewater:

- a. The applicant will be required to provide documentation that a septic system does not exist for the existing house and abandon and remove the existing system in accordance with Yamhill County standards and provide documentation of such abandonment/removal prior to issuance of a City Public Improvement Permit.
- b. The applicant will be required to extend the wastewater line in S River Street

to the southern end of the subject property, submit construction plans, and obtain and Public Improvement Permit to install the wastewater service main and laterals pursuant to the requirements of the City's Public Works Design and Construction Standards

13. Easements:

- a. The applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:
 - 1) A 10-foot public utility easement along Lots 1 through Lot 18. Stormwater facilities are not allowed to be co-located in public utility easements.
 - 2) A maximum 10-foot public utility easement adjacent to the cul-de-sac bulb as coordinated and approved by the required franchise utilities. Stormwater facilities are not allowed to be co-located in public utility easements.

14. Stormwater:

- a. The applicant will be required to provide detailed construction plans and a final stormwater report that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management.
- b. The applicant will need to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Public Improvement Permit prior to installing the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

15. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all

phases void that are not yet finally approved or upon which construction has not begun.

16. Application Materials:

- a. Type I application form (found either at City Hall or on the website – www.newbergoregon.gov in the Planning Forms section) with the appropriate fees.
- b. A current title report (within 6 months old) for the property. Include copies of all existing easements and CC&Rs that pertain to the property.
- c. A written response to these Conditions of Approval that specifies how each condition has been met.
- d. Two blue-line copies of the final plat for preliminary review by the City Engineering Division. Engineering 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.

17. Final Mylar Copies of the Plat: Submit final mylar copies of the corrected final plat (after red-line corrections have been made).

- a. Three sets (one original and two copies), 18 inches by 24 inches in size, of the final PUD plans drawn in black India ink in clear and legible form. Original plats shall be in substantial conformity to the approved tentative plan and shall conform to the Yamhill County Surveyor’s specifications and requirements.

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

- i. Community Development Director
- ii. The County Assessor
- iii. The County Surveyor
- iv. The City Recorder

19. Recording: Deliver the approved 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.

20. Copy returned to the City: Return an exact mylar copy of the recorded plat to the Director to complete the plat process. The land division will not be considered final

until the copy is returned to the Director. No permits will be issued for any development on the property after the plat is signed until the copy is returned.

21. Development Notes:

- a. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
- b. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
- c. **Frontier:** The developer must coordinate trench/conduit requirements with Frontier. Contact the Engineering Division, Frontier, at 541-269-3375.
- d. **Tualatin Valley Fire & Rescue:** The developer shall coordinate with TVF&R on requirements noted in Attachment 4.
- e. **Addresses:** The Planning Division will assign addresses for the new lots. Planning Division staff will send out notice of the new addresses after they receive a mylar copy of the recorded final plat.

Attachment 1: Application Material

RECEIVED

DEC 09 2019

Initial: _____



Riverlands

18-Lot Planned Unit Development

1303 NE River St. Newberg, OR 97132 (R3229/02500)

November 1, 2019

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EXHIBITS

- A Land Use Application
- B Tax Map
- C Proof of Ownership
- D Evidence of Authority to Sign
- E Preliminary Engineering
- F Preliminary Stormwater Report
- G Geotechnical Report
- H Conceptual Architectural Plans (3-bedroom)
- I Conceptual Architectural Plans (3-bedroom "Solar")
- J Conceptual Architectural Plans (2-bedroom "Solar")
- K Solar Exposure Exhibits
- L Draft Public Notice
- M Property Owner Information (500' Radius)
- N Covenant of Rights and Remedies (Measure 49 Waiver)

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SUBJECT PROPERTY & PROJECT SUMMARY

Property Ownership	
Property Owner	Riverlands Subdivision LLC PO Box 3189 Newberg, OR 97132
Applicant	Del Boca Vista LLC PO Box 3189 Newberg, OR 97132
Tax Assessment Details	
Tax Map & Tax Lot	R3229/02500
Address	1303 NE River St. Newberg, OR 97132
Subject Property Size	1.56-ac
Political Boundaries	
City	Newberg
County	Yamhill
Planning Designations	
Zoning Designation	R-2/RD (Medium Density Residential District/Riverfront District)
Comprehensive Plan Designation	MDR/RD (Medium Density Residential District/Riverfront District)
Environmental Findings	
Stream Corridor	No
Flood Plain (FEMA 100 yr.)	No
Topography	East to West at less than 1%
Service Providers	
Fire Protection	Tualatin Valley Fire & Rescue
School District	Newberg School District
Sewer	City of Newberg
Water	City of Newberg
Stormwater	City of Newberg
Sanitary Hauler	Waste Management
Park & Recreation District	Chehalem Park and Recreation District
Proposal	
Proposal	18-Lot Planned Unit Development
Future Development	Single-Family Detached Dwellings
Design Team Members	
Design Coordinator's Professional Representative	Mackenzie Davis, Del Boca Vista LLC
Project Engineer	Brady Berry, David Evans & Associates, Inc.
Project Surveyor	Stephen Williams, David Evans & Associates, Inc.
Project Architect	Jim Mei, Suntel Design Inc.
Project Landscape Architect	Janet Otten, Otten Landscape Architects, Inc.

PROJECT DESCRIPTION

INTRODUCTION

The owner of the subject property, Riverlands Subdivision LLC, proposes an 18-Lot Planned Unit Development Subdivision of the 1.56-acre subject property. The subject property is located at 1303 NE River St. Newberg, OR 97132 (R3229/02500), to the south and east of the Newberg-Dundee Bypass, west of S. River St. and north of E. 14th St.

This written narrative, together with Preliminary Engineering and Architectural development plans, and other documentation included in the enclosed application materials, establishes that the Application is in compliance with all applicable approval criteria, and provides the basis for the Planning Commission recommendation of approval of this Application.

EXISTING CONDITIONS

The subject property generally slopes from east to west at less than 1%. There are no significant natural resources identified on the subject property. There is an existing single-family detached dwelling and associated structures on the subject property, which will be removed prior to future development. Existing vegetation on the subject property is a mixture of trees and groundcover associated with the existing single-family detached dwelling.



Figure 1: Subject Property Aerial

The subject property has a Zoning Designation of R-2/RD (Medium Density Residential/Riverfront District), and a Comprehensive Plan Designation of MDR/RD (Medium Density Residential/Riverfront District).



Figure 2: City of Newberg Zoning Map

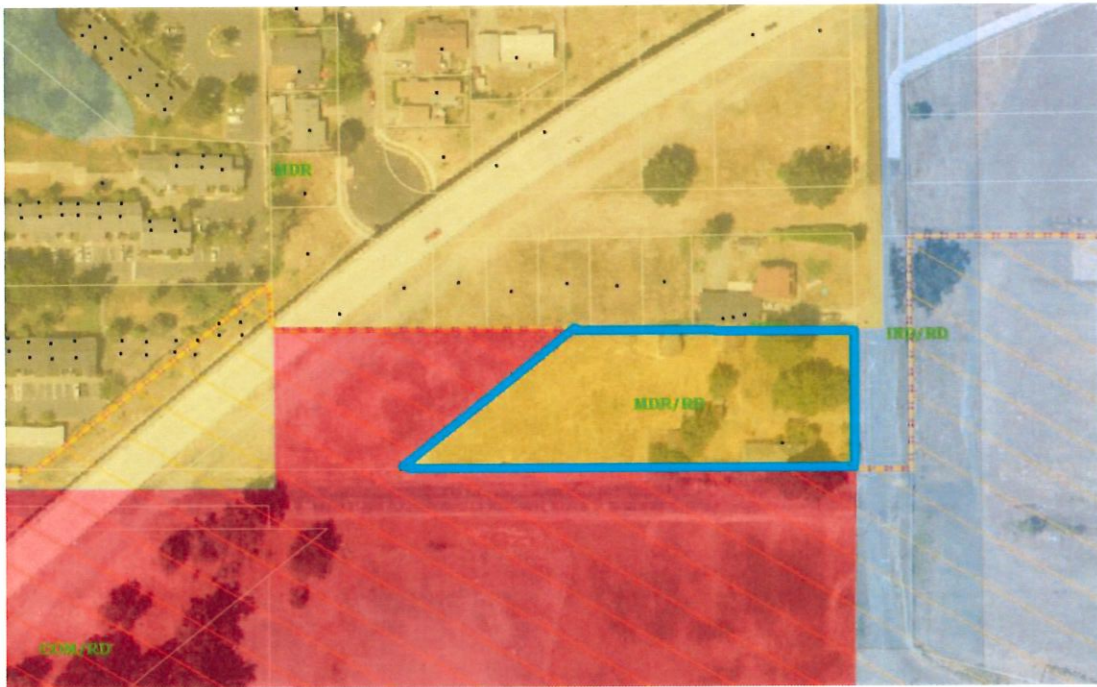


Figure 3: City of Newberg Comprehensive Plan Map

ADJACENT PARCELS

As depicted by *Figure 2: City of Newberg Zoning Map* and *Figure 3: City of Newberg Comprehensive Plan Map*, to the north of the subject property are Tax Lots 05318, 05319, and 05390 of Tax Map R3220CC, which are located within the City limits and are zoned R-2 and designated MDR. Tax Lot 05390 of Tax Map R3220CC sites an existing single-family detached dwelling. Tax Lots 05318 and 05319 of Tax Map R220CC are owned by the Oregon Department of Transportation and are vacant. To the east of the subject property is the S. River St. public right-of-way. To the west of the subject property is a vacant parcel owned by ODOT, which is identified as Tax Map R3229/ROADS. To the south of the subject property is an inactive railroad spur which is owned and operated by Westrock, and sited on Tax Lot 02600 of Tax Map R3229, a vacant AF-10 zoned parcel under the jurisdiction of Yamhill County.

North	Vacant parcels owned by the Oregon Department of Transportation & existing residential development in the City's R-2 Zoning District
East	S. River St. public right-of-way.
South	Railroad Spur owned and maintained by Westrock on vacant parcel.
West & Northwest	Newberg-Dundee Bypass, and ODOT-owned vacant parcels.

PROPOSED USE

The subject property is located in the R-2/RD Zoning District, and has a Comprehensive Plan Designation of MDR/RD. Parcels to the north of the subject property are also located in the R-2 Zoning District, and where developed, site Medium Density Residential development. This Application proposes an 18-Lot Planned Unit Development on the subject property. While no construction is proposed by this Application, approval of the proposed Planned Unit Development will allow for the future construction of single-family detached dwellings on the subject property.

DENSITY:

As per *Section 15.302.032.B.1.* of the City of Newberg's *Community Development Code*, the purpose of the R-2 Medium Density Residential District is "to provide a wide range of dwellings types and styles at an average overall density of nine units per gross buildable acre in the district". As per *Section 15.302.032.B.2.* of the City of Newberg's *Community Development Code*, "Typical housing types will include single-family dwellings on small lots..."

The subject property is 1.56-acres in size. This Application proposes 18-Lots for a total density of 11.5-units per gross acre.

As per *Section 15.240.20.F.1.a* of the City's *Community Development Code*, Planned Unit Developments within the R-2 district are permitted a maximum allowable density of 310 density

Riverlands

Planned Unit Development
1303 NE River St. Newberg, OR 97132 (R3229/02500)

points per gross acres, as calculated in *Section 15.240.20.F.1.b*. The subject property is zoned R-2, and is 1.56-acres in size. The subject property is thereby permitted 483.6 density points.

As depicted by the Architectural Plan Sets provided as Exhibit H through Exhibit J, this Application proposes fifteen 3-bedroom dwellings (15 x 28-points = 420-points), and three 2-bedroom dwellings (3 x 21-points = 63-points). As regulated by *Section 15.240.20.F.1.b*, the subject property is permitted 483.6 density points, and this Application proposes a total density of 483-points. The proposed development satisfies all applicable density requirements.

TRANSPORTATION AND ACCESS

The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. The City's *Transportation System Plan* includes aspirational plan No. 522 to reconstruct S. River St. between 1st St. and Rogers Landing Rd. to Major Collector street standards, including bicycle lanes and sidewalks on each side of S. River St.

Following approval of this proposed Planned Unit Development, the future development of the subject property will warrant right-of-way dedication, and public improvements to the S. River St. public right-of-way along the frontage of the subject property. As such, approval of the propose Planned Unit Development furthers the goals of the City's *Transportation System Plan*.

Regarding traffic generated by the future development of the subject property, based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 8th Edition*, the proposed development will generate 18 new PM peak hour trips (18 lots generating 1 trip per unit during the PM peak hour). Accordingly, the proposed development does not meet the City's threshold requirement of generating at least 40 new vehicular trips during the PM peak hour to trigger the need for a Traffic Study.

PUBLIC UTILITIES, SERVICES AND AMENITIES

Public utilities, including water, sanitary sewer, and stormwater water are available in the S. River St. public right-of-way and will be extended at the time of the future development of the subject property following issuance of a Public Improvement Permit. All public and private utilities warranted by the future development of the subject property will be financed by the developer at the time of future development.

SANITARY

As depicted by the Preliminary Engineering Plans provided as Exhibit E, there is an existing 12-inch PVC force main located within the S. River St. public right-of-way to the northeast of the subject property which is adequate to serve the future development of the subject property. The City's *2018 Wastewater Master Plan* does not identify any improvements within the vicinity of the subject property. As depicted by the Preliminary Engineering Plans provided as Exhibit E, following approval of the proposed Planned Unit Development, sanitary lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, a future Public Improvement Permit review and approval process will ensure

adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

WATER

As depicted by the Preliminary Engineering Plans provided as Exhibit E, there is an existing 6-inch ductile iron water main located within the S. River St. public right-of-way to the east of the subject property which is adequate to serve the future development of the subject property. The City's *2017 Water System Master Plan* does not identify any improvements within the vicinity of the subject property.

As depicted by the Preliminary Engineering Plans provided as Exhibit E, following approval of the proposed Planned Unit Development, water lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, a future Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

STORM

As depicted by the Preliminary Engineering Plans provided as Exhibit E, there is an existing 15-inch storm line located within the S. River St. public right-of-way to the east of the subject property which is adequate to serve the future development of the subject property. The City's *2015 Stormwater System Master Plan* does not identify any improvements within the vicinity of the subject property.

Erosion Control plans prepared by an Engineer Licensed in the state of Oregon are provided as Sheet C002 of Exhibit E. A Preliminary Stormwater Report is provided as Exhibit F. A Composite Utility Plan is provided as Sheet C300 of Exhibit E.

An Extended Dry Basin Stormwater Facility adequately sized to provide water quality and quantity is proposed in Tract A, an approximately 6,050 SF Stormwater Tract in the southwestern corner of the subject property. A new 8" storm main constructed within the proposed public right-of-way will connect to the existing 15-inch storm main in the S. River St. public right-of-way, and the proposed Extended Dry Basin in Tract A.

Runoff from future impervious areas on the subject property will be directed to the Stormwater Facility via weepholes and catch basins. Furthermore, a stormwater planter is proposed along the subject property's northerly most frontage on S. River St. to account for runoff associated with S. River St.

Furthermore, a future Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

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FRANCHISE UTILITIES

Following approval of this Land Use Action, a future Public Improvement Permit review and approval process will ensure adequate franchise utilities, including electricity, gas, and communication services, are provided to serve future development on the subject property.

FIRE

The subject property is served by Tualatin Valley Fire & Rescue. Tualatin Valley Fire Station No. 20 is located at 414 E. 2nd St. Newberg, OR 97132 approximately 1.1-miles from the subject property. During the review of this requested Land Use Action, the City will request comments from the Newberg Fire Department, prior to issuance of a Staff Report.

POLICE

The Newberg Police Department at 401 E. 3rd St, Newberg, OR 97132 is located approximately 1-mile from the subject property. During the review of this requested Land Use Action, the City will request comments from the Newberg Police Department, prior to issuance of a Staff Report.

SCHOOL

The subject property is currently located within the attendance boundaries of Edwards Elementary School, Mountainview Middle School, and the Newberg High School. Edwards Elementary School at 715 E. 8th St. Newberg, OR 97132 is located 0.4-miles from the subject property. Mountainview Middle School at 2015 N. Emery Dr. Newberg, OR 97132 is located 2.4-miles from the subject property. Newberg High School at 400 Douglas Ave. Newberg, OR 97132 is located 2.1-miles from the subject property.

TRANSIT

The Yamhill County Transit Area (YCTA) Newberg Route 5 has a stop at 1210 S. College St, Newberg, OR 97132 adjacent to the Woodview Apartments, approximately 0.5-miles walking distance to the northwest of the subject property.

PARKS

The Scott Leavitt Park at 1000 S. Columbia St. Newberg, OR 97132 is located 0.3-miles walking distance to the northeast of the subject property. The Scott Leavitt Park includes amenities such as a basketball court, playground, and picnic tables.

The Ewing Young Park at 1201 S Blaine St, Newberg, OR 97132 is located 0.8-miles walking distance to the northwest of the subject property. The Ewing Young Park includes amenities such as a skate park, BMX track, walking and jogging trails, covered shelters, restrooms, playground equipment, picnic tables, a disc golf course.

It should be noted that the City of Newberg does not conduct future planning for CPRD or the School District. However, the city coordinates with those agencies on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of urban growth

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boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

LAND USE APPLICATION REQUEST – PLANNED UNIT DEVELOPMENT

This Application requests an 18-Lot Planned Unit Development Subdivision of the 1.56-acre subject property identified as Tax Lot 02500 of Tax Map R3229.

As per *Section 15.100.050.B.3.*, the proposed Planned Unit Development shall be processed through Type III review procedure.

Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.210 Mailed Notice, Section 15.100.230 and Additional Notice Procedures for Type III Quasi-Judicial Hearing*. A draft public notice is provided as Exhibit L, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit M.

COMPLIANCE WITH THE CITY OF NEWBERG MUNICIPAL CODE

After reviewing the City of Newberg *Municipal Code and Comprehensive Plan*, this Application found provisions of the following Sections to be applicable to the proposed development.

CITY OF NEWBERG MUNICIPAL CODE

Title 15 Development Code

Chapter 15.100 Land Use Processes and Procedures

- 15.100.050 Type III procedure – Quasi-judicial hearing
- 15.100.090 Development permit application.
- 15.100.200 Compliance required.
- 15.100.210 Mailed notice.
- 15.100.230 Additional notice procedures for Type III quasi-judicial hearing.
- 15.100.260 Procedure for posted notice for Type II and III procedures.
- 15.100.270 Procedure for published notice on Type III and Type IV procedures.

Chapter 15.220 Site Design Review

- 15.220.060 Additional requirements for multifamily residential projects.

Chapter 15.240 Planned Unit Developments

- 15.240.020 General provisions
- 15.240.030 Preliminary plan consideration – Step one.
- 15.240.040 Final plan consideration – Step two.
- 15.240.050 Enforcement.

Chapter 15.302 Districts and Their Amendment

- 15.302.032 Purposes of each zoning district.

Chapter 15.305 Zoning Use Table

- 15.305.020 Zoning use table – Use districts.

Chapter 15.352 Riverfront (RF) Subdistrict

- 15.352.020 Where these regulations apply.
- 15.352.030 The riverfront plan general provisions.
- 5.352.050 Residential design standards.

Chapter 15.405 Lot Requirements

- 15.405.010 Lot area – Lot areas per dwelling unit.
- 15.405.020 Lot area exceptions.

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- 15.405.030 Lot dimensions and frontage.
- 15.405.040 Lot coverage and parking coverage requirements.

Chapter 15.410 Yard Setback Requirements

- 15.410.010 General yard regulations
- 15.410.020 Front yard setback.
- 15.410.030 Interior yard setback
- 15.410.060 Vision clearance setback
- 15.410.070 Yard exceptions and permitted intrusions into required yard setbacks

Chapter 15.415 Building and Site Design Standards

- 15.415.010 Required Minimum Standards Building height limitation.
- 15.415.020 Building height limitation.

Chapter 15.420 Landscaping and Outdoor Areas

- 15.420.010 Required minimum standards.
- 15.420.020 Landscaping and amenities in public rights-of-way.

Chapter 15.430 Underground Utility Installation

- 15.430.010 Underground utility installation.

Chapter 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways

- 15.440.010 Required off-street parking.
- 15.440.030 Parking spaces required

Chapter 15.505 Public Utility Standards

- 15.505.020 Applicability.
- 15.505.030 Street standards.
- 15.505.040 Public utility standards.
- 15.505.050 Stormwater system standards.

CITY OF NEWBERG MUNICIPAL CODE

Title 15 Development Code

Chapter 15.100 Land Use Processes and Procedures

15.100.050 Type III procedure – Quasi-judicial hearing

- A. All Type III decisions shall be heard and decided by the planning commission. The planning commission's decision shall be final unless the decision is appealed or the decision is a recommendation to the city council.*
- B. Type III actions include, but are not limited to:*
 - 3. Planned unit developments: This action is a final decision unless appealed.*

RESPONSE: As per *Section 15.100.050.B.3*, the proposed Planned Unit Development shall be processed through Type III review procedure. This Application acknowledges the applicable provisions of *Section 15.100.050.C* through *Section 15.100.050.H* regarding Type III review procedure. This criterion is satisfied.

15.100.090 Development permit application.

- Applications for development permits shall be submitted upon forms established by the director. An application shall consist of all materials required by this code, including the following information:*
 - A. A completed development permit application form.*
 - B. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all owners of the affected property.*
 - C. Other information required by this code.*
 - D. The applicable fees. [Ord. 2451, 12-2-96. Code 2001 § 151.040.]*

RESPONSE: In satisfaction of *Section 15.100.090* a completed Land Use Application form is provided as Exhibit A, proof of ownership is provided as Exhibit C, and all other applicable information required by the City of Newberg *Municipal Code* and *Comprehensive Plan* is included with this Application. All applicable fees have been remitted with this Application. This criterion is satisfied.

15.100.200 Compliance required.

Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this article. [Ord. 2451, 12-2-96. Code 2001 § 151.070.]

RESPONSE: As per *Section 12.100.200*, the provisions of this Article are applicable to the proposed development.

15.100.210 Mailed notice.

Mailed notice shall be provided as follows:

B. Type II and Type III Actions. The applicant shall provide public notice to:

- 1. The owner of the site for which the application is made; and*
- 2. Owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.*

RESPONSE: Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.210 Mailed Notice*. A draft public notice is provided as EXHIBIT L, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit M. This Application acknowledges the applicable provisions of *Section 15.100.210.C.* through *Section 15.100.210.J.* regarding noticing requirements. This criterion is satisfied.

15.100.230 Additional notice procedures for Type III quasi-judicial hearing.

In addition to the requirements of NMC 15.100.210, mailed notice for Type III development actions shall also contain the following:

- A. State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final new hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue;*
- B. State the date, time and location of the hearing;*
- C. State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;*
- D. State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost;*
- E. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. [Ord. 2451, 12-2-96. Code 2001 § 151.073.]*

RESPONSE: Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.230 Additional Notice Procedures for Type III Quasi-Judicial Hearing*. A draft public notice is provided as Exhibit L, and neighboring

property owners' contact information (within 500-feet of subject property) is provided as Exhibit M. This criterion is satisfied.

15.100.260 Procedure for posted notice for Type II and III procedures.

[Detailed Provisions Omitted for Brevity]

RESPONSE: This Application acknowledges all applicable provisions of *Section 15.100.260 Procedure for Posted Notice for Type II and III Procedures*. All applicable provisions regarding public notice will be satisfied prior to approval of this Application.

15.100.270 Procedure for published notice on Type III and Type IV procedures.

[Detailed Provisions Omitted for Brevity]

RESPONSE: This Application acknowledges all applicable provisions of *Section 15.100.270 Procedure for Published Notice for Type III and IV Procedures*. All applicable provisions will be satisfied prior to approval of this Application.

Chapter 15.220 Site Design Review

15.220.060 Additional requirements for multifamily 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 multifamily 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).

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 (three points).*
- 2. Preserve existing natural features, including topography, water features, and/or native vegetation (three 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 to 15 feet for two-story buildings) to create a more "pedestrian-friendly" environment (three 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 (three points).*
- 5. Create "outdoor" rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two 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 (two points).*
- 7. Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).*
- 8. Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).*
- 9. Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).*
- 10. Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).*

11. Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).
12. Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).

B. Building Design Elements.

1. Orient buildings toward the street. For attached single-family and smaller multifamily 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 percent of the units should have main entries which face the street rather than be oriented toward the interior (three points).
2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).
3. Break up large buildings into bays by varying planes at least every 50 feet (three points).
4. Provide variation in repeated units in both single-family attached and large multifamily 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 (three 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 (one point for each material described above).
6. Incorporate architectural elements of one of the 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 (two 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 (two 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" streetscape (two points).
9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points). [Ord. 2763 § 1 (Exh. A § 8), 9-16-13; Ord. 2505, 2-1-99. Code 2001 § 151.195.]

RESPONSE: As per Section 15.220.060, multifamily developments must provide at least 20 points as specified by Section 15.220.060.A. and Section 15.220.060.B. As per Section 15.240.020.Q, the proposed Planned Unit Development must provide a minimum of 40% of the points required for multifamily projects identified in Section 15.220.060. As such, the proposed development must provide a minimum of 8 points (20 points x 40%).

In satisfaction of Subsection 15.220.060.A.3., future single-family detached dwellings on the subject property will have relatively shallow front yards. Concept plans provided with this Application presently depict 20-ft to garages, and 13-ft to front patios). Future dwellings will be oriented toward the street, thus creating a more "pedestrian-friendly" environment (3 points).

In satisfaction of Subsection 15.220.060.A.8., street trees will be planted in conjunction with the construction of future dwellings on the subject property. Furthermore, arborvitae is proposed to be planted on S. River St. along the eastern property of the subject property. As such, future landscaping will "soften visual impacts from the street and provide shade" (1 point).

In satisfaction of *Subsection 15.220.060.B.1.*, individual covered porch entryways associated with future dwellings, will be approximately 25-SF in area, and are oriented toward the public right-of-way (3 points).

In satisfaction of *Subsection 15.220.060.B.9.*, proposed roofs associated with future dwellings on the subject property has a pitch of 3:12 or greater (2 points).

As previously, described the proposed development provides 9 site and building design element points. The provisions of *Section 15.220.060* and *Section 15.240.020.Q* are satisfied.

Chapter 15.240 Planned Unit Developments

15.240.020 General provisions

A. Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.

RESPONSE: The proposed Planned Unit Development is in a single ownership, Riverlands Subdivision LLC. Proof of Ownership is provided as Exhibit C. Authority of Signature is provided as Exhibit D. This criterion is satisfied.

B. Processing Steps – Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:

- 1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.*
- 2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.*

RESPONSE: This Application acknowledges all applicable provisions of *Section 15.240.020.B Processing Steps*. The proposed Planned Unit Development will be reviewed via Type III procedure, and will under the two-step review process stipulated by *Section 15.240.020.B.1.* and *Section 15.240.020.B.2.* This criterion is satisfied.

C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.

RESPONSE: This Application does not propose a Phased development. As such, the provisions of *Section 15.240.020.C. Phasing* are not applicable to this Application.

D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant

fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

RESPONSE: This Application acknowledges that the proposed Planned Unit Development must comply with the specified or Conditioned development schedule as dictated by *Section 15.240.020.D.*

E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

RESPONSE: This Application acknowledges that the proposed preliminary Planned Unit Development or future Final Planned Unit Development approvals are allowed to expire as dictated by *Section 15.240.020.D.*, then a new Planned Unit Development Application must be submitted.

F. Density. Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:

1. Maximum Density.

a. Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:

District	Density Points
R-1	175 density points per gross acre , as calculated in subsection (F)(1)(b) of this section
R-2	310 density points per gross acre , as calculated in subsection (F)(1)(b) of this section
R-3	640 density points per gross acre , as calculated in subsection (F)(1)(b) of this section
RP	310 density points per gross acre , as calculated in subsection (F)(1)(b) of this section
C-1	As per required findings
C-2	As per required findings
C-3	As per required findings

RESPONSE: As per *Section 15.240.020.F.1.a* of the City’s *Community Development Code*, Planned Unit Developments within the R-2 district are permitted a maximum allowable density of 310 density points per gross acres, as calculated in *Section 15.240.020.F.1.b*. The subject property is zoned R-2, and is 1.56-acres in size. The subject property is thereby permitted 483.6 density points.

b. Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant's discretion by 25 percent for deed-restricted affordable dwelling units as follows:

Density Point Table

Dwelling Type	Density Points: Standard Dwelling	Density Points: Income-Restricted Affordable Dwelling Unit
Studio and efficiency	12	9
One-bedroom	14	11
Two-bedroom	21	16
Three-bedroom	28	21
Four or more bedrooms	35	26

The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.

RESPONSE: As directed by Section 15.240.020.F.1.a., the subject property is permitted 483.6 density points. As depicted by the Architectural Plan Sets provided as Exhibit H through Exhibit J, this Application proposes fifteen 3-bedroom dwellings (15 x 28-points = 420-points), and three 2-bedroom dwellings (3 x 21-points = 63-points). As such, the subject property is permitted 483.6 density points, and this Application proposes a total density of 483-points. This criterion is satisfied.

2. Approved Density. The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval only if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.

RESPONSE: This Application acknowledges that the number of permitted dwelling units shall be determined by the Hearing Authority in accordance with the standards of this Section. This criterion is satisfied.

3. Easement Calculations. Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.

RESPONSE: This Application has calculated Planned Unit Development density permitted on the subject property as directed by *Section 15.240.020.F.1.a.*

4. Dedications. Density calculations may include areas dedicated to the public for recreation or open space.

RESPONSE: This Application has calculated Planned Unit Development density permitted on the subject property as directed by *Section 15.240.020.F.1.a.*

5. Cumulative Density. When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.

RESPONSE: This Application does not propose a Phased development. As such, the provisions of *Section 15.240.020.F.5.* are not applicable to this Application.

G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:

- 1. R-1, R-2, R-3 and RP Zones.*
 - a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.*
 - b. Accessory buildings and uses.*
 - c. Duplexes.*
 - d. Dwellings, single, manufactured, and multifamily.*
 - e. Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.*

RESPONSE: As per *Section 15.240.020.G.1.d.*, single-family detached dwellings are a permitted use in Planned Unit Developments within the R-2 Zoning District. This criterion is satisfied.

H. Professional Coordinator and Design Team. Professional coordinators and design teams shall comply with the following:

- 1. Services. A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall ensure that the required plans are prepared. Plans and services provided for the city and between the applicant and the coordinator shall include:*
 - a. Preliminary design;*
 - b. Design development;*
 - c. Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and*
 - d. Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.*

RESPONSE: Evans & Associates is providing civil engineering, survey, and landscape architecture designs for the proposed development. The Professional Coordinator, Brady Berry is a professional engineer (#14919PE) in the state of Oregon. Design Team Professionals are listed on Page 5 of this Narrative. This Application acknowledges the provisions of *Section 15.240.020.H.1.a.*, *Section 15.240.020.H.1.b.*, and *Section 15.240.020.H.1.d.* The Preliminary Engineering Plans provided as Exhibit E have been prepared by a Professional Engineer licensed

in the State of Oregon. The provisions of *Section 15.240.020.H.1.c* are not applicable as this Application proposes the future construction of single-family detached dwellings. This criterion is satisfied.

2. Address and Attendance. The coordinator or the coordinator's professional representative shall maintain an Oregon address, unless this requirement is waived by the director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.

RESPONSE: In satisfaction of *Section 15.240.020.H.2.*, the Professional Engineer, and Coordinator's Professional Representative maintain Oregon addresses. This Application acknowledges that the Coordinator or a member of the design team are required to attend future Public Meetings. This criterion is satisfied.

3. Design Team Designation. Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice the team member's profession in the State of Oregon.

RESPONSE: In satisfaction of *Section 15.240.020.H.3.*, the Applicant has retained a team of Design Team Members, including a Professional Engineer, Professional Surveyor, Professional Architect, and Professional Landscape Architect licensed within the State of Oregon. Contact information for each design team member is listed on Page 5 of this narrative. This criterion is satisfied.

4. Design Team Participation and Waiver. Unless waived by the director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all three steps.

RESPONSE: This Application acknowledges the provisions of *Section 15.240.020.H.4.* Unless waived by the Director, each Design Team Member will participate in each preparation of the proposed Planned Unit Development during all three development steps.

5. Design Team Change. Written notice of any change in design team personnel must be submitted to the director within three working days of the change.

RESPONSE: This Application acknowledges the provisions of *Section 15.240.020.H.5.* Unless waived by the Director, each Design Team Member will participate in each preparation of the proposed Planned Unit Development during all three development steps.

6. Plan Certification. Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.

RESPONSE: In satisfaction of *Section 15.240.020.H.6.*, each plan set provided with this Application is stamped and signed by the corresponding Design Team Member. A copy of the

Final Planned Unit Development plan set will be signed by all Design Team Members and provided to the City. This criterion is satisfied.

I. Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this code and those regulations. Departures from the hearing authority upon a finding by the engineering director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this code.

RESPONSE: As further addressed in *Section 15.405 Lot Requirements* of this Narrative, this Application has demonstrated compliance with all applicable fence and wall provisions, height, yards, lot width, frontage, depth, lot coverage, off-street parking, and setback requirements pertaining to development within the R-2 Zoning District.

As permitted by *Section 15.240.020.I.*, this Application requests a modification to the lot area required within the proposed Planned Unit Development. The proposed lot area reduction will permit a development which is more compatible with the target density of the Medium Density Residential (MDR) Comprehensive Plan Designation. As directed by *Section 15.240.020.I.*, the proposed Planned United Development complies with the purposes of this Code, and the proposed reduction in lot area will not create hazardous conditions for vehicular or pedestrian traffic.

J. Lot Coverage. Maximum permitted lot and parking area coverage as provided in this code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.

RESPONSE: As further addressed in *Section 15.405 Lot Requirements* of this Narrative, the proposed development satisfies lot and parking area coverage standards applicable to development in the R-2 zoning district.

K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of "sun exposure plane" in NMC 15.05.030). The hearing authority may further modify heights to:

- 1. Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.*
- 2. Protect lines of sight and scenic vistas.*
- 3. Enable the project to satisfy required findings for approval.*

RESPONSE: The subject property is adjacent to the S. River St. public right-of-way to the east, and ODOT owned right-of-way to the west and northwest. To the south of the subject property is an inactive railroad spur which is owned and operated by Westrock. The only existing development adjacent to the subject property is a single-family detached dwelling in the R-2/RD Zoning District to the north of the subject property adjacent to Lot 1 through Lot 5 of the proposed Riverlands development.

As per *Section 15.240.020.K*, the intent of the sun exposure plane is to ensure future structures “will not adversely affect the occupants or potential occupants of adjacent properties”. As the potential for future dwellings to impact adjacent properties is only present on Lot 1 through Lot 5, due to existing development patterns in the vicinity of the subject property, the Applicant proposes that Lot 1 through Lot 5 should be subject to the sun exposure plane, while Lot 6 through Lot 18 should be exempt from said requirements.

As depicted by Exhibit K, the sun exposure plane on Lot 1 through Lot 5 requires that buildings have a maximum height of 39.93-ft.

As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, the future dwellings proposed on Lot 1 through Lot 5 satisfy all applicable requirements of the sun exposure plane. The Applicant has included a 3-bedroom and 2-bedroom “solar design option” with this Application.

L. 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 NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.

RESPONSE: As depicted by the Preliminary Engineering Plans provided as Exhibit E, and in satisfaction of *Section 15.240.020.L.1.*, this Application proposes that adequate vehicular and pedestrian access be dedicated to the public as public right-of-way.

2. Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.

[Detailed Provisions Omitted for Brevity]

RESPONSE: This Application does not propose a private street. As such, the provisions of *Section 15.240.020.L.2.* are not applicable to the proposed development.

3. Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.

RESPONSE: As depicted by the Preliminary Engineering Plans provided as Exhibit E, and in satisfaction of *Section 15.240.020.L.3.*, Public Utility Easements are provided as to promote the orderly extension of public utilities, and bicycle and pedestrian access where applicable.

M. Underground Utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.

RESPONSE: As depicted by the Preliminary Engineering Plans provided as Exhibit E, and in satisfaction of *Section 15.240.020.M.*, all on-site utilities serving the proposed Planned Unit

Development are underground services designed in accordance with the policies, practices, and rules of the serving utilities and the Public Utilities Commission.

N. Usable Outdoor Living Area. All dwelling units shall be served by outdoor living areas as defined in this code. Unless waived by the hearing authority, the outdoor living area must equal at least 10 percent of the gross floor area of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor living space may be offered for dedication to the city, in fee or easement, to be incorporated in a city-approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.

RESPONSE: As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, the future gross floor area to be sited on Lots within the Planned Unit development is 720 SF. As such, *Section 15.240.020.N.* requires each lot provide a minimum of 72.0 SF (10% of 720 SF) of outdoor living area. In satisfaction of this requirement, the smallest backyard areas in the proposed Planned Unit Development, being that of Lot 11 through 17, is 178 SF (5.67-ft by 31.5-ft). This criterion is satisfied.

O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.

RESPONSE: This Application acknowledges the provisions of *Section 15.240.020.O.*; unless otherwise provided in Preliminary Plan approval, natural features of the subject property will remain substantially unaltered pending Final Plan approval.

P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.

RESPONSE: This Application acknowledges that if landscaping cannot be completed prior to the issuance of occupancy permits, or as required by a Condition of Approval, the Applicant may be required to post a performance bond of a sufficient amount and time to assure timely completion.

Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2763 § 1 (Exh. A §§ 9, 10), 9-16-13; Ord. 2730 § 1 (Exh. A § 9), 10-18-10; Ord. 2720 § 1(4), 11-2-09; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.226.]

RESPONSE: As addressed under *Section 25.220.060* of this narrative, the proposed future development complies satisfies the design requirements for multifamily residential projects identified in *Section 25.220.060*.

15.240.030 Preliminary plan consideration – Step one.

A. Preapplication Conference. Prior to filing an application for preliminary plan consideration, the applicant or coordinator may request through the director a preapplication conference to discuss the feasibility of the proposed planned unit development and determine the processing requirements.

RESPONSE: This Application acknowledges the provisions of this Subsection.

B. Application. An application, with the required fee, for preliminary plan approval shall be made by the owner of the affected property, or the owner's authorized agent, on a form prescribed by and submitted to the director. Applications, accompanied by such additional copies as requested by the director for purposes of referral, shall contain or have attached sufficient information as prescribed by the director to allow processing and review in accordance with these regulations. As part of the application, the property owner requesting the planned development shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197 based on the city's decision on the planned development.

RESPONSE: The proposed Planned Unit Development is proposed by the owner of the subject property, Riverlands Subdivision LLC. Proof of Ownership is provided as Exhibit C. Authority to Sign is provided as Exhibit D. A Planned Unit Development Application Form is provided as Exhibit A. Riverlands Subdivision LLC, filed a Covenant of Waiver of Rights and Remedies (Measure 49 Waiver) with the City during the review and approval of Case File No. ANX18-0001, which annexed the subject property into the City. A copy of the previously executed Covenant of Waiver of Rights and Remedies (Measure 49 Waiver) is provided as Exhibit N for reference.

C. Type III Review and Decision Criteria. Preliminary plan consideration shall be reviewed through the Type III procedure. Decisions shall include review and recognition of the potential impact of the entire development, and 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*
- 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*

RESPONSE: As supported by this narrative and enclosed Exhibits, the proposed future development of the subject property is consistent with the standards, plans, policies, and ordinances adopted by the City.

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; and*

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, there are adequate services and facilities are available or will be constructed to serve the future development of the subject property.

4. The provisions and conditions of this code have been met; and

RESPONSE: As supported by this narrative and enclosed Exhibits, the proposed future development of the subject property is consistent with the provisions and conditions of this Code.

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

RESPONSE: This application proposes the future construction of a new public road, stormwater facilities, and 18 single-family detached dwellings. The proposed design is intended to preserve existing conditions to the greatest extent feasible.

6. There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, adequate on-site provisions for utility services, and emergency vehicular access on the subject property.

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

RESPONSE: Future single-family detached dwellings will have a minimum rear yard area of 178 SF. Furthermore, each dwelling will be provided off-street parking in garages and driveways. Additionally, on-street parking is proposed on one side of the new public right-of-way.

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.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, and the Architectural Plans provided as Exhibit H through Exhibit J, future single-family detached dwellings will satisfy height, setback, and lot coverage standards applicable in the R-2 zoning district.

D. Conditions. Applications may be approved subject to conditions necessary to fulfill the purpose and provisions of these regulations. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2693 § 1 (Exh. A(6)), 3-3-08; Ord. 2612, 12-6-04; Ord. 2451, 12-2-96. Code 2001 § 151.227.]

RESPONSE: This Application acknowledges the provisions of this Section.

15.240.040 Final plan consideration – Step two.

[Detailed Provisions Omitted for Brevity]

RESPONSE: This Application acknowledges the provisions of this Section. Following approval of the requested Preliminary Plan Consideration as dictated by *Section 15.240.030*, the Applicant will satisfy all applicable provisions of this Section prior to Final Plan Consideration.

15.240.050 Enforcement.

Upon the applicant's violation of or failure to comply with any of the provisions of the performance contract or final approved plan, the city may, in its discretion, invoke the enforcement procedures provided in the agreement or under applicable law. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2451, 12-2-96. Code 2001 § 151.229.]

RESPONSE: This Application acknowledges the provisions of this Section.

Chapter 15.302 Districts and Their Amendment

15.302.032 Purposes of each zoning district.

B. R-2 Medium Density Residential District.

- 1. The purpose of this land use designation is to provide a wide range of dwelling types and styles at an average overall density of nine units per gross buildable acre in the district.*
- 2. Typical housing types will include single-family dwellings on small lots, attached single-family, duplex or multifamily dwellings, and manufactured dwelling parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-2 district is intended to be consistent with the medium density residential (MDR) designation of the comprehensive plan.*

RESPONSE: The subject property is located within the R-2 Zoning District. As per Section 15.302.032.B.1. of the City of Newberg's Community Development Code, the purpose of the R-2 Medium Density Residential District is "to provide a wide range of dwellings types and styles at an average overall density of nine units per gross buildable acre in the district".

As per Section 15.302.032.B.2. of the City of Newberg's Community Development Code, "Typical housing types will include single-family dwellings on small lots..."

The subject property is 1.56-acres in size. This Application proposes 18-Lots for a total density of 11.5-units per gross acre, so as to allow the future construction of single-family detached dwellings on the subject property.

It is of note, as the proposed development is a Planned Unit Development, density standards applicable to the future development of the subject property are dictated by Section 15.240.20.F. of the City's Community Development Code.

Chapter 15.305 Zoning Use Table

15.305.020 Zoning use table – Use districts.

Newberg Development Code – Zoning Use Table

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
200	RESIDENTIAL USES																				
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)								P	P(6)			Subject to density limits of NMC 15.405.010(B)

RESPONSE: The subject property is located in the R-2 Zoning District. This Application requests an 18-Lot Planned Unit Development, to permit the future construction of single-family

detached dwellings on the subject property. As directed by the *Newberg Development Code – Zoning Use Table* found in *Section 15.305.020* of the City's *Community Development Code*, single-family detached dwellings are a permitted use within the R-2 Zoning District.

Chapter 15.352 Riverfront (RF) Subdistrict

15.352.030 The riverfront plan general provisions.

A. Report Adopted. The Newberg Riverfront Master Plan Final Report, dated June 29, 2001, is adopted by reference. The development standards listed in this chapter shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.

RESPONSE: The subject property is located in the R-2/Riverfront District zoning district.

B. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the RF overlay subdistrict shall be the same as those uses permitted in the base zoning districts.

RESPONSE: This Application acknowledges the provisions of this Section. As governed by *Subsection 15.305.020*, single-family detached dwellings are a permitted use in the R-2 zoning district.

C. Street, Bike Path, and Pedestrian Walkway Standards. All development improvements shall comply with standards contained in the circulation and transportation element of the Newberg riverfront master plan.

RESPONSE: The *Newberg Riverfront Master Plan* does not identify street, bike path, or pedestrian walkway standards on the subject property.

D. View Corridors. Designated key views shall be protected. Key views include the view from the top of the bluff on parcel 12 as noted in Figure 2 of the riverfront master plan, the view from the top of the bluff south of Fourteenth Street generally between College and River Streets, and the view from the riverbank near the barge tie-up facility. These key views shall be protected as follows:

[Detailed Provisions Omitted for Brevity]

RESPONSE: The provisions of this Subsection are not applicable not to this Application as the subject property is not located within a designated key view area.

E. Significant Tree Grove. The area containing the significant tree grove located north of Fourteenth Street and between College and River Streets shall be preserved.

RESPONSE: The provisions of this Subsection are not applicable not to this Application as the subject property is not located within the designated Significant Tree Grove area.

F. Visual/Noise Buffer. A visual/noise buffer shall be developed along River Street in such a manner as to:

- 1. Promote the protection of SP Newsprint, or current owner of paper mill, from uses that may complain against or otherwise hinder the operation of this important industrial facility due to visual and noise impacts; and*
- 2. Enhance the vitality and qualities of the land uses within the Newberg riverfront;*
- 3. Hardscape designs such as sound walls and similar barriers should only be located on the east side of River Street. Buffers located on the west side of River Street shall be designed in such a manner as to serve as a gateway to invite and attract people into the riverfront area.*

RESPONSE: The SP Newsprint development is located to the east of the subject property across the S. River St. public right-of-way. As depicted by the Landscape Plans provided within Exhibit E, the Applicant proposes the installation of arborvitae along the eastern boundary of the subject property (adjacent to the S. River St. public right-of-way) to ensure an adequate visual/noise buffer is established between the Riverlands development and SP Newsprint.

G. Separate Rail Traffic from Other Modes. Major transportation improvements shall be designed with considerations intended to separate rail traffic from other modes of transportation.

RESPONSE: The provisions of this Subsection are not applicable not to this Application does not propose a major transportation improvement.

H. Esplanade Development. Prior to the development of the riverfront esplanade, a slope stability and flood study shall be performed. [Ord. 2564, 4-15-02. Code 2001 § 151.527.3.]

RESPONSE: The provisions of this Subsection are not applicable not to this Application as the subject property is not located within the Riverfront Esplanade.

15.352.050 Residential design standards.

In addition to the development standards of the base zone, the following standards shall apply:

A. Single-Family Dwellings.

1. For single-family dwellings, including manufactured homes on individual lots, at least two of the following design features must be provided on the street-facing facade:

- a. Covered front porch at least six feet in width and length.*
- b. Eaves (minimum 12-inch overhang).*
- c. Bay or bow windows.*
- d. Dormers.*
- e. Window shutters.*
- f. Cupolas.*
- g. Horizontal lap siding.*

RESPONSE: As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, future single-family detached dwellings include eaves with a minimum overhang of 12-inches, as well as horizontal lap siding. This criterion is satisfied.

2. T1-11 and all other wood-based "full sheet" or panel-type siding is prohibited on elevations visible from public rights-of-way.

RESPONSE: In satisfaction of Section 15.352.050.A.2. this Application does not propose T1-11 or other wood-based "full sheet" or panel-type siding on elevations visible form the public right-of-way.

B. Attached and Multifamily Dwellings [Detailed Provisions Omitted for Brevity]

RESPONSE: The provisions of this Section are not applicable as this Application does not propose attached or multifamily dwellings.

C. Standards for Garage Doors and Parking in Residential Zones.

1. Garage Location. All residential structures shall have a pedestrian entrance facing the street. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.

RESPONSE: As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, and in satisfaction of *Section 15.352.050.C.1.a.* garage doors associated with future dwellings on the subject property are 9-ft in width. This provision is satisfied.

b. The front of the garage can be no closer to the front lot line than the front facade of the house.

RESPONSE: All future single-family detached dwellings will include garages which are no closer to the front line than the front façade of the dwelling.

c. Individual garage doors may be no more than 90 square feet in area.

RESPONSE: As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, and in satisfaction of *Section 15.352.050.C.1.a.* garages associated with future dwellings on the subject property are 9-ft by 8-ft (72-sqft in area). This provision is satisfied.

d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.

RESPONSE: The provisions of this Section are not applicable as this Application does not propose individual garage doors located side by side.

2. Surface parking areas shall be located behind or to the side of residential structures.

RESPONSE: The provisions of this Section are not applicable as this Application does not propose surface parking.

3. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials. [Ord. 2747 § 1 (Exh. A § 12), 9-6-11; Ord. 2564, 4-15-02. Code 2001 § 151.527.5.]

RESPONSE:

Chapter 15.405 Lot Requirements

15.405.010 Lot area – Lot areas per dwelling unit.

[Detailed Provisions Omitted for Brevity]

15.405.020 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. [Ord. 2451, 12-2-96. Code 2001 § 151.566.]

RESPONSE: This Application requests Planned Unit Development approval. As dictated by *Section 15.405.020.C.*, lot area requirements are not applicable to Planned Unit Developments provided they conform to requirements for Planned Unit Development approval. As addressed in *Section 15.240.020 PD Planned Unit Development Regulations* of this narrative, this Application requests a reduction in the lot area requirements of the R-2 zoning district.

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.

RESPONSE: As per *Section 15.405.030.B.* the depth to width ratio requirement does not apply to the proposed development as lots are under 15,000 SF.

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.

RESPONSE: As permitted for a Planned Unit Development, and as addressed in *Section 15.240.020 PD Planned Unit Development Regulations* of this narrative, this Application requests a reduction in the lot area requirements of the R-2 zoning district.

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 except as allowed by NMC 15.240.020(L)(2).

RESPONSE: As depicted by the enclosed Preliminary Engineering Plan Set provided as Exhibit E, each future lot on the subject property will have a minimum of 25-feet of frontage on a public right-of-way.

b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.

RESPONSE: As depicted by the enclosed Preliminary Engineering Plan Set provided as Exhibit E, each future lot on the subject property will have a minimum of 25-feet of width at the front building line.

15.405.040 Lot coverage and parking coverage requirements.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

1. Maximum Lot Coverage.

b. R-2 and RP: 50 percent

2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.

3. Combined Maximum Lot and Parking Coverage.

a. R-1, R-2 and RP: 60 percent.

RESPONSE: As depicted by the enclosed Preliminary Engineering Plan Set, the smallest proposed lot size is Lot 10 at 1,823 SF. As depicted by the Architectural Plans provided as Exhibit H through Exhibit J, future single-family dwellings will have a building footprint of 720 SF. Driveways to serve future dwellings on the subject property will be 20-feet in depth by 12-feet in width (240 SF). As such, Lot 10 will have 39% building coverage, 13% parking coverage, and 53% building and parking coverage. The below table details each proposed lot's satisfaction of applicable lot coverage standards of *Section 15.405.040.B*.

Table 2: Lot Area & Coverage						
	LOT AREA	BUILDING FOOTPRINT	PARKING FOOTPRINT	BUILDING COVERAGE	PARKING COVERAGE	BUILDING & PARKING COVERAGE
<i>Newberg Code Requirement</i>				50%	30%	60%
LOT 1	2,449 SF	720 SF	240 SF	29%	10%	39%
LOT 2	1,923 SF	720 SF	240 SF	37%	12%	50%
LOT 3	1,923 SF	720 SF	240 SF	37%	12%	50%
LOT 4	1,923 SF	720 SF	240 SF	37%	12%	50%
LOT 5	1,924 SF	720 SF	240 SF	37%	12%	50%
LOT 6	1,924 SF	720 SF	240 SF	37%	12%	50%
LOT 7	1,924 SF	720 SF	240 SF	37%	12%	50%
LOT 8	1,924 SF	720 SF	240 SF	37%	12%	50%
LOT 9	3,637 SF	720 SF	240 SF	20%	7%	26%
LOT 10	1,823 SF	720 SF	240 SF	39%	13%	53%
LOT 11	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 12	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 13	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 14	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 15	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 16	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 17	1,864 SF	720 SF	240 SF	39%	13%	52%
LOT 18	2,414 SF	720 SF	240 SF	29%	10%	40%

Chapter 15.410 Yard Setback Requirements

15.410.010 General yard regulations

A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.

B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.

C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.

D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a

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single development site and the yards as required by this code shall then not apply to such common property lines.

E. Dwellings Where Permitted above Nonresidential Buildings. The front and interior yard requirements for residential uses shall not be applicable; provided, that all yard requirements for the district in which such building is located are complied with.

F. In the AI airport industrial district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.

G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel. [Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.550.]

RESPONSE: This Application acknowledges all applicable provisions of this Section.

15.410.020 Front yard setback.

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

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

RESPONSE: As depicted by the enclosed Preliminary Engineering plans provided as Exhibit E, the proposed Planned Unit Development Subdivision of the subject property will allow for the future construction of single-family detached dwellings with 15-foot front yard setbacks in satisfaction of Section 15.410.020.A.1. This criterion is satisfied.

3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided.

However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

RESPONSE: As depicted by the enclosed Preliminary Engineering plans provided as Exhibit E, the proposed Planned Unit Development Subdivision of the subject property will allow for the future construction of single-family detached dwellings with the 20-foot. garage setbacks in satisfaction of Section 15.410.020.A.3.

15.410.030 Interior yard setback

A. Residential.

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

RESPONSE: As depicted by the enclosed Preliminary Engineering plans provided as Exhibit E, the proposed Planned Unit Development Subdivision of the subject property will allow for the future construction of single-family detached dwellings designed in compliance with the 20-ft. garage setback requirement of Section 15.410.030.A.1.

15.410.060 Vision clearance setback

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 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.*
- D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict. [Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.555.]*

RESPONSE: As depicted by the sight distance triangles on Sheet C100 of the Preliminary Engineering Plans provided as Exhibit E, the proposed development provides adequate site distance at the intersection of the proposed public right-of-way and the existing S. River St. public right-of-way. The proposed development's compliance with applicable vision clearance setback standards will be further addressed during the Public Improvement Permit Construction Document review and approval process. This provision is satisfied.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks

[Detailed Provisions Omitted for Brevity]

RESPONSE: This Application acknowledges the provisions of this Section.

Chapter 15.415 Building and Site Design Standards

15.415.020 Building height limitation.

A. Residential.

- 1. In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:*

RESPONSE: As depicted by the enclosed Preliminary Engineering plans provided as Exhibit E, the proposed Planned Unit Development Subdivision of the subject property will allow for the future construction of single-family detached dwellings less than 30-feet in height. This provision is satisfied.

Chapter 15.420 Landscaping and Outdoor Areas

15.420.010 Required minimum standards.

- C.. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant. [Ord. 2720 § 1(16, 17), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2513, 8-2-99; Ord. 2451, 12-2-96. Code 2001 § 151.580.]*

RESPONSE: This Application acknowledges all applicable provisions of *Section 15.420.010.C*. In the event landscaping associated with future single-family detached dwellings sited on the subject property is not installed prior to the issuance of occupancy permits than the Building Permit Applicant will post a security equal to 110% of the cost of the landscaping as determine by the director is filed with the city, insuring such installation within six months of occupancy.

15.420.020 Landscaping and amenities in public rights-of-way.

The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of multifamily, commercial, industrial, or institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A decision to include any amenity shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.

A. Pedestrian Space Landscaping. Pedestrian spaces shall include all sidewalks and medians used for pedestrian refuge. Spaces near sidewalks shall provide plant material for cooling and dust control, and street furniture for comfort and safety, such as benches, waste receptacles and pedestrian-scale lighting. These spaces should be designed for short-term as well as long-term use. Elements of pedestrian spaces shall not obstruct sightlines and shall adhere to any other required city safety measures. Medians used for pedestrian refuge shall be designed for short-term use only with plant material for cooling and dust control, and pedestrian-scale lighting. The design of these spaces shall facilitate safe pedestrian crossing with lighting and accent paving to delineate a safe crossing zone visually clear to motorists and pedestrians alike.

- 1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).*
- 2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.*

a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).

b. Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures.

RESPONSE: As depicted by the Landscape Plans provided within Exhibit E, street trees will be planted in conjunction with the construction of single-family detached homes on the subject property in the future. Landscaping associated with the future development of the subject property will be further reviewed for compliance with all applicable provisions of *Section 15.420.020* during the Public Improvement Permit Construction Document, and Building Permit review and approval process.

- 3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.*

a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.

b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.

c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).

d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.

RESPONSE: As depicted by the Preliminary Engineering plans provided as Exhibit E, street lighting will be installed in conjunction with the future construction of single-family detached dwellings on the subject property. Street lighting associated with the future development of the subject property will be further reviewed for compliance with all applicable provisions during the Public Improvement Permit Construction Document review and approval process.

4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.

a. Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.

b. Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.

RESPONSE: This Application does not propose street furniture. These provisions are not applicable to the proposed development.

5. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.

RESPONSE: Paving and curb cuts associated with future single-family detached dwellings will be constructed to facilitate safe pedestrian crossing, and will satisfy all applicable ADA requirements for accessibility. Compliance with all applicable ADA requirements will be further reviewed during the Public Improvement Permit Construction Document, and Building Permit review and approval process.

B. Planting Strip Landscaping. All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).

1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.

2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4).

a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.

b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.

3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one-half feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.

a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.

b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).

c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.

RESPONSE: As depicted by the Landscape Plans provided within Exhibit E, street trees will be planted in conjunction with the construction of single-family detached homes on the subject property in the future. Landscaping associated with the future development of the subject property will be further reviewed for compliance with all applicable provisions of *Section 15.420.020* during the Public Improvement Permit Construction Document, and Building Permit review and approval process.

Chapter 15.430 Underground Utility Installation

15.430.010 Underground utility installation.

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

RESPONSE: This Application proposes the undergrounding of all utility lines built in conjunction with the future development of the subject property.

B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.

RESPONSE: This Application acknowledges that existing utility lines shall be undergrounded when they are relocated.

Chapter 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways

Article I. Off-Street Parking Requirements

15.440.010 Required off-street parking.

A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, adequate off-street parking associated with future single-family detached dwellings on the subject property will be provided in driveways and garages.

15.440.030 Parking spaces required

Use	Minimum Parking Spaces Required
Residential Types	
Dwelling, multifamily 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 .
• Available transit service	At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.

RESPONSE: As demonstrated by the Architectural Plans provided as Exhibit H through Exhibit J, future development on the subject property will consist of 15 3-bedroom dwellings (Exhibit H & Exhibit I), and 3 2-bedroom dwellings (Exhibit J). As directed by Section 15.440.030, 3-bedroom dwellings must provide a minimum of 2 spaces per dwelling unit, and 2-bedroom dwellings must provide a minimum of 1.5 spaces per dwelling. This Application proposes a total of 2 off-street spaces (one in a garage and one in a driveway) per dwelling unit.

Chapter 15.505 Public Utility Standards

15.505.020 Applicability.

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).

RESPONSE: As regulated by Section 15.505.020 of the City's Community Development Code, the proposed Planned Unit Development is subject to the provisions of this Chapter. As further addressed, the proposed Planned Unit Development is designed to provide services for the future development of the subject property in compliance with the provisions of this Chapter. A future Public Improvement Permit review and approval process will further ensure the future development of the subject property complies with the provisions of this Chapter. This Application acknowledges that development will not be approved unless the following

improvements are provided for prior to occupancy permit issuance, unless future provision is assured in accordance with the provisions of *Section 15.505.0303(E)*. This criterion is satisfied.

A. Public Works Design and Construction Standards. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.

RESPONSE: The proposed Planned Unit Development is designed to provide services for the future development of the subject property in compliance with the provisions of this Chapter and the City's *Public Works Design & Construction Standards*. A future Public Improvement Permit review and approval process will further ensure the future development of the subject property complies with the provisions of this Chapter and the City's *Public Works Design & Construction Standards*. This criterion is satisfied.

B. Street Improvements. All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the subject property's eastern boundary is adjacent to the S. River St. public right-of-way. This Application proposes the construction of a new public right-of-way intersecting with S. River St. and dead-ending in a cul-de-sac along the western boundary of the subject property. The proposed public right-of-way is designed in compliance with all applicable requirements of the City of Newberg and Tualatin Valley Fire & Rescue.

C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, there is an existing 6-in water main located in the River St. public right-of-way to the east of the subject property. The future development of the subject property will require connecting to the existing water main in River St. A new 8-in water main will be constructed in the proposed public road on the subject property, as well as water services to serve future single-family detached dwellings on the subject property. This criterion is satisfied.

D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, there is an existing 12-in sanitary sewer main located in the River St. public right-of-way to the north of the subject property. The future development of the subject property will require connecting to the existing sanitary sewer manhole in River St., constructing a new 8-in main in S. River St. and in the proposed public road on the subject property, as well as sanitary laterals to serve future single-family detached dwellings on the subject property. This criterion is satisfied.

E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.

RESPONSE: As depicted by the Preliminary Engineering Plans provided as Exhibit E, there is an existing 15-inch storm line located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. The City's 2015 Stormwater System Master Plan does not identify any improvements within the vicinity of the subject property.

Erosion Control plans prepared by an Engineer Licensed in the state of Oregon are provided as Sheet C002 of Exhibit E. A Preliminary Stormwater Report is provided as Exhibit F. A Composite Utility Plan is provided as Sheet C300 of Exhibit E.

An Extended Dry Basin Stormwater Facility adequately sized to provide water quality and quantity is proposed in Tract A, an approximately 6,050 SF Stormwater Tract in the southwestern corner of the subject property. A new 8" storm main constructed within the proposed public right-of-way will connect to the existing 15-inch storm main in the S. River St. public right-of-way, and the proposed Extended Dry Basin in Tract A.

Runoff from future impervious areas on the subject property will be directed to the Stormwater Facility via weepholes and catch basins. Furthermore, a stormwater planter is proposed along the subject property's northerly most frontage on S. River St. to account for runoff associated with S. River St.

Furthermore, a future Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, Public Utility Easements 10-feet in width are provided along all proposed lot frontages. No other utility easements are warranted or proposed by this Application. This provision is satisfied.

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

RESPONSE: This Application acknowledges that future public improvements to be constructed following Public Improvement Permit review and approval must be completed, or bonded for prior tot Building Permit issuance.

15.505.030 Street standards.

B. Applicability. The provisions of this section apply to:

- 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.*
- 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.*

- 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.
- 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.

RESPONSE: As directed by Section 15.505.030.B., the provisions of this Section are applicable to the proposed development.

C. Layout of Streets, Alleys, Bikeways, and Walkways. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.

RESPONSE: Future public right-of-way to serve the development of the subject property is not identified in the City’s *Transportation System Plan*. As detailed by the below table, the subject property is bounded by existing development. The future development of the subject property will require the construction of a new public right-of-way on the subject property, intersecting with the S. River St. public right-of-way on the subject property’s eastern boundary and dead-ending in a cul-de-sac on the subject property’s western boundary.

Table 1: Existing Conditions Adjacent to the Subject Property	
North	Vacant parcels owned by the Oregon Department of Transportation & existing residential development in the City’s R-2 Zoning District
East	S. River St. public right-of-way.
South	Railroad Spur owned and maintained by Westrock on vacant parcel.
West & Northwest	Newberg-Dundee Bypass, and ODOT-owned vacant parcels.

The future development of the subject property will conform to applicable standards of City’s *Municipal Code*, the *Public Works Design & Construction Standards* and the *Transportation System Plan*. This criterion is satisfied.

D. Construction of New Streets. Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:

- 1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and
- 2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.

RESPONSE: Future public right-of-way to serve the development of the subject property will include the construction of full street improvements for a new public right-of-way on the subject property. This criterion is satisfied.

E. Improvements to Existing Streets.

1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.

RESPONSE: Future public right-of-way to serve the development of the subject property will include the construction of full street improvements for a new public right-of-way, and half-street improvements on the subject property's frontage on S. River St.

2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.

RESPONSE: This Application is subject to Planned Unit Development review procedure. This Application proposes half-street improvements on the subject property's frontage on S. River St., and full-street improvements on the newly proposed public right-of-way.

3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.

RESPONSE: The provisions of this Section are not applicable as this Application does not propose to provide a fee-in-lieu of street improvements.

F. Improvements Relating to Impacts. Improvements required as a condition of development approval shall be roughly proportional to the impact of the development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this code. If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land use application.

RESPONSE: This Application acknowledges that improvements required as a Condition of Approval should be roughly proportional to the impact of the future development on public facilities and services, and that development may not occur until required transportation facilities are in place or guaranteed.

G. Street Width and Design Standards.

1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing

development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

Table 15.505.030(G) Street Design Standards

Type of Street	Right-of-Way Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
Arterial Streets						
Expressway**	ODOT	ODOT	ODOT	ODOT	ODOT	ODOT
Major arterial	95 – 100 feet	74 feet	4 lanes	TWLTL or median*	Yes	No*
Minor arterial	69 – 80 feet	48 feet	2 lanes	TWLTL or median*	Yes	No*
Collectors						
Major	57 – 80 feet	36 feet	2 lanes	None*	Yes	No*
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
Local Streets						
Local residential	54 – 60 feet	32 feet	2 lanes	None	No	Yes
Limited residential, parking both sides	44 – 50 feet	28 feet	2 lanes	None	No	Yes
Limited residential, parking one side	40 – 46 feet	26 feet	2 lanes	None	No	One side
Local commercial/ industrial	55 – 65 feet	34 feet	2 lanes	None*	No*	Yes*

* May be modified with approval of the **director**. Modification will change overall curb-to-curb and **right-of-way** width. Where a center turn lane is not required, a landscaped median shall be provided instead, with turning pockets as necessary to preserve roadway functions.

** All standards shall be per **ODOT** expressway standards.

RESPONSE: Table 15.505.030.G. dictates that a Limited Residential Street with parking on one side shall have between 40 and 46-feet of right-of-way, including a curb-to-curb pavement width of 26-feet, 2 travel lanes, no median, no bicycle lanes, and on-street parking on one side of the new road. As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, Application proposes the future construction of a new Limited Residential Street with 47-feet of right-of-way, including 26-feet of curb-to-curb pavement, 2 travel lanes, no median, no bicycle lanes, and on-site street parking on one side.

As depicted by the below Table 3: Requirements of Table 15.505.030.G. Versus Proposed Development, the proposed future street satisfies all applicable standards of Table 15.505.030.G.

Riverlands

Planned Unit Development
1303 NE River St. Newberg, OR 97132 (R3229/02500)

	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes</i>	<i>Median Type</i>	<i>Striped Bike Lanes</i>	<i>On-Street Parking</i>
15.505.030.G. Requirement	40 -46 ft.	26-ft.	2	N/A	N/A	Both sides
Proposed Limited Residential Street, Parking on One Side	47 ft.	26-ft.	2	N/A	N/A	One side

6. *Limited Residential Streets. Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:*
a. The requirements of the fire chief shall be followed.

RESPONSE: The proposed Limited Residential Street is designed to satisfy applicable requirements of Tualatin Valley Fire & Rescue.

b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.

RESPONSE: Based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 8th Edition*, single-family detached dwellings (ITE Land Use Code No. 210) generate 9.55 average daily trips (ADT). Following approval of the proposed Planned Unit Development and Construction Document review and approval process, 18 single-family detached dwellings will be sited on the subject property. As such, future traffic associated with the proposed development will generate 172 ADT (18-dwellings * 9.55-ADT). This criterion is satisfied.

c. Use for through streets or looped streets is preferred over cul-de-sac streets.

RESPONSE: As previously addressed, due to existing development patterns in the vicinity of the subject property, the continuation of the public street network through the subject property is infeasible. This Application proposes of a new road intersecting with the S. River St. public right-of-way on the eastern boundary of the subject property, and dead-ending in a cul-de-sac bulb along the western boundary of the subject property.

d. Use for short blocks (under 400 feet) is preferred over longer blocks.

RESPONSE: The proposed dead-end right-of-way will be approximately 350-ft in length. As previously addressed, due to existing development patterns adjacent to the subject property, the creation or extension of the street block system is not feasible.

e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.

RESPONSE: This Application proposes the division of the subject property to support the future construction of 18 single-family detached dwellings.

f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provide as Exhibit E, and the Architectural Plans provided as Exhibit H through Exhibit J, the future development of the subject property will provide adequate off-street parking in driveways and garages. As such, the use of the additional on-street parking should be limited in nature.

7. Sidewalks. Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provide as Exhibit E, the future development of the subject property will provide 5-foot sidewalks on the subject property's frontage on S. River St., and 5-foot sidewalks on both sides of the new public right-of-way. As permitted by *Section 15.505.030.G.8.*, this Application is proposing 6-foot wide curb-tight sidewalks along the proposed cul-de-sac bulb.

8. Planter Strips. Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:

- a. Additional reinforcement is done to the sidewalk section at corners.*
- b. Sidewalk width is six feet.*

RESPONSE: As depicted by Sheet C100 of the Preliminary Engineering Plan Set provide as Exhibit E, this Application proposes half-street improvements to the existing S. River St. public right-of-way, including 6-foot planter strips. Planter strips 4.5-feet in width are proposed on both sides of the new public right-of-way, with the exception of the new cul-de-sac bulb where 6-foot curb-tight sidewalks are proposed.

9. Slope Easements. Slope easements shall be provided adjacent to the street where required to maintain the stability of the street.

RESPONSE: The subject property generally slopes from east to west at less than 1%. Slope easements are not warranted or proposed by this Application.

10. Intersections and Street Design. The street design standards in the Newberg public works design and construction standards shall apply to all public streets, alleys, bike facilities, and sidewalks in the city.

RESPONSE: This Application proposes the future construction of a new public street designed in compliance with all applicable *Public Works Design & Construction Standards*.

H. Modification of Street Right-of-Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:

1. *The modification is necessary to provide design flexibility in instances where:*
 - a. *Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or*
 - b. *Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or*
 - c. *A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or*
 - d. *A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.*
2. *Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.*

RESPONSE: The provisions of this Section are not applicable as this Application does not propose to modify street right-of-way or improvement widths.

I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

RESPONSE: The provisions of this Section are not applicable as this Application does not propose a temporary turnaround.

J. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.

RESPONSE: The proposed future public right-of-way is designed to accommodate existing surrounding topographical conditions.

K. Future Extension of Streets. All new streets required for a subdivision, partition, or a project requiring site design review shall be constructed to be "to and through": through the development and to the edges of the project site to serve adjacent properties for future development.

RESPONSE: As previously addressed by *Table 1: Adjacent to the Subject Property* on Page 41 of this narrative, existing development patterns surrounding the subject property prohibit the future extension of the proposed public right-of-way. This Application proposes the future construction of a dead-end street.

L. Cul-de-Sacs.

1. *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, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.*

a. Physical or topographic conditions make a street 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.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.

c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.

d. 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.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, this Application proposes the future construction of a new street dead-ending in a cul-de-sac bulb. Said cul-de-sac bulb is proposed due to existing development patterns surrounding the subject property which prohibit the future extension of the proposed public right-of-way.

2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed street dead-ending in cul-de-sac bulb is approximately 350-feet in length.

3. Cul-de-sacs shall not serve more than 18 single-family dwellings.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed street dead-ending in cul-de-sac bulb will serve 18 future single-family detached dwellings.

Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed cul-de-sac bulb has a curb-to-curb diameter of 96-feet, and a right-of-way diameter of 110-feet.

M. Street Names and Street Signs. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.

RESPONSE: The future street to be constructed on the subject property does not align with an existing named street. This Application acknowledges that naming of the new street will be subject to approval by the City's Community Development Director and Tualatin Valley Fire & Recuse.

N. Platting Standards for Alleys.

1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.
2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.
3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.
4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.
5. 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.

RESPONSE: The provisions of this Section are not applicable as this Application does not propose an alley.

O. Platting Standards for Blocks.

2. *Maximum Block Length and Perimeter.* The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

Zone(s)	Maximum Block Length	Maximum Block Perimeter
R-1	800 feet	2,000 feet
R-2, R-3, RP, I	1,200 feet	3,000 feet

3. *Exceptions.*

- a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.
- b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.
- c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.
- d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.
- e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.
- f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

RESPONSE: As previously addressed, due to existing development patterns adjacent to the subject property, the creation or extension of the street block system is not feasible. This Application proposes the future construction of a dead-end right-of-way approximately 350-ft in length.

P. Private Streets. New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).

RESPONSE: The provisions of this Section are not applicable as this Application does not propose the construction of a private street. As dictated by the City’s *Transportation System Plan*, S. River St. has a functional classification of Major Collector.

R. Vehicular Access Standards.

2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

Table 15.505.R. Access Spacing Standards

Roadway Functional Classification	Area ¹	Minimum Public Street Intersection Spacing (Feet) ²	Driveway Setback from Intersecting Street ³
Expressway	All	Refer to ODOT Access Spacing Standards	NA
Major arterial	Urban CBD	Refer to ODOT Access Spacing Standards	
Minor arterial	Urban CBD	500 200	150 100
Major collector	All	400	150
Minor collector	All	300	100

¹ "Urban" refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).

"CBD" refers to intersections within the central business district (C-3 zone).

"All" refers to all intersections within the Newberg urban growth boundary.

² Measured centerline to centerline.

³ The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.

RESPONSE: This Application proposes a new intersection on S. River St. As per the City’s *Transportation System Plan*, S. River St. has a functional classification of Major Collector. As per *Table 15.505.R.* (presumably a scrivener’s error; meant to read *Table 15.505.030.R.*), public intersections should be spaced a minimum of 150-feet on Major Collectors. The closest improved intersection to the subject property is the intersection of S. River St. and E. 12th Ave. The new public right-of-way proposed by this application will be located approximately 385-ft south of said intersection.

3. Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.

RESPONSE: The provisions of this Subsection are not applicable as the subject property does not have multiple frontages.

4. Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.

RESPONSE: The provisions of this Subsection are not applicable as this Application does not propose more than one future driveway per lot.

5. Alley Access. Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:

- a. The review body finds that creating a public street frontage is not feasible.*
- b. The alley access is for no more than six dwellings and no more than six lots.*
- c. The alley has through access to streets on both ends.*
- d. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.*

RESPONSE: The provisions of this Subsection are not applicable as this Application does not propose an alley.

6. Closure of Existing Accesses. Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.

RESPONSE: The provisions of this Subsection are not applicable as this Application does not propose the closure of an existing access.

*7. Shared Driveways.
[Detailed Provisions Omitted for Brevity]*

RESPONSE: The provisions of this Subsection are not applicable as this Application does not propose future shared driveways.

8. Frontage Streets and Alleys. The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

RESPONSE: This Application acknowledges the provisions of this Subsection.

9. ODOT or Yamhill County Right-of-Way. Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.

RESPONSE: This Application acknowledges the provisions of this Subsection.

10. Exceptions. The director may allow exceptions to the access standards above in any of the following circumstances:

- a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.*
- b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.*
- c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.*

11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

RESPONSE: This Application acknowledges the provisions of this Subsection. Regarding traffic generated by the future development of the subject property, based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 8th Edition*, the proposed development will generate 18 new PM peak hour trips (18 lots generating 1 trip per unit during the PM peak hour). Accordingly, the proposed development does not meet the City's threshold requirement of generating at least 40 new vehicular trips during the PM peak hour to trigger the need for a Traffic Study.

S. Public Walkways.

- 1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.*
- 2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.*
- 3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.*
- 4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.*
- 5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.*
- 6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.*
- 7. Lighting may be required for public walkways in excess of 250 feet in length.*
- 8. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.*

RESPONSE: As previously addressed, due to existing development patterns in the vicinity of the subject property, the continuation of the public street and pedestrian network through the subject property is infeasible. This Application proposes 5-foot sidewalks on the subject

property's frontage on S. River St., and 5-foot sidewalks on both side of the new public road, with the exception of a 6-foot curb-tight sidewalk on the proposed cul-de-sac bulb.

T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, this Application proposes the future construction of landscaping strips. The future construction of single-family detached dwelling son the subject property will ensure the installation of street trees in compliance with all applicable provisions of *Subsection 15.420.010(B)(4)*.

U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, this Application proposes the future construction of street lighting designed in compliance with all applicable City standards.

V. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:

- 1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.*
- 2. A transit passenger landing pad accessible to disabled persons.*
- 3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.*
- 4. Lighting at the transit facility. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 19), 9-16-13; Ord. 2736 § 1 (Exh. A §§ 1, 3, 4), 3-21-11; Ord. 2619, 5-16-05; Ord. 2513, 8-2-99; Ord. 2507, 3-1-99; Ord. 2494, 4-6-98; Ord. 2451, 12-2-96. Code 2001 §§ 151.681, 151.683, 151.684 – 151.686, 151.689 – 151.692, 151.694, 151.695, 151.701 – 151.703, 151.705.]*

RESPONSE: The provisions of this Subsection are not applicable to this Application as the subject property is not adjacent to existing or planned transit facilities of the City's *Transportation System Plan* or adopted local or regional transit plans.

15.505.040 Public utility standards.

B. Applicability. This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.

C. General Standards.

1. *The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.*
2. *The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.*

RESPONSE: This Application acknowledges that a Public Improvement Permit must be obtained prior to any construction of any public improvements. Following approval of this Planned Unit Development, the proposed development will undergo Public Improvement Permit review and approval to ensure future development complies with all applicable requirements of the City's *Public Works Design & Construction Standards*.

D. Standards for Water Improvements. All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.

1. *All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.*
2. *Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.*
3. *The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.*
4. *Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.*

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed future development of the subject property will connect to the City's existing water facilities, is adequate to serve the future development of the subject property. Due to existing development patterns surrounding the subject property the future extension of utilities is not applicable to this Application. The future development is designed to comply with all applicable City requirements. Following approval of this Planned Unit Development, the proposed development will undergo Public Improvement Permit review and approval to ensure future development complies with all applicable requirements of the City's *Public Works Design & Construction Standards*.

E. Standards for Wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.

1. *All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.*

2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.

3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.

5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.

6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.

7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed future development of the subject property will connect to the City's existing water, sanitary and stormwater facilities and services. Existing utility infrastructure in the vicinity of the subject property is adequate to serve the future development of the subject property. Due to existing development patterns surrounding the subject property the future extension of utilities is not applicable to this Application. The future development is designed to comply with all applicable City requirements. Following approval of this Planned Unit Development, the proposed development will undergo Public Improvement Permit review and approval to ensure future development complies with all applicable requirements of the City's *Public Works Design & Construction Standards*.

F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, Public Utility Easements 10-feet in width are proposed along the frontage of all proposed lots. No other easements are warranted or proposed by this Application.

15.505.050 Stormwater system standards.

C. General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

RESPONSE: As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the future development of the subject property will include the construction of a stormwater main in the proposed public road, connecting to the existing stormwater main in S. River St. and provide service to each future single-family detached dwelling. A Stormwater Facility will be constructed in Tract A in the southwestern corner of the subject property. Stormwater runoff from future dwellings on the subject property will be directed via weepholes into the stormwater system. There is a secondary raingarden located to the north of the proposed intersection along the subject property's frontage on S. River St. As supported by the Preliminary Stormwater Report provided as Exhibit F, the proposed stormwater facilities are adequately sized to support the future development of the subject property. This Application acknowledges that the developer is responsible for all costs associated with designing and constructing said stormwater facilities. This criterion is satisfied.

D. Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall containS at a minimum:

- 1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.*
- 2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.*
- 3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.*

RESPONSE: Erosion Control plans prepared by an Engineer Licensed in the state of Oregon are provided within Exhibit E. A Preliminary Stormwater Report is provided as Exhibit F. A Composite Utility Plan is provided as Sheet C300 of Exhibit E.

E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

RESPONSE: This Application acknowledges the provisions of this Section. Future development of the subject property will be planned, designed, constructed, and maintained in compliance with all applicable standards of the City's *Public Works Design & Construction Standards*.

CONCLUSION

This narrative and supporting documentation demonstrate compliance with all applicable provisions of the *City of Newberg Community Development Code* and *Comprehensive Plan*. The Applicant thereby respectfully requests approval of this Comprehensive Plan Amendment request.

EXHIBIT A

Land Use Application Form



TYPE III APPLICATION - 2019 (QUASI-JUDICIAL REVIEW)

File #: _____

TYPES – PLEASE CHECK ONE:

- Annexation
- Comprehensive Plan Amendment (site specific)
- Zoning Amendment (site specific)
- Historic Landmark Modification/alteration

- Conditional Use Permit
- Type III Major Modification
- Planned Unit Development
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: Del Boca Vista LLC
 ADDRESS: PO Box 3189 Newberg, OR 97132
 EMAIL ADDRESS: mackenzie@dbvcorp.com; teresa@dbvcorp.com
 PHONE: 503-550-1932 MOBILE: _____ FAX: _____
 OWNER (if different from above): Riverlands Subdivision LLC PHONE: same
 ADDRESS: same
 ENGINEER/SURVEYOR: David Evans and Associates Inc. PHONE: 503-223-6663
 ADDRESS: 2100 SW River Parkway, Portland, OR 97201

GENERAL INFORMATION:

PROJECT NAME: Riverlands PROJECT LOCATION: 1303 S River Street
 PROJECT DESCRIPTION/USE: 18-Lot subdivision
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3229/02500 ZONE: R-2/RD SITE SIZE: 1.56 SQ. FT. ACRE
 COMP PLAN DESIGNATION: _____ TOPOGRAPHY: East to West at less than 1%
 CURRENT USE: Single-family detached dwelling, R-2/RD
 SURROUNDING USES:
 NORTH: Single-family detached dwelling, R-2/RD SOUTH: Portland & Western Railroad on R3229/02600 (vacant, AF-10, Yamhill County)
 EAST: SP Newspaper (across S River St ROW) WEST: ODOT owned vacant right-of-way (Yamhill County)

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:

Annexationp. 15
 Comprehensive Plan / Zoning Map Amendment (site specific)p. 19
 Conditional Use Permitp. 21
 Historic Landmark Modification/Alterationp. 23
 Planned Unit Developmentp.26

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.

 10/21/19
 Applicant Signature Date

 10/21/19
 Owner Signature Date

MacKenzie Davis, Land Acquisition & Development Manager
 Print Name

Marc Willcuts, Jackson & Co Member to Riverlands Subdivision
 Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

EXHIBIT B

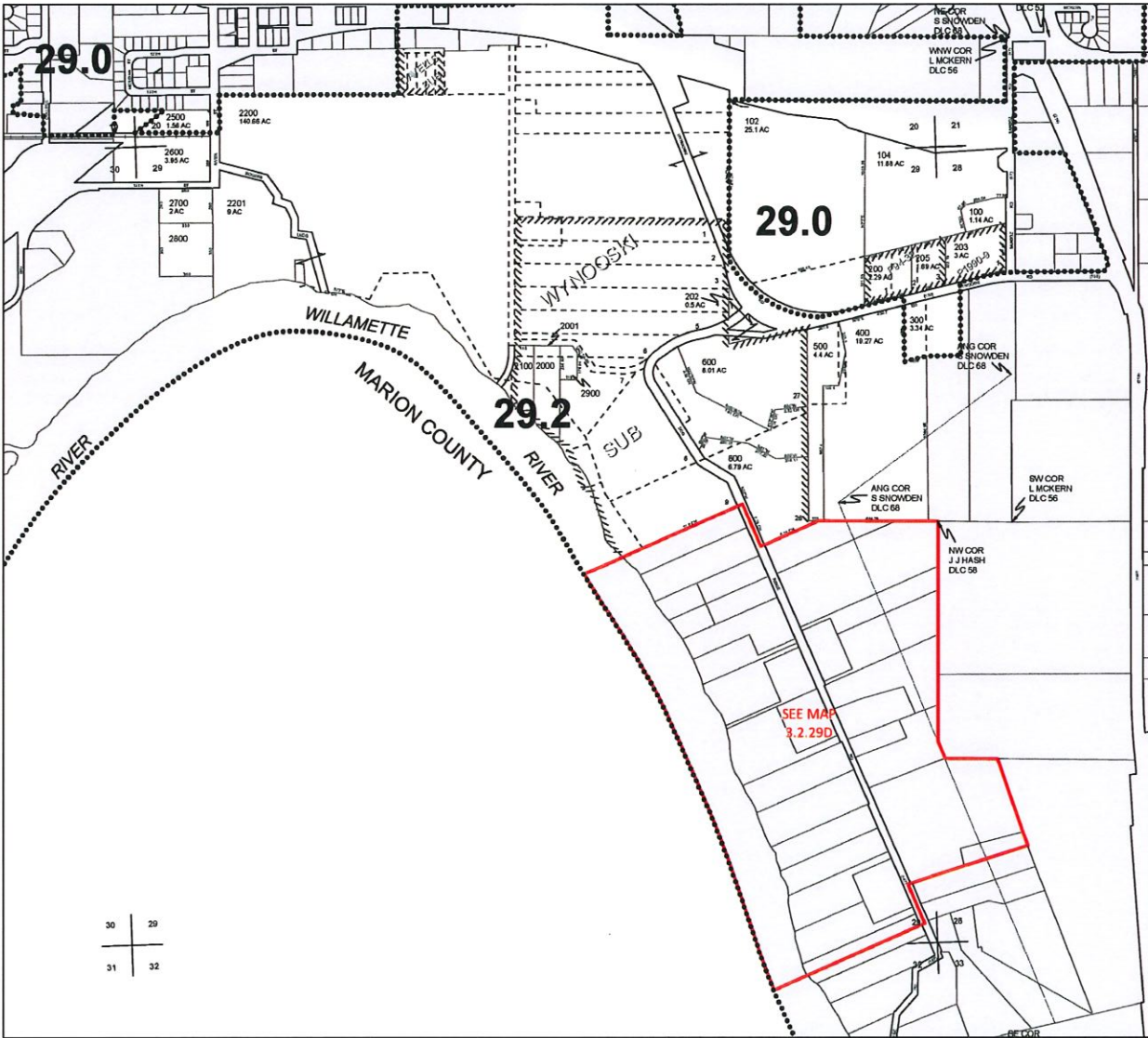
Tax Map

3 2 29



ASSESSMENT & TAX
CARTOGRAPHY

SECTION 29 T.3S. R.2W. W.M.
YAMHILL COUNTY OREGON
1" = 400'



CANCELLED TAXLOTS

2200 U2	900
2200 U1	700
2400	204
2300	201
1905	101
1904	103
1903	2501
1902	2200 AD1
1901	2200 AD2
1900	2200 AD3
1802	
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1401	
1400	
1300	
1201	
1200	
1101	
1100	
1002	
1001	
1000	
901	

DATE PRINTED: 6/24/2019

This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.

3 2 29

EXHIBIT C

Title Report



First American

First American Title Insurance Company

825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Attn. - (866)800-7294

**1ST REVISED PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Del Boca Vista LLC
500 E. Hancock
Newberg, OR 97132
Phone: (971)706-2058
Attn: Teresa

Date Prepared : February 27, 2019
Effective Date : 8:00 A.M on February 25, 2019
Order No. : 1039-2979316
Reference : 1303 NE River Street

The information contained in this report is furnished by First American Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

EXHIBIT "A"
(Land Description Map Tax and Account)

Commencing at a point 20 rods North of the Southeast corner of a piece of land deeded by Edwin Poppleton and wife to Jesse Edwards and wife by deed recorded April 9, 1890 in Book "Y", Page 92, Deed Records, said land being a part of the Donation Land Claim of Joseph B. Rogers and wife, Notification No. 1473, Claim No. 55 in Township 3 South, Range 2 west of the Willamette Meridian in Yamhill County, Oregon; thence running North 10 rods along what is known as River Street; thence running West 40 rods; thence running South 10 rods; and thence running East 40 rods to the place of beginning.

EXCEPTING THEREFROM the following parcel of land lying in the Joseph B. Rodgers D.L.C No. 55, Township 3 South, Range 2 West, W.M., Yamhill County, Oregon and being a portion of that property described in that Statutory Warranty Deed to John F. Hochtritt & Yvette Saarinen, recorded September 14, 1989 in Film Volume 236, Page 326 Records of Yamhill County; the said parcel being that portion of said property included in a strip of land 145.00 feet in width, lying on the Southeasterly side of the 'L' center line, which center line is described as follows:

Beginning at Engineer's center line Station 'L' 470+64.06, said station being 240.06 feet South and 1,143.31 feet West of the Southeast corner of the David Ramsey D.L.C. No. 40, Township 3 South, Range 2 West, W.M.; thence North 76° 05' 16" East 536.04 feet; thence on a spiral curve left (the long chord of which bears North 74° 38' 47" East 599.85 feet) 600.00 feet; thence on a 3,974.27 foot radius curve left (the long chord of which bears North 63° 56' 48" East 1,080.96 feet) 1,084.32 feet; thence on a spiral curve left (the long chord of which bears North 53° 14' 50" East 599.85 feet) 600.00 feet; thence North 51° 48' 20" East 1,171.67 feet; thence on a spiral curve right (the long chord of which bears North 53° 44' 50" East 599.72 feet) 600.00 feet; thence on a 2,950.86 foot radius curve right (the long chord of which bears North 73° 25' 10" East 1,605.82 feet) 1,626.33 feet; thence on a spiral curve right (the long chord of which bears South 88° 11' 29" East 324.91 feet) 325.00 feet; thence on a 6,250.45 foot radius curve right (the long chord of which bears South 80° 11' 02" East 1,298.62 feet) 1,300.96 feet; thence on a spiral curve right (the long chord of which bears South 72° 23' 16" East 599.86 feet) 600.00 feet; thence South 71° 28' 16" East 369.00 feet to Engineer's center line Station 'L' 558+77.38 Back equals 'L' 559+00.00 Ahead.

ALSO that portion of said property lying on the Northwesterly side of the 'L' center line.

Bearings are based on County Survey No. 12330, filed October 1, 2007, Yamhill County, Oregon.

Map No.: R3229 02500
 Tax Account No.: 67331

First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Order No. 1039-2979316

EXHIBIT "B"
(Vesting)

Riverlands Subdivision LLC, an Oregon limited liability company

EXHIBIT "C"
(Liens and Encumbrances)

1. Taxes for the current fiscal year are reduced by reason of partial Veterans Exemption. If the exempt status is terminated under the statute prior to July 1, said property will be taxed at 100% of the assessed value.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation recorded June 03, 2013 as Instrument No. 201308405, Deed and Mortgage Records Deed of Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
4. Deed of Trust and the terms and conditions thereof.
 Grantor/Trustor: Sigmund Holdings LLC, an Oregon limited liability company
 Grantee/Beneficiary: Shimoe Mukai
 Trustee: First American Title
 Amount: \$210,000.00
 Recorded: November 22, 2017
 Recording Information: Instrument No. 201718770, Deed and Mortgage Records
5. Deed of Trust and the terms and conditions thereof.
 Grantor/Trustor: Sigmund Holdings LLC, an Oregon limited liability company
 Grantee/Beneficiary: Gary Dixon and Julie Dixon
 Trustee: First American Title
 Amount: \$95,000.00
 Recorded: November 22, 2017
 Recording Information: Instrument No. 201718771, Deed and Mortgage Records
6. Restrictive Covenant to Waive Remonstrance, pertaining to Annexation, including the terms and provisions thereof
 Recorded: February 1, 2019 as Instrument No. 201901388, Deed and Mortgage Records
7. Restrictive Covenant to Waive Remonstrance, pertaining to Comprehensive Plan, including the terms and provisions thereof
 Recorded: February 1, 2019 as Instrument No. 201901389, Deed and Mortgage Records

NOTE: Taxes for the year 2018-2019 PAID IN FULL

Tax Amount:	\$1,626.16
Map No.:	R3229 02500
Property ID:	67331
Tax Code No.:	29.2

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
 - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
 - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
 - (c) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (d) In any event, the Company assumes no liability for loss or damage by reason of 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.
 - (2) Any 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, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.

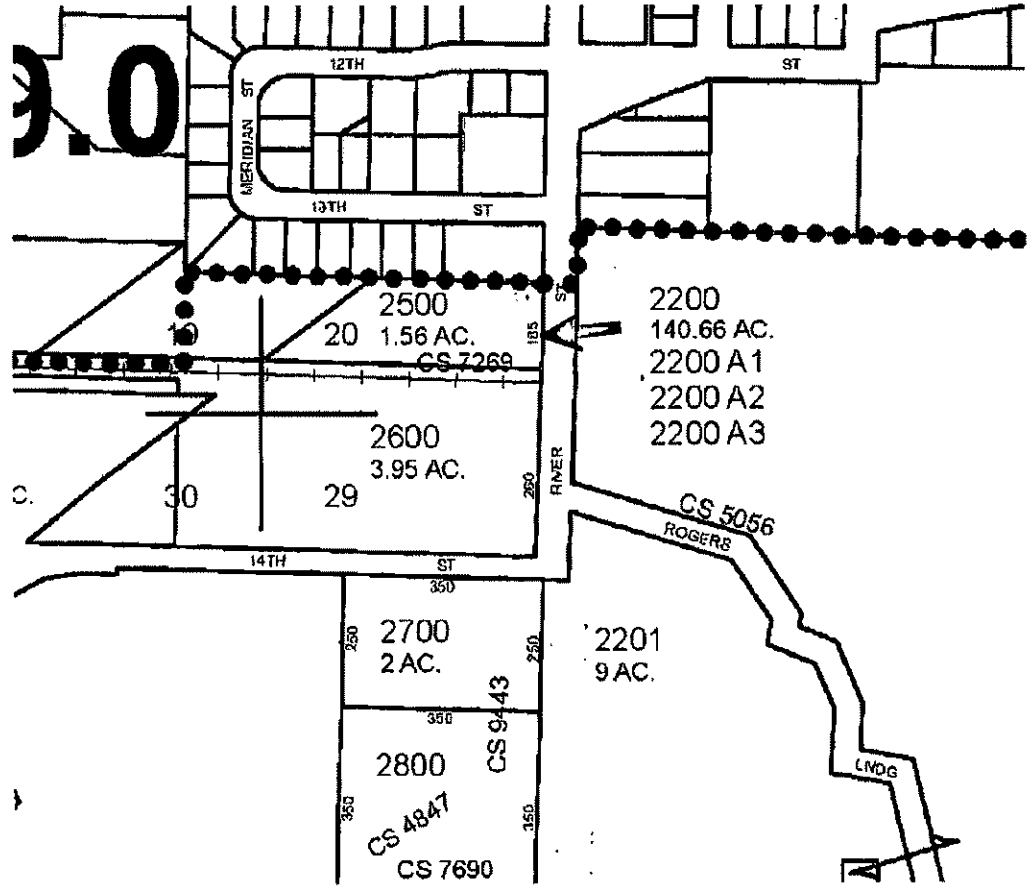
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.



First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey



First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Order No. 1039-2979316

EXHIBIT D

Evidence of Authority to Sign



Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200 Fax: (503) 378-4381

REGISTRY NUMBER: 129195798

ENTITY TYPE: DOMESTIC FOREIGN

FILED OCT 09 2019

Print Form Reset Form

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

OREGON SECRETARY OF STATE

For office use only

1. NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:

Sigmund Holdings LLC

2. BUSINESS ACTIVITY

Complete only the sections that you are updating.

6. ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

3. PRINCIPAL PLACE OF BUSINESS: (Street Address)

4. THE REGISTERED AGENT HAS BEEN CHANGED TO:

Marc Willcuts

5. REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:

Must be an Oregon Street Address, which is identical to the registered agent's office.

500 E Hancock Street

Newberg, OR 97132

7. THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.

8. THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.

The entity has been notified in writing of this change.

9. INDIVIDUAL WITH DIRECT KNOWLEDGE (Names and Addresses) List the name and address of at least one individual who is a director, or controlling shareholder of the corporation (member or manager of the LLC) or an authorized representative with direct knowledge of the operations and business activities of the corporation or LLC.

10. NAME(S) AND ADDRESS(ES) OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS

Corporations list the name and address of one President and one Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315). Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787). Please attach a separate sheet of paper if needed. If making changes to this section, list all current names and addresses. This replaces what is currently on the record.

PRESIDENT OR OWNER(S) (MEMBERS): (Names and Addresses)

SECRETARY OR MANAGER(S): (Names and Addresses)

11. EXECUTION: I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

SIGNATURE:

[Handwritten Signature]

PRINTED NAME:

Marc Willcuts member of

TITLE:

Jackson & Company

CONTACT NAME: (To resolve questions with this filing)

Teresa Gilmore

PHONE NUMBER: (include area code)

971-706-2058

FEE No Pl Free c SIGMUND HOLDINGS LLC 129195798-20442395 AAR



Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - eos.oregon.gov/business Phone: (503) 986-2200 Fax: (503) 378-4381

JUN 26 2019

REGISTRY NUMBER: 138499892

ENTITY TYPE: DOMESTIC FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

OREGON SECRETARY OF STATE For office use only

1. NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:

Riverlands Subdivision LLC

Complete only the sections that you are updating.

2. BUSINESS ACTIVITY

6. ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

3. PRINCIPAL PLACE OF BUSINESS: (Street Address)

7. THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.

8. THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.

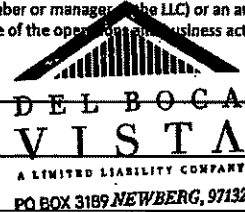
The entity has been notified in writing of this change.

4. THE REGISTERED AGENT HAS BEEN CHANGED TO:

Marc Willcuts

9. INDIVIDUAL WITH DIRECT KNOWLEDGE (Names and Addresses) List the name and address of at least one individual who is a director, or controlling shareholder of the corporation (member or manager of the LLC) or an authorized representative with direct knowledge of the open business activities of the corporation or LLC.

Marc Willcuts



5. REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS: Must be an Oregon Street Address, which is identical to the registered agent's office.

10. NAME(S) AND ADDRESS(ES) OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS

Corporations list the name and address of one President and one Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315). Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787). Please attach a separate sheet of paper if needed. If making changes to this section, list all current names and addresses. This replaces what is currently on the record.

PRESIDENT OR OWNER(S) (MEMBERS): (Names and Addresses)

SECRETARY OR MANAGER(S): (Names and Addresses)

11. EXECUTION: I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

SIGNATURE:

[Handwritten Signature]

PRINTED NAME:

Marc Willcuts, member of

TITLE:

Jackson & Company

CONTACT NAME: (To resolve questions with this filing)

Teresa Gilmore

PHONE NUMBER: (Include area code)

971-706-2058

Information Change 12/17

RIVERLANDS SUBDIVISION LLC



138499892-20158779

AAR

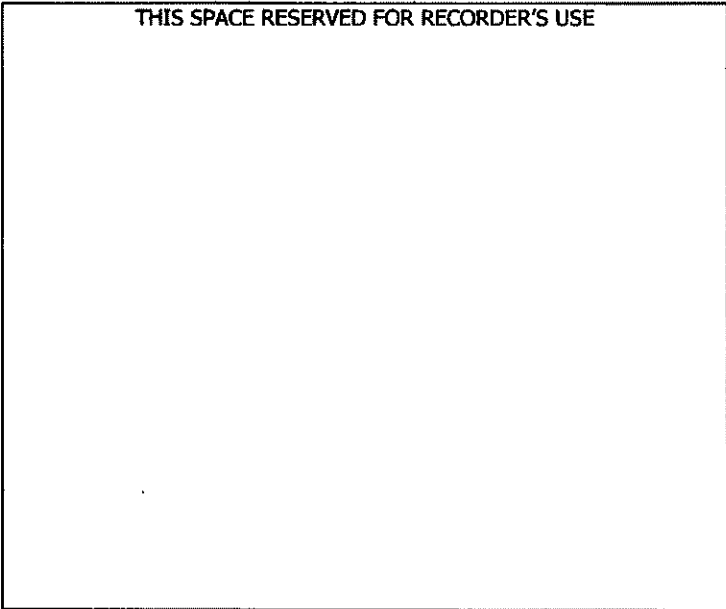
earch program.



After recording return to:
Riverlands Subdivision LLC
500 E. Hancock St
Newberg, OR 97132

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

File No.: 1039-2979316 (LB)
Date: January 05, 2018



FIRST AMERICAN TITLE 2018-08-ACCO

STATUTORY BARGAIN AND SALE DEED

Sigmund Holdings LLC, an Oregon limited liability company, Grantor, conveys to Riverlands Subdivision LLC, an Oregon Limited Liability Company, Grantee, the following described real property:

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

See Exhibit "A"

The true consideration for this conveyance is **\$305,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

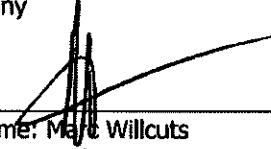
APN: 67331

Bargain and Sale Deed
- continued

File No.: 1039-2979316 (LB)
Date: 01/05/2018

Dated this 15 day of February, 20 18.

Sigmund Holdings LLC, an Oregon limited liability company

By: 
Name: Marc Willcuts
Title: Member

STATE OF Oregon)
County of Yamhill)ss.
)

This instrument was acknowledged before me on this 15 day of February, 20 18 by Marc Willcuts as Member of Sigmund Holdings LLC, on behalf of the limited liability company.



Notary Public for Oregon
My commission expires: 12/21/21



EXHIBIT A

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

Commencing at a point 20 rods North of the Southeast corner of a piece of land deeded by Edwin Poppleton and wife to Jesse Edwards and wife by deed recorded April 9, 1890 in Book "Y", Page 92, Deed Records, said land being a part of the Donation Land Claim of Joseph B. Rogers and wife, Notification No. 1473, Claim No. 55 in Township 3 South, Range 2 west of the Willamette Meridian in Yamhill County, Oregon; thence running North 10 rods along what is known as River Street; thence running West 40 rods; thence running South 10 rods; and thence running East 40 rods to the place of beginning.

EXCEPTING THEREFROM the following parcel of land lying in the Joseph B. Rodgers D.L.C No. 55, Township 3 South, Range 2 West, W.M., Yamhill County, Oregon and being a portion of that property described in that Statutory Warranty Deed to John F. Hochtritt & Yvette Saarinen, recorded September 14, 1989 in Film Volume 236, Page 326 Records of Yamhill County; the said parcel being that portion of said property included in a strip of land 145.00 feet in width, lying on the Southeasterly side of the 'L' center line, which center line is described as follows:

Beginning at Engineer's center line Station 'L' 470+64.06, said station being 240.06 feet South and 1,143.31 feet West of the Southeast corner of the David Ramsey D.L.C. No. 40, Township 3 South, Range 2 West, W.M.; thence North 76° 05' 16" East 536.04 feet; thence on a spiral curve left (the long chord of which bears North 74° 38' 47" East 599.85 feet) 600.00 feet; thence on a 3,974.27 foot radius curve left (the long chord of which bears North 63° 56' 48" East 1,080.96 feet) 1,084.32 feet; thence on a spiral curve left (the long chord of which bears North 53° 14' 50" East 599.85 feet) 600.00 feet; thence North 51° 48' 20" East 1,171.67 feet; thence on a spiral curve right (the long chord of which bears North 53° 44' 50" East 599.72 feet) 600.00 feet; thence on a 2,950.86 foot radius curve right (the long chord of which bears North 73° 25' 10" East 1,605.82 feet) 1,626.33 feet; thence on a spiral curve right (the long chord of which bears South 88° 11' 29" East 324.91 feet) 325.00 feet; thence on a 6,250.45 foot radius curve right (the long chord of which bears South 80° 11' 02" East 1,298.62 feet) 1,300.96 feet; thence on a spiral curve right (the long chord of which bears South 72° 23' 16" East 599.86 feet) 600.00 feet; thence South 71° 28' 16" East 369.00 feet to Engineer's center line Station 'L' 558+77.38 Back equals 'L' 559+00.00 Ahead.

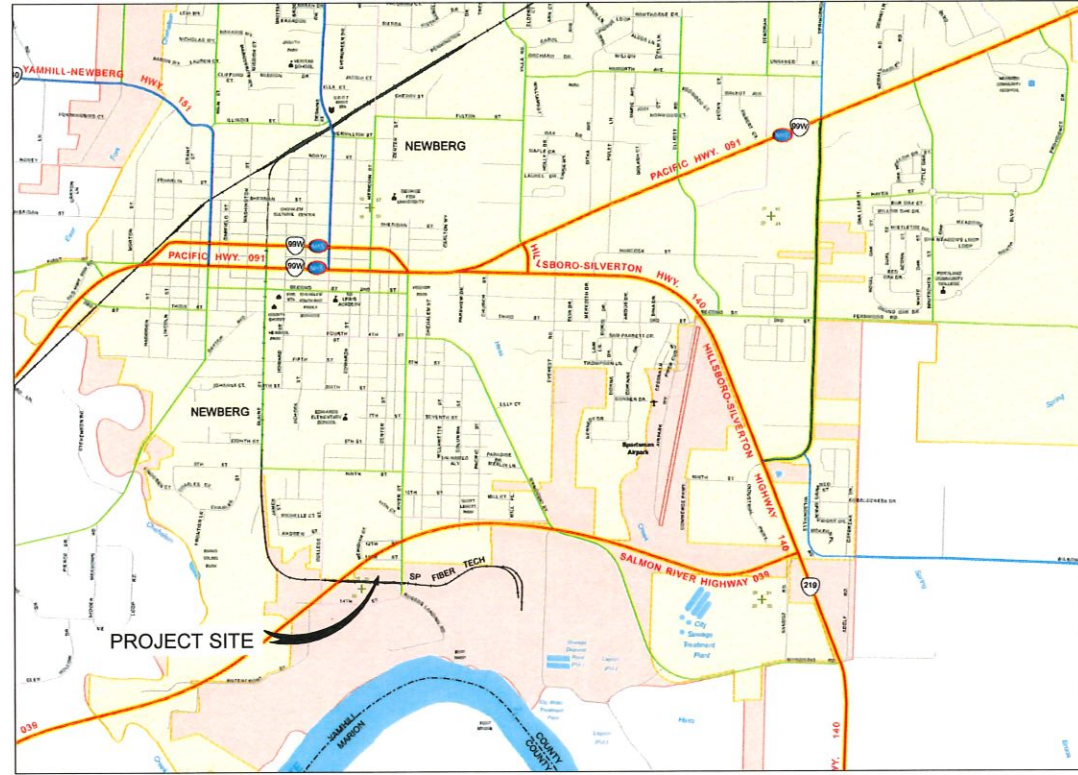
ALSO that portion of said property lying on the Northwesterly side of the 'L' center line.

Bearings are based on County Survey No. 12330, filed October 1, 2007, Yamhill County, Oregon.

EXHIBIT E

Preliminary Engineering

PRELIMINARY PLANS FOR RIVERLANDS PLANNED UNIT DEVELOPMENT NEWBERG, OR



1 VICINITY MAP
SCALE: N.T.S.



APPLICANT
 DEL BOCA VISTA, LLC
 CONTACT: MACKENZIE DAVIS
 PO BOX 3189
 NEWBERG, OR 97132
 PHONE: 971-281-8074

PROJECT LOCATION:
 1303 S RIVER STREET
 NEWBERG, OREGON 97132
 LATITUDE = 45°17'20"N, LONGITUDE = 122°58'11"W

PROPERTY OWNER
 RIVERLANDS SUBDIVISION LLC
 PO BOX 3189
 NEWBERG, OR 97132

PROPERTY INFORMATION:
 DESCRIPTION:
 TAX LOT 2500 (YAMHILL COUNTY TAX MAP) LOCATED IN THE
 NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE
 2 WEST, WILLAMETTE MERIDIAN, CITY OF NEWBERG, YAMHILL
 COUNTY, OREGON

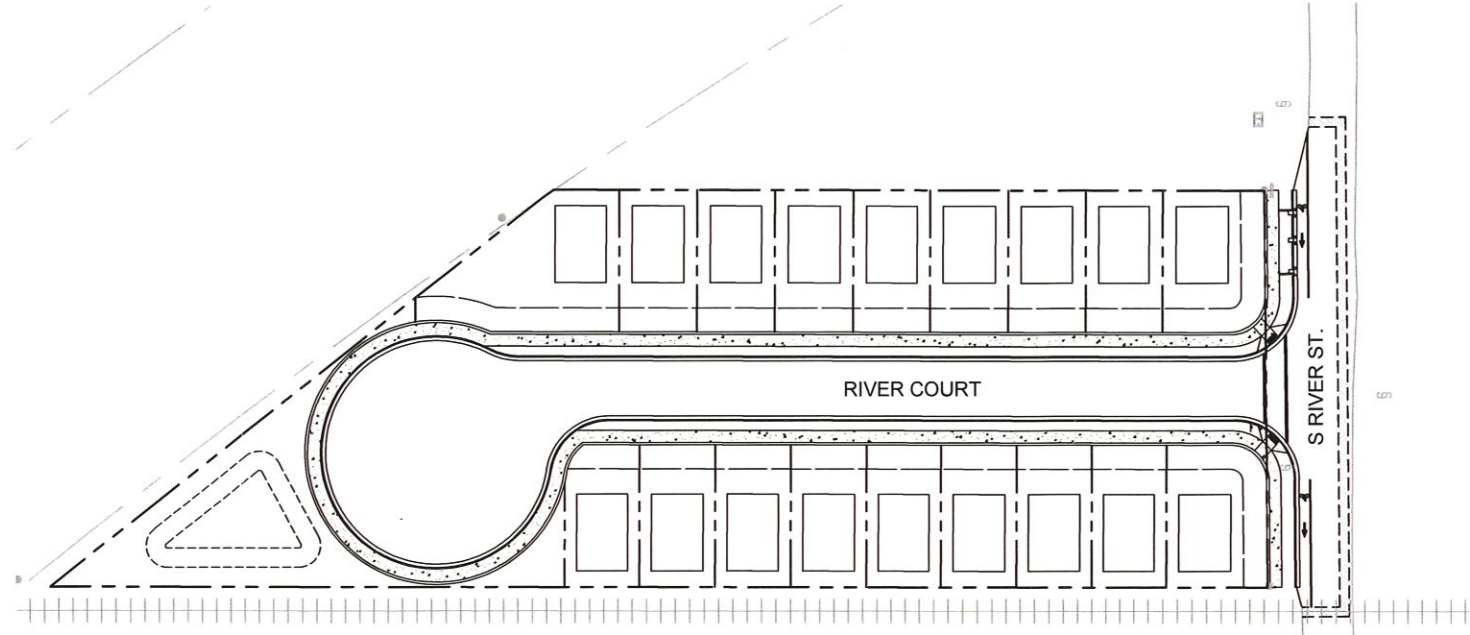
ENGINEERING FIRM
 DAVID EVANS & ASSOCIATES, INC.
 CONTACT: BRADY BERRY, PE
 2100 SW RIVER PKWY
 PORTLAND, OR 97201
 PHONE: 503-499-0470
 EMAIL: Brady.Berry@deainc.com

ZONING:
 R-2/RD
 SITE AREA:
 1.56 ACRES



POTENTIAL UNDERGROUND
 FACILITY OWNERS
 "ONE CALL"
 UTILITY NOTIFICATION CENTER
 1-800-332-2344

ATTENTION:
 OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED
 BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE
 RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH
 OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE
 RULES BY CALLING THE CENTER.
 (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY
 NOTIFICATION CENTER IS 1-800-332-2344 or 811).



2 SITE PLAN
SCALE: 1"=40'



SHEET INDEX:

C001	COVER SHEET
C002	EXISTING CONDITIONS PLAN
C100	SITE PLAN / PRELIMINARY PLAT
C200	GRADING PLAN
C300	COMPOSITE UTILITY PLAN

PROJECT
 RIVERLANDS PLANNED UNIT DEVELOPMENT
 DEL BOCA VISTA, LLC
 NEWBERG, OREGON
 SHEET TITLE
COVER SHEET

PRELIMINARY

DATE: 06/20/2019
 DESIGN: ATR
 DRAWN: ATR

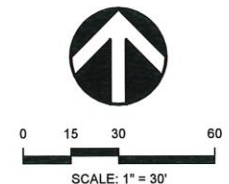
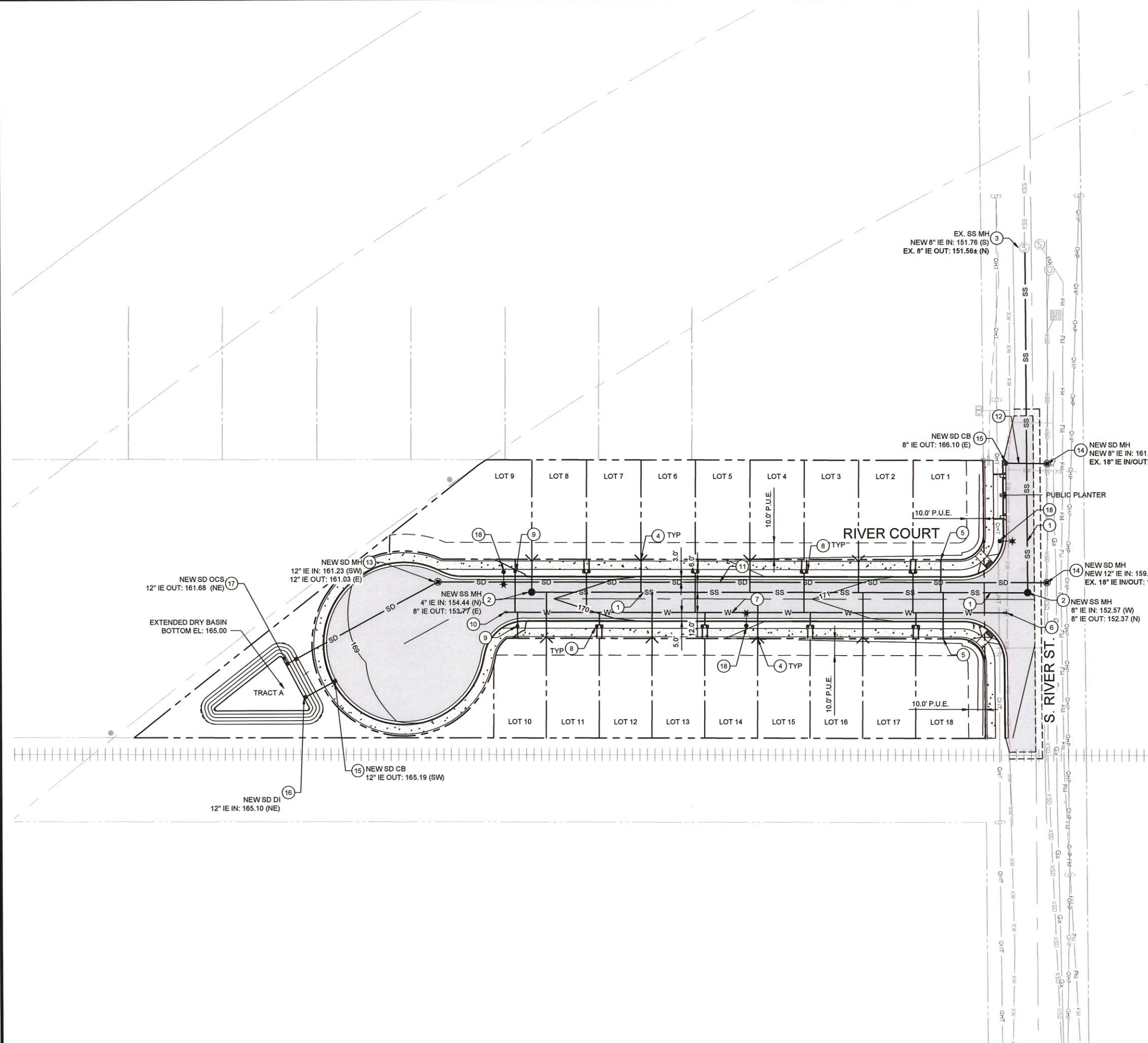
SHEET NO.
C001

LEGEND

- = PUBLIC RIGHT-OF-WAY
- SSx = EXISTING SANITARY SEWER LINE
- SDx = EXISTING STORM DRAIN LINE
- Wx = EXISTING WATER LINE
- Gx = EXISTING GAS LINE
- FM = EXISTING SEWER FORCE MAIN
- SS = SANITARY SEWER LINE
- SD = STORM DRAIN LINE
- W = WATER LINE
- UT = UNDERGROUND COMM. CONDUIT
- = EDGE OF PAVEMENT
- = CROWN OF ROAD
- = PROPOSED PROPERTY LINE
- = EXISTING PROPERTY LINE
- = PROPOSED LOT LINE
- = PUBLIC UTILITY EASEMENT
- = PUBLIC ACCESS EASEMENT
- = SANITARY SEWER MANHOLE
- = STORM DRAIN MANHOLE
- = STORM DRAIN CATCH BASIN
- = CONCRETE
- = PROPOSED GATE VALVE
- = PROPOSED WATER METER
- = EXISTING WATER METER
- ★ = PROPOSED STREET LAMPS

KEYNOTES

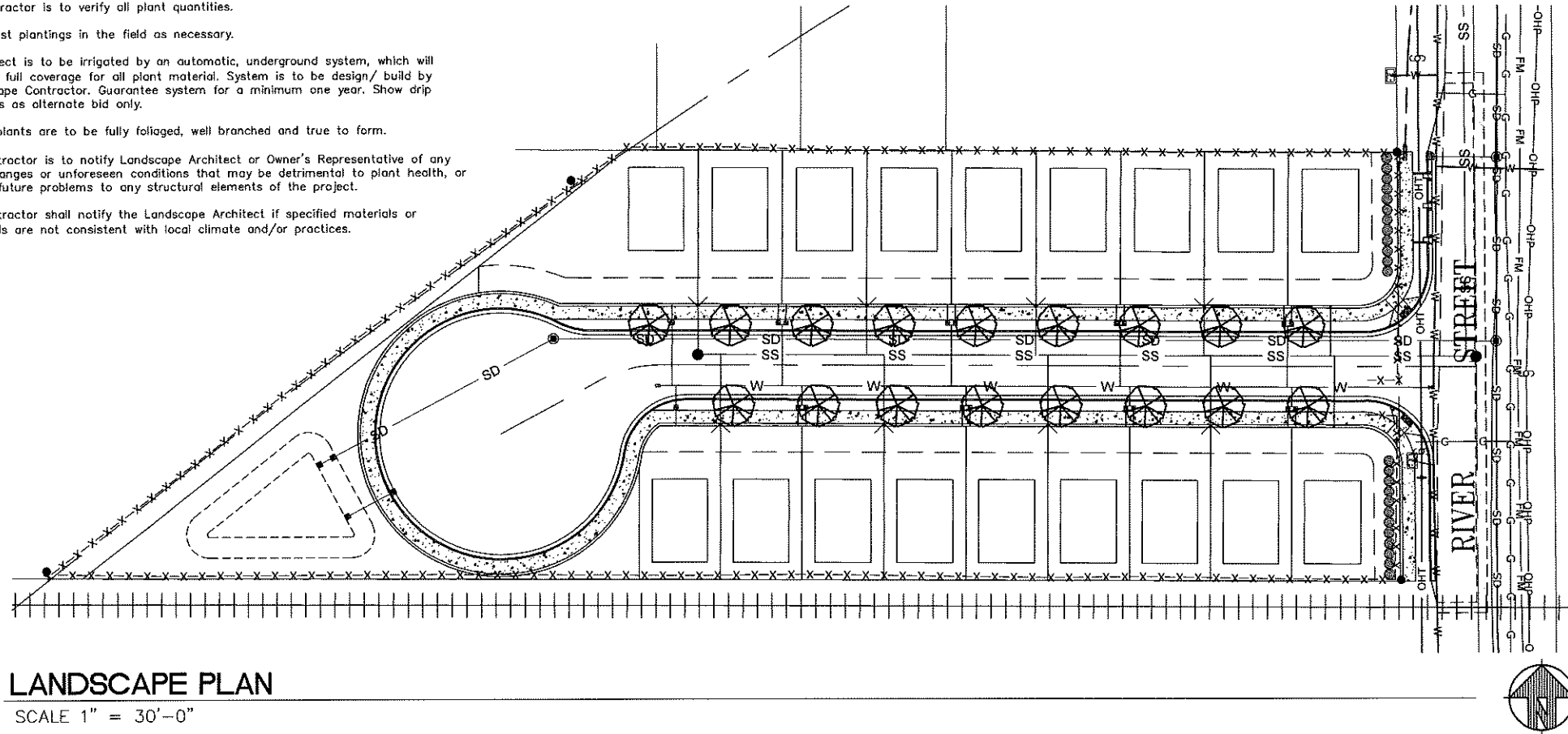
- 1 PROPOSED 8" PUBLIC SANITARY SEWER MAIN.
- 2 PROPOSED PUBLIC SANITARY SEWER MANHOLE.
- 3 PROPOSED CONNECTION TO EXISTING PUBLIC SANITARY SEWER MANHOLE.
- 4 PROPOSED 6" SANITARY SEWER DOUBLE WYE SERVICE BRANCH.
- 5 PROPOSED 6" SANITARY SEWER SERVICE.
- 6 PROPOSED CONNECTION TO EXISTING 6" WATER MAIN.
- 7 PROPOSED 8" PUBLIC WATER MAIN.
- 8 PROPOSED DOUBLE WATER SERVICE AND METERS.
- 9 PROPOSED WATER SERVICE AND METER.
- 10 PROPOSED DEAD END BLOWOFF.
- 11 PROPOSED 12" PUBLIC STORM DRAIN MAIN.
- 12 PROPOSED 8" PUBLIC STORM DRAIN MAIN.
- 13 PROPOSED PUBLIC STORM DRAIN MANHOLE.
- 14 PROPOSED PUBLIC STORM DRAIN MANHOLE ON EXISTING STORM DRAIN MAIN.
- 15 PROPOSED PUBLIC CATCH BASIN.
- 16 PROPOSED CONCRETE HEADWALL.
- 17 PROPOSED OUTFALL CONTROL STRUCTURE.
- 18 PROPOSED STREET LAMP.



Plot Date: 6/19/2019 1:06 PM
 Save Date: 6/19/2019 1:01 PM
 By: Andrew Raspe
 Drawing File: P:\00\000000000000000000\CAD\SHHEE\1502 Land Use Ref\EC-JT-001-DBV\C0300.dwg

GENERAL NOTES:

- Contractor is to verify all plant quantities.
- Adjust plantings in the field as necessary.
- Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. System is to be design/ build by Landscape Contractor. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
- All plants are to be fully foliated, well branched and true to form.
- Contractor is to notify Landscape Architect or Owner's Representative of any site changes or unforeseen conditions that may be detrimental to plant health, or cause future problems to any structural elements of the project.
- Contractor shall notify the Landscape Architect if specified materials or methods are not consistent with local climate and/or practices.



LANDSCAPE PLAN

SCALE 1" = 30'-0"

OUTLINE SPECIFICATIONS PLANTING

GENERAL: All plants shall conform to all applicable standards of the latest edition of the "American Association of Nurserymen Standards", A.N.S.I. 260.1 - 1973. Meet or exceed the regulations and laws of Federal, State, and County regulations, regarding the inspection of plant materials, certified as free from hazardous insects, disease, and noxious weeds, and certified fit for sale in Oregon.

The apparent silence of the Specifications and Plans as to any detail, or the apparent omission from them of a detailed description concerning any point, shall be regarded as meaning that only the best general practice is to prevail and that only material and workmanship of first quality are to be used. All interpretations of these Specifications shall be made upon the basis above stated.

Landscape contractor shall perform a site visit prior to bidding to view existing conditions.

PERFORMANCE QUALITY ASSURANCE: Use adequate numbers of skilled workmen who are thoroughly trained and experienced in the necessary horticultural practices and who are completely familiar with the specified requirements and methods needed for the proper performance of the work of this section.

NOTIFICATION: Give Landscape Architect minimum of 2 days advance notice of times for inspections. Inspections at growing site does not preclude Landscape Architect's right of rejection of deficient materials at project site. Each plant failing to meet the above mentioned "Standards" or otherwise failing to meet the specified requirements as set forth shall be rejected and removed immediately from the premises by the Contractor and at his expense, and replaced with satisfactory plants or trees conforming to the specified requirements.

SUBSTITUTIONS: Only as approved by the Landscape Architect or the Owner's Representative.

GUARANTEE AND REPLACEMENT: All plant material shall be guaranteed from final acceptance for one full growing season or one year, whichever is longer. During this period the Contractor shall replace any plant material that is not in good condition and producing new growth (except that material damaged by severe weather conditions, due to Owner's negligence, normally unforeseen peculiarities of the planting site, or lost due to vandalism). Guarantee to replace, at no cost to Owner, unacceptable plant materials with plants of same variety, age, size and quality as plant originally specified. Conditions of guarantee on replacement plant shall be same as for original plant.

Landscape Contractor shall keep on site for Owner's Representative's inspection, all receipts for soil amendment and topsoil deliveries.

PROTECTION Protect existing roads, sidewalks, and curbs, landscaping, and other features remaining as final work. Verify location of underground utilities prior to doing work. Repair and make good any damage to service lines, existing features, etc. caused by landscaping installation.

PLANT QUALITY ASSURANCE: Deliver direct from nursery. Maintain and protect roots of plant material from drying or other possible injury. Store plants in shade and protect them from weather immediately upon delivery, if not to be planted within four hours.

Nursery stock shall be healthy, well branched and rooted, formed true to variety and species, full foliated, free of disease, injury, defects, insects, weeds, and weed roots. Trees shall have straight trunks, symmetrical tips, and have an intact single leader. Any trees with double leaders will be rejected upon inspection. All Plants: True to name, with one of each bundle or lot tagged with the common and botanical name and size of the plants in accordance with standards of practice of the American Association of Nurserymen, and shall conform to the Standardized Plant Names, 1942 Edition.

Container grown stock: Small container-grown plants, furnished in removable containers, shall be well rooted to ensure healthy growth. **Grow container plants in containers a minimum of one year** prior to delivery, with roots filling container but not root bound. Bare root stock: Roots well-branched and fibrous. Balled and burlapped (B&B): Ball shall be of natural size to ensure healthy growth. Ball shall be firm and the burlap sound. No loose or made ball will be acceptable.

TOPSOIL AND FINAL GRADES: Landscape Contractor is to verify with the General Contractor if the on site topsoil is or is not conducive to proper plant growth. Supply alternate bid for imported topsoil.

Landscape Contractor is to supply and place 12" of topsoil in planting beds and 6" in lawn areas. If topsoil stockpiled on site is not conducive to proper plant growth, the Landscape Contractor shall import the required amount. Landscape Contractor is to submit samples of the imported soil and/or soil amendments to the Landscape Architect. The topsoil shall be a sandy loam, free of all weeds and debris inimical to lawn or plant growth.

Landscaping shall include finished grades and even distribution of topsoil to meet planting requirements. Grades and slopes shall be as indicated. Planting bed grades shall be approximately 3" below adjacent walks, paving, finished grade lines, etc., to allow for bark application. Finish grading shall remove all depressions or low areas to provide positive drainage throughout the area.

PLANTING SPECIFICATIONS:

HERBICIDES: Prior to soil preparation, all areas showing any undesirable weed or grass growth shall be treated with Round-up in strict accordance with the manufacturer's instructions.

SOIL PREPARATION: Work all areas by rototilling to a minimum depth of 8". Remove all stones (over 1 1/2" size), sticks, mortar, large clumps of vegetation, roots, debris, or extraneous matter turned up in working. Soil shall be of a homogeneous fine texture. Level, smooth and lightly compact area to plus or minus .10 of required grades.

PLANTING HOLE: Lay out all plant locations and excavate all soils from planting holes to 2 1/2 times the root ball or root system width. Loosen soil inside bottom of plant hole. Dispose of any "subsoil" or debris from excavation. Check drainage of planting hole with water, and adjust any area showing drainage problems.

SOIL MIX: Prepare soil mix in each planting hole by mixing: 2 part native topsoil (no subsoil) 1 part compost (as approved)

Thoroughly mix in planting hole and add fertilizers at the following rates: Shrubs - 1/3 to 1/2 lb./ plant
Trees - 1/3 to 1 lb./ plant

FERTILIZER: For trees and shrubs use Commercial Fertilizer "A" inorganic (5-4-3) with micro-nutrients and 50% slow releasing nitrogen. For initial application in fine seed lawn areas use Commercial Fertilizer "B" (8-16-8) with micro-nutrients and 50% slow-releasing nitrogen. For lawn maintenance use Commercial Fertilizer "C" (22-16-8) with micro-nutrients and 50% slow-releasing nitrogen. DO NOT apply fertilizer to Water Quality Swale.

PLANTING TREES AND SHRUBS: Plant upright and face to give best appearance or relationship to adjacent plants and structures. Place 6" minimum, lightly compacted layer of prepared planting soil under root system. Loosen and remove twine binding and burlap from top 1/2 of root balls. Cut off cleanly all broken or frayed roots, and spread roots out. Stagger Plants in rows. Backfill planting hole with soil mix while working each layer to eliminate voids.

When approximately 2/3 full, water thoroughly, then allow water to soak away. Place remaining backfill and dish surface around plant to hold water. Final grade should keep root ball slightly above surrounding grade, not to exceed 1". Water again until no more water is absorbed. Initial watering by irrigation system is not allowed.

STAKING OF TREES: Stake or guy all trees. Stakes shall be 2" X 2" (nom.) quality tree stakes with point. They shall be of Douglas Fir, clear and sturdy. Stake to be minimum 2/3 the height of the tree, not to exceed 8'-0". Drive stake firmly 1'-6" below the planting hole. Tree ties for deciduous trees shall be "Chainlock" (or better). For Evergreen trees use "Gro-Strait" Tree Ties (or a reinforced rubber hose and guy wires) with guy wires of a minimum 2 strand twisted 12 ga. wire. Staking and guying shall be loose enough to allow movement of tree while holding tree upright.

MULCHING OF PLANTINGS: Mulch planting areas with dark, aged, medium grind fir or hemlock bark (aged at least 6 months) to a depth of 2" in ground cover areas and 2 1/2" in shrub beds. Apply evenly, not higher than grade of plant as it came from the nursery, and rake to a smooth finish. Water thoroughly, then hose down planting area with fine spray to wash leaves of plants.

GENERAL MAINTENANCE: Protect and maintain work described in these specifications against all defects of materials and workmanship, through final acceptance. Replace plants not in normal healthy condition at the end of this period. Water, weed, cultivate, mulch, reset plants to proper grade or upright position, remove dead wood and do necessary standard maintenance operations. Irrigate when necessary to avoid drying out of plant materials, and to promote healthy growth.

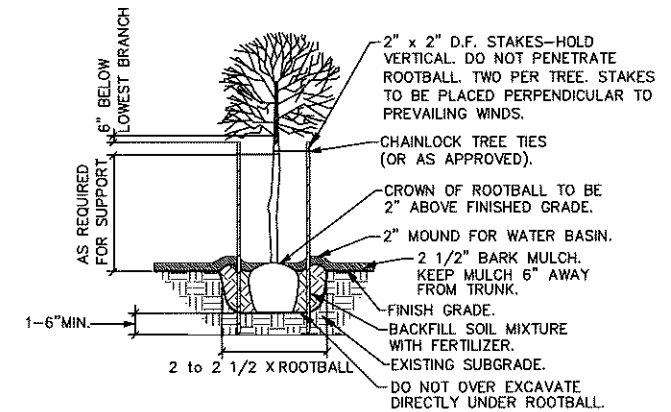
CLEAN-UP: At completion of each division of work all extra material, supplies, equipment, etc., shall be removed from the site. All walks, paving, or other surfaces shall be swept clean, mulch areas shall have debris removed and any soil cleared from surface. All areas of the project shall be kept clean, orderly and complete.

PLANT LIST:

SYM. #	LATIN/Common Name	Trees	Size	Spacing
TREES				
17	FRAXINUS EXCELSIOR	Globe Headed European Ash	2" cal.	As shown
SHRUBS				
24	THUJA OCCIDENTALIS 'SMARAGD'	Emerald Green Arborvitae	6' high.	4' o.c.

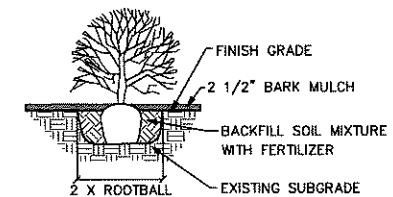
Note:

LANDSCAPE SUBJECT TO FURTHER CHANGE FROM REVIEW OF PUBLIC IMPROVEMENTS, CONSTRUCTION DOCUMENTATION AND BUILDING PERMITS.



NOTE: ANY PROPOSED CHANGES TO OUR SPECIFICATION OR DETAIL SHOULD BE APPROVED BY THE LANDSCAPE ARCHITECT. LIKEWISE, IN ACCORDANCE WITH BEST PRACTICES OF LOCAL LANDSCAPE INSTALLATION, SHOULD THE LANDSCAPE CONTRACTOR FIND A PREFERRED ALTERNATE METHOD, THE LANDSCAPE ARCHITECT MAY BE SO ADVISED.

GENERAL DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE



SHRUB PLANTING DETAIL
NOT TO SCALE

151

REVISIONS

DATE

NO.

OTTE LANDSCAPE ARCHITECTS INC. OIO
9333 SW Kelly Avenue Suite B • Portland, Oregon 97239-4395
• Phone (503) 972-0311 • www.ottenla.com

RIVERLANDS Pained Unit Development
Del Boca Vista, llc,
Newberg Oregon

LANDSCAPE PLAN

DATE 06-06-19

SCALE AS SHOWN

DRAWN CW CHECKED JLO

SHEET NO L1.0

1 OF 1

EXHIBIT F

Preliminary Stormwater Report

Riverlands Subdivision

Stormwater Drainage Report

Prepared For
Del Boca Vista LLC
Newberg, OR

Prepared By



**DAVID EVANS
AND ASSOCIATES INC.**

2100 SW River Parkway
Portland, OR 97201

Project Engineer:
Brady Berry, P.E.

February 26, 2019

TABLE OF CONTENTS

1 INTRODUCTION AND PURPOSE 1

2 PROJECT LOCATION AND DESCRIPTION 1

3 EXISTING CONDITIONS 1

4 DRAINAGE DESIGN/ANALYSIS 2

5 PIPE SIZING & STORM HYDROGRAPH DESIGN 2

6 WATER QUANTITY 2

7 WATER QUALITY 3

9 CONCLUSION 3

10 REFERENCES 3

11 APPENDICES 5

 APPENDIX 1: BASIN MAPS,

 APPENDIX 2: WATER QUALITY CALCS & HYDROGRAPHS

 APPENDIX 3: CONVEYANCE CALCS

 APPENDIX 4: SOIL PROPERTIES

1 INTRODUCTION AND PURPOSE

The purpose of this report is to provide documentation for the stormwater management associated with the development of the Riverlands subdivision, located on the west side of River Street between 11th Street and 14th Street in Newberg, Oregon, in Yamhill County. This report will evaluate the proposed stormwater conveyance, water quality, and water quantity design.

The calculations and stormwater management methods contained in this report have been based on the current City of Newberg Public Works Design and Construction Standards 2015 stormwater standards.

2 PROJECT LOCATION AND DESCRIPTION

This project proposes the construction of a new roadway with associated sidewalks, landscaping, and stormwater facilities located on tax lot R3229 02500. The current property is mostly undeveloped with an existing single family dwelling with a few trees, outbuildings, and driveway.

3 EXISTING CONDITIONS

The total site area is approximately 1.64 acres with 0.12 acres of offsite work. There is approximately 0.2 acres of existing impervious area per EX001 in Appendix 1. Currently, there is no storm system or water quality facility on the property. The storm runoff from the site sheet flows to the west where it eventually discharges into Chehalem Creek and Willamette River.

The soil is composed of:

- 2300A – Aloha silt loam, 0 to 3 percent slopes, Hydrologic Soil Group C/D

The NRCS Web Soil Survey documentation regarding soil groups and site composition is available in Appendix 3.

4 DRAINAGE DESIGN/ANALYSIS

The proposed drainage analysis is based on the requirements of the City of Newberg Public Works Design and Construction Standards, dated August 2015.

The storm runoff values contained in this report were modeled with Hydraflow Hydrographs Extension for AutoCAD Civil 3D 2016 by Autodesk, Inc. Hydrologic analysis is based upon the Santa Barbara Urban Hydrograph (SBUH) method. The following criteria were input to the model:

- 24-Hour rainfall depths:
 - 2-yr: 2.5 inches
 - 10-yr: 3.5 inches
 - 25-yr: 4.0 inches
- Hydrologic Soil Group is C taken from the NRCS Soil Survey of Yamhill County.
- NRCS 24-Hr Type 1A Hydrograph
- The runoff curve number (CN) value for developed urban impervious areas is 98.
- The runoff curve number (CN) value for good condition grassland is 74.
- A minimum time of concentration of 5 minutes was used for all catchment areas within the project area.

5 CONVEYANCE DESIGN

The proposed storm pipe system is designed using Manning's equation to have the capacity to convey the runoff from a 25-year return frequency storm event without roadway ponding, and to convey runoff from all impervious areas and some pervious areas on site with a minimum free flow velocity of 3.0 ft/s in all pipes.

Conveyance map EX003 is included in Appendix B. Calculations determining the pipe capacities and flow velocities of the proposed storm drain system for a 25-year storm event are also compiled in Appendix B.

6 WATER QUANTITY

The post-developed flow rates were determined by modeling the peak discharge released from the site at a common downstream point. The design assumes approximately 70% of each post-developed lot area will consist of impervious area based on keeping side and rear setbacks non-impervious. Table 1 below compares the peak pre-developed flow rates with the peak post-developed flow rates for the 2-yr, 10-yr, and 25-yr storm events. The resulting post-developed peak flows do not exceed the pre-developed peak flows for the listed storm events.

Table 1: Storm event peak flows in cubic-feet per second.

	2-year	10-year	25-year
Total Pre-developed	0.145	0.353	0.472
Total Post-developed	0.100	0.241	0.420

7 WATER QUALITY

The proposed ponds are designed to treat runoff from proposed impervious areas. See Appendix 1 for the post-developed basin maps EX002 and the water quality storm hydrographs. The same calculation methods used for water quantity analysis were also used for water quality. The water quality storm depth is 1 inch falling in 24 hours with an average storm return period of 96 hours per City of Newberg standards.

Runoff from Basins P1-P3 will be routed into Facility A, an extended dry basin, which has a bottom elevation of 165.00. The water quality volume required for the total contributing impervious areas is 1,632 ft³. The pond is designed to have a capacity of 6,658 ft³ and maximum ponding depth of 4' for a 25-year storm event. Discharge from Facility A will be controlled by two ditch inlets with rim elevations of 165.00 and 167.8 with a 0.625" orifice restricting flow from the lower inlet to the higher. Facility A will discharge into the proposed public storm drain system, connecting with the existing storm drain system within River Street. In the rare occurrence that the basin capacity is exceeded, overflow from Facility A will flow to the south into the adjacent railway, following existing drainage patterns.

Runoff from Basin P4 will be routed into Facility B, a stormwater planter, which has a standard depth of 8 in. and a length 26 ft. The water quality volume required for the total contributing impervious areas is 77 ft³. The pond is designed to have a treatment volume of 87 ft³. Facility B will discharge into the public storm drain system within River Street. In the occurrence that the pond capacity is exceeded for a greater storm event, BMP B will overflow into the street gutter.

8 CONCLUSION

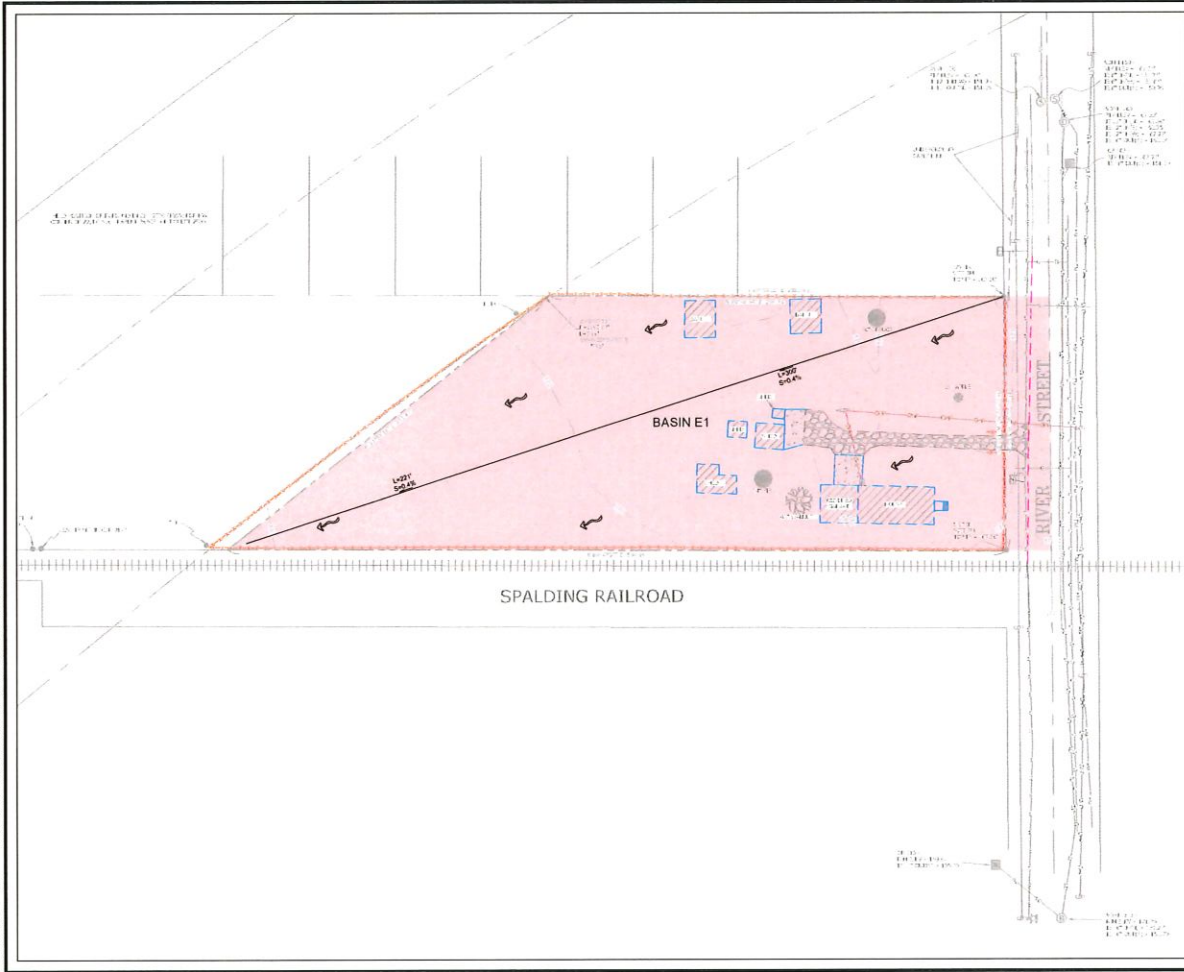
The proposed development has appropriate stormwater facilities and a system that fulfills the required conveyance, water quality and water quantity based on City of Newberg standards.

9 REFERENCES

- Public Works Design and Construction Standards, City of Newberg, dated August 2015
- NRCS County Web Soil Survey accessed on line on November 9, 2018

10 APPENDICES

Appendix 1: Basin Maps



LEGEND

- BGV / PROPERTY LINE
- - - EXISTING CONTOUR
- BASIN E1
- FLOW DIRECTION ARROW

AREAS

BASIN	IMPERVIOUS (SQ)	PERVIOUS (SQ)	TOTAL (SQ)
E1	0.20	1.44	1.64

DAVID EVANS AND ASSOCIATES INC.
 2100 SW River Parkway
 Portland, Oregon 97201
 Phone: 503.223.6000

DESIGN STUDIO
 Portland, Oregon

PROJECT
RIVERLANDS SUBDIVISION
DEL BOCA VISTA, LLC
 NEWBERG, OREGON

SHEET TITLE
EXISTING BASIN MAP

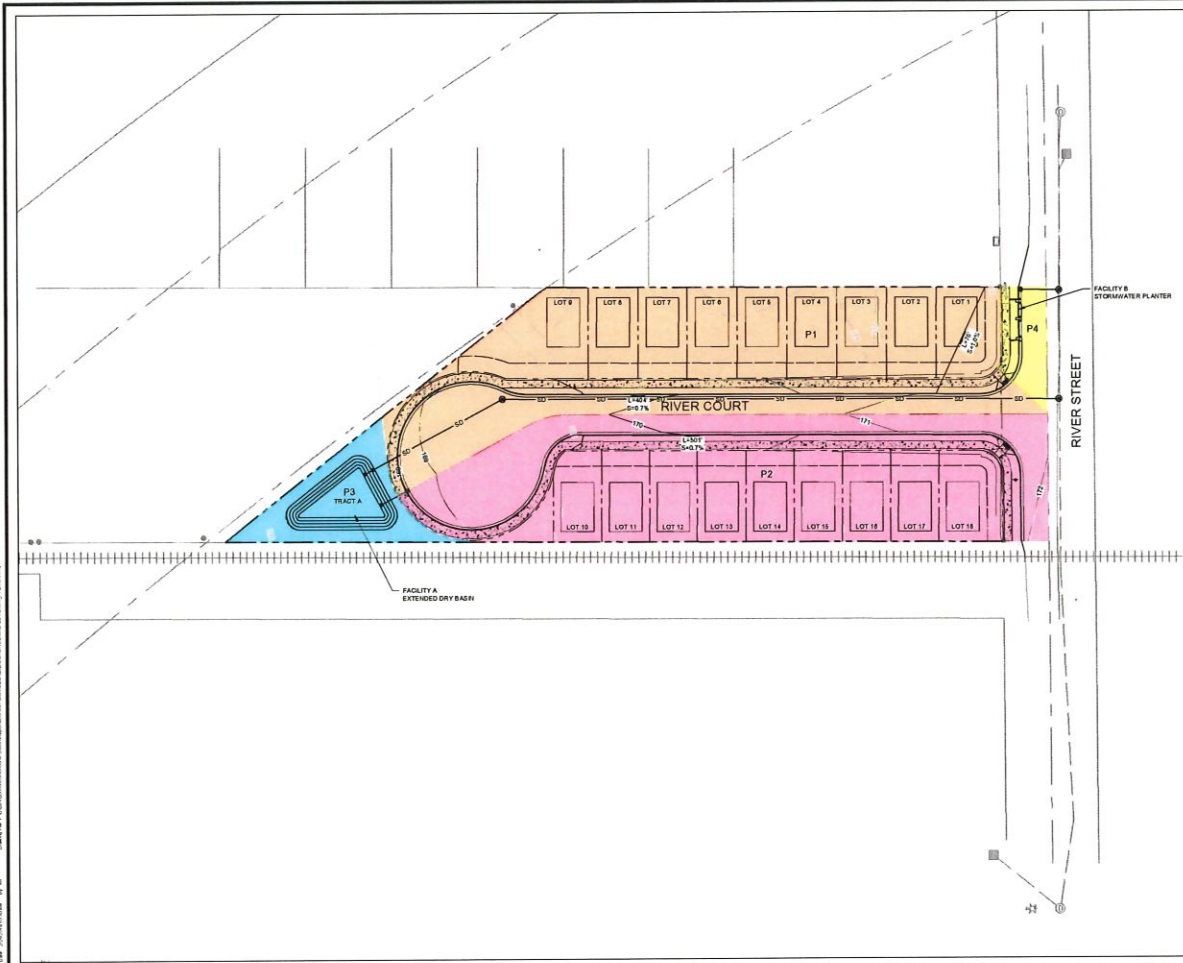
PRELIMINARY

DATE: 02/26/19
 DESIGN: AIN
 DRAWING: AIN

SHEET NO.
EX001

PROJECT NO. DVC0908-0006





GENERAL NOTES
 1. IT IS ASSUMED THAT ALL UNDEVELOPED LOTS WILL CONTRIBUTE 2.00 SF. THESE IMPERVIOUS AREAS ARE INCLUDED IN AREA AND TREATMENT REQUIREMENT CALCULATIONS.

LEGEND

- ROW / PROPERTY LINE
- - - EASEMENT
- - - PROPOSED CONTOUR
- - - EXISTING CONTOUR
- ROW ADJOIN
- BASIN P1
- BASIN P2
- BASIN P3
- BASIN P4

PROPOSED BASIN AREAS			
BASIN	IMPERVIOUS (AC)	PERVIOUS (AC)	TOTAL (AC)
P1	0.64	0.20	0.74
P2	0.89	0.16	0.74
P3	0.00	0.12	0.12
P4	0.00	0.05	0.05
SUBTOTAL	1.53	0.47	1.00
TOTAL	1.53	0.92	1.84



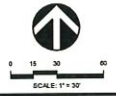
DESIGN STUDIO

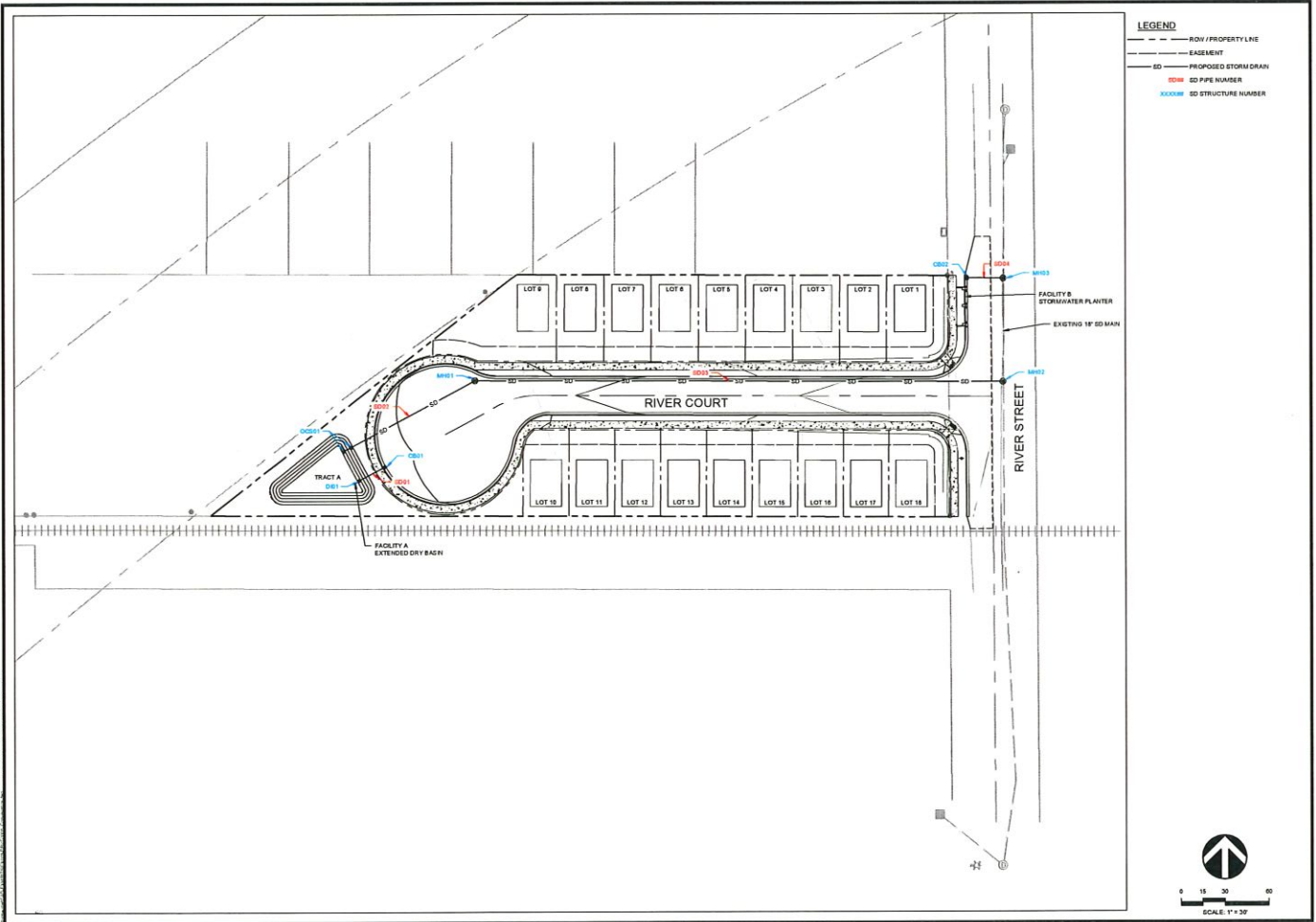
PROJECT
 RIVERLANDS SUBDIVISION
 DELICIOUS VISTAS LLC
 NEWBERG, OREGON
 SHEET TITLE
 PROPOSED BASIN MAP

PRELIMINARY

DATE: 02/20/19
 DESIGN: ATR
 DRAWN: ATR

SHEET NO.
EX002
 PROJECT NO. DEV00000000





LEGEND
 --- ROW / PROPERTY LINE
 --- EASEMENT
 --- PROPOSED STORM DRAIN
 SD SD PIPE NUMBER
 XXXXX SD STRUCTURE NUMBER

DAVID EVANS ASSOCIATES INC.
 7100 SW River Parkway
 Portland, Oregon 97201
 Phone: 503.723.0603

DESIGN STUDIO

PROJECT
 RIVERLANDS SUBDIVISION
 DEL BOCA VISTA, LLC
 NEWBERG, OREGON
 SHEET TITLE
 CONVEYANCE MAP

PRELIMINARY

DATE: 02/29/19
 DESIGN: AIN
 DRAWN: AIN

SHEET NO:
EX003

PROJECT NO: DDCV0803-0006

1/2" = 1' SCALE
 0 15 30 45 60
 SCALE: 1" = 30'
 0 15 30 45 60
 SCALE: 1" = 30'

Appendix 2: Water Quality Calcs & Hydrographs

Hydrograph Report

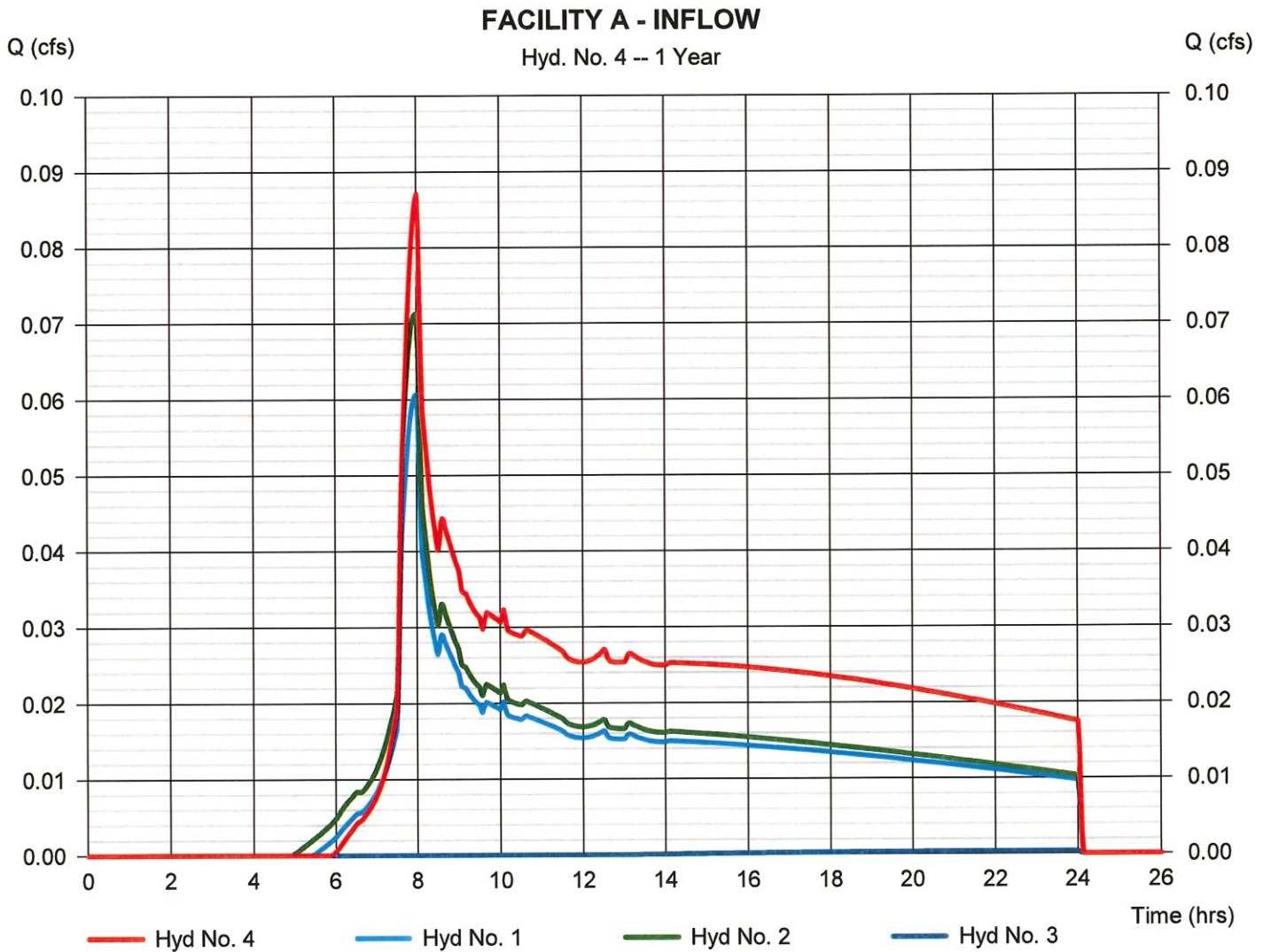
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Tuesday, 02 / 26 / 2019

Hyd. No. 4

FACILITY A - INFLOW

Hydrograph type	= Combine	Peak discharge	= 0.087 cfs
Storm frequency	= 1 yrs	Time to peak	= 8.00 hrs
Time interval	= 2 min	Hyd. volume	= 1,632 cuft
Inflow hyds.	= 1, 2, 3	Contrib. drain. area	= 1.600 ac



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

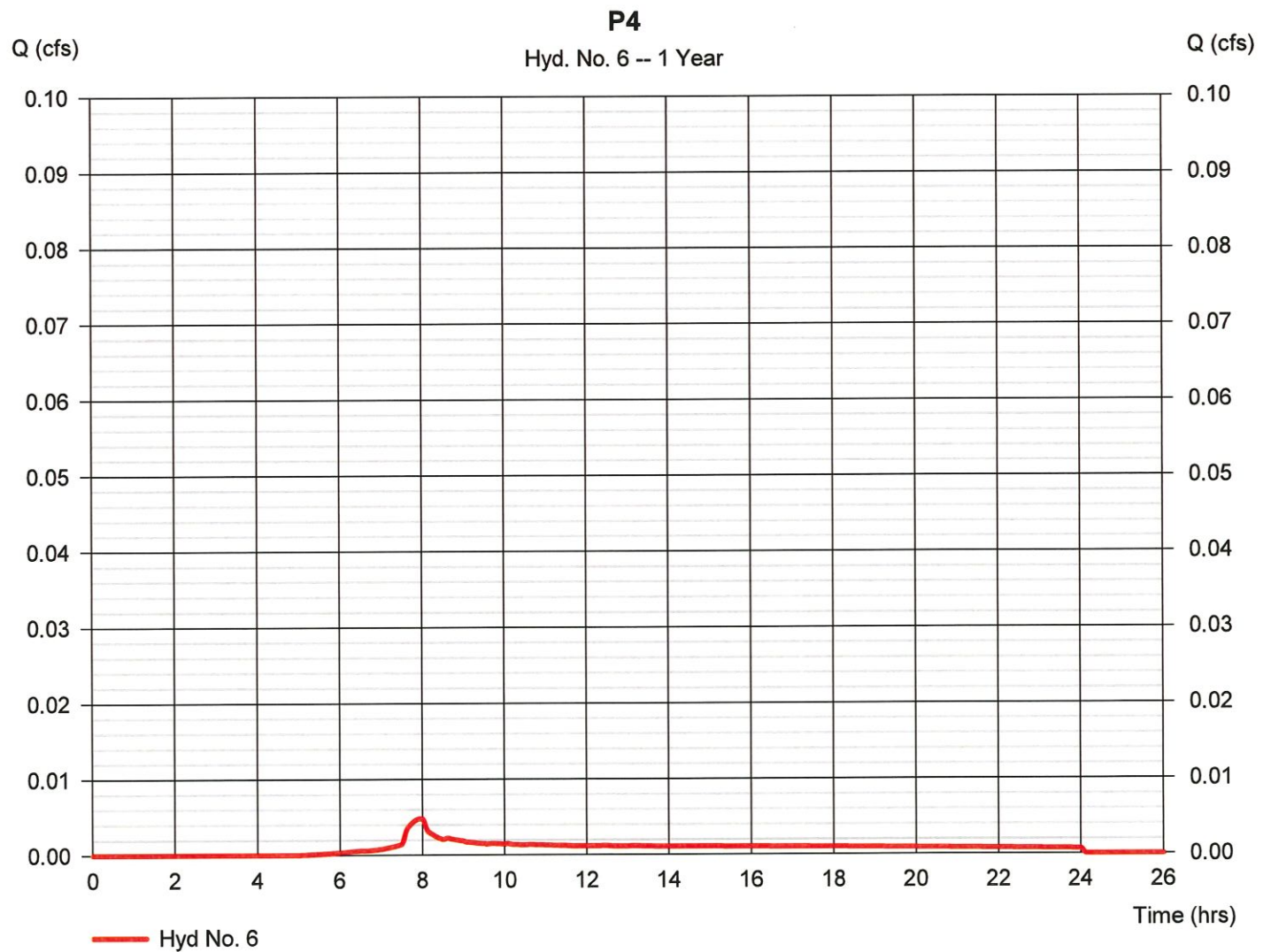
Tuesday, 02 / 26 / 2019

Hyd. No. 6

P4

Hydrograph type	= SCS Runoff	Peak discharge	= 0.005 cfs
Storm frequency	= 1 yrs	Time to peak	= 7.97 hrs
Time interval	= 2 min	Hyd. volume	= 77 cuft
Drainage area	= 0.050 ac	Curve number	= 93*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 1.00 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.040 x 98) + (0.010 x 74)] / 0.050



Hydraflow Table of Contents

Post-Construction.gpw

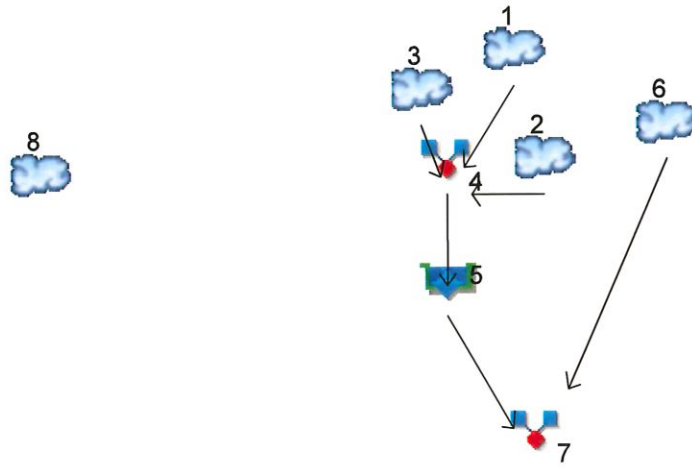
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

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Watershed Model Schematic

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020



Legend

Hyd. Origin	Description
1 SCS Runoff P1	
2 SCS Runoff P2	
3 SCS Runoff P3	
4 Combine	FACILITY A - INFLOW
5 Reservoir	FACILITY A - OUTFLOW
6 SCS Runoff P4	
7 Combine	Post-Construction Discharge
8 SCS Runoff E1	

Hydrograph Summary Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to Peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph Description
1	SCS Runoff	0.304	2	474	4,264	----	----	----	P1
2	SCS Runoff	0.322	2	474	4,481	----	----	----	P2
3	SCS Runoff	0.010	2	480	248	----	----	----	P3
4	Combine	0.542	2	476	7,909	1, 2, 3	----	----	FACILITY A - INFLOW
5	Reservoir	0.096	2	948	7,514	4	167.82	4,698	FACILITY A - OUTFLOW
6	SCS Runoff	0.022	2	474	303	----	----	----	P4
7	Combine	0.100	2	948	7,816	5, 6	----	----	Post-Construction Discharge
8	SCS Runoff	0.145	2	518	4,375	----	----	----	E1
Post-Construction.gpw					Return Period: 2 Year			Tuesday, 02 / 26 / 2019	

Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

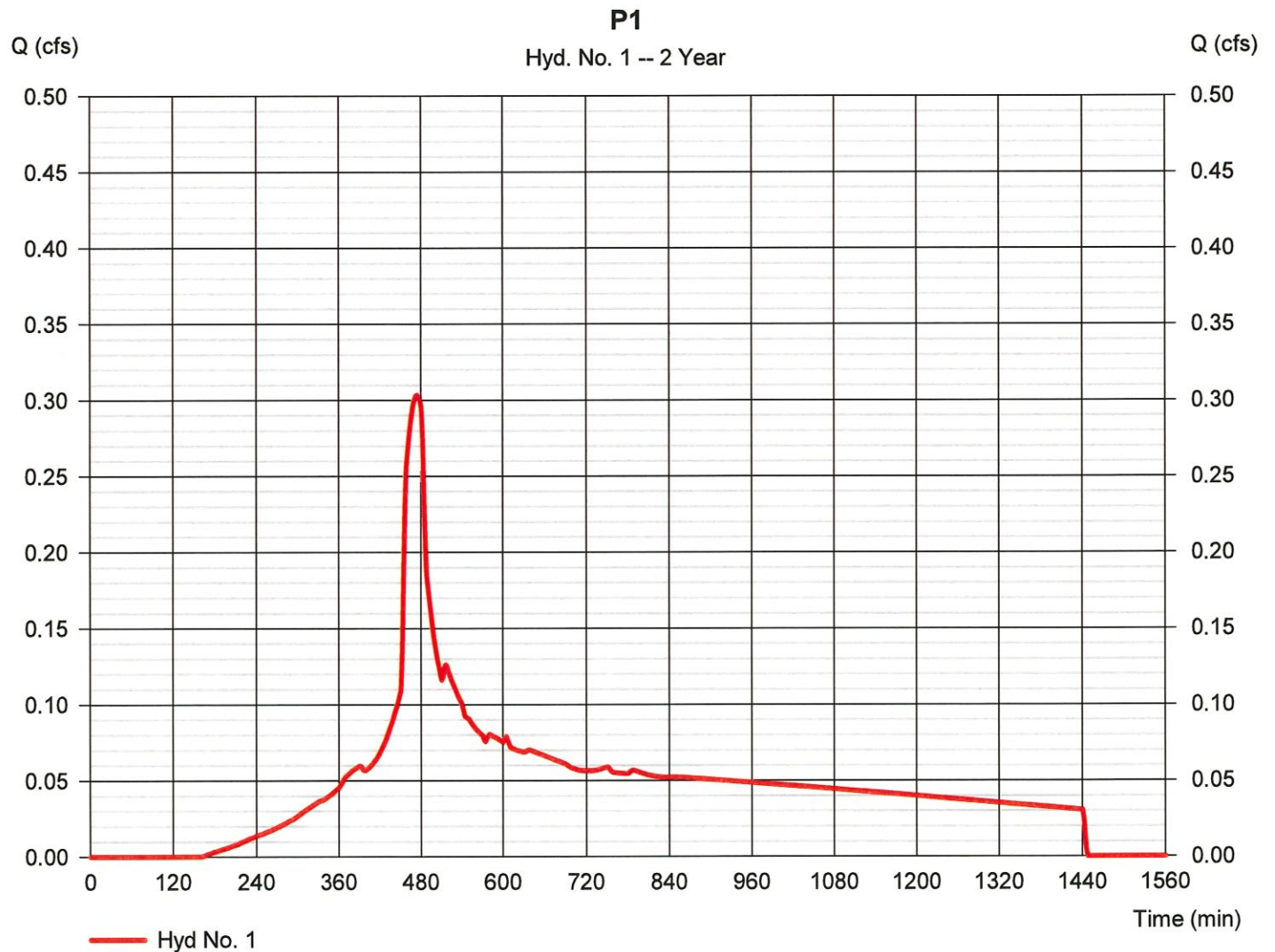
Tuesday, 02 / 26 / 2019

Hyd. No. 1

P1

Hydrograph type	= SCS Runoff	Peak discharge	= 0.304 cfs
Storm frequency	= 2 yrs	Time to peak	= 474 min
Time interval	= 2 min	Hyd. volume	= 4,264 cuft
Drainage area	= 0.740 ac	Curve number	= 92*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 2.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.540 x 98) + (0.200 x 74)] / 0.740



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

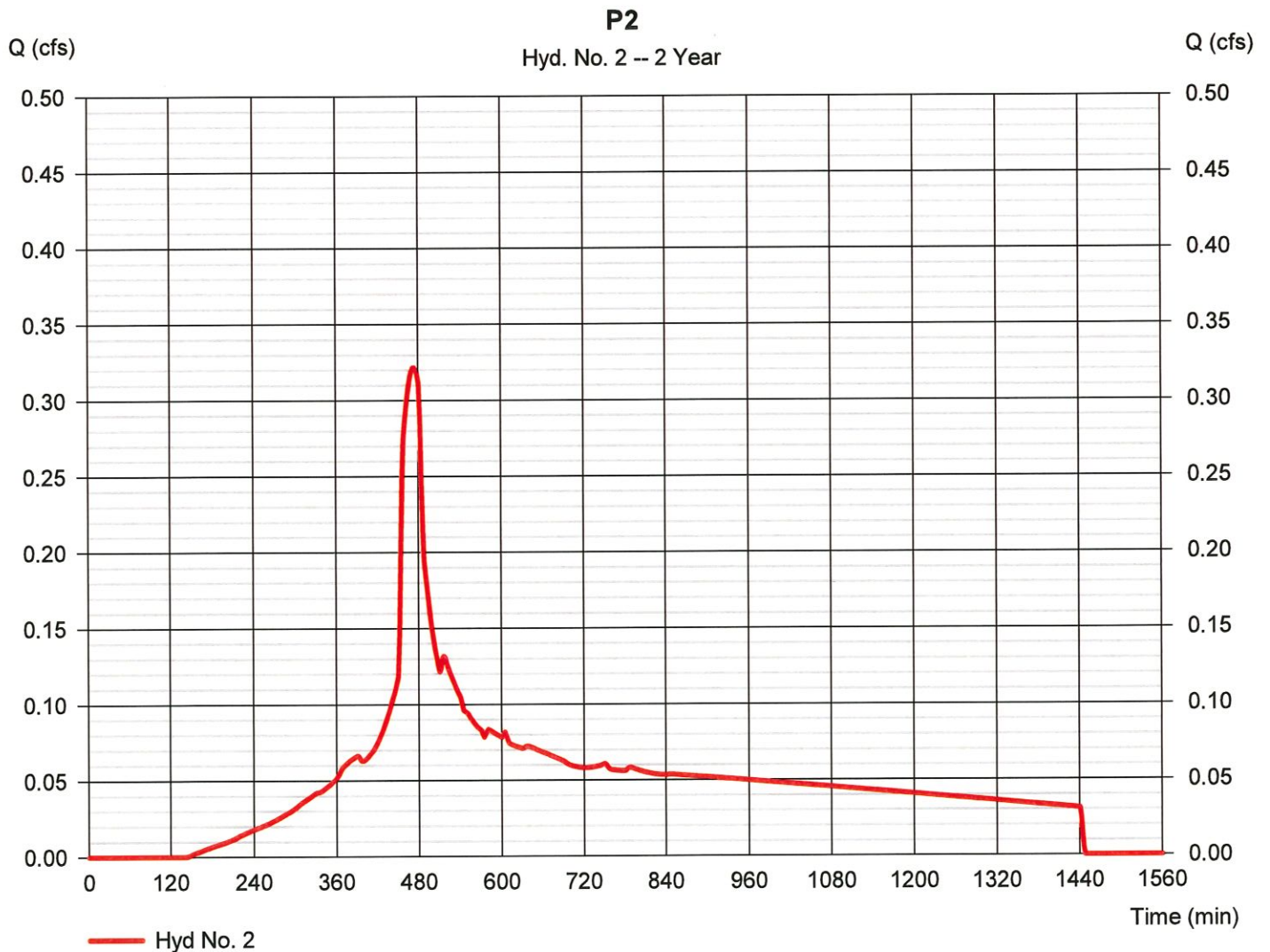
Tuesday, 02 / 26 / 2019

Hyd. No. 2

P2

Hydrograph type	= SCS Runoff	Peak discharge	= 0.322 cfs
Storm frequency	= 2 yrs	Time to peak	= 474 min
Time interval	= 2 min	Hyd. volume	= 4,481 cuft
Drainage area	= 0.740 ac	Curve number	= 93*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 2.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.590 x 98) + (0.150 x 74)] / 0.740



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

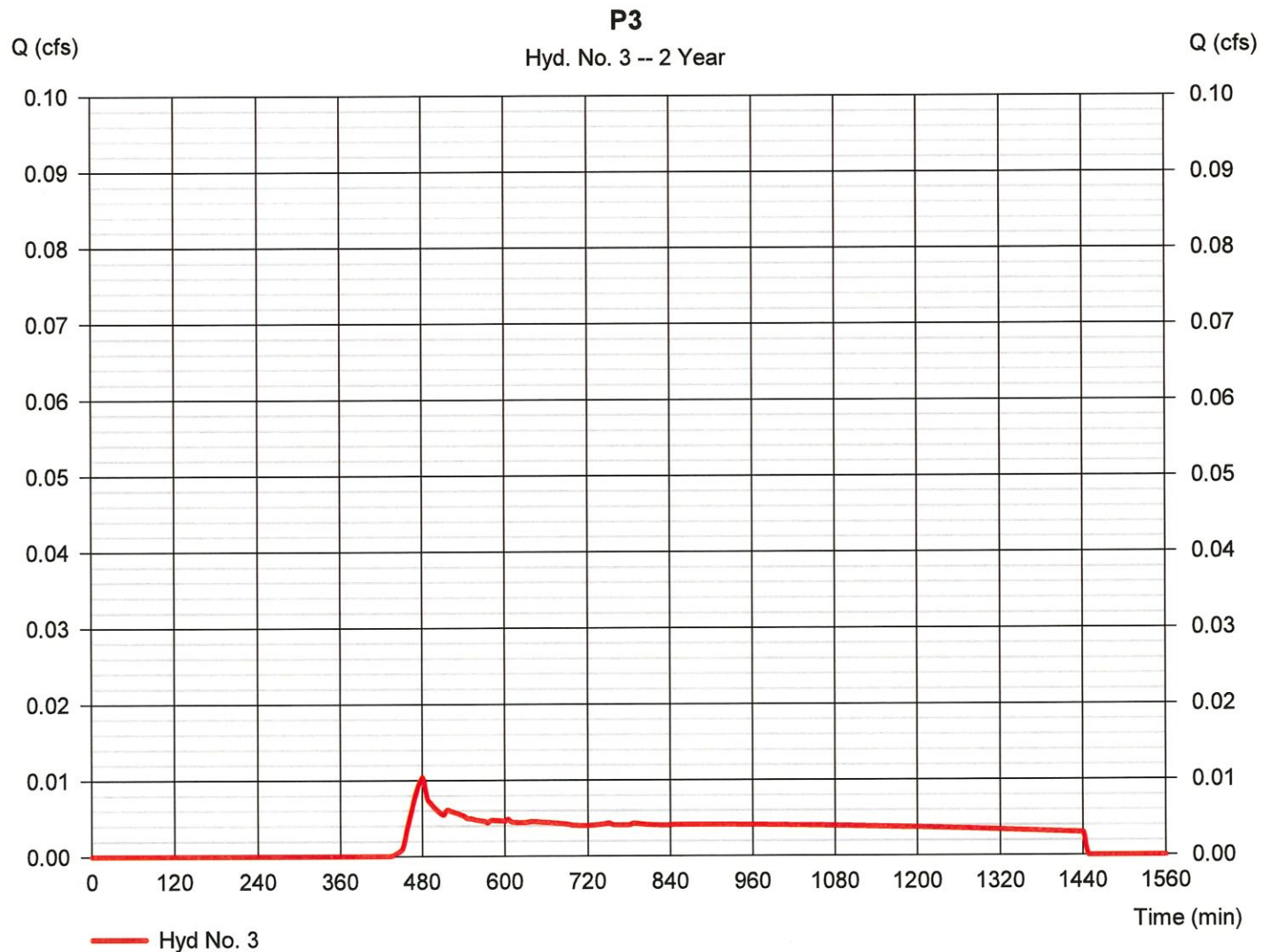
Tuesday, 02 / 26 / 2019

Hyd. No. 3

P3

Hydrograph type	= SCS Runoff	Peak discharge	= 0.010 cfs
Storm frequency	= 2 yrs	Time to peak	= 480 min
Time interval	= 2 min	Hyd. volume	= 248 cuft
Drainage area	= 0.120 ac	Curve number	= 74*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 2.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = + (0.120 x 74) / 0.120



Hydrograph Report

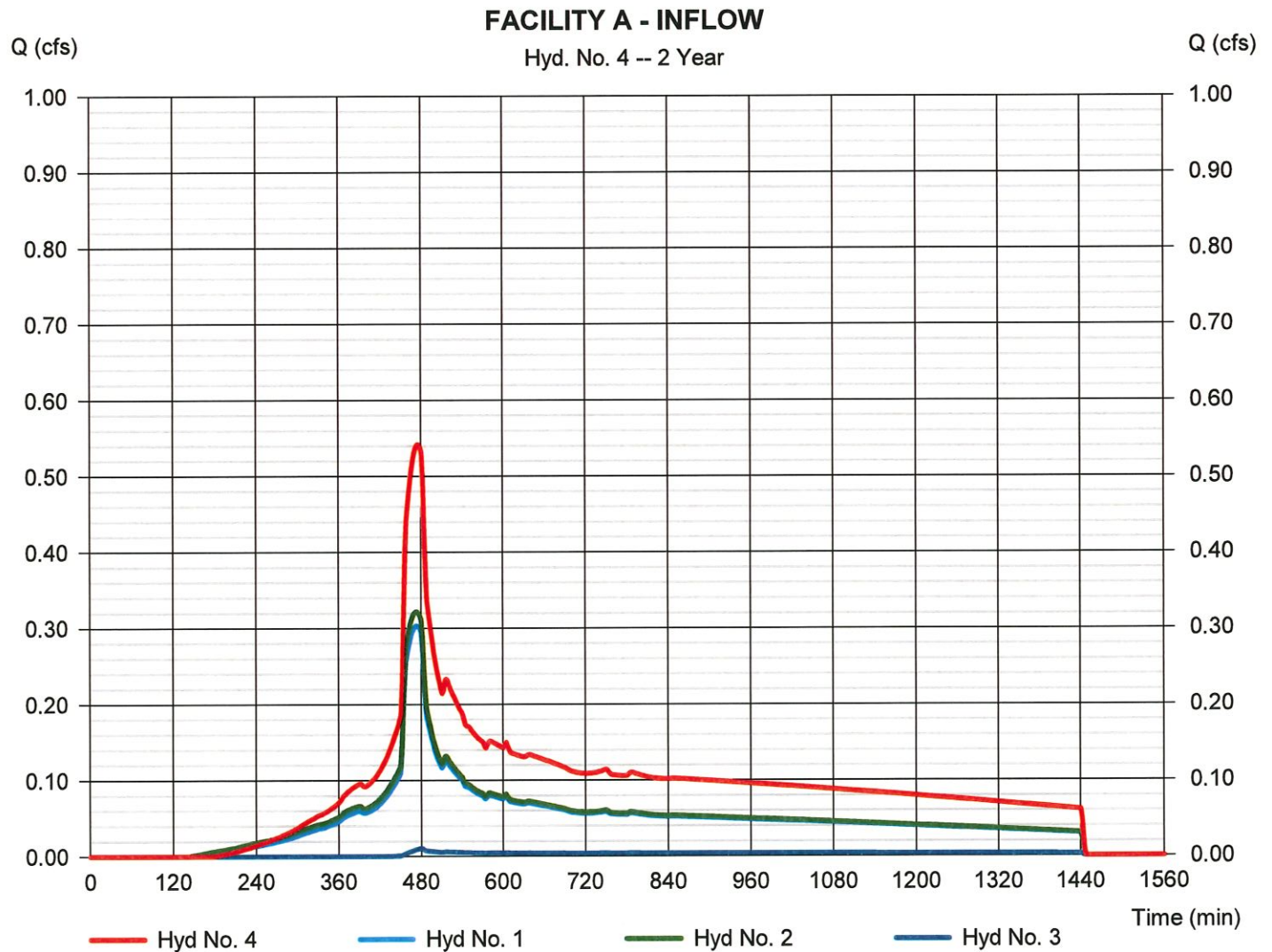
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Tuesday, 02 / 26 / 2019

Hyd. No. 4

FACILITY A - INFLOW

Hydrograph type	= Combine	Peak discharge	= 0.542 cfs
Storm frequency	= 2 yrs	Time to peak	= 476 min
Time interval	= 2 min	Hyd. volume	= 7,909 cuft
Inflow hyds.	= 1, 2, 3	Contrib. drain. area	= 1.600 ac



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

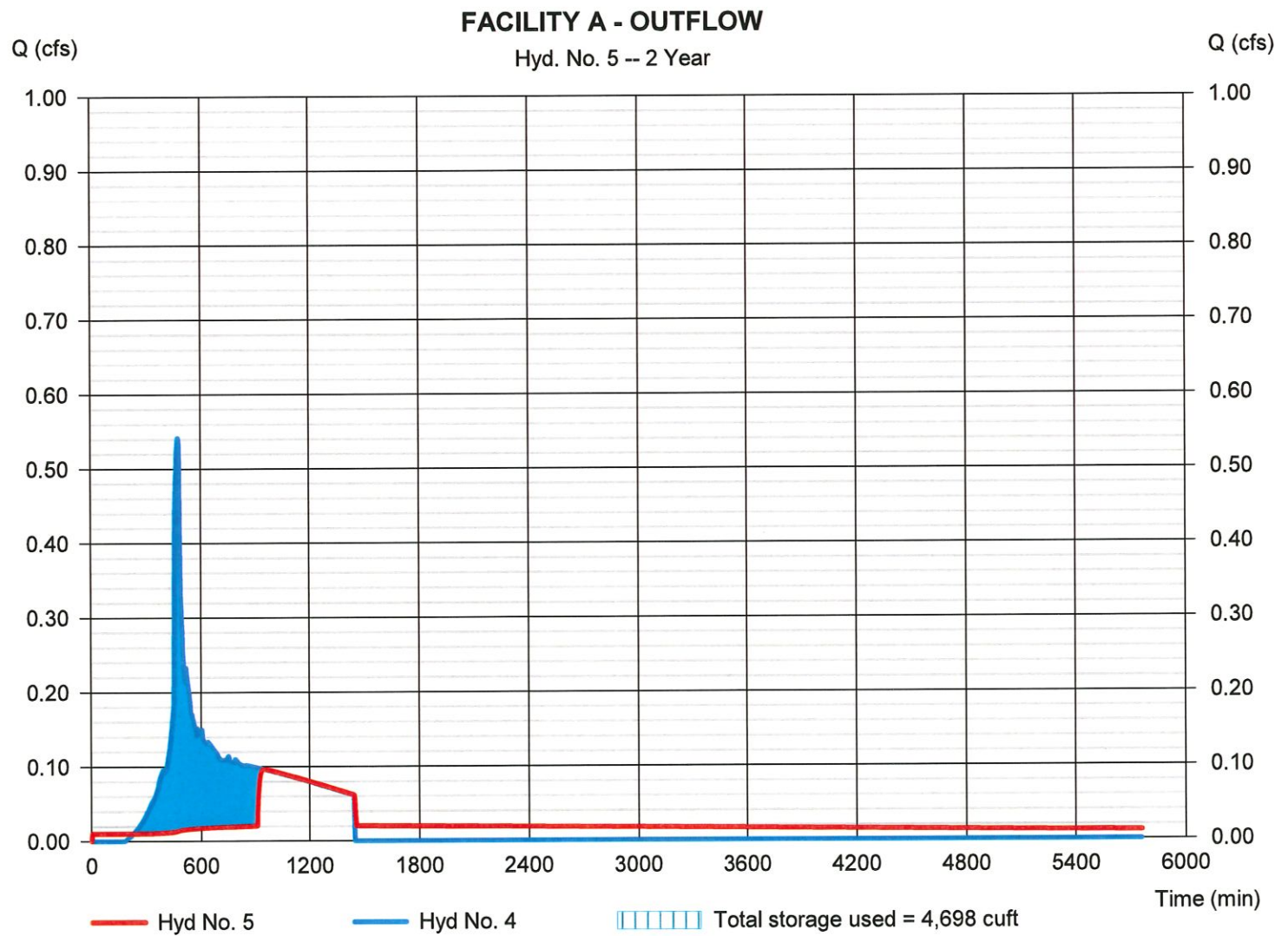
Tuesday, 02 / 26 / 2019

Hyd. No. 5

FACILITY A - OUTFLOW

Hydrograph type	= Reservoir	Peak discharge	= 0.096 cfs
Storm frequency	= 2 yrs	Time to peak	= 948 min
Time interval	= 2 min	Hyd. volume	= 7,514 cuft
Inflow hyd. No.	= 4 - FACILITY A - INFLOW	Max. Elevation	= 167.82 ft
Reservoir name	= BMP A	Max. Storage	= 4,698 cuft

Storage Indication method used.



Pond Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Tuesday, 02 / 26 / 2019

Pond No. 1 - BMP A

Pond Data

Contours -User-defined contour areas. Average end area method used for volume calculation. Begining Elevation = 165.00 ft

Stage / Storage Table

Stage (ft)	Elevation (ft)	Contour area (sqft)	Incr. Storage (cuft)	Total storage (cuft)
0.00	165.00	979	0	0
4.00	169.00	2,350	6,658	6,658

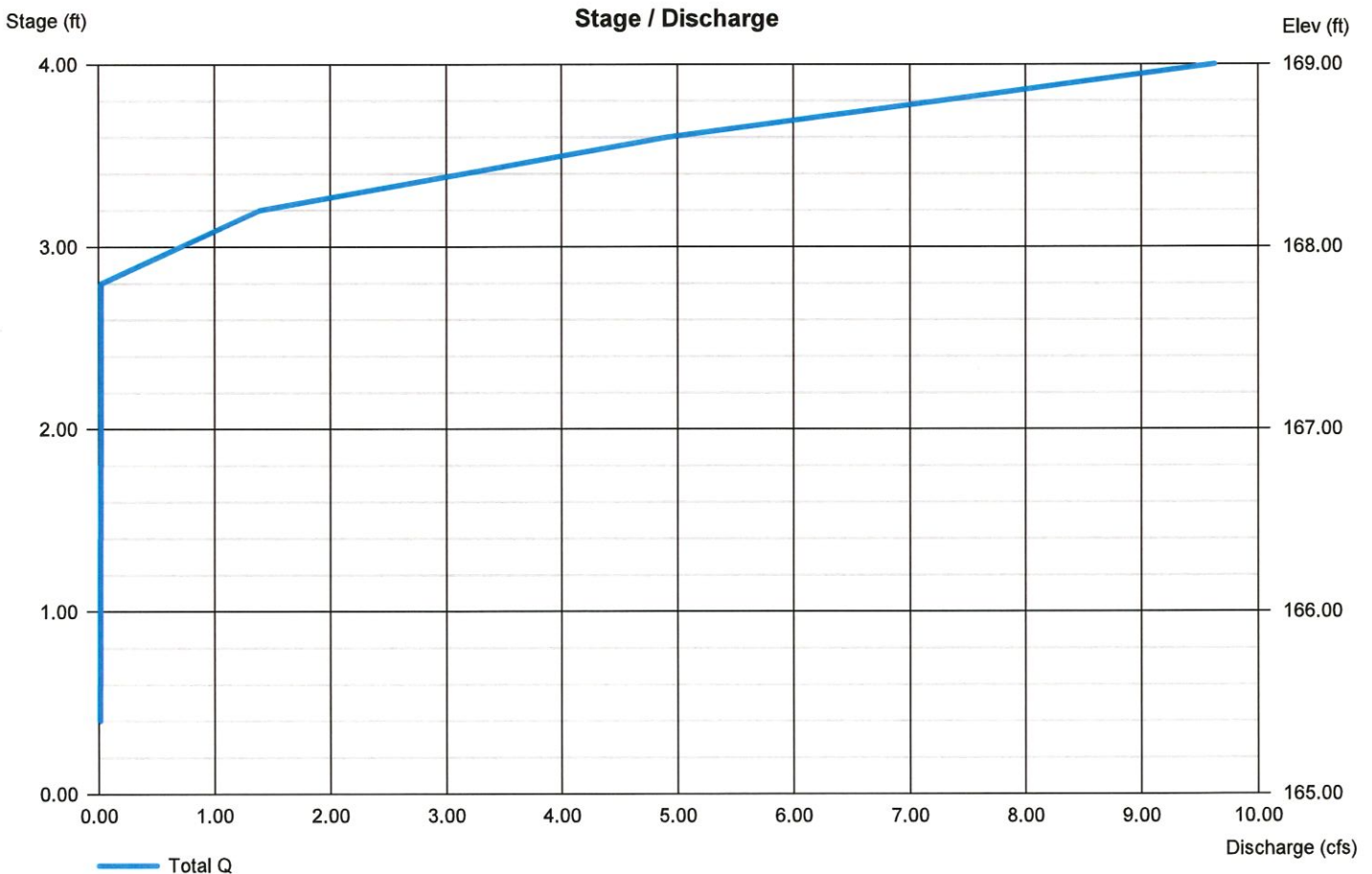
Culvert / Orifice Structures

	[A]	[B]	[C]	[PrfRsr]
Rise (in)	= 0.63	0.00	0.00	0.00
Span (in)	= 0.63	0.00	0.00	0.00
No. Barrels	= 1	0	0	0
Invert El. (ft)	= 164.00	0.00	0.00	0.00
Length (ft)	= 0.00	0.00	0.00	0.00
Slope (%)	= 0.00	0.00	0.00	n/a
N-Value	= .013	.013	.013	n/a
Orifice Coeff.	= 0.60	0.60	0.60	0.60
Multi-Stage	= n/a	No	No	No

Weir Structures

	[A]	[B]	[C]	[D]
Crest Len (ft)	= 2.50	0.00	0.00	0.00
Crest El. (ft)	= 167.90	0.00	0.00	0.00
Weir Coeff.	= 3.33	3.33	3.33	3.33
Weir Type	= Rect	---	---	---
Multi-Stage	= No	No	No	No
Exfil.(in/hr)	= 0.000 (by Contour)			
TW Elev. (ft)	= 0.00			

Note: Culvert/Orifice outflows are analyzed under inlet (ic) and outlet (oc) control. Weir risers checked for orifice conditions (ic) and submergence (s).



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

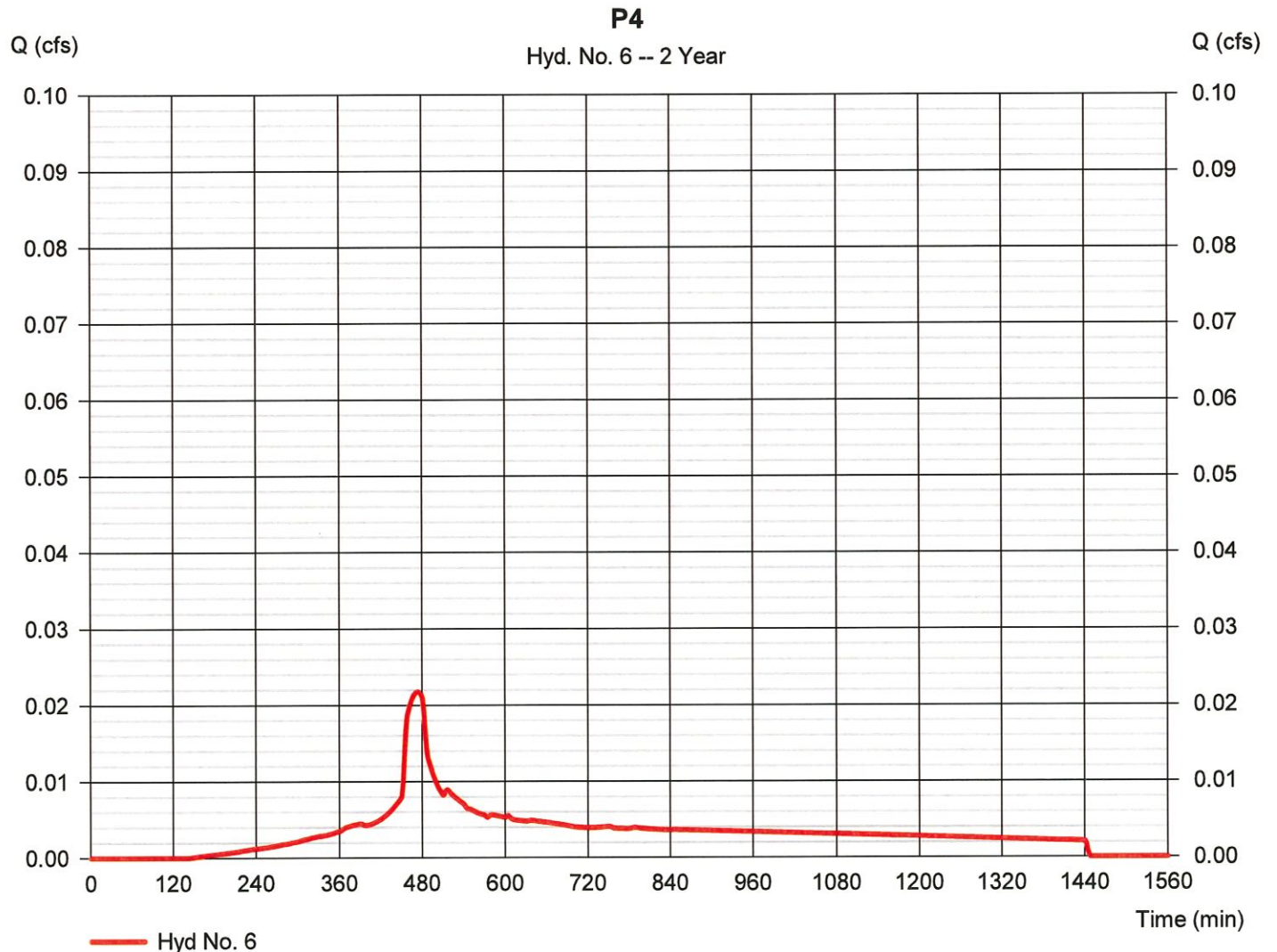
Tuesday, 02 / 26 / 2019

Hyd. No. 6

P4

Hydrograph type	= SCS Runoff	Peak discharge	= 0.022 cfs
Storm frequency	= 2 yrs	Time to peak	= 474 min
Time interval	= 2 min	Hyd. volume	= 303 cuft
Drainage area	= 0.050 ac	Curve number	= 93*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 2.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.040 x 98) + (0.010 x 74)] / 0.050



Hydrograph Report

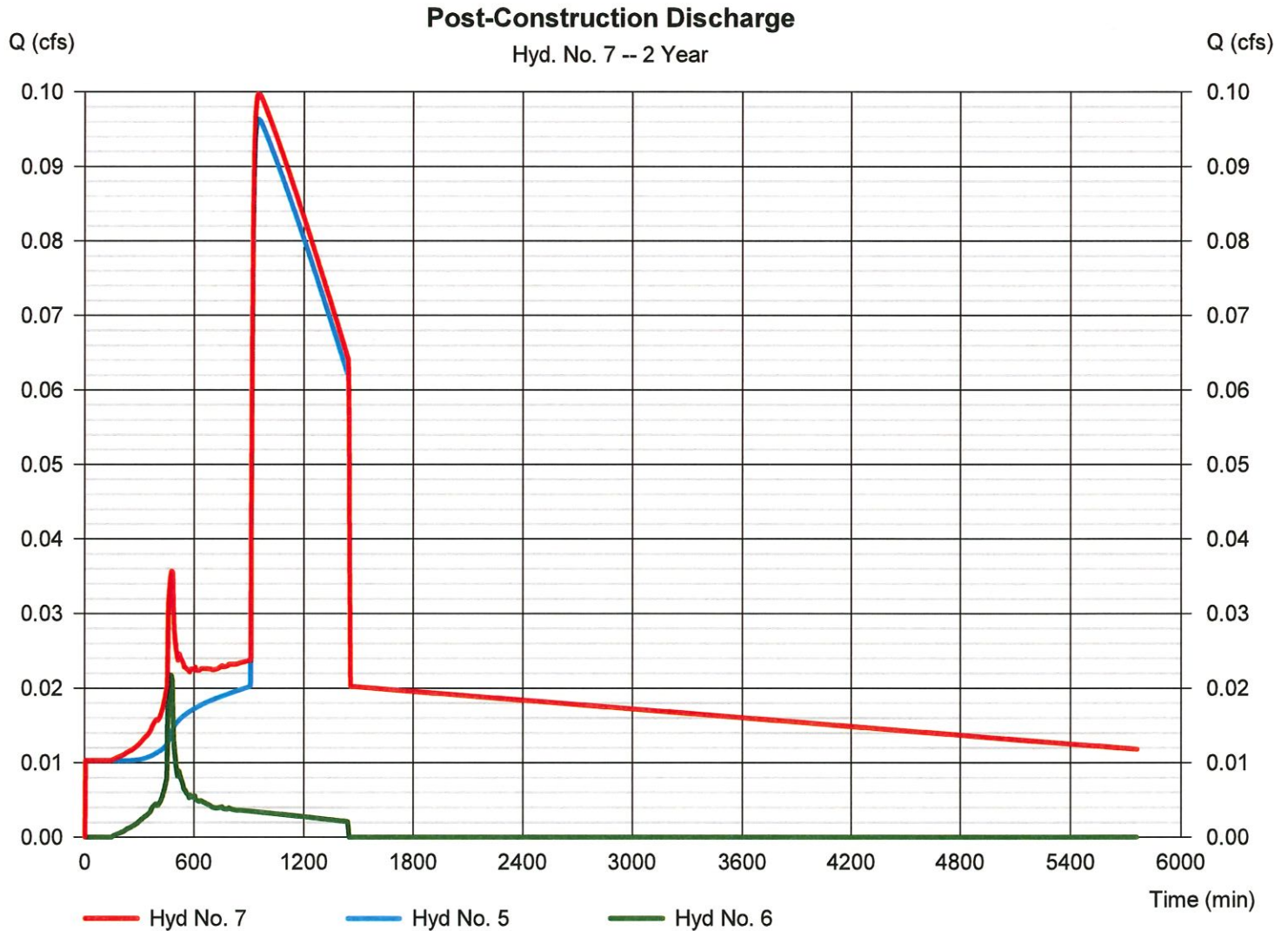
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Tuesday, 02 / 26 / 2019

Hyd. No. 7

Post-Construction Discharge

Hydrograph type	= Combine	Peak discharge	= 0.100 cfs
Storm frequency	= 2 yrs	Time to peak	= 948 min
Time interval	= 2 min	Hyd. volume	= 7,816 cuft
Inflow hyds.	= 5, 6	Contrib. drain. area	= 0.050 ac



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

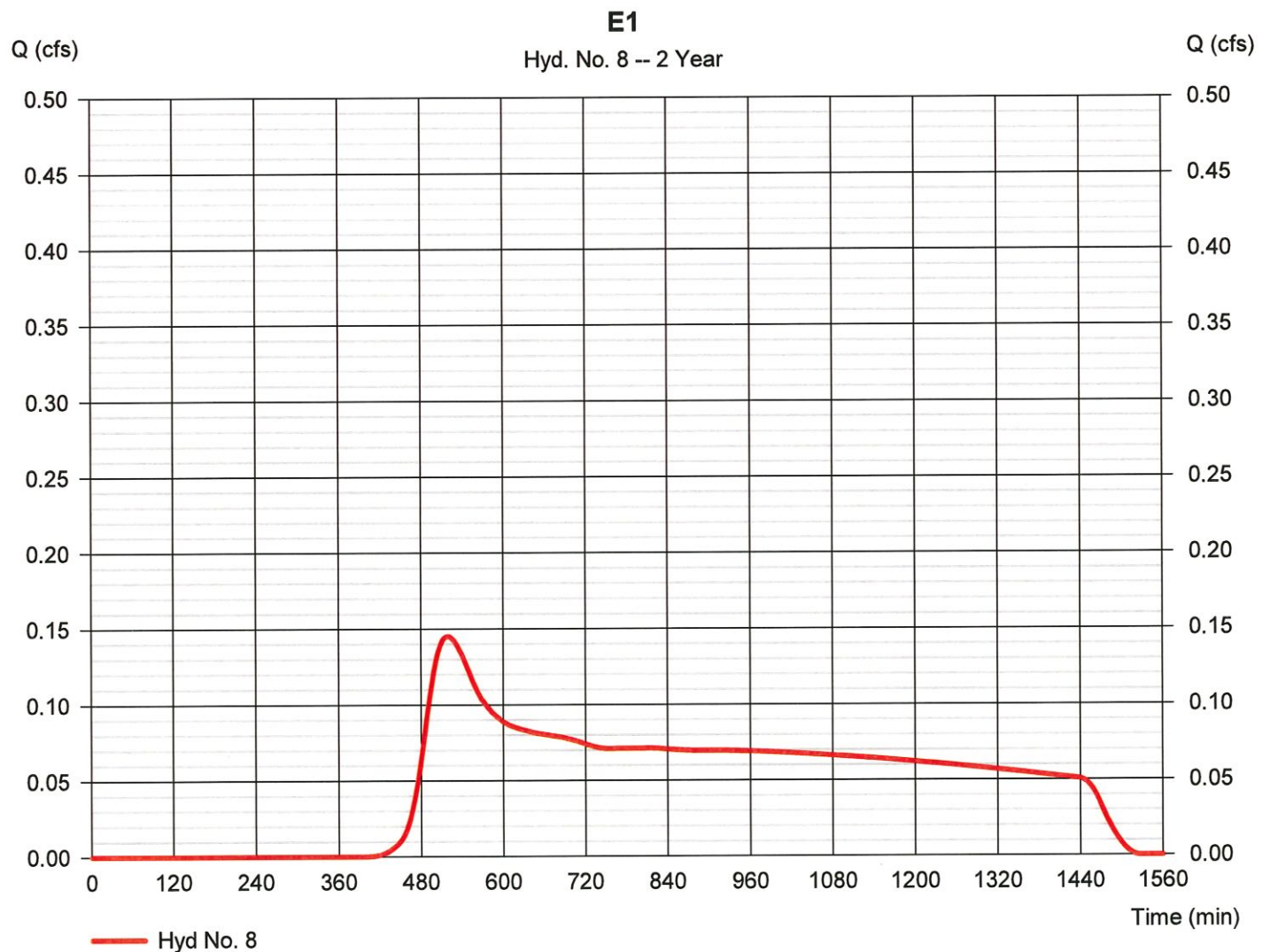
Tuesday, 02 / 26 / 2019

Hyd. No. 8

E1

Hydrograph type	= SCS Runoff	Peak discharge	= 0.145 cfs
Storm frequency	= 2 yrs	Time to peak	= 518 min
Time interval	= 2 min	Hyd. volume	= 4,375 cuft
Drainage area	= 1.640 ac	Curve number	= 77*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= TR55	Time of conc. (Tc)	= 54.40 min
Total precip.	= 2.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(1.440 x 74) + (0.200 x 98)] / 1.640



Hydrograph Summary Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to Peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph Description
1	SCS Runoff	0.480	2	472	6,640	----	----	----	P1
2	SCS Runoff	0.499	2	472	6,887	----	----	----	P2
3	SCS Runoff	0.028	2	480	506	----	----	----	P3
4	Combine	0.902	2	474	12,741	1, 2, 3	----	----	FACILITY A - INFLOW
5	Reservoir	0.233	2	588	12,309	4	167.86	4,764	FACILITY A - OUTFLOW
6	SCS Runoff	0.034	2	472	465	-----	----	-----	P4
7	Combine	0.241	2	588	12,775	5, 6	----	-----	Post-Construction Discharge
8	SCS Runoff	0.353	2	512	8,453	-----	----	-----	E1

Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

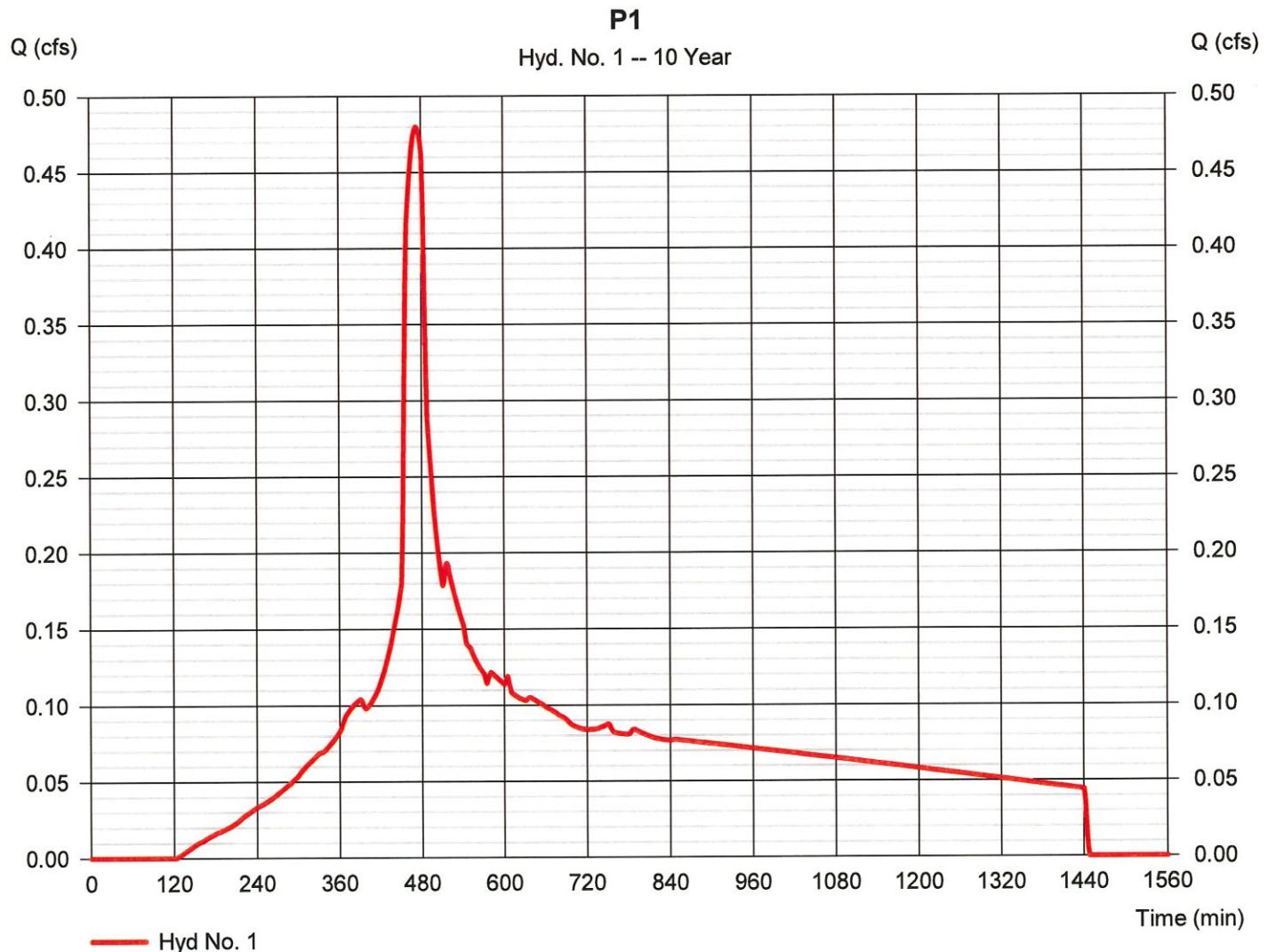
Tuesday, 02 / 26 / 2019

Hyd. No. 1

P1

Hydrograph type	= SCS Runoff	Peak discharge	= 0.480 cfs
Storm frequency	= 10 yrs	Time to peak	= 472 min
Time interval	= 2 min	Hyd. volume	= 6,640 cuft
Drainage area	= 0.740 ac	Curve number	= 92*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 3.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.540 x 98) + (0.200 x 74)] / 0.740



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

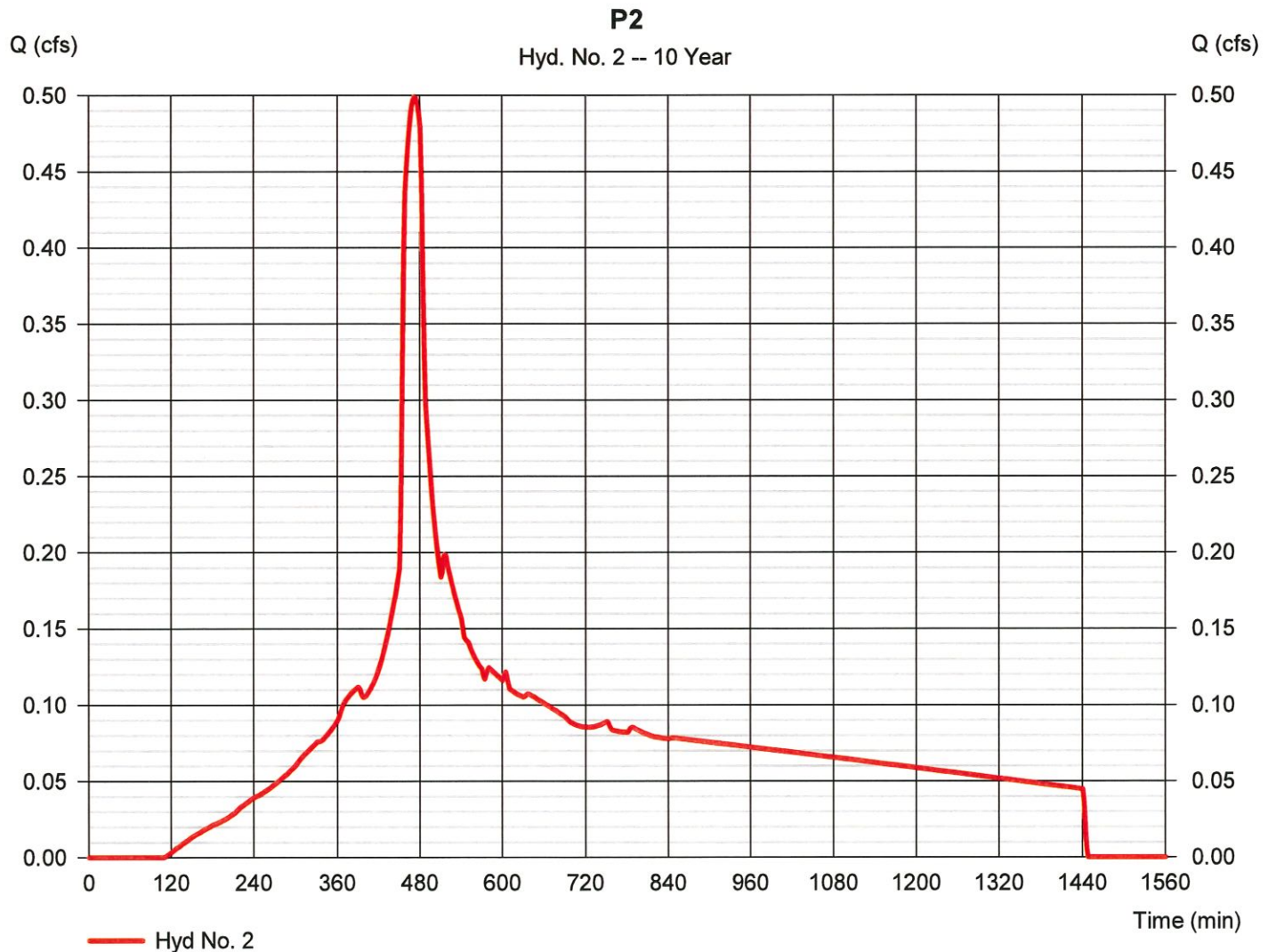
Tuesday, 02 / 26 / 2019

Hyd. No. 2

P2

Hydrograph type	= SCS Runoff	Peak discharge	= 0.499 cfs
Storm frequency	= 10 yrs	Time to peak	= 472 min
Time interval	= 2 min	Hyd. volume	= 6,887 cuft
Drainage area	= 0.740 ac	Curve number	= 93*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 3.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.590 x 98) + (0.150 x 74)] / 0.740



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

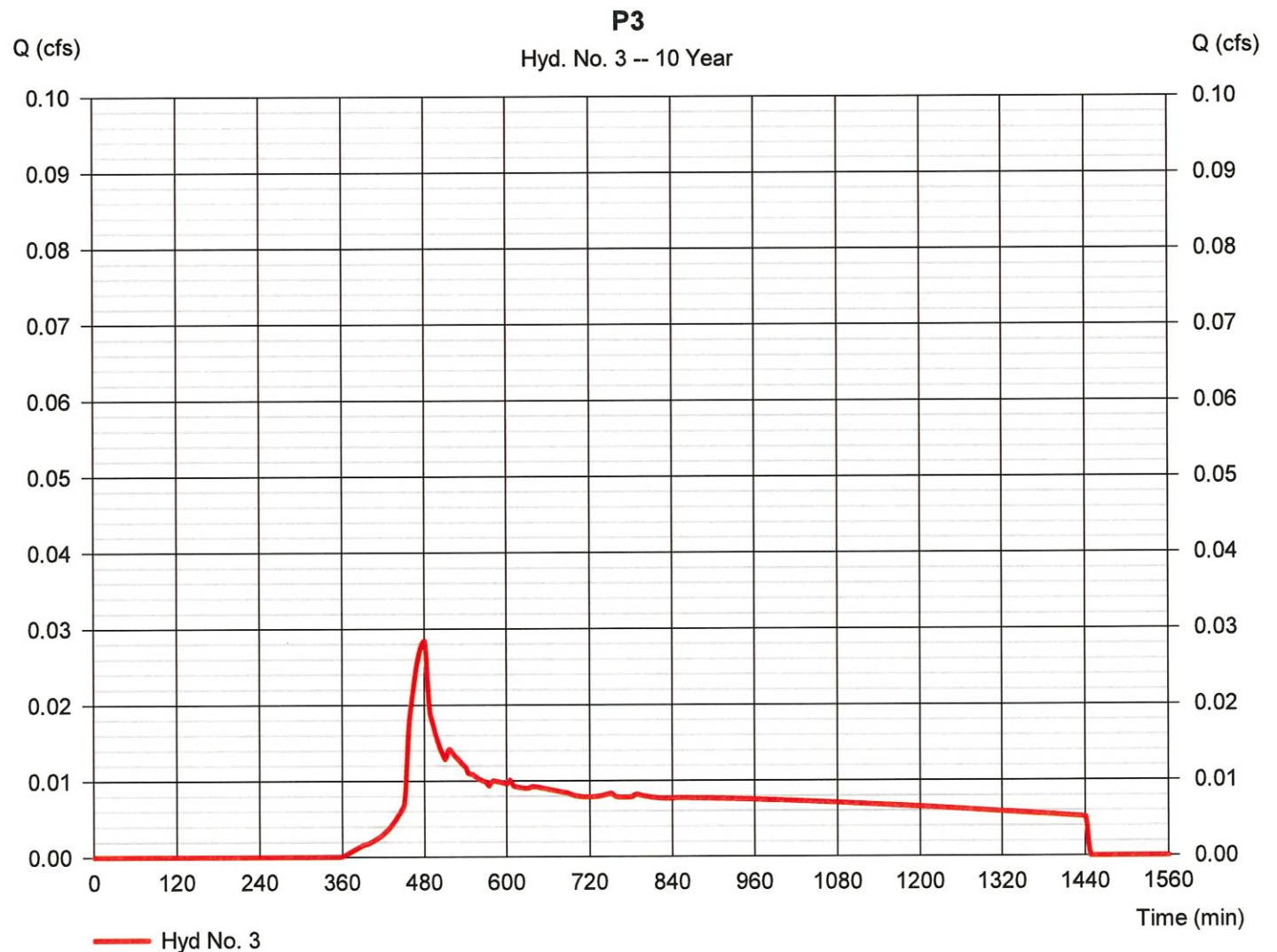
Tuesday, 02 / 26 / 2019

Hyd. No. 3

P3

Hydrograph type	= SCS Runoff	Peak discharge	= 0.028 cfs
Storm frequency	= 10 yrs	Time to peak	= 480 min
Time interval	= 2 min	Hyd. volume	= 506 cuft
Drainage area	= 0.120 ac	Curve number	= 74*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 3.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = + (0.120 x 74) / 0.120



Hydrograph Report

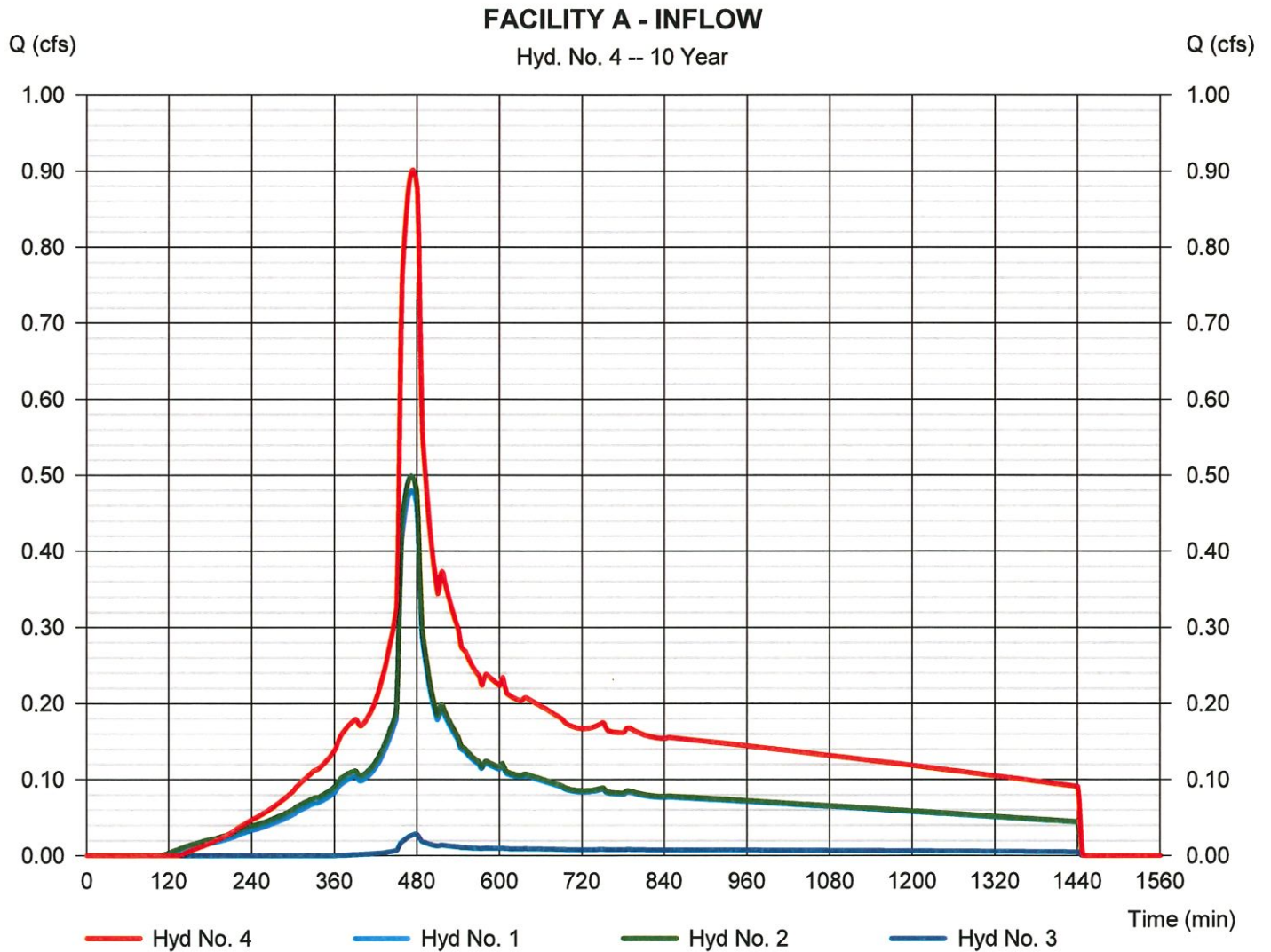
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Tuesday, 02 / 26 / 2019

Hyd. No. 4

FACILITY A - INFLOW

Hydrograph type	= Combine	Peak discharge	= 0.902 cfs
Storm frequency	= 10 yrs	Time to peak	= 474 min
Time interval	= 2 min	Hyd. volume	= 12,741 cuft
Inflow hyds.	= 1, 2, 3	Contrib. drain. area	= 1.600 ac



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

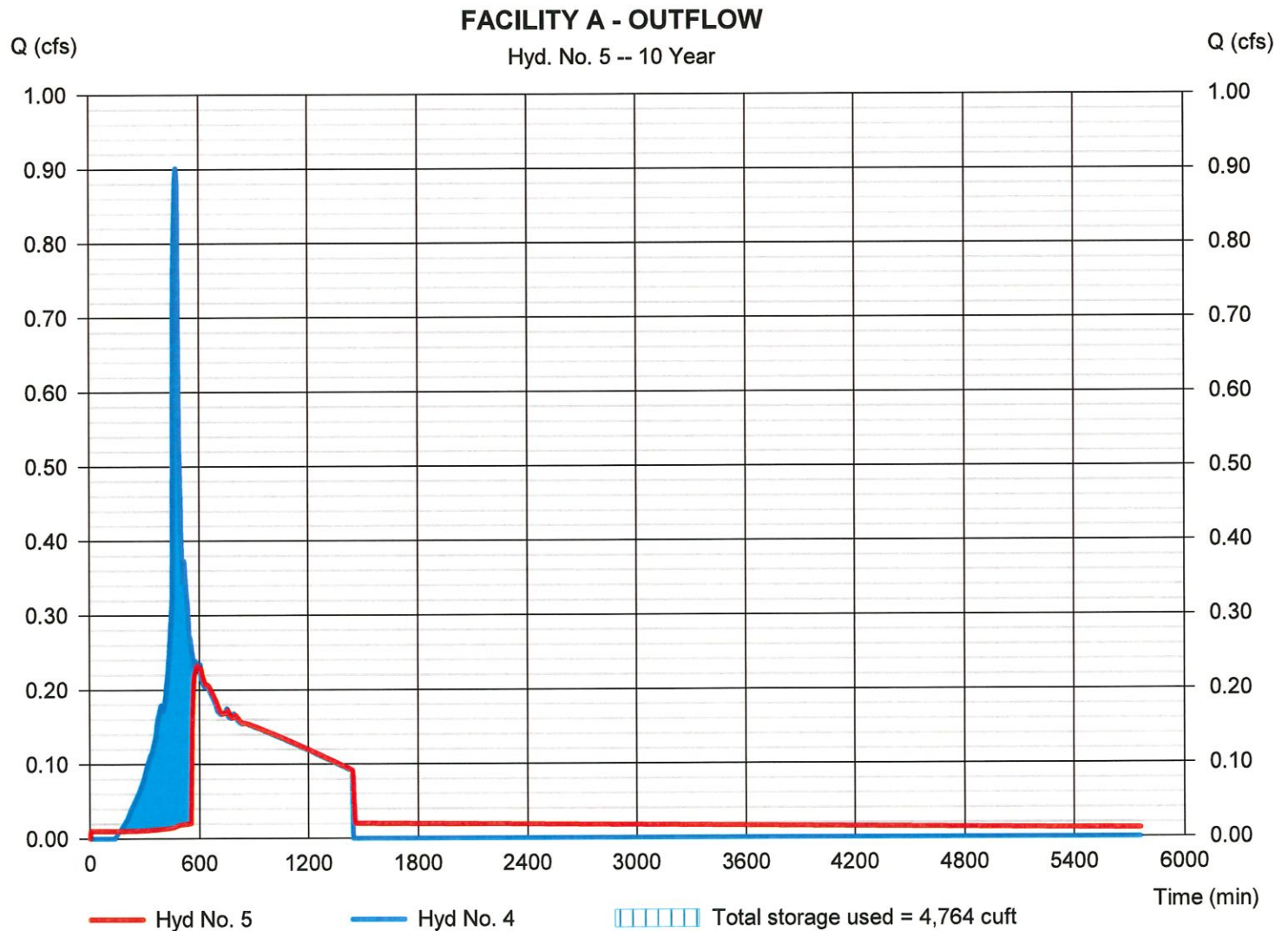
Tuesday, 02 / 26 / 2019

Hyd. No. 5

FACILITY A - OUTFLOW

Hydrograph type	= Reservoir	Peak discharge	= 0.233 cfs
Storm frequency	= 10 yrs	Time to peak	= 588 min
Time interval	= 2 min	Hyd. volume	= 12,309 cuft
Inflow hyd. No.	= 4 - FACILITY A - INFLOW	Max. Elevation	= 167.86 ft
Reservoir name	= BMP A	Max. Storage	= 4,764 cuft

Storage Indication method used.



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

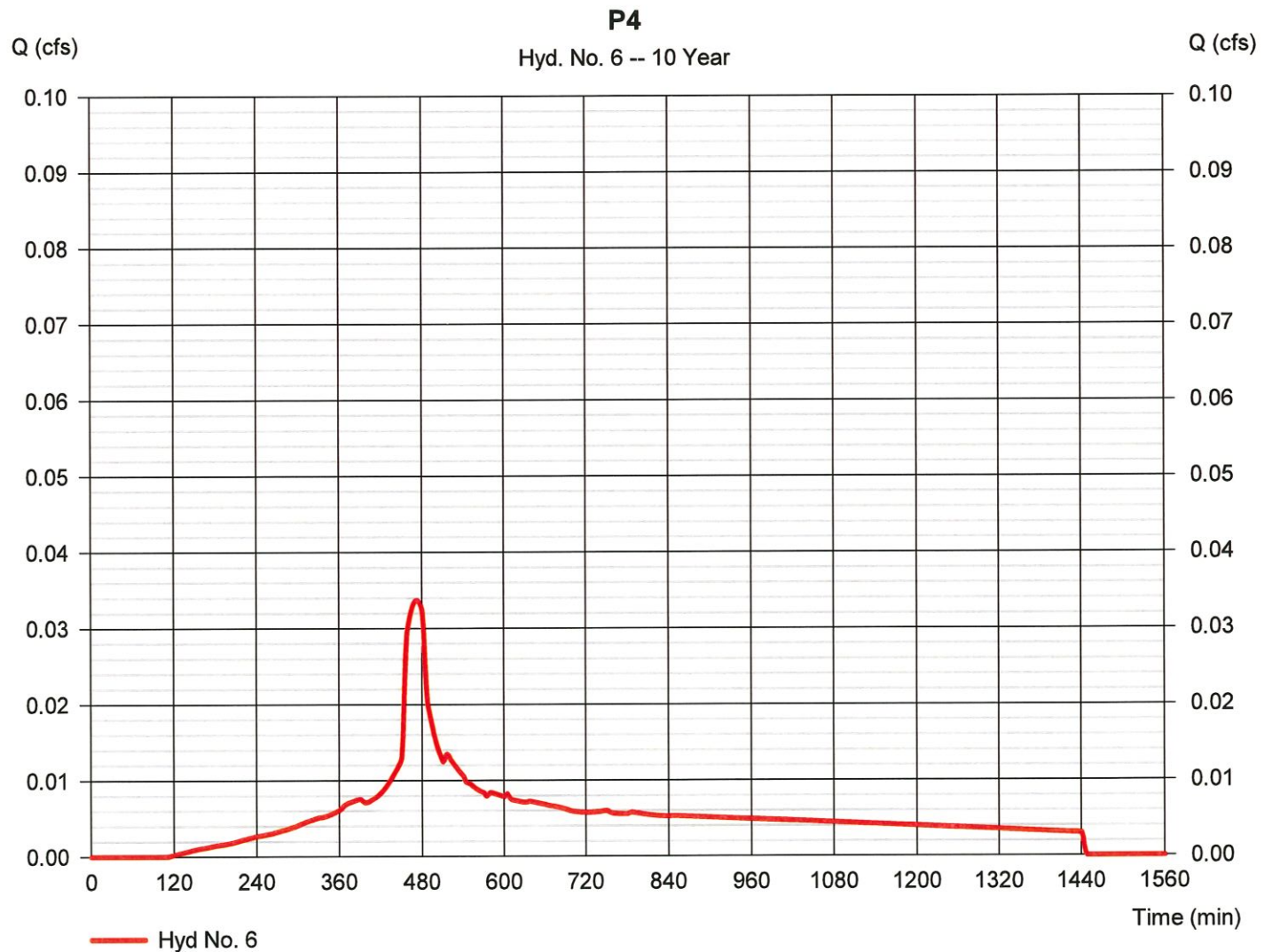
Tuesday, 02 / 26 / 2019

Hyd. No. 6

P4

Hydrograph type	= SCS Runoff	Peak discharge	= 0.034 cfs
Storm frequency	= 10 yrs	Time to peak	= 472 min
Time interval	= 2 min	Hyd. volume	= 465 cuft
Drainage area	= 0.050 ac	Curve number	= 93*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 3.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.040 x 98) + (0.010 x 74)] / 0.050



Hydrograph Report

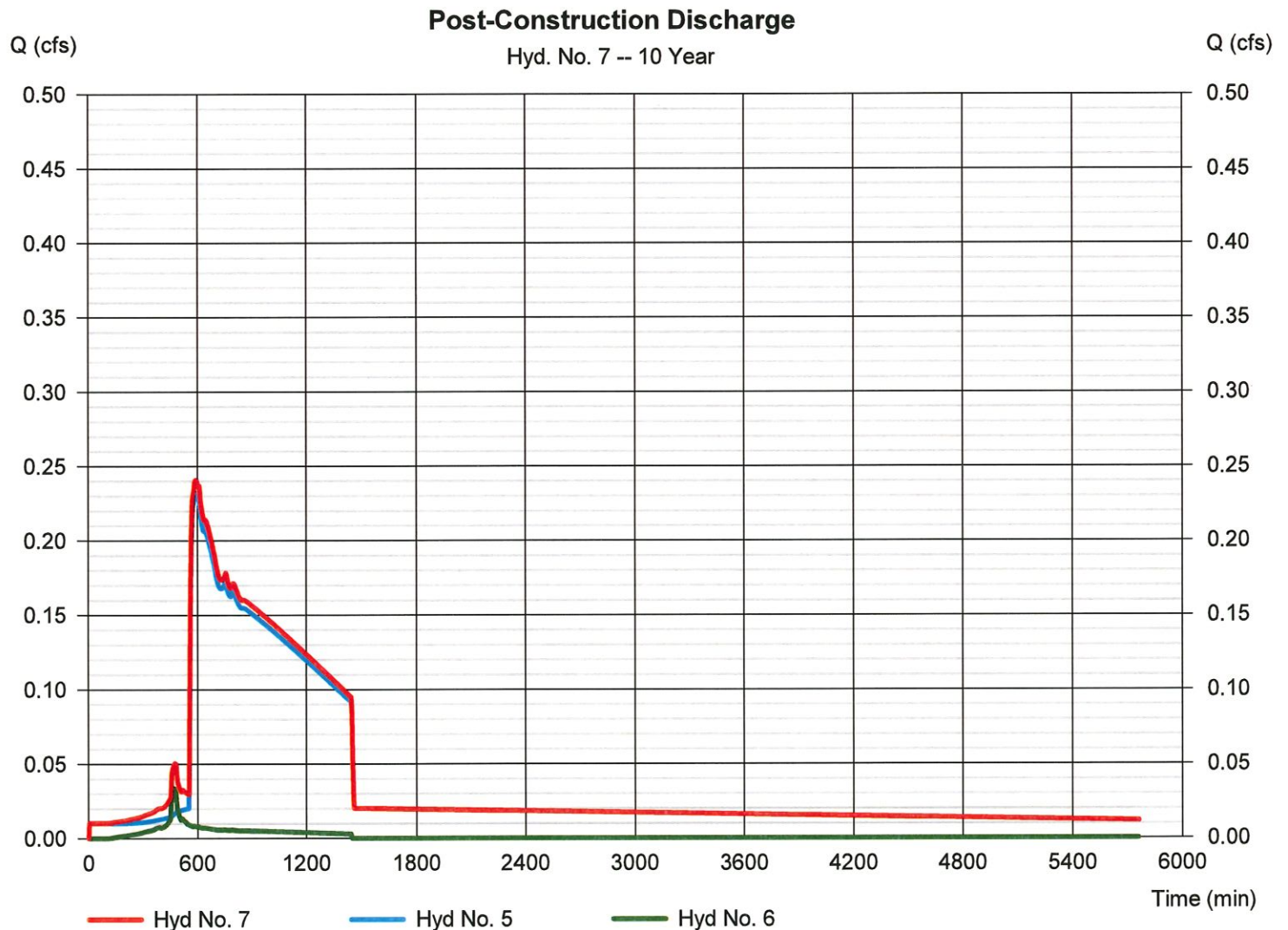
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Tuesday, 02 / 26 / 2019

Hyd. No. 7

Post-Construction Discharge

Hydrograph type	= Combine	Peak discharge	= 0.241 cfs
Storm frequency	= 10 yrs	Time to peak	= 588 min
Time interval	= 2 min	Hyd. volume	= 12,775 cuft
Inflow hyds.	= 5, 6	Contrib. drain. area	= 0.050 ac



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

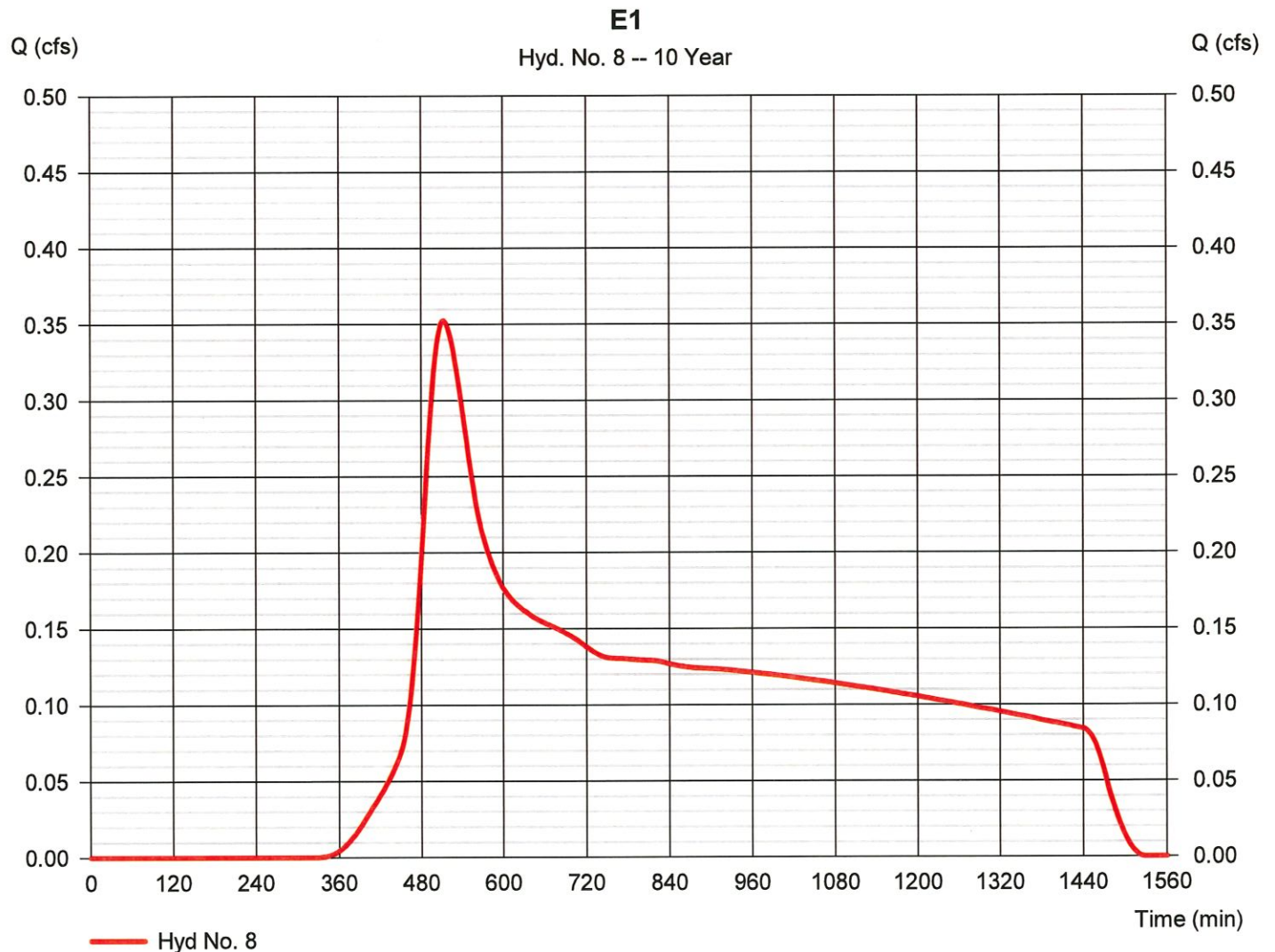
Tuesday, 02 / 26 / 2019

Hyd. No. 8

E1

Hydrograph type	= SCS Runoff	Peak discharge	= 0.353 cfs
Storm frequency	= 10 yrs	Time to peak	= 512 min
Time interval	= 2 min	Hyd. volume	= 8,453 cuft
Drainage area	= 1.640 ac	Curve number	= 77*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= TR55	Time of conc. (Tc)	= 54.40 min
Total precip.	= 3.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(1.440 x 74) + (0.200 x 98)] / 1.640



Hydrograph Summary Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to Peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph Description
1	SCS Runoff	0.569	2	472	7,851	----	----	----	P1
2	SCS Runoff	0.588	2	472	8,109	----	----	----	P2
3	SCS Runoff	0.039	2	478	652	----	----	----	P3
4	Combine	1.086	2	474	15,237	1, 2, 3	----	----	FACILITY A - INFLOW
5	Reservoir	0.405	2	526	14,795	4	167.91	4,848	FACILITY A - OUTFLOW
6	SCS Runoff	0.040	2	472	548	----	----	----	P4
7	Combine	0.420	2	526	15,343	5, 6	----	----	Post-Construction Discharge
8	SCS Runoff	0.472	2	510	10,708	----	----	----	E1

Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

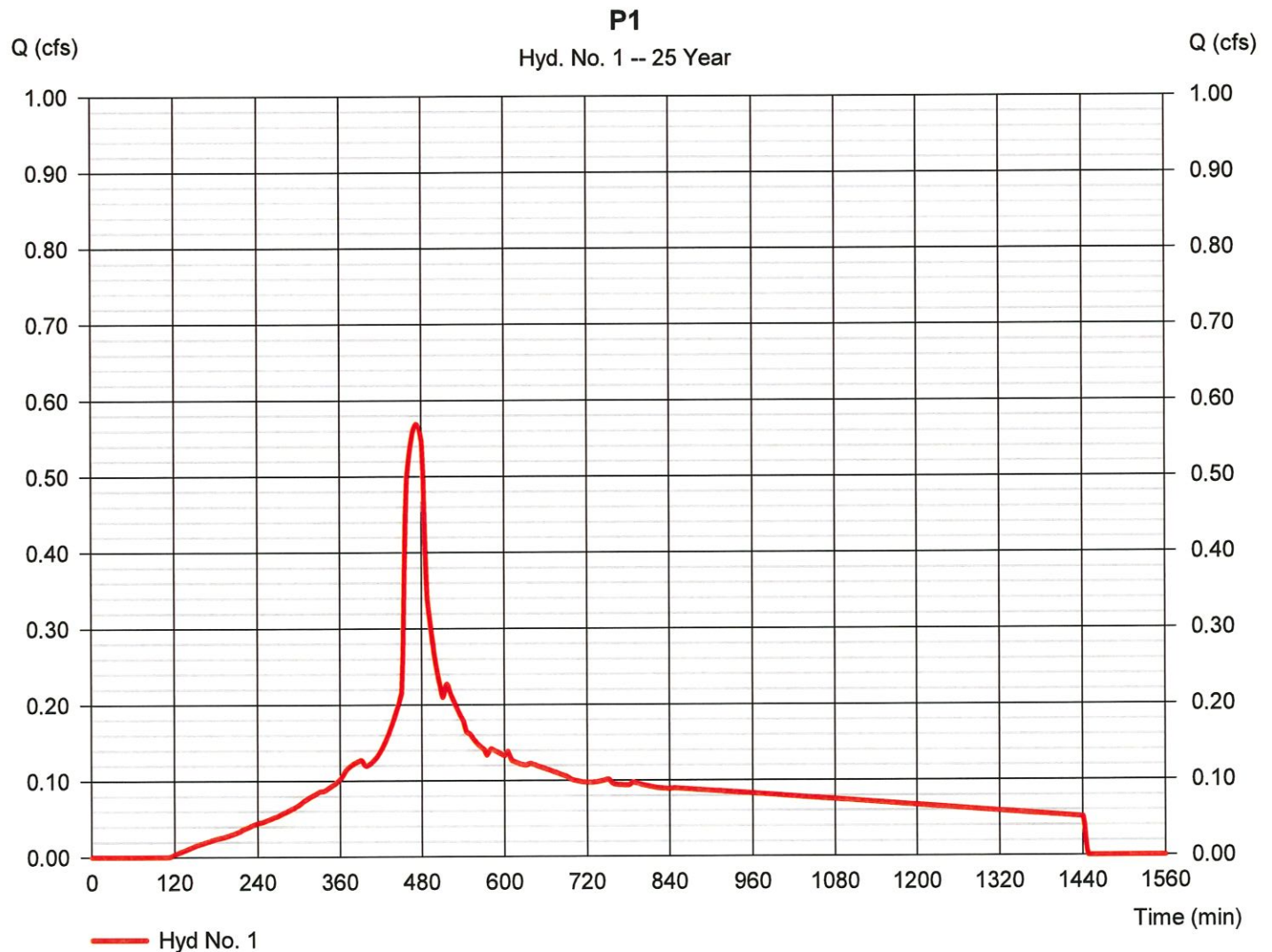
Tuesday, 02 / 26 / 2019

Hyd. No. 1

P1

Hydrograph type	= SCS Runoff	Peak discharge	= 0.569 cfs
Storm frequency	= 25 yrs	Time to peak	= 472 min
Time interval	= 2 min	Hyd. volume	= 7,851 cuft
Drainage area	= 0.740 ac	Curve number	= 92*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 4.00 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.540 x 98) + (0.200 x 74)] / 0.740



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

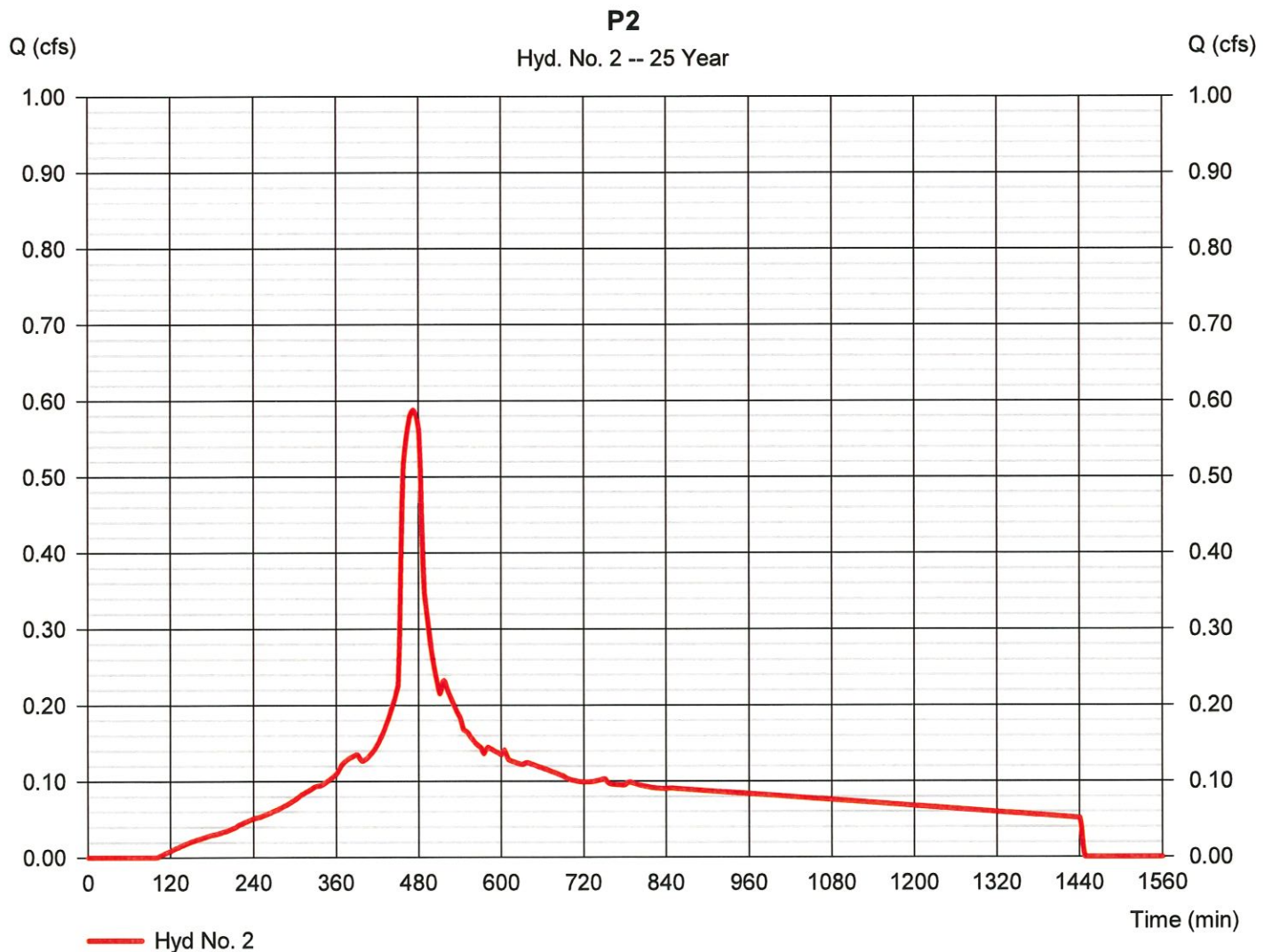
Tuesday, 02 / 26 / 2019

Hyd. No. 2

P2

Hydrograph type	= SCS Runoff	Peak discharge	= 0.588 cfs
Storm frequency	= 25 yrs	Time to peak	= 472 min
Time interval	= 2 min	Hyd. volume	= 8,109 cuft
Drainage area	= 0.740 ac	Curve number	= 93*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 4.00 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.590 x 98) + (0.150 x 74)] / 0.740



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

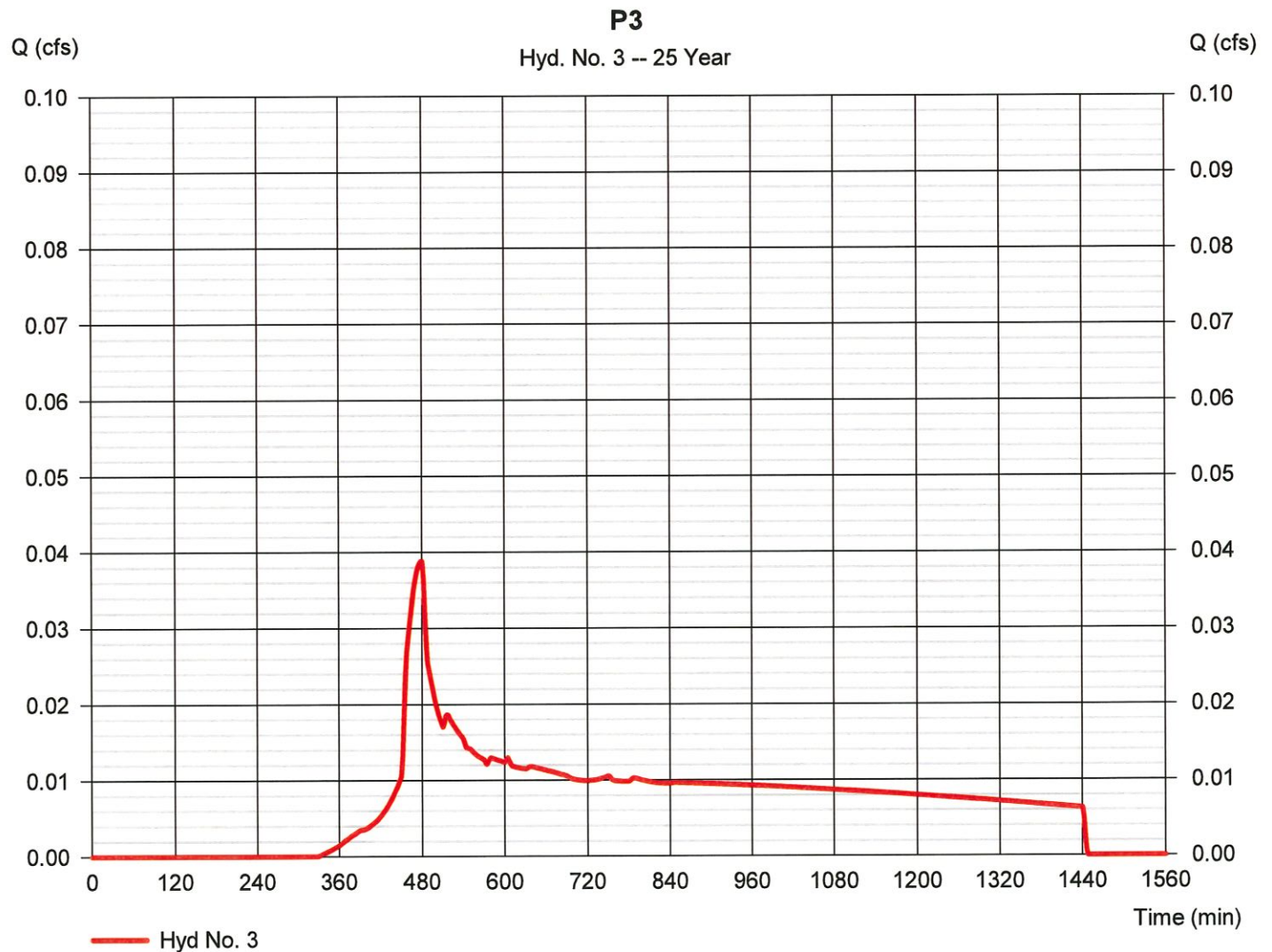
Tuesday, 02 / 26 / 2019

Hyd. No. 3

P3

Hydrograph type	= SCS Runoff	Peak discharge	= 0.039 cfs
Storm frequency	= 25 yrs	Time to peak	= 478 min
Time interval	= 2 min	Hyd. volume	= 652 cuft
Drainage area	= 0.120 ac	Curve number	= 74*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 4.00 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = + (0.120 x 74) / 0.120



Hydrograph Report

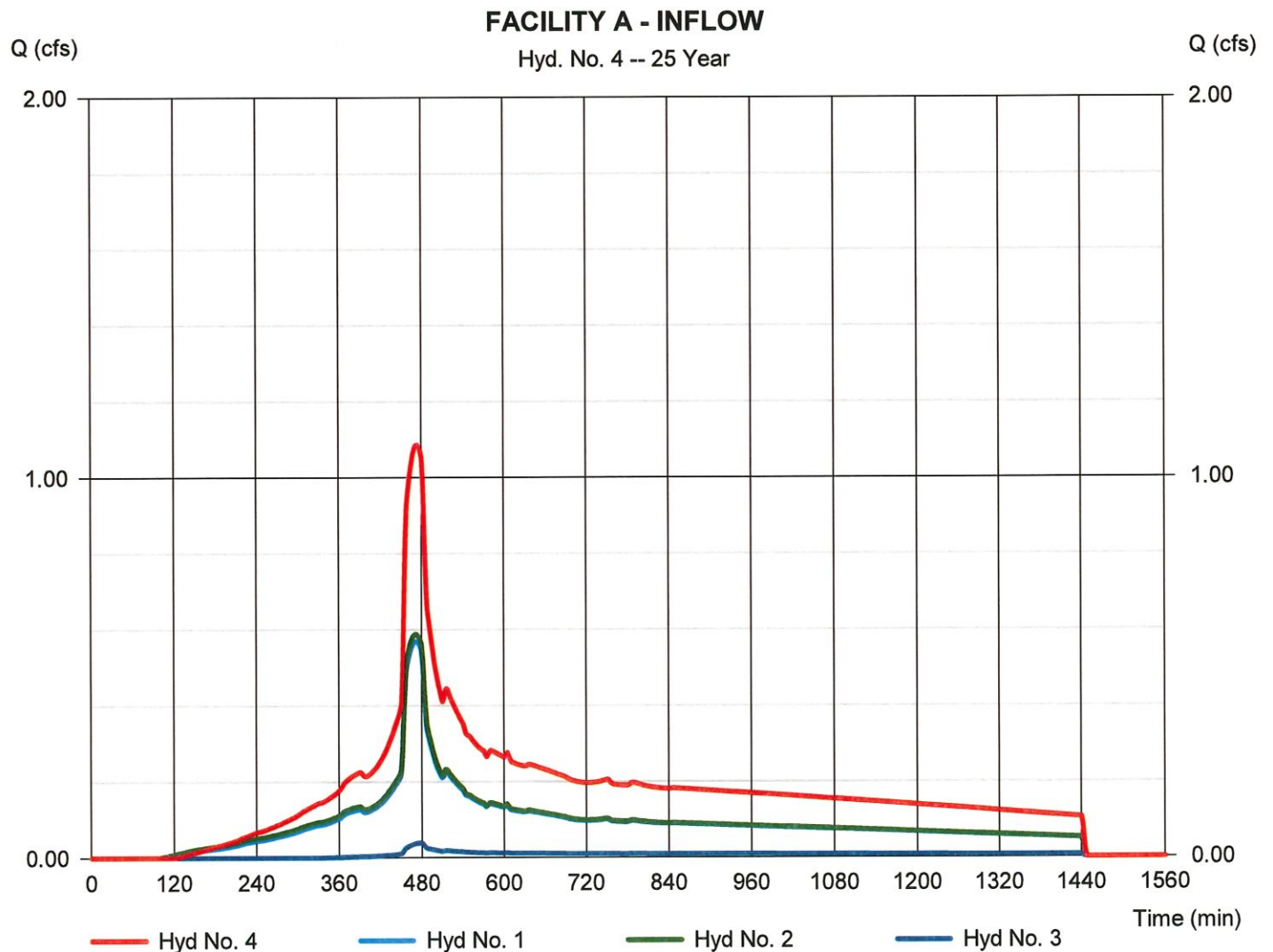
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Tuesday, 02 / 26 / 2019

Hyd. No. 4

FACILITY A - INFLOW

Hydrograph type	= Combine	Peak discharge	= 1.086 cfs
Storm frequency	= 25 yrs	Time to peak	= 474 min
Time interval	= 2 min	Hyd. volume	= 15,237 cuft
Inflow hyds.	= 1, 2, 3	Contrib. drain. area	= 1.600 ac



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

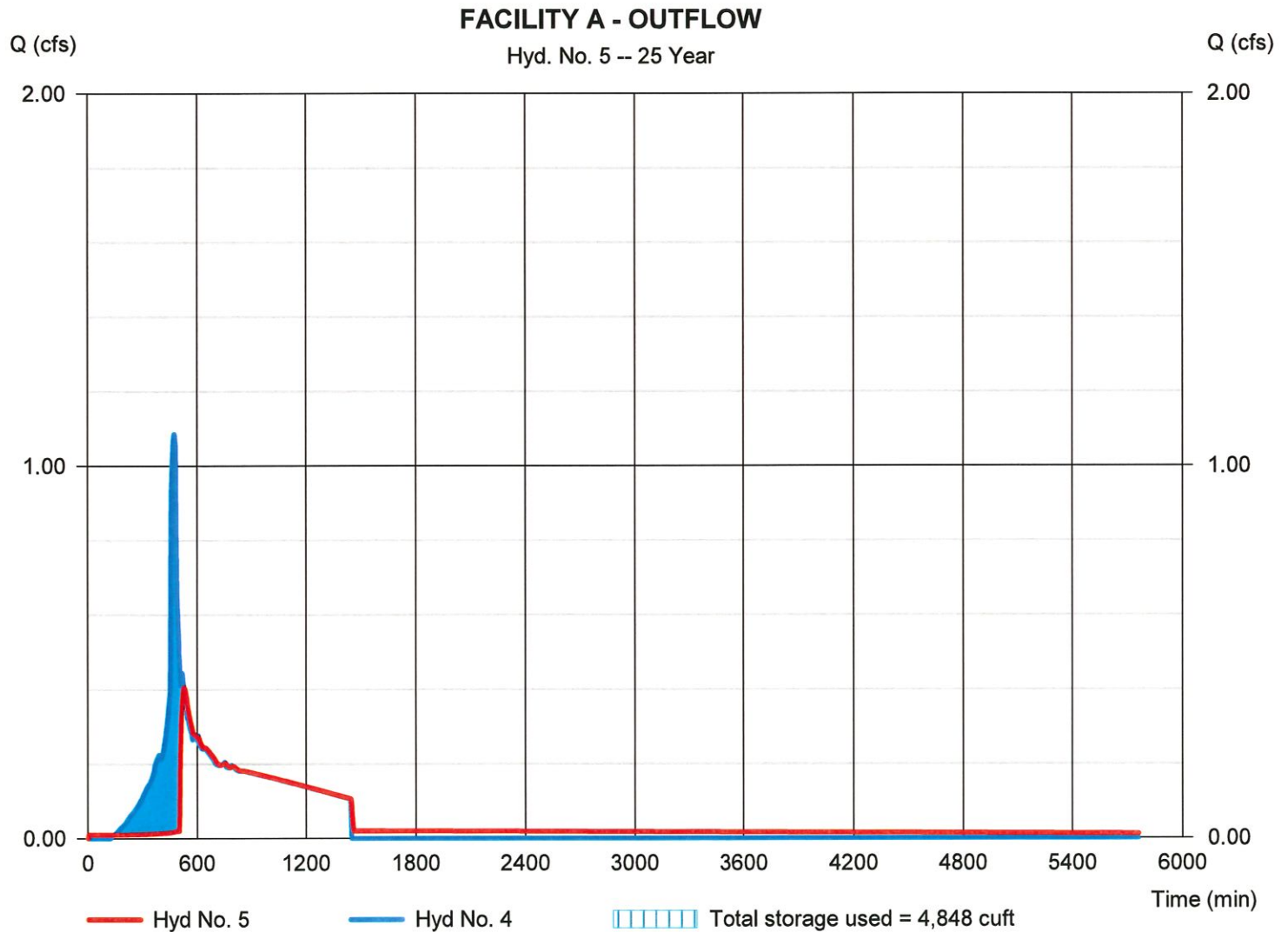
Tuesday, 02 / 26 / 2019

Hyd. No. 5

FACILITY A - OUTFLOW

Hydrograph type	= Reservoir	Peak discharge	= 0.405 cfs
Storm frequency	= 25 yrs	Time to peak	= 526 min
Time interval	= 2 min	Hyd. volume	= 14,795 cuft
Inflow hyd. No.	= 4 - FACILITY A - INFLOW	Max. Elevation	= 167.91 ft
Reservoir name	= BMP A	Max. Storage	= 4,848 cuft

Storage Indication method used.



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

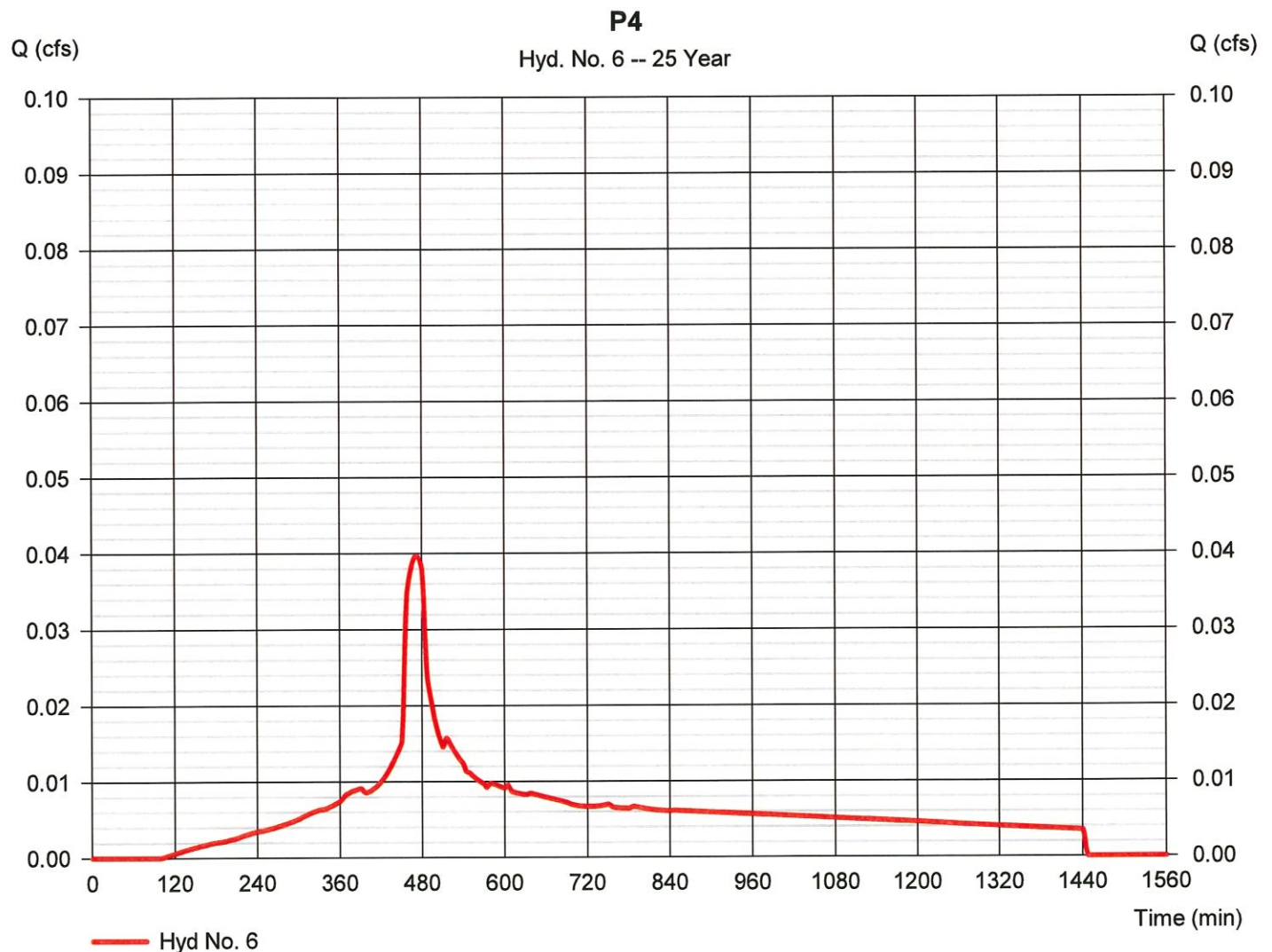
Tuesday, 02 / 26 / 2019

Hyd. No. 6

P4

Hydrograph type	= SCS Runoff	Peak discharge	= 0.040 cfs
Storm frequency	= 25 yrs	Time to peak	= 472 min
Time interval	= 2 min	Hyd. volume	= 548 cuft
Drainage area	= 0.050 ac	Curve number	= 93*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 5.00 min
Total precip.	= 4.00 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.040 x 98) + (0.010 x 74)] / 0.050



Hydrograph Report

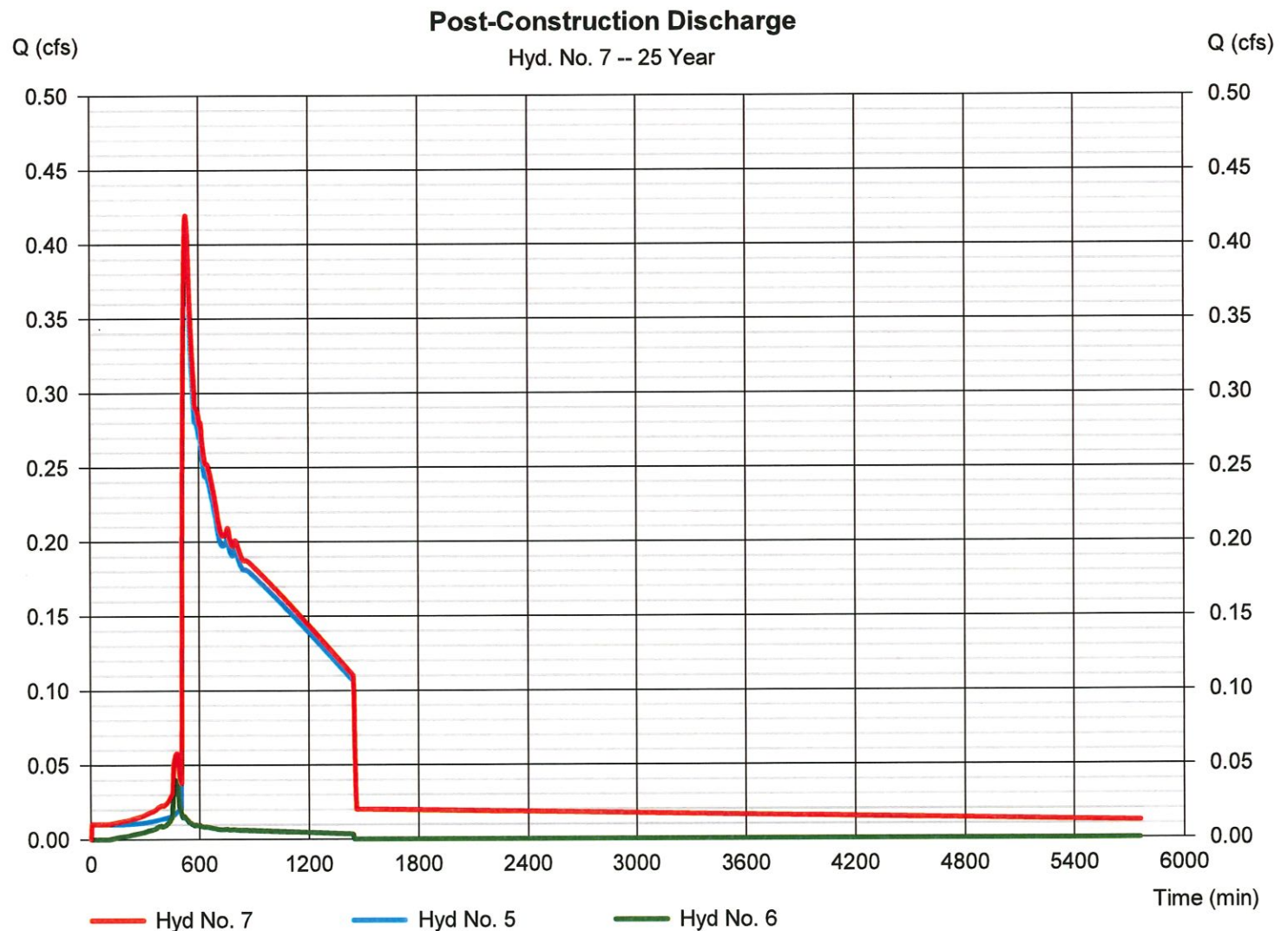
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Tuesday, 02 / 26 / 2019

Hyd. No. 7

Post-Construction Discharge

Hydrograph type	= Combine	Peak discharge	= 0.420 cfs
Storm frequency	= 25 yrs	Time to peak	= 526 min
Time interval	= 2 min	Hyd. volume	= 15,343 cuft
Inflow hyds.	= 5, 6	Contrib. drain. area	= 0.050 ac



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

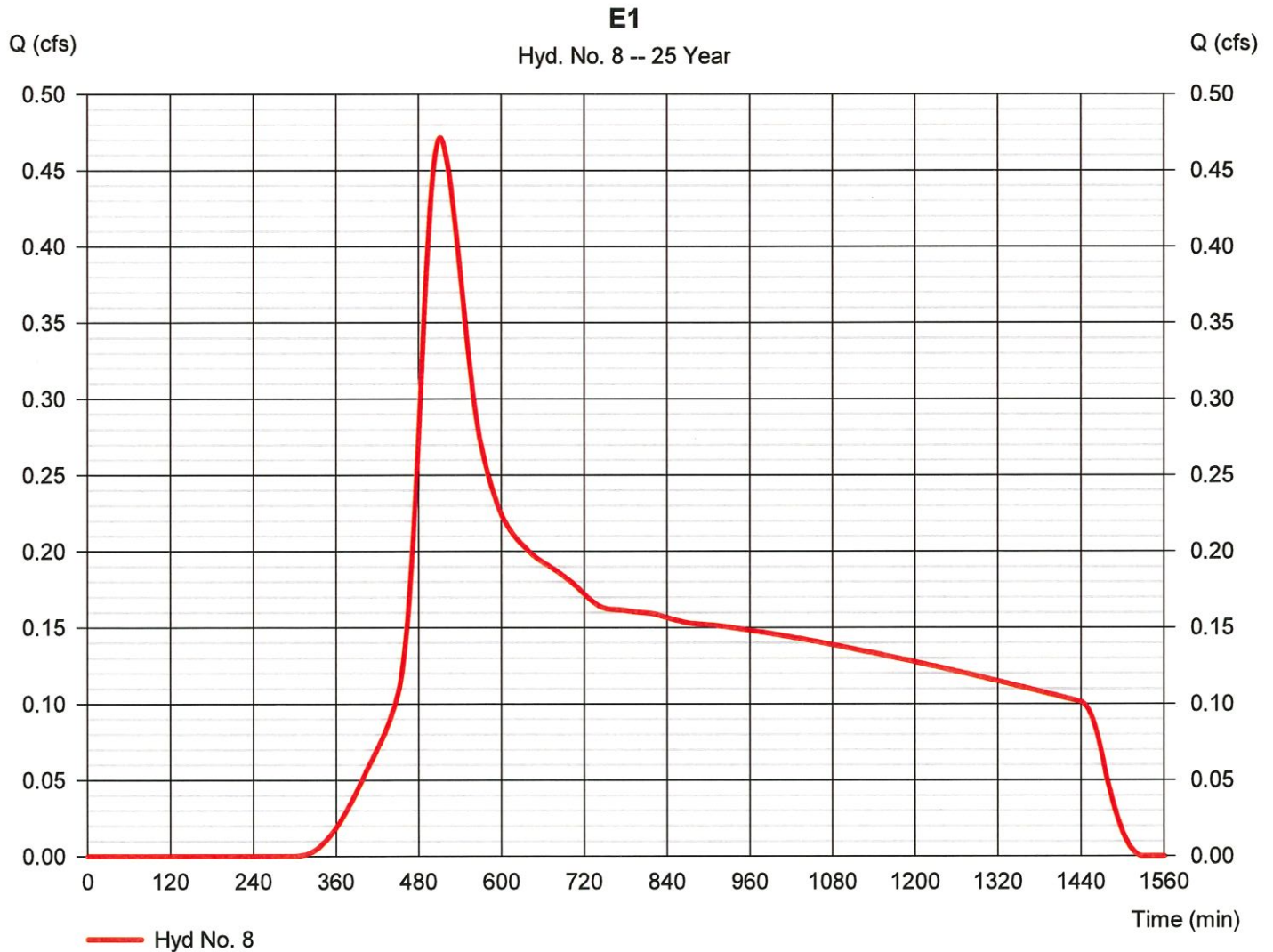
Tuesday, 02 / 26 / 2019

Hyd. No. 8

E1

Hydrograph type	= SCS Runoff	Peak discharge	= 0.472 cfs
Storm frequency	= 25 yrs	Time to peak	= 510 min
Time interval	= 2 min	Hyd. volume	= 10,708 cuft
Drainage area	= 1.640 ac	Curve number	= 77*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= TR55	Time of conc. (Tc)	= 54.40 min
Total precip.	= 4.00 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(1.440 x 74) + (0.200 x 98)] / 1.640



Appendix 3: Conveyance Calcs

Pipe Conveyance Calculations

MINIMUM PIPE SLOPES & CAPACITIES

Project: Riverland Subdivision
 Client: Del Boca Vista, LLC
 Job No.: DBVC00000006
 Design: A. Rappé Check:
 Date: 02/26/19 Rev:

Storm = SBUH Runoff (25-yr)
 Distribution = NRCS 24-hr Type IA
 Default 'n' = 0.013

































Pipe Sizing (via Manning's equation, full flow)										
Pipe	Upstream Node	Downstream Node	Q1 NRCS TYPE 1A	Slope	Dia. (in)	n	Q2 Cap.	V	Checks	
									(cfs)	%
SD01	CB01	DI01	1.086	0.44	12	0.013	2.36	3.01	OK	OK
SD02	OCS01	MH01	0.405	0.44	12	0.013	2.36	3.01	OK	OK
SD03	MH01	MH02	0.405	0.44	12	0.013	2.36	3.01	OK	OK
SD04	CB02	MH03	0.040	0.44	12	0.013	2.36	3.01	OK	OK

Appendix 4: Soil Properties

Hydrologic Soil Group—Yamhill County, Oregon
(Riverlands Subdivision)



Hydrologic Soil Group—Yamhill County, Oregon
(Riverlands Subdivision)

MAP LEGEND		MAP INFORMATION	
<p>Area of Interest (AOI)</p> <p> Area of Interest (AOI)</p> <p>Soils</p> <p>Soil Rating Polygons</p> <ul style="list-style-type: none">  A  A/D  B  B/D  C  C/D  D  Not rated or not available <p>Soil Rating Lines</p> <ul style="list-style-type: none">  A  A/D  B  B/D  C  C/D  D  Not rated or not available <p>Soil Rating Points</p> <ul style="list-style-type: none">  A  A/D  B  B/D 		<p>Soil Rating Polygons</p> <ul style="list-style-type: none">  C  C/D  D  Not rated or not available <p>Water Features</p> <ul style="list-style-type: none">  Streams and Canals <p>Transportation</p> <ul style="list-style-type: none">  Rails  Interstate Highways  US Routes  Major Roads  Local Roads <p>Background</p> <ul style="list-style-type: none">  Aerial Photography 	<p>The soil surveys that comprise your AOI were mapped at 1:24,000.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> </div> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Yamhill County, Oregon Survey Area Data: Version 6, Sep 18, 2018</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Aug 19, 2015—Sep 13, 2016</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
2300A	Aloha silt loam, 0 to 3 percent slopes	C/D	1.7	100.0%
Totals for Area of Interest			1.7	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

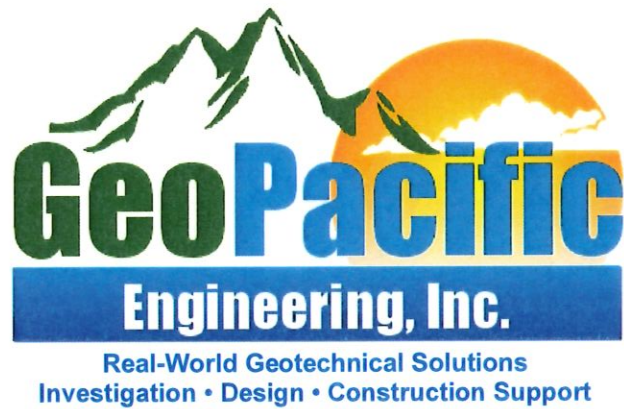
Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

EXHIBIT G

Geotechnical Report



Geotechnical Engineering Report

The Riverlands Subdivision
1303 South River Street
Newberg, Oregon 97132

GeoPacific Engineering, Inc. Project No. 18-4860
April 17, 2018



**Real-World Geotechnical Solutions
Investigation • Design • Construction Support**

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**Real-World Geotechnical Solutions
Investigation • Design • Construction Support**

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- 3 Site Plan and Exploration Locations



**Real-World Geotechnical Solutions
Investigation • Design • Construction Support**

April 17, 2018
Project No. 18-4860

Katrina Little
The Riverlands, LLC
PO Box 3189
Newberg, Oregon 97132
Email: klittle@dbvcorp.com

**SUBJECT: GEOTECHNICAL ENGINEERING REPORT
THE RIVERLANDS SUBDIVISION
1303 SOUTH RIVER STREET
NEWBERG, OREGON 97132**

PROJECT INFORMATION

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-6372, dated January 21, 2018, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

SITE AND PROJECT DESCRIPTION

The subject property is located on the west side of S River Street in the City of Newberg, Yamhill County, Oregon. The property is approximately 1.5 acres in size and topography is flat to gently sloping. Ground elevations range from 169 to 172 feet above mean sea level. The site is currently occupied by one home, a garage, barn and several sheds on the east half of the property. Vegetation consists of numerous trees and grass lawn to the east and a grass field on the western portion. Some smaller areas of standing water were observed in the grass field at the western end of the site.

It is our understanding that proposed development includes 16 lots for single family homes, construction of a local public street, a storm water retention pond in the southwest corner and associated underground utilities. The existing structures will be removed. A grading plan was not provided for our review; however, we anticipate cuts and fill will be less than 4 feet.



REGIONAL GEOLOGIC SETTING

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 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 (Yeats et al., 1996). The last of these outburst floods occurred about 10,000 years ago. These deposits typically consist of horizontally layered, micaceous, silt to coarse sand forming poorly-defined to distinct beds less than 3 feet thick.

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 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 20 miles northeast of the site. The Oatfield Fault occurs along the western side of the Portland Hills and is about 18 miles northeast of the site. The East Bank Fault occurs along the eastern margin of the Willamette River, and is located approximately 23 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 1/4 mile northeast of the subject site, as indicated on Figure 1. These faults are recognized in 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 (the fault closest to the subject site); 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 roughly along the Oregon coast at depths of between 20 and 40 miles.

FIELD EXPLORATION AND SUBSURFACE CONDITIONS

Our site-specific exploration for this report was conducted on March 19, 2018. A total of 3 exploratory test pits were excavated with a trackhoe to depths of 10.5 to 11 feet at the approximate locations indicated on Figure 2. It should be noted that test pit 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 excavations and logged the test pits. Soils observed in the explorations were classified in general accordance with the Unified Soil Classification System. During exploration geotechnical conditions such as soil consistency, moisture and groundwater conditions were noted. Logs of test pits are attached to this report. The following report sections are based on the conditions observed during our investigation and summarize subsurface materials encountered at the site.



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Topsoil Horizon: Directly underlying the ground surface in all test pits was a topsoil horizon consisting of dark brown, highly organic SILT (OL-ML). The topsoil horizon was generally loose, contained fine roots throughout, and extended to depths of 8 to 10 inches. However, thicker topsoil extended to approximately 12 inches below the surface was observed in the vicinity of test pit TP-3, where several trees were located.

Undocumented Fill: A thick layer of topsoil, approximately 18 inches, mixed with aggregate and fragmented brick was observed in test pit TP-2. This undocumented fill appeared associated with the nearby barn and fill may be present in other area near existing structures.

Willamette Formation: Underlying the topsoil horizon in all test pits were fine-grained loess soils belonging to the Willamette Formation. From 0.5 to 3 feet below the surface, soils consisted of light gray, medium expansive FAT CLAY (CH) that was generally characterized by a soft to very stiff consistency. The fat clay was underlain by stiff to very stiff, SILT (ML) that was light brown with strong gray and rust colored mottling. Field pocket penetrometer measurements of Willamette Formation soils indicate an approximate unconfined compressive strength of 0.5 to 4.0 tons/ft².

Laboratory testing conducted on representative samples obtained within test pits TP-1 at 2 feet, indicated 95 percent by weight passing the U.S. No. 200 sieve, and a moisture content ranging from 34.5 percent. Atterberg limit testing indicated a liquid limit of 85, and a plasticity index of 60. The soil type classified as fat CLAY (CH) according to the USCS soil classification system, and as A-7-6(66) according to AASHTO standards.

Laboratory testing conducted on representative samples obtained within test pits TP-1 at 9 feet, indicated 81 percent by weight passing the U.S. No. 200 sieve, and a moisture content ranging from 39 percent. Atterberg limit testing indicated a liquid limit of 43, and a plasticity index of 16. The soil type classified as SILT (ML) with sand according to the USCS soil classification system, and as A-7-6(14) according to AASHTO standards.

Groundwater and Soil Moisture

On March 19, 2018, perched groundwater seepage was encountered in test pit TP-2 at a depth of 10.5 feet. Discharge was visually estimated at 1/8 gallon per minute. It is anticipated that groundwater conditions will vary depending on the season, local subsurface conditions, changes in site utilization, and other factors. Perched groundwater may be encountered in localized areas and small ponding was observed in the surface soils of the western portion of the site. Seeps and springs may exist in areas not explored and may become evident during site grading.

Infiltration Testing

The stand pipe and open hole method of infiltration testing were performed at test pit TP-1. The stand pipe method was performed at 7 feet below the ground surface in test pit TP-1 and a second pit for the open hole method was excavated several feet to the north. Soils were pre-saturated for a period of over 1 hour. Following the soil saturation, the infiltration tests were conducted. The water level was measured to the nearest sixteenth of an inch with reference to the ground surface.



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Tests were conducted at half hour intervals and continued until two successive measurements did not vary by more than 1/16th of an inch. The total test period was 4 hours. Table 1 presents the results of our falling head infiltration tests.

Table 1. Summary of Infiltration Test Results

Exploration Designation	Depth (feet)	Soil Type	Infiltration Rate(in/hr)	Hydraulic Head Range (inches)
TP-1 Stand Pipe	7	SILT (ML)	0.0	12
TP-1 Open Hole	8.3	SILT (ML)	0.0	9

The results of our infiltration testing indicate the soils exhibit low permeability with a high probability of silting up over time.

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 sufficient geotechnical monitoring is incorporated into the construction phases of the project. The primary geotechnical concerns for the proposed development are the presence of weak soils in the upper 2 feet and low permeability soils. No infiltration was observed during infiltration testing in test pit TP-1 at 8.3 feet below existing ground surface.

Site Preparation Recommendations

Areas of proposed buildings, new streets, and areas to receive fill should be cleared of vegetation and any organic and inorganic debris. Existing buried structures, should be demolished and any cavities structurally backfilled. Inorganic debris and organic materials from clearing should be removed from the site.

Existing fill and any organic-rich topsoil should then be stripped from construction areas of the site or where engineered fill is to be placed. The estimated depth necessary for removal of topsoil is approximately 8 to 10 inches – deeper stripping may be necessary to remove large tree roots in isolated areas or disturbed soils. One such location was identified in test pit TP-2, where approximately 18 inches of undocumented fill consisting of topsoil mixed with aggregate and brick fragments was identified to the west of the existing barn. The upper 2 feet can be removed and replaced with engineered fill to improve weak soils. 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.

Any remaining undocumented fills and subsurface structures (tile drains, basements, driveway and landscaping fill, old utility lines, septic leach fields, etc.) should be removed and the excavations backfilled with engineered fill.



Once stripping of a particular area is approved, the area must be ripped or tilled to a depth of 12 inches, moisture conditioned, root-picked, and compacted in-place prior to the placement of engineered fill or crushed aggregate base for pavement. Exposed subgrade soils should be evaluated by the geotechnical engineer. For large areas, this evaluation is normally performed by proof-rolling the exposed subgrade with a fully loaded scraper or dump truck. For smaller areas where access is restricted, the subgrade should be evaluated by probing the soil with a steel probe. Soft/loose soils identified during subgrade preparation should be compacted to a firm and unyielding condition, over-excavated and replaced with engineered fill (as described below) or stabilized with rock prior to placement of engineered fill. The depth of over-excavation, if required, should be evaluated by the geotechnical engineer at the time of construction.

Engineered Fill

All grading for the proposed development 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 95% of the maximum dry density determined by ASTM D698 (Standard 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. Rocky fill may need to be evaluated by proofrolling and should be placed wet of optimum moisture content. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd³, 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.

Excavating Conditions and Utility Trench Backfill

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 soils classify 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,



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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 95% 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 200-lineal-foot section of trench.

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 wattles 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.



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 areas where fill may be proposed 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 passing the No. 200 sieve. The fines should be non-plastic. Alternatively, cement treatment of on-site soils may be performed to facilitate wet weather placement;
- 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
- Geotextile silt fences, straw wattles, and fiber rolls 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.

Spread Foundations

The proposed residential structures may be supported on shallow foundations bearing on competent native soils and/or engineered fill placed and compacted over competent native soils, appropriately designed and constructed as recommended in this report.

Foundation design, construction, and setback requirements should conform to the applicable building code at the time of construction. For maximization of bearing strength and protection



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against frost heave, spread footings should be embedded at a minimum depth of 12 inches below exterior grade. Foundations should be designed by a licensed structural engineer.

The anticipated allowable soil bearing pressure is 1,500 lbs/ft² for footings bearing on competent, native soil below a depth of 2 feet and/or engineered fill. A maximum chimney and column load of 30 kips is recommended for the site. The recommended maximum allowable bearing pressure may be increased by 1/3 for short-term transient conditions such as wind and seismic loading. For heavier loads, the geotechnical engineer should be consulted. The coefficient of friction between on-site soil and poured-in-place concrete may be taken as 0.42, which includes no factor of safety. The maximum anticipated total and differential footing movements (generally from soil expansion and/or settlement) are 1 inch and ¾ inch over a span of 20 feet, respectively. We anticipate that the majority of the estimated settlement will occur during construction, as loads are applied. Excavations near structural footings should not extend within a 1H:1V plane projected downward from the bottom edge of footings.

Footing excavations should penetrate through topsoil and any loose soil to competent subgrade that is suitable for bearing support. All footing excavations should be trimmed neat, and all loose or softened soil should be removed from the excavation bottom prior to placing reinforcing steel bars. Due to the moisture sensitivity of on-site native soils, foundations constructed during the wet weather season may require over-excavation of footings and backfill with compacted, crushed aggregate.

Our recommendations are for house construction incorporating raised wood floors and conventional spread footing foundations. If living space of the structures will incorporate basements, a geotechnical engineer should be consulted to make additional recommendations for retaining walls, water-proofing, underslab drainage and wall subdrains. After site development, a Final Soil Engineer's Report should either confirm or modify the above recommendations.

Drainage

The upslope edge of perimeter footings may be provided with a drainage system consisting of 3-inch diameter, slotted, plastic pipe embedded in a minimum of 1 ft³ per lineal foot of clean, free-draining gravel or uncompacted ¾"-0 rock. Water collected from the footing drains should be directed into the local storm drain system or another suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. 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. Footing drain recommendations are given to prevent detrimental effects of groundwater on foundations and should not be expected to eliminate all potential sources of water entering a crawlspace. An adequate grade to a low point outlet drain in the crawlspace is required by code.



Flexible Pavement Design: Local Public Street

We understand that development at the site will included the construction of a new public street to provide access to the new homes and support a 75,000-gross vehicle weight emergency vehicle. We assume that traffic will primarily consist of light duty residential cars, weekly trash and recycling pickups, and occasional fire trucks. The new street is designed with a cul-de-sac at the western end, preventing any through traffic. We assumed an 18-kip ESAL count of 53,248 over 20 years, accounting for projected population growth. Table 1 presents our flexible pavement design input factors.

Table 1 – Flexible Pavement Section Design Input Factors for Local Public Street

Input Parameter	Design Value
18-kip ESAL Initial Performance Period (20 Years)	53,248
Initial Serviceability	4.2
Terminal Serviceability	2.5
Reliability Level	85 Percent
Overall Standard Deviation	0.5
Roadbed Soil Resilient Modulus (PSI)	7,5000
Structural Number	2.09

Table 2 presents our recommended minimum dry-weather pavement section with estimated structural coefficients. Pavement design calculations are attached to this report.

Table 2 – Recommended Minimum Dry-Weather Pavement Section for Local Public Street

Material Layer	Section Thickness (in.)	Structural Coefficient	Compaction Standard
Asphaltic Concrete (AC)	3	0.42	91%/ 92% of Rice Density AASHTO T-209
Crushed Aggregate Base ¾"-0 (leveling course)	2	0.10	95% of Modified Proctor AASHTO T-180
Crushed Aggregate Base 1½"-0	8	0.10	95% of Modified Proctor AASHTO T-180
Subgrade	12	7,500 PSI	95% of Standard Proctor AASHTO T-99 or equivalent
Calculated Structural Number			2.26

The subgrade should be ripped or tilled to a depth of 12 inches, moisture conditioned, root-picked, and compacted in-place prior to the placement of crushed aggregate base for pavement. 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.



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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. General recommendations for wet weather pavement sections are provided below.

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.

Wet Weather Construction Pavement Section

This section presents our recommendations for wet weather pavement section and construction for new pavement sections at the project. These wet weather pavement section recommendations are intended for use in situations where it is not feasible to compact the subgrade soils, due to wet subgrade soil conditions, and/or construction during wet weather.

Based on our site review, we recommend a wet weather section with a minimum subgrade deepening of 6 inches to accommodate a working subbase of additional 1½"-0 crushed rock. Geotextile fabric, Mirafi 500x or equivalent, should be placed on subgrade soils prior to placement of base rock.

In some instances, it may be preferable to use Special Treated Base (STB) in combination with overexcavation and increasing the thickness of the rock section. GeoPacific should be consulted for additional recommendations regarding use of STB in wet weather pavement sections if it is desired to pursue this alternative. Cement treatment of the subgrade may also be considered instead of overexcavation. For planning purposes, we anticipate that treatment of the onsite soils would involve mixing cement powder to approximately 6 percent cement content and a mixing depth on the order of 12 to 18 inches.

With implementation of the above recommendations, it is our opinion that the resulting pavement section will provide equivalent or greater structural strength than the dry weather pavement section currently planned. However, it should be noted that construction in wet weather is risky and the performance of pavement subgrades depend on a number of factors including the weather conditions, the contractor's methods, and the amount of traffic the road is subjected to. There is a potential that soft spots may develop even with implementation of the wet weather provisions recommended in this letter. If soft spots in the subgrade are identified during roadway excavation, or develop prior to paving, the soft spots should be overexcavated and backfilled with additional crushed rock.

During subgrade excavation, care should be taken to avoid disturbing the subgrade soils. Removals should be performed using an excavator with a smooth-bladed bucket. Truck traffic should be limited until an adequate working surface has been established. We suggest that the crushed rock be spread using bulldozer equipment rather than dump trucks, to reduce the amount of traffic and potential disturbance of subgrade soils.

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Care should be taken to avoid overcompaction of the base course materials, which could create pumping, unstable subgrade soil conditions. Heavy and/or vibratory compaction efforts should be applied with caution. Following placement and compaction of the crushed rock to project specifications (95 percent of Modified Proctor), a finish proof-roll should be performed before paving.

The above recommendations are subject to field verification. GeoPacific should be on-site during construction to verify subgrade strength and to take density tests on the engineered fill, base rock and asphaltic pavement materials.

Seismic Design and Soil Liquefaction

The Oregon Department of Geology and Mineral Industries (Dogami), Oregon HazVu: 2018 Statewide GeoHazards Viewer indicates that the site is in an area where *very strong* ground shaking is anticipated during an earthquake (Dogami HazVu, 2018). Structures should be designed to resist earthquake loading in accordance with the methodology described in the 2015 International Building Code (IBC) with applicable Oregon Structural Specialty Code (OSSC) revisions (current 2014). We recommend Site Class D be used for design per the OSSC, Table 1613.5.2 and as defined in ASCE 7, Chapter 20, Table 20.3-1. Design values determined for the site using the USGS (United States Geological Survey) 2018 Seismic Design Maps Summary Report are summarized in Table 3 and are based upon existing soil conditions.

Table 3 - Recommended Earthquake Ground Motion Factors (2010 ASCE-7)

Parameter	Value
Location (Lat, Long), degrees	45.289026, -122.969614
Probabilistic Ground Motion Values, 2% Probability of Exceedance in 50 yrs	
Mean Peak Ground Acceleration	0.457 g
Short Period, S_s	0.952 g
1.0 Sec Period, S_1	0.436 g
Soil Factors for Site Class D:	
F_a	1.119
F_v	1.564
$SD_s = 2/3 \times F_a \times S_s$	0.710 g
$SD_1 = 2/3 \times F_v \times S_1$	0.454 g
Seismic Design Category	D

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. According to the Oregon HazVu: Statewide



Geohazards Viewer, the subject site is regionally characterized as having a *moderate* risk of soil liquefaction (DOGAMI: HazVu, 2018).

For construction of single family structures, special design or construction measures are not required by code to mitigate the effects of liquefaction. However, GeoPacific may be consulted to perform further study of seismic hazards on the site if desired. If multi-family residential, high occupancy, or critical structures were to be incorporated into plans for site development, further study and evaluation of seismic hazards would be required by code to more fully evaluate the potential adverse effects due to liquefaction. We anticipate that our additional explorations on the site for the purpose of evaluating seismic hazards would include at least two cone penetrometer tests.

UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and his/her consultants for use in design of this project only. 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.

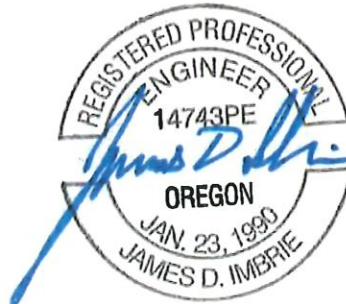
Within the limitations of scope, schedule and budget, GeoPacific executed these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, express or implied, 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.

Michael T. Baker
Geotechnical Staff



EXPIRES: 06/30/2019

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



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Geotechnical Engineering Report
Project No. 18-4860, The Riverlands Subdivision, Newberg, Oregon



CHECKLIST OF RECOMMENDED GEOTECHNICAL TESTING AND OBSERVATION

Item No.	Procedure	Timing	By Whom	Done
1	Preconstruction meeting	Prior to beginning site work	Contractor, Developer, Civil and Geotechnical Engineers	
2	Fill removal from site or sorting and stockpiling	Prior to mass stripping	Soil Technician/ Geotechnical Engineer	
3	Stripping, aeration, and root-picking operations	During stripping	Soil Technician	
4	Compaction testing of engineered fill (95% of Standard Proctor)	During filling, tested every 2 vertical feet	Soil Technician	
5	Compaction testing of trench backfill (95% of Standard Proctor)	During backfilling, tested every 4 vertical feet for every 200 lineal feet	Soil Technician	
6	Street Subgrade Inspection	Prior to placing base course	Soil Technician	
7	Base course compaction (95% of Modified Proctor)	Prior to paving, tested every 200 lineal feet	Soil Technician	
8	Footing Subgrade Inspection	Prior to placement of forms	Soil Technician/ Geotechnical Engineer	
9	Final Geotechnical Engineer's Report	Completion of project	Geotechnical Engineer	



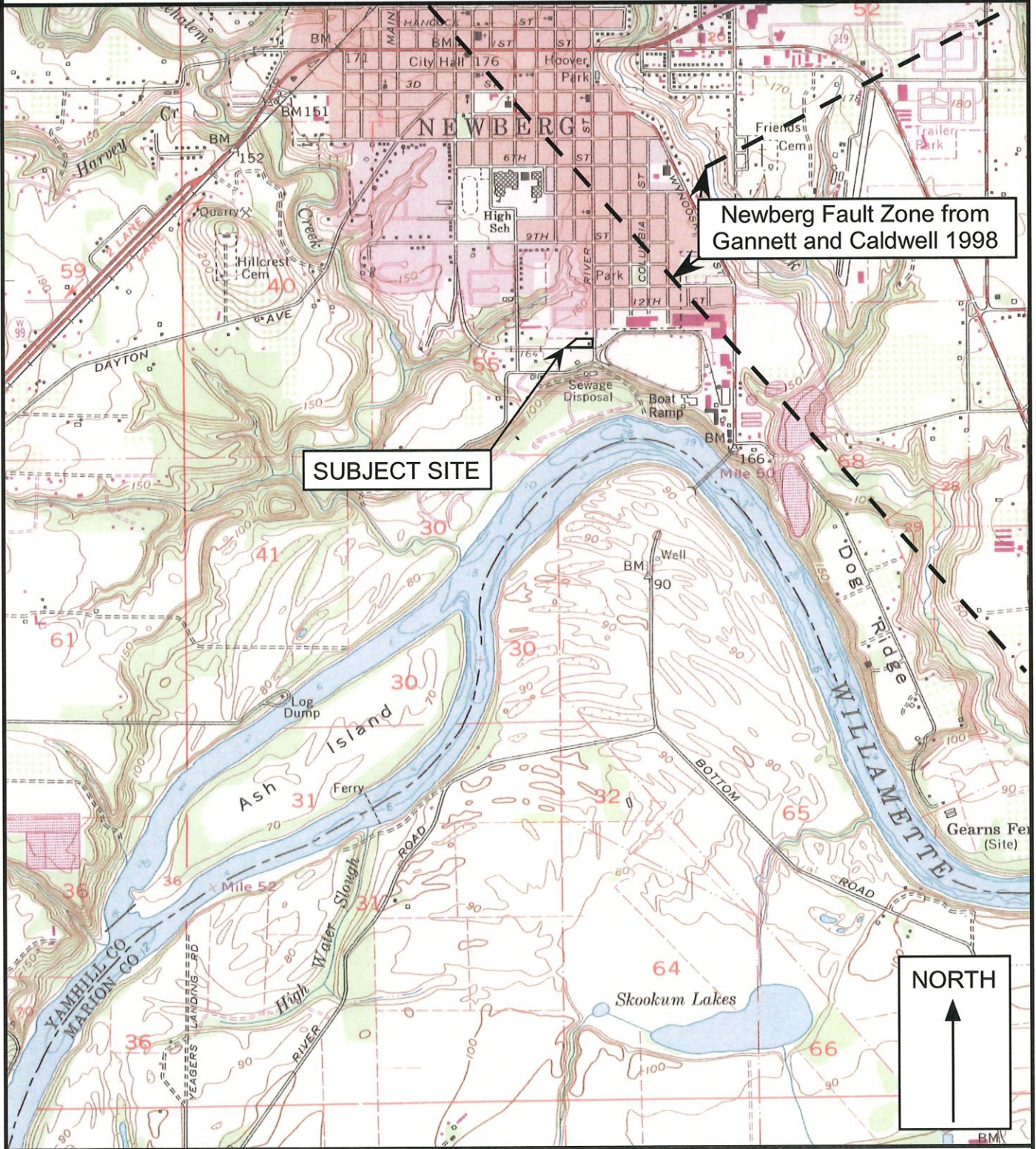
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FIGURES



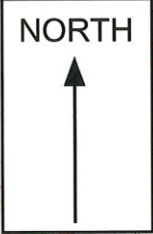
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

VICINITY MAP



SUBJECT SITE

Newberg Fault Zone from Gannett and Caldwell 1998



Legend

Approximate Scale 1 in = 2,000 ft

Date: 3.20.2018

Drawn by: MTB

Base map: U.S. Geological Survey 7.5 minute Topographic Map Series, Newberg, Oregon Quadrangle, 1961 (Photorevised in 1985).

Project: The Riverlands Subdivision
Newberg, Oregon

Project No. 18-4860

FIGURE 1



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

SITE PLAN AND EXPLORATION LOCATIONS



Preliminary site plan provided by David Danicic, P.E.

Legend

TP-1 Test Pit Designation and Approximate Location

Site Boundary

0 50'
 APPROXIMATE SCALE 1"=50'

Date: 3.20.2018
 Drawn by: MTB

Project: The Riverlands Subdivision
 Newberg, Oregon

Project No. 18-4860

FIGURE 2



Real-World Geotechnical Solutions
Investigation • Design • Construction Support




EXPLORATION LOGS









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

TEST PIT LOG

Project: The Riverlands Subdivision Newberg, Oregon	Project No. 18-4860	Boring No. TP-1
--	---------------------	------------------------

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1		0.5			Soft, highly organic SILT (OL), dark brown, grass roots and plant litter, moist to wet [Topsoil]
2		1.5			Soft to stiff, FAT CLAY (CH), light gray, faint orange mottling, high plasticity, medium expansivity, homogenous, moist [Willamette Formation]
3		4.0			
4		2.5			Very stiff, lean CLAY (CL), light brown, moderate plasticity, homogenous, moist [Willamette Formation]
5					Very stiff, SILT (ML), trace sand, light brown, low plasticity, friable, homogenous, small holes less than 1/8 inch in diameter, damp [Willamette Formation]
6					
7					
8					Infiltration test IT-1 conducted at -8.3 feet bgs. Measured hydraulic conductivity (k) = 0 inches per hour.
9					Very stiff, sandy SILT (SM), fine to medium sand, light brown, low plasticity, homogenous, small holes less than 1/8 inch in diameter, moist [Willamette Formation]
10					
11					Test Pit terminated at 10.5 feet. No groundwater or seepage encountered in excavation.
12					
13					
14					


LEGEND  Bag Sample  Split-Spoon  Shelby Tube Sample  Seepage  Static Water Table  Water Bearing Zone						Date Excavated: 3.19.2018 Logged By: MTB Surface Elevation: <u>169 Feet</u>
--	--	--	--	--	--	---









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

TEST PIT LOG

Project: The Riverlands Subdivision Newberg, Oregon	Project No. 18-4860	Boring No. TP-2
--	---------------------	------------------------

Depth (ft)	Sample Type	tons/sq. ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1		0.25			Soft, highly organic SILT (OL), dark brown, grass roots and plant litter, crushed aggregate and brick debris, moist to wet [Topsoil/Fill]
2		2.0			Medium stiff to stiff, FAT CLAY (CH), light gray, faint orange mottling, high plasticity, medium expansivity, homogenous, moist [Willamette Formation]
3		3.0			Very stiff, lean CLAY (CL), light brown, moderate plasticity, homogenous, moist [Willamette Formation]
4		3.5			
5					
6					Very stiff, SILT (ML), trace sand, light brown, low plasticity, friable, homogenous, small holes less than 1/8 inch in diameter, damp [Willamette Formation]
7					
8					Very stiff, sandy SILT (SM), fine to medium sand, light brown, low plasticity, homogenous, small holes less than 1/8 inch in diameter, moist [Willamette Formation]
9					
10					
11					Test Pit terminated at 11 feet. Perched groundwater seepage encountered in excavation at 10.5 Feet, Discharge visually estimated at less than 1/8 gallon per minute.
12					
13					
14					

LEGEND  100 to 1,000 g  Split-Spoon  Shelby Tube Sample  Seepage  Static Water Table  Water Bearing Zone						Date Excavated: 3.19.2018 Logged By: MTB Surface Elevation: <u>171 Feet</u>
---	--	--	--	--	--	---



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

TEST PIT LOG

Project: The Riverlands Subdivision
 Newberg, Oregon

Project No. 18-4860

Boring No. **TP-3**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1		0.25			Soft, highly organic SILT (OL), dark brown, grass roots and plant litter, crushed aggregate and brick debris, moist to wet [Topsoil]
2		1.5			Medium stiff to stiff, FAT CLAY (CH), light gray, faint orange mottling, high plasticity, medium expansivity, homogenous, moist [Willamette Formation]
3		2.5			Very stiff, lean CLAY (CL), light brown, moderate plasticity, homogenous, moist [Willamette Formation]
4		2.5			
5					
6					Very stiff, SILT (ML), trace sand, light brown, low plasticity, friable, homogenous, small holes less than 1/8 inch in diameter, damp [Willamette Formation]
7					
8					Very stiff, sandy SILT (SM), fine to medium sand, light brown, low plasticity, homogenous, small holes less than 1/8 inch in diameter, moist [Willamette Formation]
9					
10					
11					Test Pit terminated at 11 feet. No groundwater or seepage encountered in excavation.
12					
13					
14					

LEGEND



100 to 1,000 g
Bag Sample



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

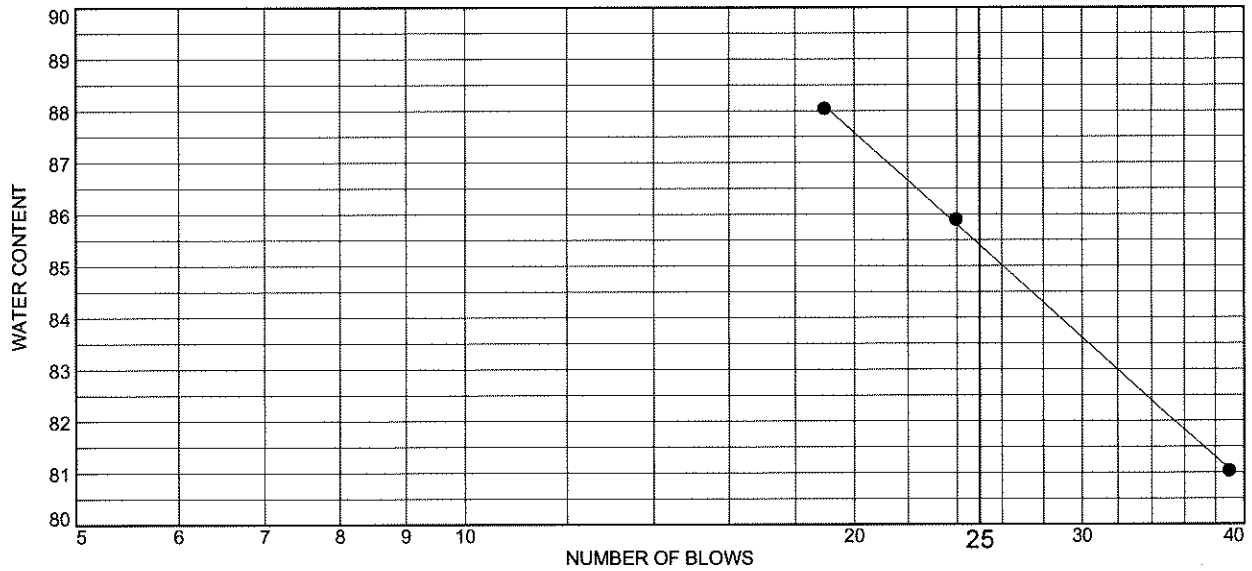
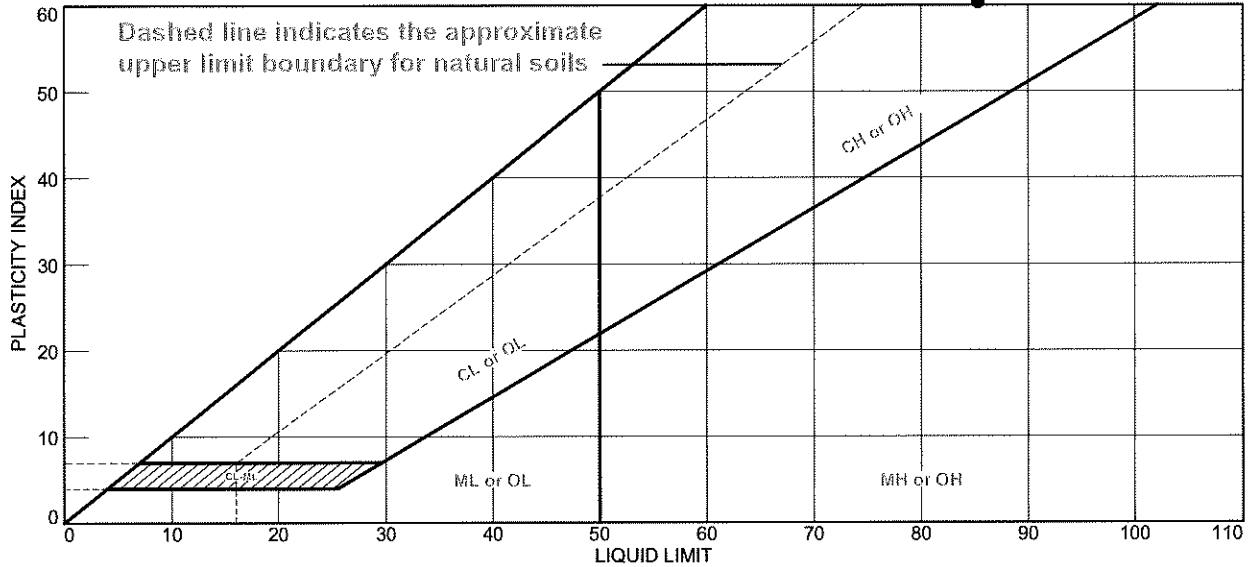
Date Excavated: 3.19.2018
 Logged By: MTB
 Surface Elevation: 171 Feet



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LABORATORY TEST RESULTS

LIQUID AND PLASTIC LIMITS TEST REPORT



MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
Fat Clay	85.4	25.1	60.3	99.0	95.2	CH

Project No. 18-4860 **Client:** Riverlands, LLC
Project: The Riverlands Subdivision
Location: TP-1
Sample Number: S18-081 **Depth:** 2'

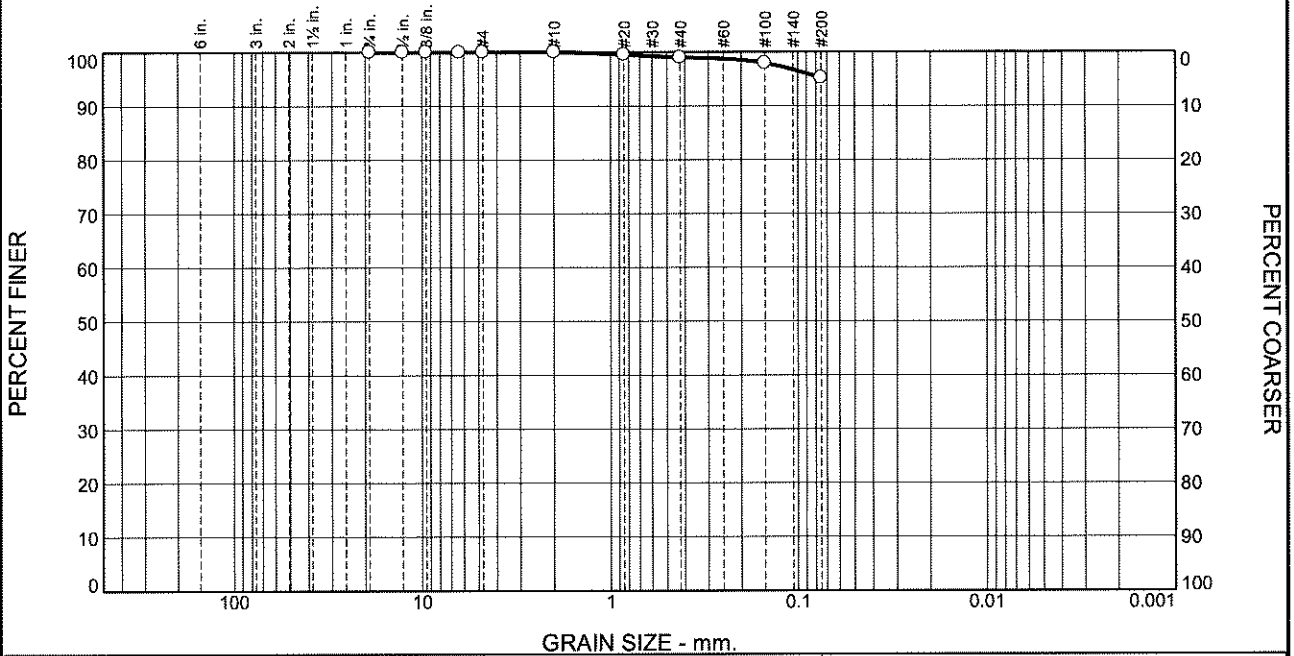
Remarks:

GEOPACIFIC ENGINEERING, INC.

Figure

Tested By: SJC

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	0.0	0.0	1.0	3.8	95.2	

TEST RESULTS			
Opening Size	Percent Finer	Spec.* (Percent)	Pass? (X=Fail)
.75	100.0		
.5	100.0		
.375	100.0		
.25	100.0		
#4	100.0		
#10	100.0		
#20	99.5		
#40	99.0		
#100	97.9		
#200	95.2		

Material Description

Fat Clay

Atterberg Limits (ASTM D 4318)

PL= 25.1 LL= 85.4 PI= 60.3

Classification

USCS (D 2487)= CH AASHTO (M 145)= A-7-6(66)

Coefficients

D₉₀= D₈₅= D₆₀=
D₅₀= D₃₀= D₁₅=
D₁₀= C_u= C_c=

Remarks

Moisture 34.5%

Date Received: _____ Date Tested: 3/23/2018

Tested By: SJC

Checked By: _____

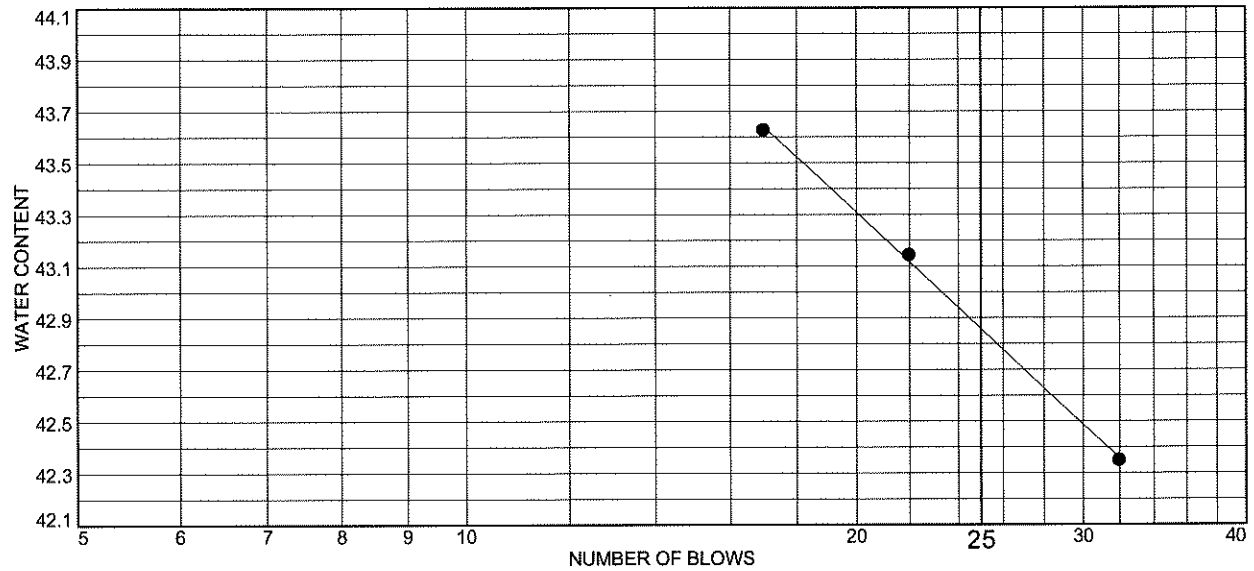
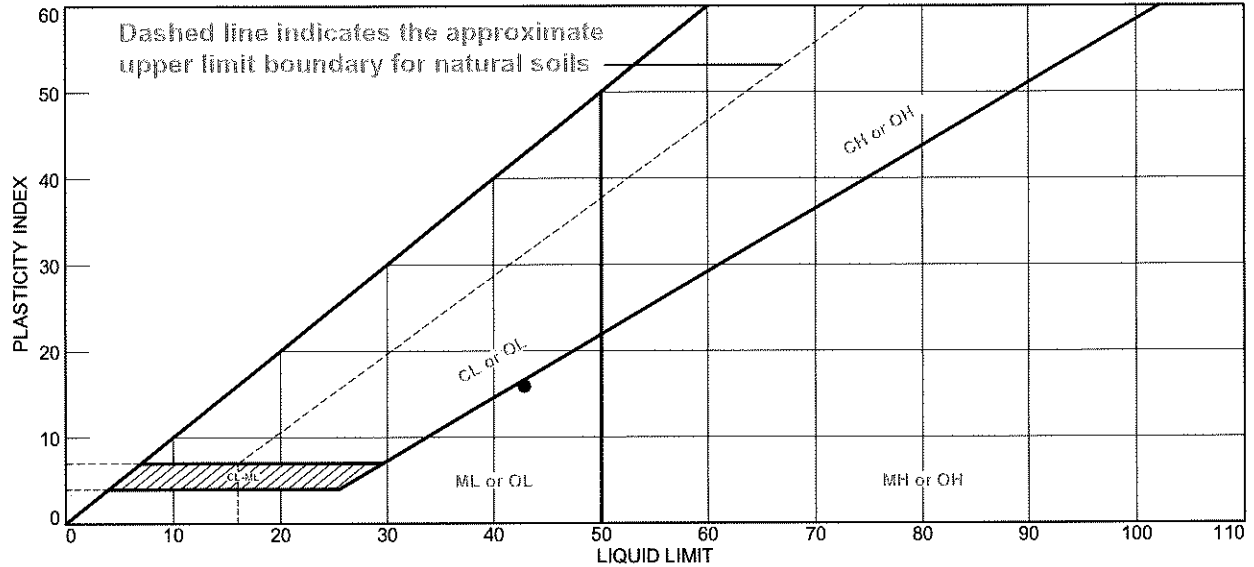
Title: _____

* (no specification provided)

Location: TP-1 Sample Number: S18-081 Depth: 2' Date Sampled: 3/19/2018

<h2 style="margin: 0;">GEO PACIFIC ENGINEERING, INC.</h2>	<p>Client: Riverlands, LLC</p> <p>Project: The Riverlands Subdivision</p> <p>Project No: 18-4860</p> <p style="text-align: right;">Figure</p>
---	---

LIQUID AND PLASTIC LIMITS TEST REPORT



MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
Silt with Sand	42.9	27.1	15.8	99.2	81.4	ML

Project No. 18-4860 Client: Riverlands, LLC
 Project: The Riverlands Subdivision
 Location: TP-1
 Sample Number: S18-082 Depth: 9'

Remarks:

GEOPACIFIC ENGINEERING, INC.

Figure

Tested By: SJC



Project Name: The Riverlands
 Project #: 18-4860 Sample ID: S18-081 Depth: 2'
 Material Type: Fat Clay
 Material Source: TP-1

EXPANSION INDEX ASTM D4829

Initial Height (0.001 in.)	<u>1.000</u>
Initial Moisture Content (0.1%)	<u>16.2</u>
Initial Dry Unit Weight (0.1 lbf/cu.ft.)	<u>91.0</u>
Initial Degree of Saturation (50.0+/-2%)	<u>51.4</u>
Initial Dial Reading (0.001 in.)	<u>0.2489</u>
Final Dial Reading (0.001 in.)	<u>0.1665</u>
Final Moisture Content (0.1%)	<u>0.4</u>
Expansion Index	<u>82</u>

Sampled By: MTB
 Sample Date: 3/15/2018

Tested By: SJC
 Tested Date: 3/28/2018

Expansion Index, EI

0-20
 21-50
 51-90
 91-130
 >130

Potential Expansion

Very Low
 Low
 Medium
 High
 Very High



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FLEXIBLE PAVEMENT DESIGN

=====

DARWin(tm) - Pavement Design

A Proprietary AASHTOWARE(tm)
Computer Software Product

Flexible Structural Design Module

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, OR 97224
Michael T Baker

Project Description

18-4860 The Riverlands Subdivision Local Public Street within Western
Cul-de-sac New Pavement Section

Flexible Structural Design Module Data

18-kip ESALs Over Initial Performance Period: 53,248
Initial Serviceability: 4.2
Terminal Serviceability: 2.5
Reliability Level (%): 85
Overall Standard Deviation: .5
Roadbed Soil Resilient Modulus (PSI): 7,500
Stage Construction: 1

Calculated Structural Number: 2.09

Specified Layer Design

Layer: 1
Material Description: 1/2-0 Lv 2 HMAC
Structural Coefficient (Ai): .42
Drainage Coefficient (Mi): 1
Layer Thickness (Di) (in): 3.00
Calculated Layer SN: 1.26

Layer: 2
Material Description: 3/4-0 Crushed Rock
Structural Coefficient (Ai): .1
Drainage Coefficient (Mi): 1
Layer Thickness (Di) (in): 2.00
Calculated Layer SN: .20

Layer: 3
Material Description: 1.5-0 Crushed Rock
Structural Coefficient (Ai): .1
Drainage Coefficient (Mi): 1
Layer Thickness (Di) (in): 8.00
Calculated Layer SN: .80

Total Thickness (in): 13.00
Total Calculated SN: 2.26

=====

DARWin(tm) - Pavement Design

A Proprietary AASHTOWARE(tm)
Computer Software Product

Flexible Structural Design Module

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, OR 97224
Michael T Baker

Project Description

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18-kip ESALs Over Initial Performance Period: 53,248
Initial Serviceability: 4.2
Terminal Serviceability: 2.5
Reliability Level (%): 85
Overall Standard Deviation: .5
Roadbed Soil Resilient Modulus (PSI): 7,500
Stage Construction: 1

Calculated Structural Number: 2.09

Simple ESAL Calculation

Initial Performance Period (years): 20
Initial Two-Way Daily Traffic (ADT): 200
% Heavy Trucks (of ADT) FHWA Class 5 or Greater: 3
Number of Lanes In Design Direction: 2
Percent of All Trucks In Design Lane (%): 100
Percent Trucks In Design Direction (%): 50
Average Initial Truck Factor (ESALs/truck): 2
Annual Truck Factor Growth Rate (%): 0
Annual Truck Volume Growth Rate (%): 2
Growth: Compound

Total Calculated Cumulative Esals: 53,248

EXHIBIT H

Conceptual Architectural Plans (3-Bedroom)

1,910 TOTAL SQUARE FEET

LOGAN

LOT 18D RIVERLANDS

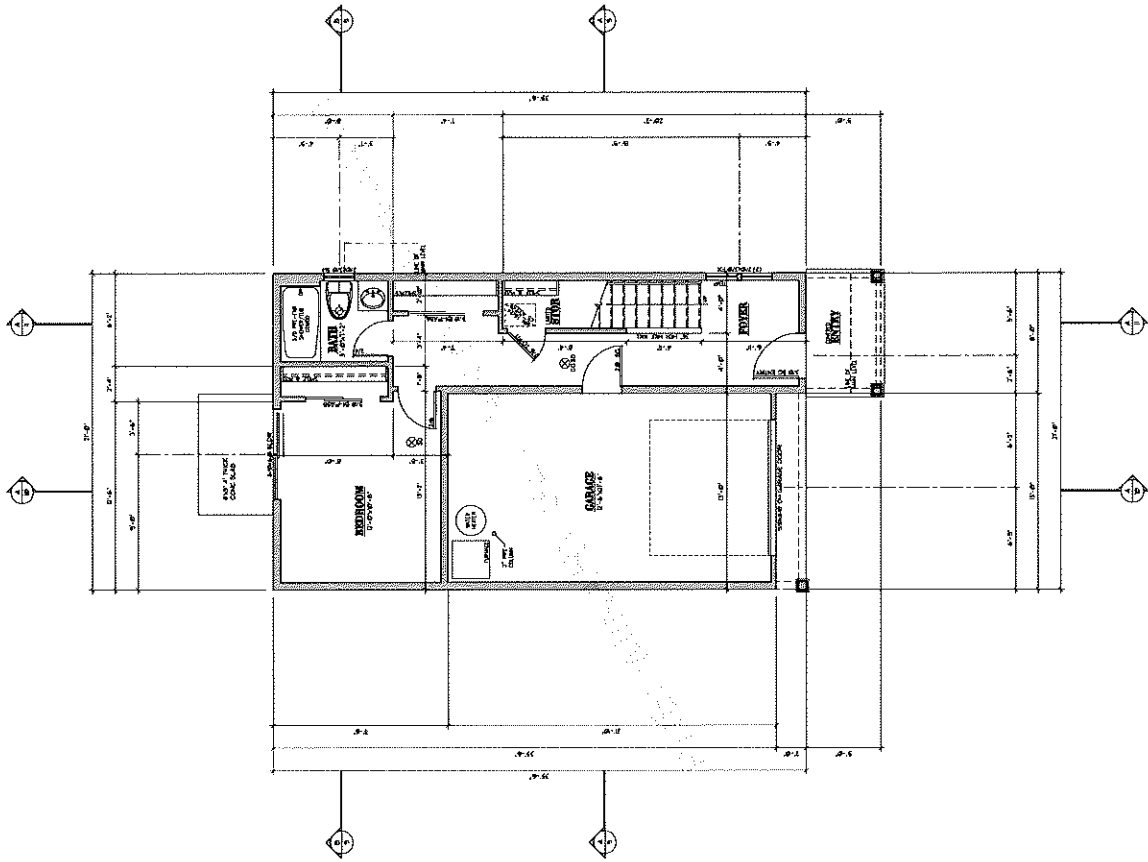
RIVERLANDS SUBDIVISION, LLC

PLAN NUMBER 111312



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JOB NO. 111312
DATE: 02/20/20
SHEET NO. 2



LOWER LEVEL FLOOR PLAN
SCALE 1/4"=1'-0"
438 SQ. FT.

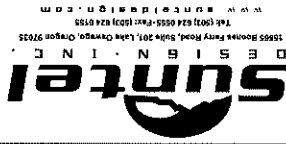
1,910 TOTAL SQUARE FEET

LOGAN

LOT TBD RIVERLANDS

RIVERLANDS SUBDIVISION, LLC

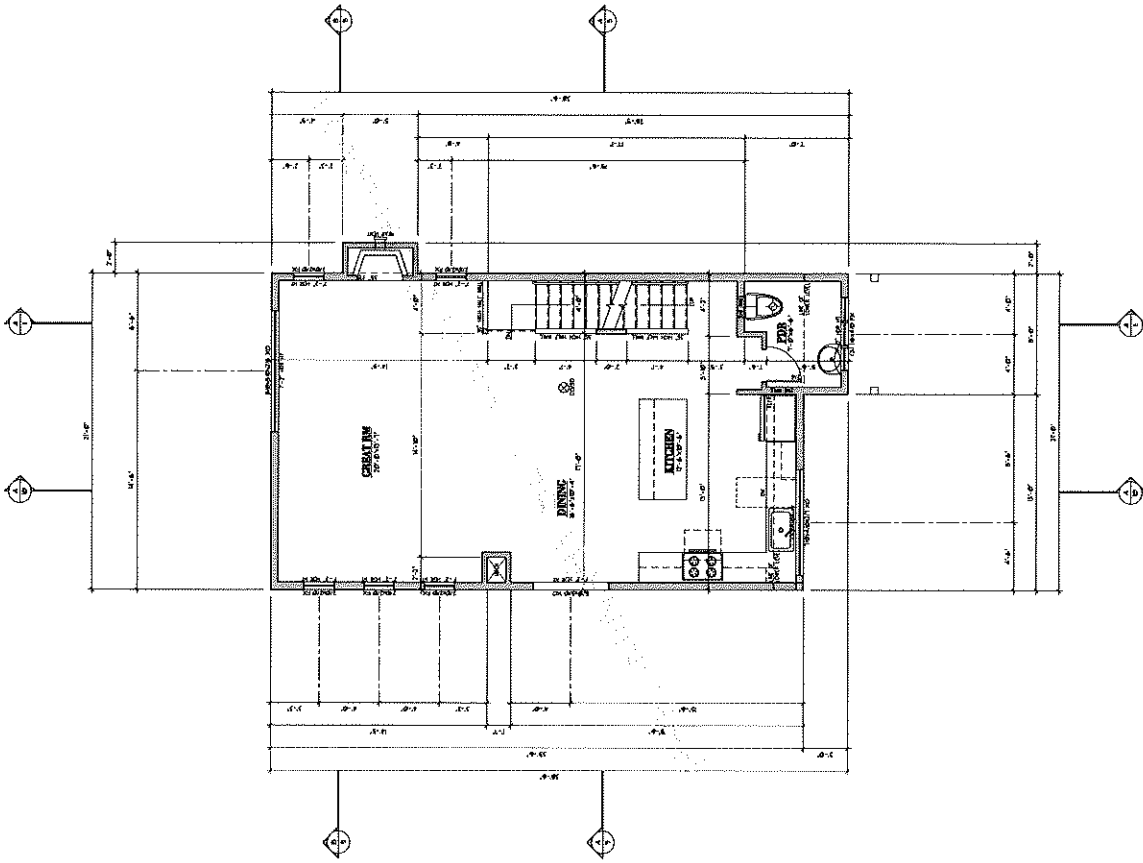
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DATE: 3/2018
NAME: JACOB L. BE
DATE: 3/2018

3



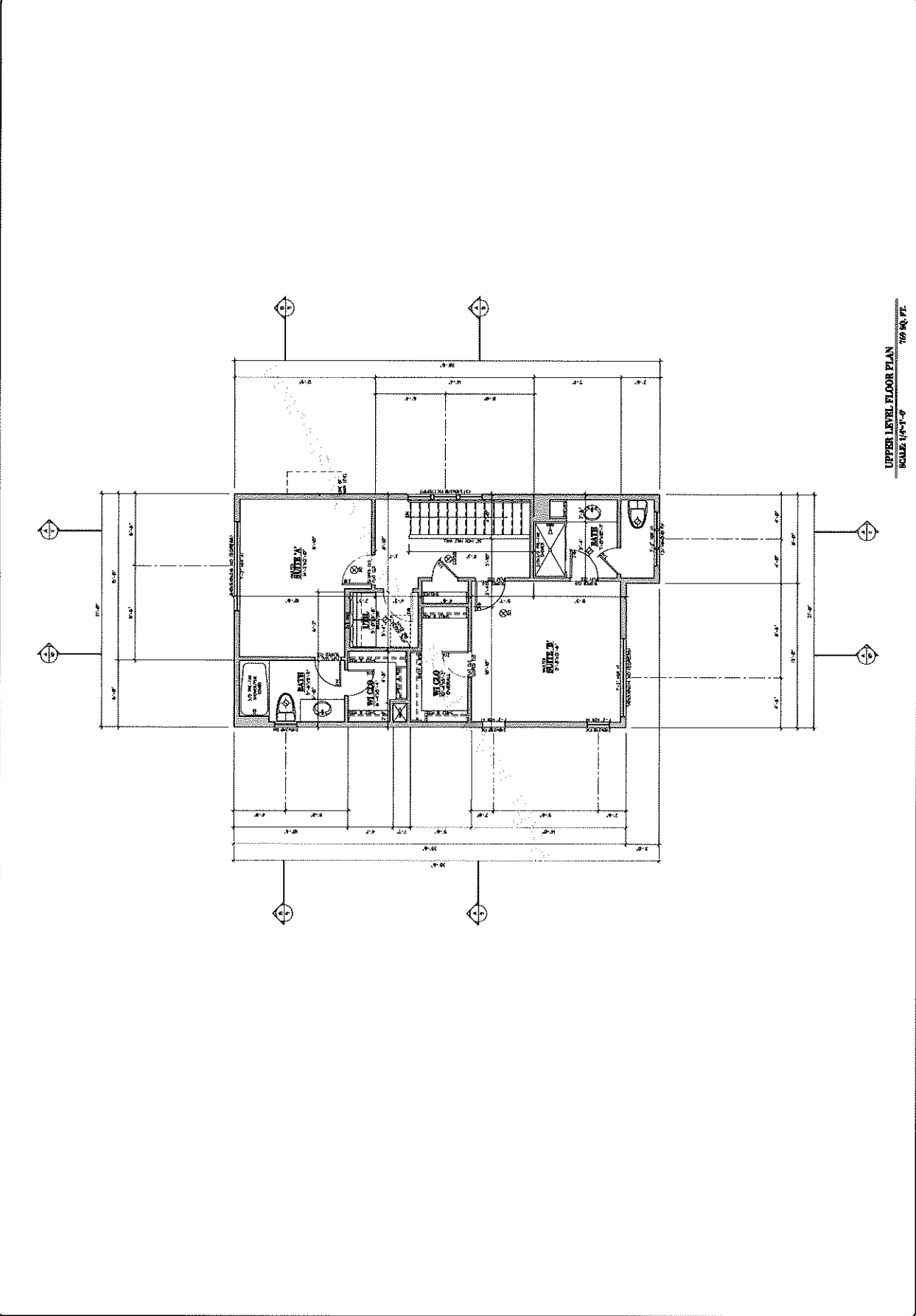
MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"
7/6 9/4 FT.

DATE: 1/20/20
SCALE: 1/8" = 1'-0"

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RIVERLANDS SUBDIVISION LLC
PLAN NUMBER 111312
1,910 TOTAL SQUARE FEET



UPPER LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"

EXHIBIT I

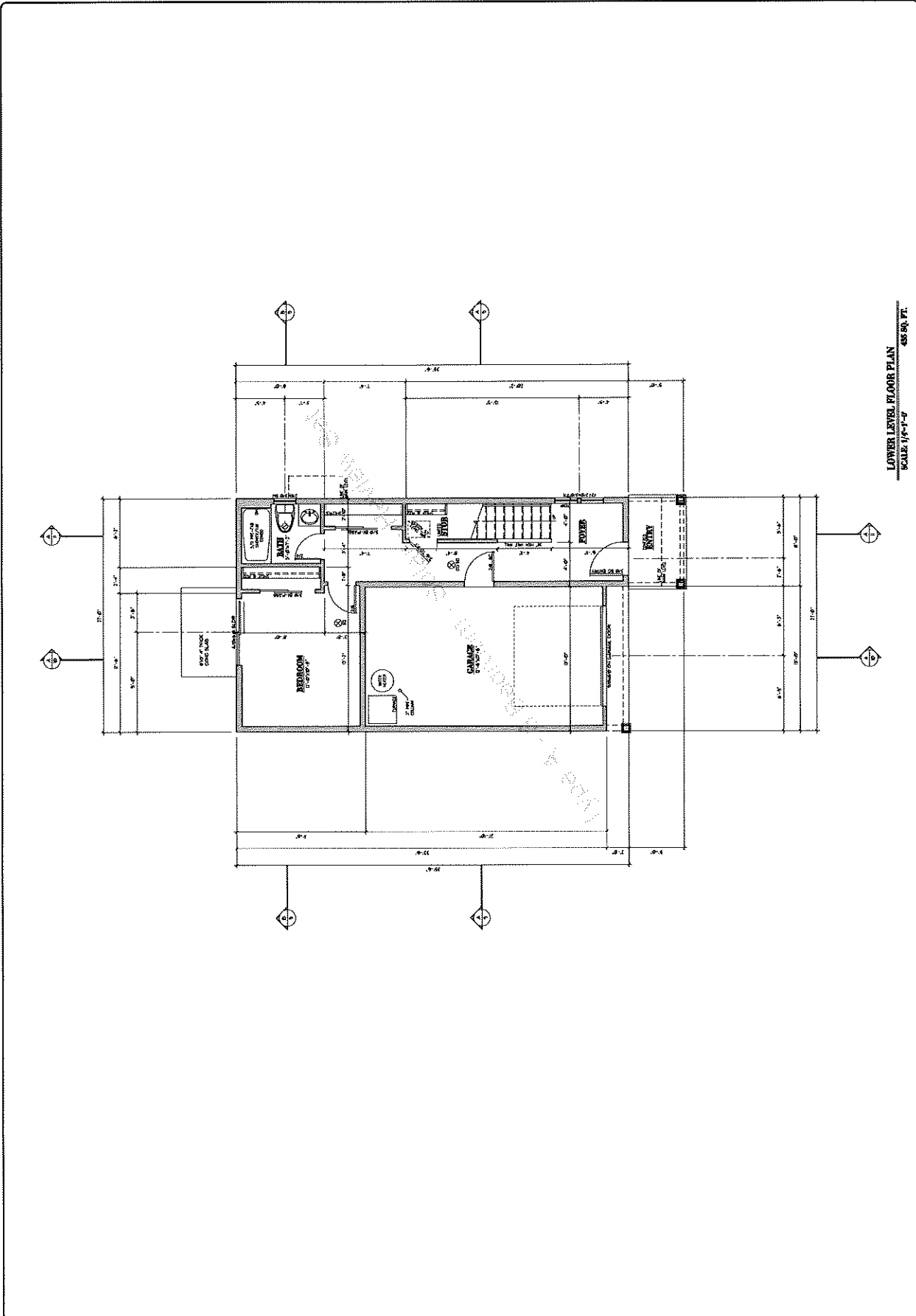
Conceptual Architectural Plans (3-Bedroom “Solar”)

LOT TBD RIVERLANDS
 RIVERLANDS SUBDIVISION, LLC
LOGAN
 PLAN NUMBER 111312
 1,947 TOTAL SQUARE FEET



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DATE: 10/13/2014
 DATE: 10/13/2014
 2



1,847 TOTAL SQUARE FEET

PLAN NUMBER 111312

LOGAN

LOT 18D RIVERLANDS

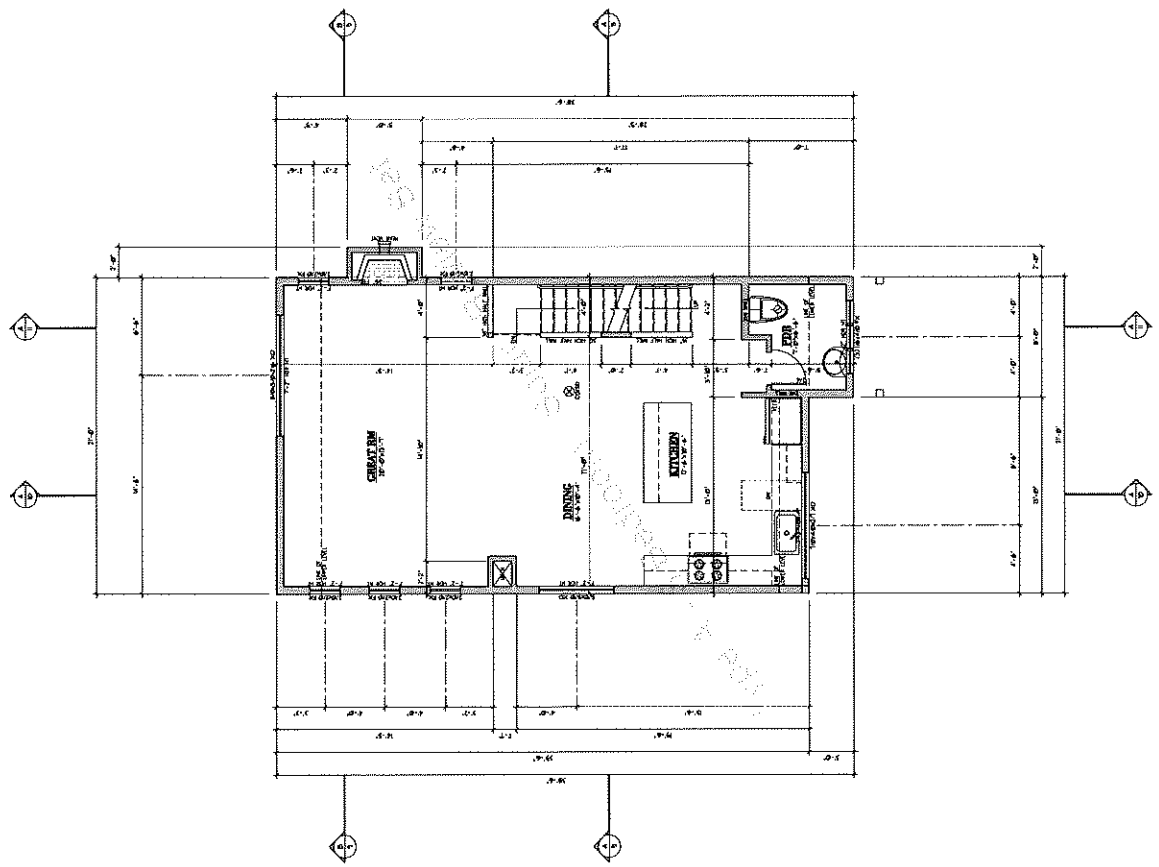
RIVERLANDS SUBDIVISION, LLC



10445 Booneville Ferry Road, Suite 201, Lake Oswego, Oregon 97036
Tel: (503) 624-0555 Fax: (503) 624-0155
WWW.SUNSTELDESIGN.COM

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DATE: 1/20/09
DATE: 3/20/09
3



MAIN LEVEL FLOOR PLAN
SCALE 1/4"=1'-0"
76'-00" FT.

4

CDS NAME: THE S.I. BUILD DATE: 3/20/20

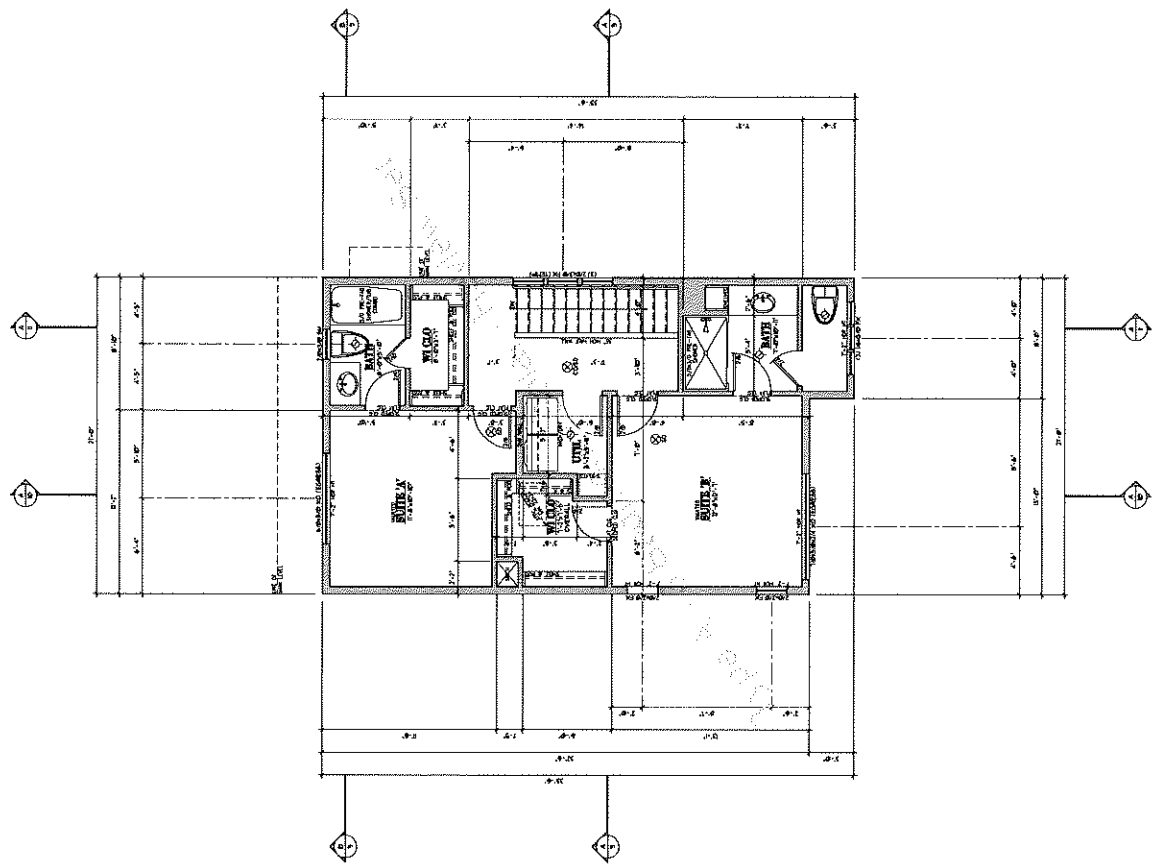
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RIVERLANDS SUBDIVISION, LLC PLAN NUMBER 111312

LOGAN

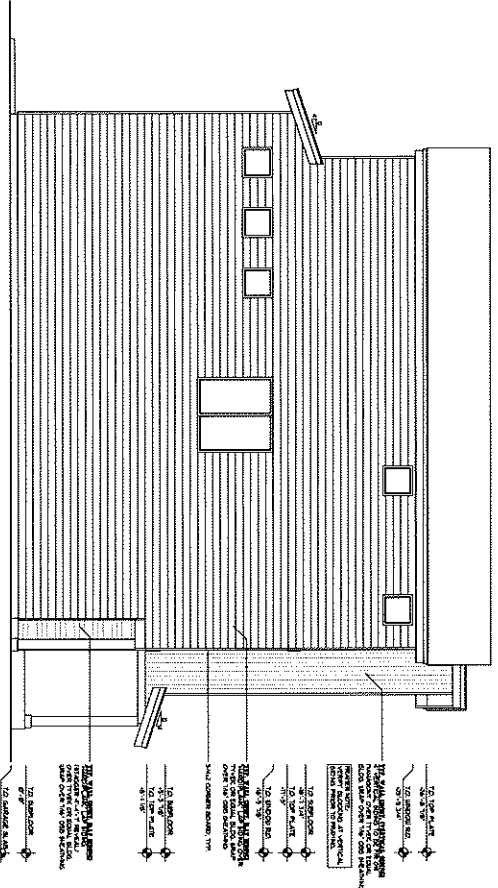
LOT TBD RIVERLANDS 1,847 TOTAL SQUARE FEET



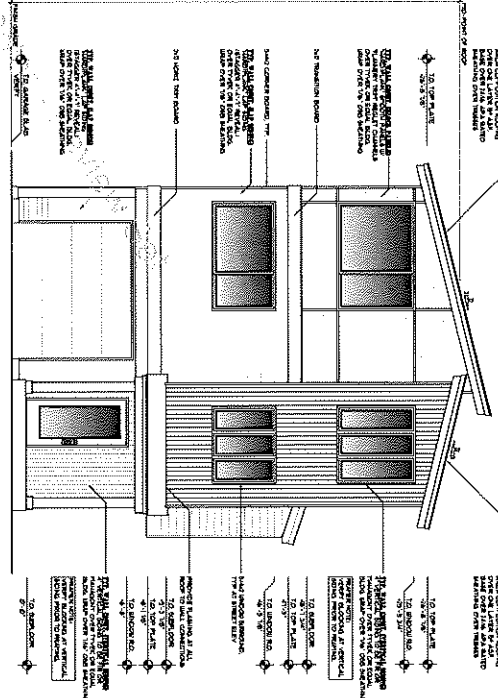
UPPER LEVEL FLOOR PLAN SCALE: 1/4" = 1'-0" 706 SQ. FT.

EXHIBIT J

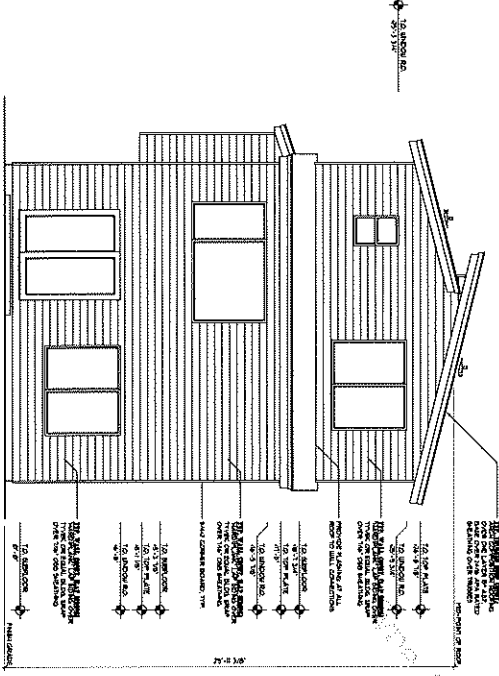
Conceptual Architectural Plans
(2-Bedroom “Solar”)



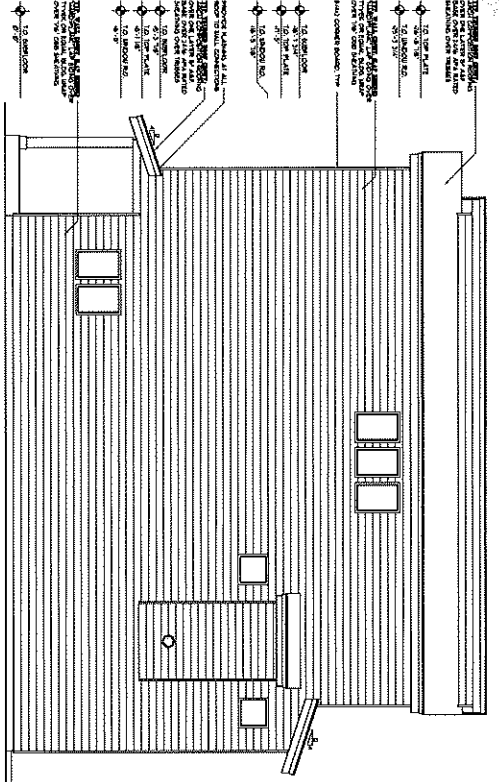
LEFT ELEVATION
SCALE 1/4"=1'-0"



FRONT ELEVATION
SCALE 1/4"=1'-0"



REAR ELEVATION
SCALE 1/4"=1'-0"



RIGHT ELEVATION
SCALE 1/4"=1'-0"

DATE: 03/20/14
DRAWN BY: J.W. B. B.S. 14

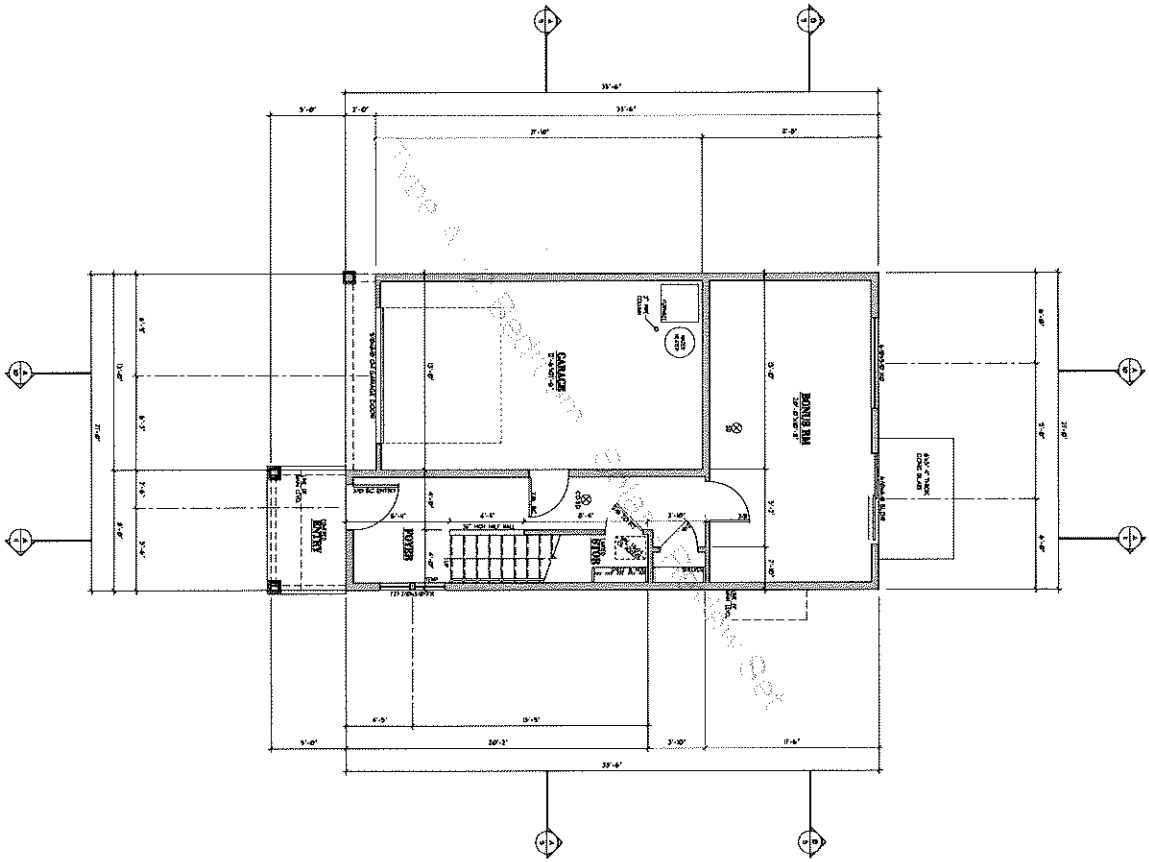
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Suntel
DESIGN, INC.
16865 Boones Ferry Road, Suite 201, Lake Oswego, Oregon 97035
Tel: (503) 624-0555-Fax: (503) 624-0155
www.suntelgroup.com

RIVERLANDS SUBDIVISION, LLC
PLAN NUMBER 111312

LOGAN

LOT TBD RIVERLANDS
1,847 TOTAL SQUARE FEET



LOWER LEVEL FLOOR PLAN
 SCALE: 1/4"=1'-0"
 435 SQ. FT.

2

DATE: 11/20/09
 SHEET: 2 OF 2
 15

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 Tel: (503) 624-0555-Fax: (503) 624-0150
 www.sunteldesign.com

RIVERLANDS SUBDIVISION, LLC

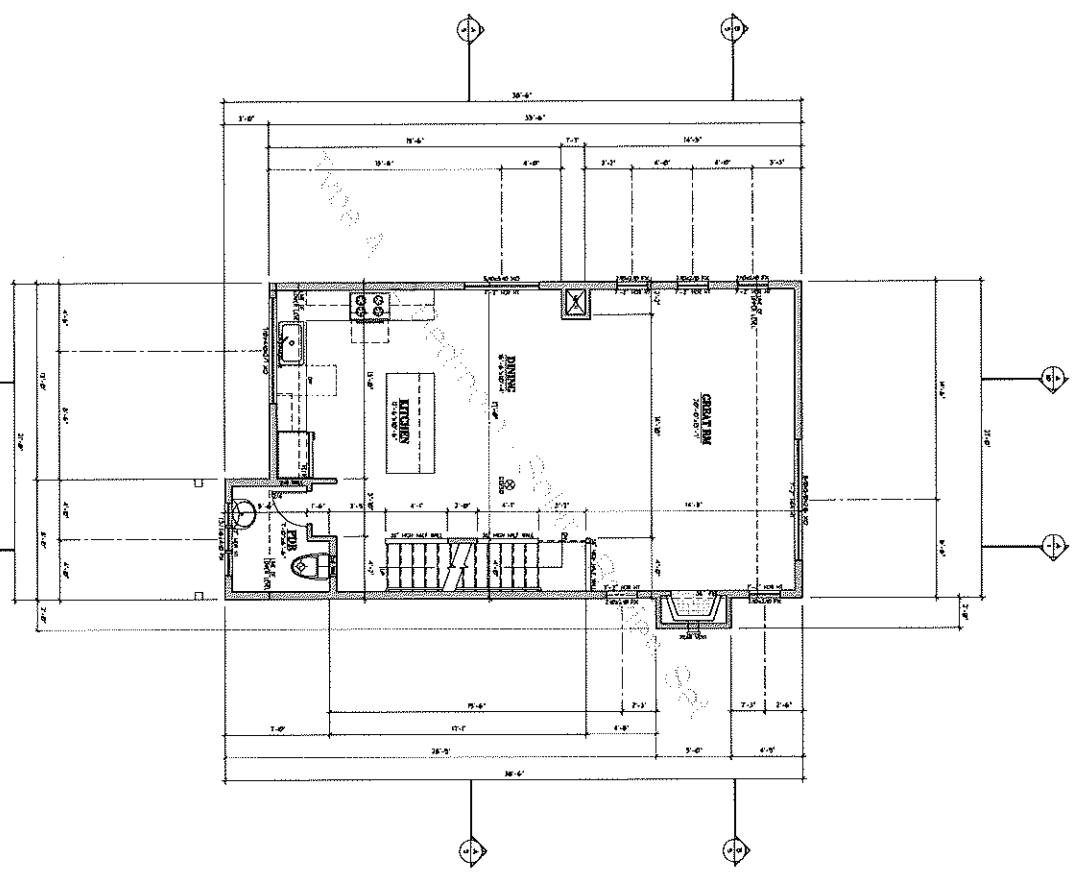
LOT TBD RIVERLANDS

LOGAN

PLAN NUMBER 111312

1,847 TOTAL SQUARE FEET

MAIN LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"



3

DATE: 11/18/2010
DNE: JACOB

THIS PLAN HAS BEEN PREPARED BY THE ARCHITECT OR ENGINEER AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN CONSENT OF SUNTEL DESIGN, INC. ANY REVISIONS TO THIS PLAN MUST BE APPROVED BY SUNTEL DESIGN, INC. IN WRITING. SUNTEL DESIGN, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN.

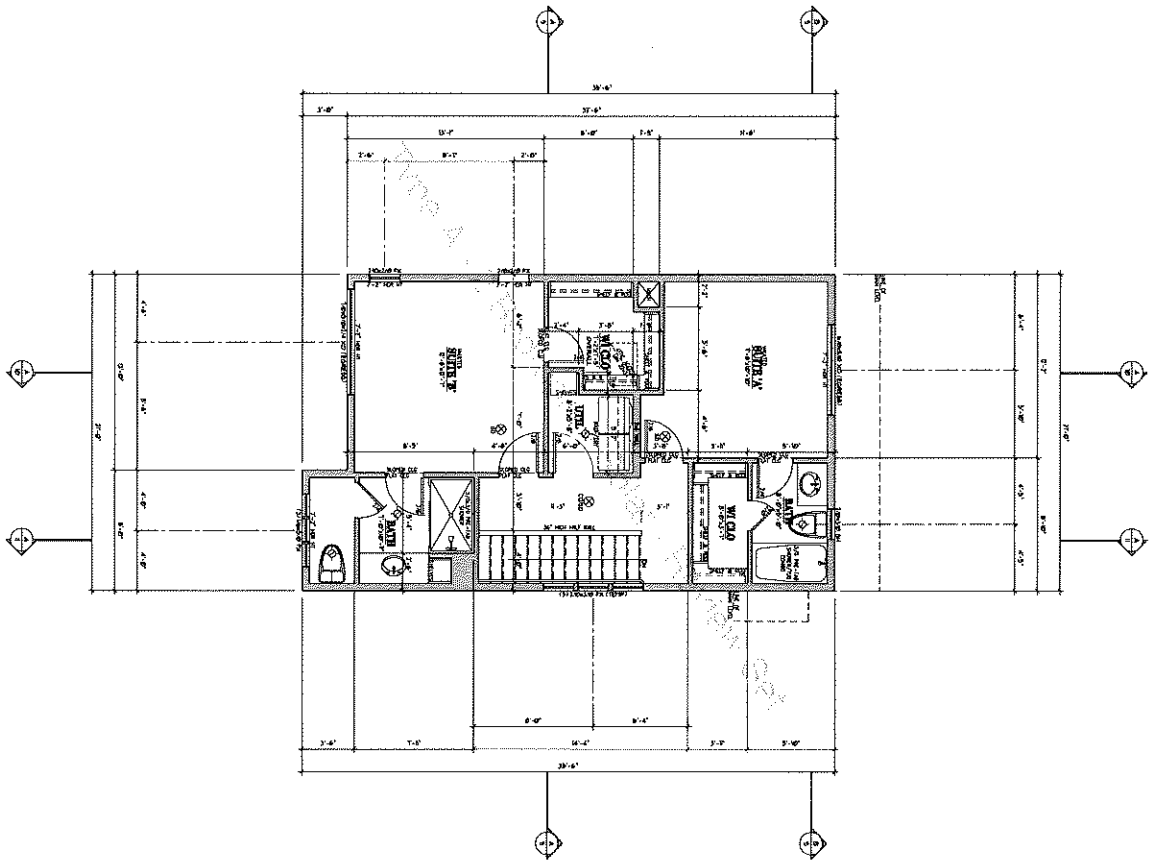
Suntel
DESIGN, INC.

16665 Boones Ferry Road, Suite 201, Lake Oswego, Oregon 97035
Tel: (503) 624-0555-Fax: (503) 624-0155
www.suntel-design.com

RIVERLANDS SUBDIVISION, LLC
PLAN NUMBER 111312

LOGAN

LOT TBD RIVERLANDS
1,847 TOTAL SQUARE FEET



UPPER LEVEL FLOOR PLAN
 SCALE: 1/4"=1'-0"

4

DATE: 11/28/08
 DRAWN BY: J.T.B./S.A.B.

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Suntel
 DESIGN, INC.
 16565 Boones Ferry Road, Suite 201, Lake Oswego, Oregon 97035
 Tel: (503) 624 0555-Fax: (503) 624 6155
 www.sunteldesign.com

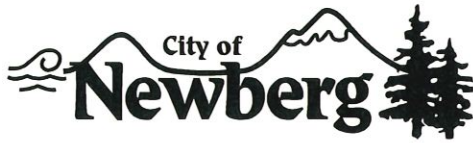
RIVERLANDS SUBDIVISION, LLC
 LOT TBD RIVERLANDS
LOGAN
 PLAN NUMBER 111312
 1,847 TOTAL SQUARE FEET

EXHIBIT K

Solar Exposure Exhibits

EXHIBIT L

Draft Public Notice



Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

NOTICE OF PLANNING COMMISSION HEARING ON AN COMPREHENSIVE PLAN AMENDMENT

A property owner in your neighborhood submitted an application to the City of Newberg for an 18-Lot Planned Unit Development. The Newberg Planning Commission will hold a hearing on **XXX** at 7pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would permit an 18-Lot Planned Unit Development Subdivision of the 1.56-acre property located on S. River St. in the City's Medium Density Residential/Riverfront Zoning District (R-2/RD).

APPLICANT/PROPERTY OWNER:	<i>Riverlands Subdivisión LLC</i>
TELEPHONE:	<i>971-706-2058</i>
LOCATION:	<i>1303 S River Street, Newberg</i>
TAX LOT NUMBER:	<i>Tax Map R3229/02500</i>



Working Together For A Better Community-Serious About Service"

C:\Users\MacKenzie\Desktop\CPA_WorkingPublicNotice-CPA.doc

We are mailing you information about this project because you own land within 500 feet of the proposed development. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

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

Written Comments: File xxx
 City of Newberg Community Development Department
 PO Box 970 Newberg, OR 97132

All written comments must be received by noon on **XXX**. Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

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. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240. A copy of the application is posted on the city website at www.newbergoregon.gov/planning.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a Planned Unit Development are found in Newberg Development Code Section 15.240.030

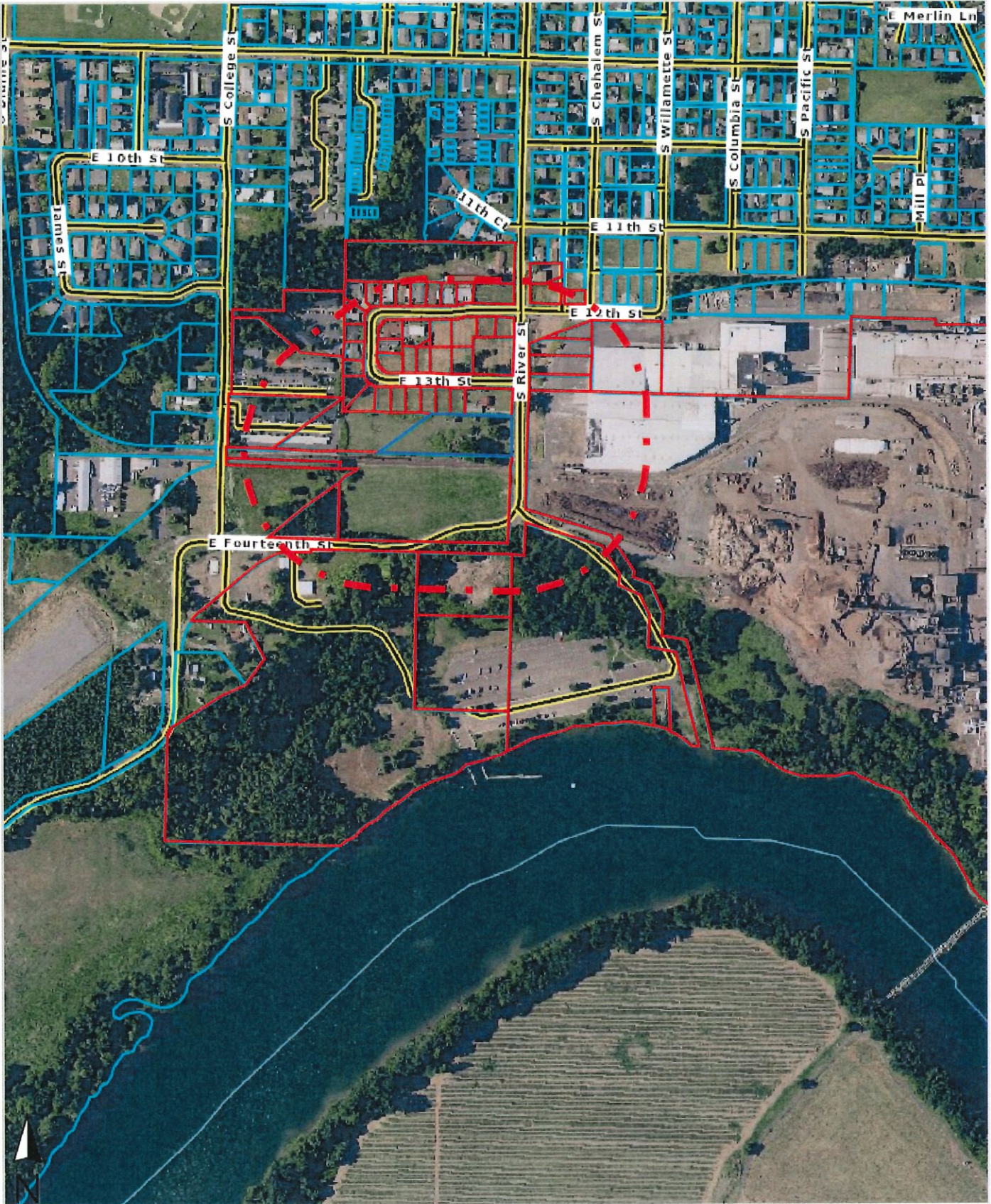
Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The Planning Commission will make a recommendation to the city council. The city council will then hold a public hearing, and make a decision at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, we will send you information about any decision made by the City relating to this project.

Date Mailed: **XXX**

EXHIBIT M

Property Owner Information (500' Radius)



First American Title™

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

374749
R3220CC05301
DEREK CUMMINS
1005 E 12TH ST
NEWBERG OR 97132

374794
R3220CC05304
JESUS QUEZADA
909 E 12TH ST
NEWBERG OR 97132

374829
R3220CC05307
KENNETH WILSON
1201 S MERIDIAN ST
NEWBERG OR 97132

374856
R3220CC05310
IMPERIO INVESTMENTS LLC
1103 N SPRINGBROOK RD
NEWBERG OR 97132

374883
R3220CC05313
OREGON STATE OF DEPT OF
TRANSPORTATION
355 CAPITOL ST NE RM 420
SALEM OR 97301

374936
R3220CC05316
OREGON STATE OF DEPT OF
TRANSPORTATION
RIGHT OF WAY SECTION 4040
FAIRVIEW INDUS
SALEM OR 97302

374963
R3220CC05319
OREGON STATE OF DEPT OF
TRANSPORTATION
RIGHT OF WAY SECTION 4040
FAIRVIEW INDUS
SALEM OR 97302

374990
R3220CC05322
OREGON STATE OF
4040 FAIRVIEW INDUSTRIAL DR
SE MS 2
SALEM OR 97302

375025
R3220CC05325
OREGON STATE OF
4040 FAIRVIEW INDUSTRIAL DR
SE MS 2
SALEM OR 97302

375052
R3220CC05328
JOSE JUAREZ
1010 S COLUMBIA ST
NEWBERG OR 97132

374758
R3220CC05302
LISA SURRATT
1001 E 12TH ST
NEWBERG OR 97132

374801
R3220CC05305
JOHN CAPUTO
905 E 12TH ST
NEWBERG OR 97132

374838
R3220CC05308
MARTIN ESPINDOLA
1203 S MERIDIAN ST
NEWBERG OR 97132

374865
R3220CC05311
OREGON STATE OF DEPT OF
TRANSPORTATION
RIGHT OF WAY SECTION 4040
FAIRVIEW INDUS
SALEM OR 97302

374892
R3220CC05314
OREGON STATE OF
355 CAPITOL ST NE RM 420
SALEM OR 97301

374945
R3220CC05317
OREGON STATE OF DEPT OF
TRANSPORTATION
RIGHT OF WAY SECTION 4040
FAIRVIEW INDUS
SALEM OR 97302

374972
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OREGON STATE OF
4040 FAIRVIEW INDUSTRIAL DR
SE MS 2
SALEM OR 97302

375007
R3220CC05323
OREGON STATE OF DEPT OF
TRANSPORTATION
4040 FAIRVIEW INDUSTRIAL DR
SE MS2
SALEM OR 97302

375034
R3220CC05326
DONALD STYMIEST
1208 S MERIDIAN ST
NEWBERG OR 97132

375089
R3220CC05330
OREGON STATE OF
4040 FAIRVIEW INDUSTRIAL DR
SE MS 2
SALEM OR 97302

374767
R3220CC05303
MARK TAYLOR
913 E 12TH ST
NEWBERG OR 97132

374810
R3220CC05306
DONALD GAY JR
PO BOX 783
MCMINNVILLE OR 97128

374847
R3220CC05309
STACIE PFOHL
1207 S MERIDIAN ST
NEWBERG OR 97132

374874
R3220CC05312
OREGON STATE OF DEPT OF
TRANSPORTATION
4040 FAIRVIEW INDUSTRIAL DR
SE MS#2
SALEM OR 97302

374909
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OREGON STATE OF
4040 FAIRVIEW INDUSTRIAL DR
SE MS#2
SALEM OR 97302

374954
R3220CC05318
OREGON STATE OF DEPT OF
TRANSPORTATION
RIGHT OF WAY SECTION 4040
FAIRVIEW INDUS
SALEM OR 97302

374981
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OREGON STATE OF
4040 FAIRVIEW INDUSTRIAL DR
SE MS 2
SALEM OR 97302

375016
R3220CC05324
OREGON STATE OF DEPT OF
TRANSPORTATION
RIGHT OF WAY SECTION 4040
FAIRVIEW INDUS
SALEM OR 97302

375043
R3220CC05327
LARRY ILER
906 E 12TH ST
NEWBERG OR 97132

375123
R3220CC05331
OREGON STATE OF
4040 FAIRVIEW INDUSTRIAL DR
SE MS 2
SALEM OR 97302

375267
R3220CC05332
OREGON STATE OF
4040 FAIRVIEW INDUSTRIAL DR
SE MS 2
SALEM OR 97302

401489
M00235454
PUBLISHERS PAPER CO
PO BOX 4098
NORCROSS GA 30091

454975
R322902201
SP FIBER TECHNOLOGIES
NORTHWEST LLC
1301 NE WYNOOSKI RD
NEWBERG OR 97132

513052
R3219DD01201
WOODVIEW 70 LLC
15350 SW SEQUOIA PKWY STE
250
PORTLAND OR 97224

58261
R3219DD01400
WOODVIEW 70 LLC
15350 SW SEQUOIA PKWY STE
250
PORTLAND OR 97224

61872
R3220CC04101
WILLIAM JOHNSTON
1255 INDEPENDENCE AVE
WOODBURN OR 97071

61916
R3220CC04400
SP FIBER TECHNOLOGIES
NORTHWEST LLC
PO BOX 4098
NORCROSS GA 30091

62032
R3220CC04700
SP FIBER TECHNOLOGIES
NORTHWEST LLC
PO BOX 4098
NORCROSS GA 30091

62185
R3220CC05400
TFRL LLC
5201 SW WESTGATE DR STE 206
PORTLAND OR 97221

67368
R322902600
SP FIBER TECHNOLOGIES
NORTHWEST LLC
PO BOX 4098
NORCROSS GA 30091

375285
R3220CC05333
OREGON STATE OF DEPT OF
TRANSPORTATION
RIGHT OF WAY SECTION 4040
FAIRVIEW INDUS
SALEM OR 97302

401498
M00235453
PUBLISHERS PAPER CO
PO BOX 4098
NORCROSS GA 30091

45953
R321900190
SP FIBER TECHNOLOGIES
NORTHWEST LLC
PO BOX 4098
NORCROSS GA 30091

559069
R321900191
SP FIBER TECHNOLOGIES
NORTHWEST LLC
PO BOX 4098
NORCROSS GA 30091

61792
R3220CC03500
OREGON STATE OF DEPT OF
TRANSPORTATION
RIGHT OF WAY SECTION 4040
FAIRVIEW INDUS
SALEM OR 97302

61881
R3220CC04200
SP FIBER TECHNOLOGIES
NORTHWEST LLC
PO BOX 4098
NORCROSS GA 30091

61989
R3220CC04500
SP FIBER TECHNOLOGIES
NORTHWEST LLC
PO BOX 4098
NORCROSS GA 30091

62050
R3220CC05300
CRAIG DALTON
3801 COFFEY LN
NEWBERG OR 97132

62194
R3220CC05401
OREGON STATE OF
RIGHT OF WAY SECTION 4040
FAIRVIEW INDUS
SALEM OR 97302

67386
R322902700
NEWBERG CITY OF
535 NE 5TH ST
MCMINNVILLE OR 97128

395708
M00221100
PUBLISHERS PAPER CO
PO BOX 4098
NORCROSS GA 30091

413608
M00235837
LARRY ILER
906 E 12TH ST
NEWBERG OR 97132

484831
M00265644
LISA SURRATT
1001 E 12TH ST
NEWBERG OR 97132

58163
R3219DD01200
WOODVIEW 70 LLC
29100 SW TOWN CENTER LOOP W
STE 100
WILSONVILLE OR 97070

61863
R3220CC04100
OREGON STATE OF
4040 FAIRVIEW INDUSTRIAL DR
SE MS 2
SALEM OR 97302

61907
R3220CC04300
SP FIBER TECHNOLOGIES
NORTHWEST LLC
PO BOX 4098
NORCROSS GA 30091

62005
R3220CC04600
SP FIBER TECHNOLOGIES
NORTHWEST LLC
PO BOX 4098
NORCROSS GA 30091

62112
R3220CC05390
THERESA GREEN
1301 S RIVER ST
NEWBERG OR 97132

67322
R322902200
SP FIBER TECHNOLOGIES
NORTHWEST LLC
PO BOX 4098
NORCROSS GA 30091

67448
R323000100
HARDROCK ENTERPRISES LLC
21880 SW FARMINGTON RD
BEAVERTON OR 97007

EXHIBIT N

Covenant of Rights and Remedies (Measure 49 Waiver)

AFTER RECORDING RETURN TO:
 City of Newberg
 Community Development Department
 PO Box 970 – (414 E. First Street)
 Newberg, OR 97132

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Recitals

- 1) The undersigned, Riverlands Subdivision LLC and _____ (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to Planned Unit Development, _____ for the real property described in **Exhibit A** which is attached hereto and incorporated herein.
- 2) Pursuant to the enactment of **Ballot Measure 49** (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.
- 3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
- 4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.
- 5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

NOW THEREFORE, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Planned Unit Development, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
- 2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

- 3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
- 4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

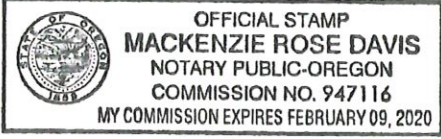
OWNER

MARC WILLCUTS, MEMBER JACKSON & COMPANY LLC
 JACKSON & COMPANY LLC, MEMBER RIVERLANDS SUBDIVISION LLC
 STATE OF OREGON)

County of Yamhill) ss.

This instrument was acknowledged before me on this 22nd day of OCTOBER, 2019, by
MARC WILLCUTS. and _____

Notary Public for Oregon
 My Commission expires: 02-09-20



CITY OF NEWBERG

APPROVED AS TO FORM:

Sue Ryan, City Recorder

Truman A. Stone, City Attorney

Dated: _____


Dated: _____

EXPIRES 31 DECEMBER 2018

Leland MacDonald & Assoc., LLC
 Land Surveyors
 3765 Riverside Drive
 McMinnville, OR 97128
 Phone: 472-7904
 Fax : 472-0367

3 December 2018

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR


 OREGON
 JANUARY 16, 2002
 Leland A. MacDonald
 53226

Description of Real property for: RIVERLANDS SUBDIVISION LLC

A tract of land located in Section 29, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said tract being more particularly described as follows:

Beginning at a point on the east margin of River Street in the City of Newberg, Oregon at the easterly extension of the south line of that tract of land described in deed from YVETTE SAARINEN to SIGMUND HOLDINGS LLC, recorded on November 22, 2017 in Instrument No. 201718769, Deed Records of Yamhill County, Oregon; thence North 00°20'30" West 165.33 feet, along said east margin to the easterly extension of the north line of said SIGMUND HOLDINGS LLC tract; thence North 89°46'54" West 30.00 feet to the northeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence North 89°46'54" West 326.85 feet to a point on the southerly margin of the Newberg-Dundee Bypass at a point that is 145.00 feet distant from, when measured perpendicular to the "L" centerline thereof, said point being the northwest corner of said SIGMUND HOLDINGS, LLC tract and said point also being a point on a non-tangent curve concave to the southeast and having a radius of 2805.85 feet; thence 5.86 feet southwesterly along said margin and said curve, the chord of which bears South 55° 56'20" West 5.86 feet, to the beginning of a 145.00 offset to a 600 foot centerline spiral curve at Engineers Station "L" 516+56.09; thence southwesterly along said margin and said spiral offset, the chord of which bears South 53°33'38" West 271.53 feet, to the southwest corner of said SIGMUND HOLDINGS, LLC tract; thence South 89°47'27" East 551.13 feet to the southeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence South 89°47'27" East 30.00 feet on the easterly extension of the south line of said tract to the POINT OF BEGINNING.

Attachment 2: Supplemental Application Material

Doug Rux

From: Mackenzie Davis <MacKenzie@dbvcorp.com>
Sent: Monday, January 20, 2020 9:17 AM
To: Doug Rux
Cc: Kristen Svicarovich
Subject: RE: Riverlands PUD

Doug,

Please find my responses to your questions regarding the Riverlands PUD below in blue. Please let me know if you'd like me to submit a formal memo.

Thank you, and enjoy your day off!

Mack



MacKenzie Davis, Land Acquisition & Develo

MAIN: 971-706-2058 Ext. 105 OFFICE: 971-281-80

mackenzie@dbvcorp.com

DEL BOCA VISTA

500 E. Hancock St. Newberg, OR 97132

P.O. Box 3189 Newberg, OR 97132

www.delbocavista.dev

PLEASE NOTE: This message, including any attachments, may include and/or inside information. Any distribution of this communication to an intended recipient is strictly prohibited and may be unlawful. If you are not an intended recipient, notify the sender by replying to this message and then delete the message from your system.

From: Doug Rux <Doug.Rux@newbergoregon.gov>
Sent: Sunday, January 19, 2020 2:45 PM
To: Mackenzie Davis <MacKenzie@dbvcorp.com>
Cc: Kristen Svicarovich <Kristen.Svicarovich@newbergoregon.gov>
Subject: Riverlands PUD

MacKenzie,

Working on your application and wanted to share what I have identified so far:

1. Kristen has given me her comments on the engineering side. I need to circle back with her as I identified today that the old (existing) Riverfront Master Plan requirements need to be included.

OK.

2. Your application did not address any of the requirements from the Riverfront provisions in Chapter 15.352.030 and 15.352.050.

Our responses to *Section 15.352.030* through *Section 15.352.050* are provided on Pages 28 – 30 of the Narrative. Were you looking for more detail?

3. No data or table was provided regarding lot coverage other an it would be met an would comply.

I did not provide lot coverage calculations as lot coverage is typically addressed during the Building Permit review. I would rather not provide lot coverage calculations now as it will tie my hands (in case changes are proposed to architectural designs due to changes in the Engineering design process, etc.). If you're open to it I would prefer that lot coverage standards be a Condition of Approval.

4. I have questions/concerns on the boundary of Lots 9 and 10 as they relate to Tract A.

Can you be more specific regarding your question on the Lot 9 & 10 boundaries please.

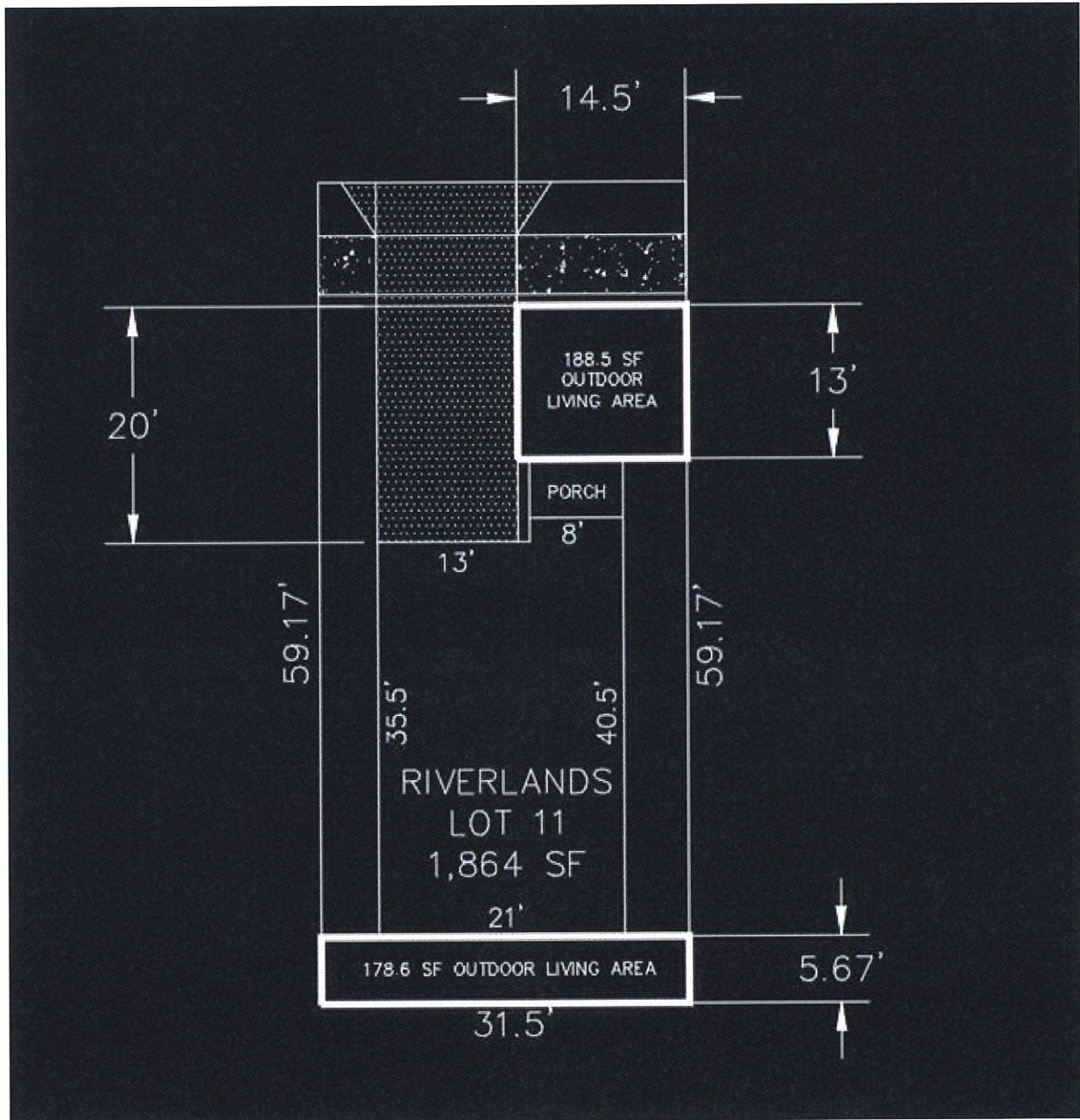
5. Working through the sun exposure requirements to check compliance an d structure height.

Sounds good.

6. Usable Outdoor Living Area - appears that the numbers provided are only for the ground floor. The standard requires gross floor area. Since the buildings are three floors I'm assuming the gfa is more that 720 square feet.

ARCH	LIVEABLE SF	REQUIRED OUTDOOR LIVING AREA
3-BED	1,910	191
3-BED SOLAR	1,847	185
2-BED SOLAR	1,847	185

The smallest Lots in question are Lot 11 through Lot 17, being 1,864 SF (require 185 SF of outdoor living area). Please see the below screenshot depicting how Lot 11 could satisfy said outdoor living area requirements (providing 367.1 SF of outdoor living area, when only 191 SF is required):



7. Design - Some of my questions on this standard go back to parking, lot coverage, Riverfront standards , lot size.

Dwellings require 2 off-street parking spaces per dwelling. Off-street parking will be provided in driveways (1-space) and in garages (1-space). Lot coverage will be addressed during the Building Permit review process. Riverfront standards have been addressed in our narrative, and will be further reviewed during the Building Permit review process. Please elaborate on lot size (*Section 15.240.020.I* allows PUDs to modify the base zone lot area requirements).

8. No drawings were provided on the layout of homes on the proposed lots to see if parking requirements will be met. All I have is a statement they will and building elevations that a single car garage will be provided. Also need to check and see if the interior garage dimensions are being met.

Dwellings require 2-parking spaces per dwelling. Off-street parking will be provided in driveways (1-space) and in garages (1-space). If you're open to it please just Condition the off-street parking requirement.

ARCH	Garage Dimensions	Newberg Requirement for Single Car Garage
3-BED	12.5' x 21.5'	10' x 20'
3-BED SOLAR	12.5' x 21.5'	10' x 20'
2-BED SOLAR	12.5' x 21.5'	10' x 20'

As detailed by the above table, garage dimensions are adequate.

9. Street trees - I have questions about street trees around the cul-de-sac.

Section 15.505.030.L., cul-de-sacs shall have "curbside sidewalks" (see last sentence in L Section). Please elaborate on your question.

10. Questions about parking in the cul-de-sac and TVF&R access.

Typically TVFR does not allow parking in cul-de-sac bulbs. I propose the bulb be a no-parking area.

Attachment 4: Agency Comments



January 9, 2020

Doug Rux
City of Newberg
414 E. First Street
Newberg, OR 97132

Re: 1303 S River St., Newberg – 18 lot Riverlands – PUD19-0002
Tax Lot I.D: R3229 02500

Dear Doug,

Thank you for the opportunity to review the proposed site plan surrounding the above-named development project. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

FIRE APPARATUS ACCESS:

1. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)
2. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1)
3. **FIRE APPARATUS ACCESS ROADS FOR INDIVIDUAL ONE AND TWO FAMILY DWELLINGS AND ACCESSORY STRUCTURES:** The fire district will approve access roads of 12 feet for up to three dwelling units (Group R-3) and accessory (Group U) buildings. (OFC 503.1.1)
4. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, “No Parking” signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read “NO PARKING - FIRE LANE” and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)
5. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
 1. 20-26 feet road width – no parking on either side of roadway
 2. 26-32 feet road width – parking is allowed on one side
 3. Greater than 32 feet road width – parking is not restricted
6. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)

7. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)
8. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%.
9. **ANGLE OF APPROACH/GRADE FOR TURNAROUNDS:** Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
10. **ANGLE OF APPROACH/GRADE FOR INTERSECTIONS:** Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
11. **AERIAL APPARATUS OPERATING GRADES:** Portions of aerial apparatus roads that will be used for aerial operations shall be as flat as possible. Front to rear and side to side maximum slope shall not exceed 10%.
12. **GATES:** Gates securing fire apparatus roads shall comply with all the following (OFC D103.5, and 503.6):
 1. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width).
 2. Gates serving three or less single-family dwellings shall be a minimum of 12 feet in width.
 3. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
 4. Electric gates shall be equipped with a means for operation by fire department personnel
 5. Electric automatic gates shall comply with ASTM F 2200 and UL 325.
13. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)
14. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1).

FIREFIGHTING WATER SUPPLIES:

15. **FIREFIGHTING WATER SUPPLY FOR INDIVIDUAL ONE- AND TWO-FAMILY DWELLINGS:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)
16. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)
17. **WATER SUPPLY DURING CONSTRUCTION IN MUNICIPAL AREAS:** In areas with fixed and reliable water supply, approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

FIRE HYDRANTS:

18. **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where the most remote portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)
19. **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Table C 105.1. (OFC Appendix C)

20. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the Fire Marshal.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the Fire Marshal.
- Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Fire Marshal.

21. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)

22. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3-foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

BUILDING ACCESS AND FIRE SERVICE FEATURES

23. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

Provide a physical address on the new home, as well as, near the intersection of the private drive and public road visible from both approaches of [enter road intersections here]

If you have questions or need further clarification, please feel free to contact me at **(503)849-7516**.

Sincerely,



Ty Darby
Deputy Fire Marshal II

Cc: file

Attachment 5: Public Comments

Planning Commission Agenda Item Report

Meeting Date: February 13, 2020

Submitted by: Bobbie Morgan

Submitting Department: Community Development

Item Type: LEGISLATIVE PUBLIC HEARING

Agenda Section:

Subject:

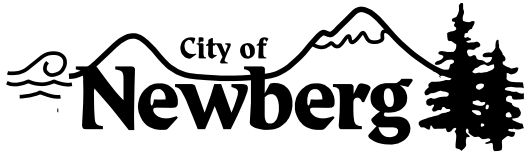
MUNICIPAL CODE AMENDMENT
ACCESSORY DWELLING UNIT PARKING REQUIREMENTS

Suggested Action:

Planning Commission approval of Resolution 2020-353 ADU Parking Requirements

Attachments:

[DCA19-0009 Staff Report to PC w ATT 02-13-20.pdf](#)



Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

PLANNING COMMISSION STAFF REPORT
MUNICIPAL CODE AMENDMENT
ACCESSORY DWELLING UNIT PARKING REQUIREMENTS

HEARING DATE: February 13, 2020

FILE NO: DCA19-0009

APPLICANT: Initiated by City Council Resolution No. 2019-3629
City of Newberg

REQUEST: A Resolution recommending that the City Council amend the Newberg Municipal Code regarding Accessory Dwelling Unit (ADU) parking requirements

ATTACHMENTS:

Resolution 2020-353 with:

Exhibit "A": Proposed Municipal Code Text Amendment

Exhibit "B": Findings

1. Newberg City Council Resolution No. 2019-3629 initiating text amendment

A. SUMMARY: The proposed amendment does the following:

Removes the off-street parking requirement for an accessory dwelling unit to be in compliance with HB 2001 (2019).

B. BACKGROUND:

The Oregon Legislature passed HB 2001 in 2019. HB 2001 Section 7 amends Oregon Revised Statute (ORS) 197.312(5)(b) adding a new subsection (B) "*Reasonable local regulations relating to siting and design*" does not include owner occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

The City Council adopted Ordinance No. 2018-2832 on July 2, 2018 modifying accessory dwelling unit standards to comply with SB 1051 adopted by the Oregon Legislature in 2017. As part of the ordinance adoption the city included requirements for off-street parking and

a standard that owner occupancy requirements of either the primary or accessory structure was not required.

The City Council adopted Resolution No. 2019-3629 on December 9, 2019, which initiated the municipal code amendment process to change the off-street parking requirement.

C. PROCESS:

A development code amendment is a Type IV application and follows the procedures in Newberg Municipal Code 15.100.060. The Planning Commission will hold a legislative hearing on the application. The Commission will make a recommendation to the Newberg City Council. Following the Planning Commission’s recommendation, the Newberg City Council will hold a legislative public hearing to consider the matter. Important dates related to this application are as follows:

1. 12/9/19: The Newberg City Council adopted Resolution 2019-3629, initiating the Municipal Code Amendment.
2. 1/23/20: Planning staff placed notice on Newberg’s website, and posted notice in four public buildings. *The Newberg Graphic* published notice of the hearing.
3. 2/13/20: The Planning Commission held a public hearing, took public testimony, and deliberated on the proposal.

D. PUBLIC COMMENTS:

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

E. AGENCY COMMENTS:

As of the writing of this report the following comments have been received:

- Building Official – Reviewed, no conflicts
- Finance – Reviewed, no conflicts
- Frontier – Reviewed, no conflicts
- Public Works – Reviewed, no conflicts

F. ANALYSIS:

HB 2001 changes the requirements regarding parking for ADUs. In July 2018 the City Council adopted Ordinance No. 2018-2832 that included a requirement for one off-street parking space for an ADU. The requirement for the one off-street parking space was based on a Planning Commission recommendation. The Affordable Housing Commission had recommended that no off-street parking space be required for an ADU.

HB 2001 states that off-street parking is not required for ADUs effective January 1, 2020. The Newberg Municipal Code, 15.445.260 Development standards needs to be amended to be compliant with HB 2001. Specifically, 15.445.260B.4. needs to be modified. Currently the standard reads “4. In addition to the number of parking spaces required for the primary residence, as established in NMC 15.440.030, one on-site parking space shall be provided for the accessory dwelling unit. This parking space shall be paved and/or covered.”

The provision for not requiring owner occupancy requirements of either the primary or accessory structure is already in 15.445.260B. 15.445.260B.5. states “Owner occupancy of the primary unit or accessory dwelling unit is not required.” No modification to this standard is required to comply with HB 2001.

For the full text of the municipal code amendment, see Exhibit “A” in the resolution.

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

Move to adopt Planning Commission Resolution 2020-353, which recommends that the City Council adopt the requested amendment.



PLANNING COMMISSION RESOLUTION 2020-353

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNIT PARKING REQUIREMENTS

RECITALS

1. SB 1051 was enacted by the Oregon Legislature in 2017 that included requirements for Accessory Dwelling Units (ADUs) for communities large than 2,500.
2. HB 2001 modifies ADU requirements under ORS 197.312(5)(b) regarding not requiring owner occupancy for either the primary or accessory structure and not requiring construction of additional off-street parking. Communities are required to comply with the new provisions by January 1, 2020.
3. The Newberg City Council adopted Resolution 2019-3629 on December 9, 2019 initiating an amendment to the Newberg Municipal Code on the new HB 2001 ADU regulation regarding parking. The Newberg Municipal Code is already compliant with the provision for not requiring owner occupancy for either the primary or accessory structure.
4. Until adoption of an ordinance amending the Newberg Municipal Code to remove the off-street parking requirements for Accessory Dwelling Units the City of Newberg will follow the requirements of HB 2001 regarding Accessory Dwelling Unit parking.
5. After proper notice, the Newberg Planning Commission opened the hearing on February 13, 2020, considered public testimony and deliberated. They found that the proposed municipal code amendments were in the best interests of the city.

The Newberg Planning Commission resolves as follows:

1. The Commission recommends that the City Council adopt the amendments to the Newberg Municipal Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is by this reference incorporated.

Adopted by the Newberg Planning Commission this 13th day of February, 2020.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Comprehensive Plan and Municipal Code Amendments

Exhibit "B": Findings

**Exhibit “A” to Planning Commission Resolution 2020-353
Municipal Code Amendment –File DCA19-0009
Accessory Dwelling Unit (ADU) Off-Street Parking**

Note: Existing text is shown in regular font.
Added text is shown in underline
Deleted text is shown in ~~strikethrough~~.

The Newberg Municipal Code shall be amended as follows:

Article V. Accessory Dwelling Units

15.445.260 Development standards.

A. Location. Accessory dwelling units are outright permitted uses in the R-1, R-2, R-3, RP, I and AR zones. Accessory dwelling units are a conditional use in the C-2 and C-3 zones.

B. Limitations. An accessory dwelling unit is permitted, providing there is compliance with all of the following standards:

1. An accessory dwelling unit may be created within the interior or as an addition to an attached or detached residential structure or as a freestanding accessory building.
2. An accessory dwelling unit may not exceed 50 percent of the size of the primary unit, up to a maximum of 1,000 square feet.
3. The number of residents permitted to inhabit the accessory dwelling unit is regulated by the current edition of the Oregon Residential Specialty Code.
4. ~~In addition to the number of parking spaces required for the primary residence, as established in NMC 15.440.030, one on-site parking space shall be provided for the accessory dwelling unit. This parking space shall be paved and/or covered. The primary residence shall provide parking per NMC 15.440.030. The accessory dwelling unit does not require on-site parking.~~
5. Owner occupancy of the primary unit or accessory dwelling unit is not required.
6. An accessory dwelling unit cannot be partitioned or subdivided from the parcel of the primary unit if there are shared water and wastewater lines.
7. There shall be compliance with all of the development standards established in the base zone. [Ord. [2832](#) § 1 (Exh. A), 7-2-18; Ord. [2730](#) § 1 (Exh. A (15)), 10-18-10; Ord. [2505](#), 2-1-99. Code 2001 § 151.678.2.]

**Exhibit “B” to Planning Commission Resolution 2020-353
Findings Municipal Code Amendment –File DCA19-0009
Accessory Dwelling Unit (ADU) Off-Street Parking**

APPROVAL CRITERIA

A. Statewide Planning Goals (the “Goals”)

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with this Goal. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and has been thoroughly described in this application.

The alternatives to amending the municipal code text would be to: 1) deny the application and retain the current accessory dwelling unit off-street parking requirement which are not in compliance with HB 2001 (ORS 197.312(5)(b)).

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest lands outside of the Newberg Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendments would not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code to protect these resources, areas, and open spaces. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources and identified open spaces in compliance with Goal 5.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. Protections are already in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary and complies with Goal 6.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain areas.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. The Chehalem Park and Recreation District (CPRD) is the lead on developing recreation areas within the Newberg Urban Growth Boundary. This proposal does not impede CPRD's ability to plan and implement recreation areas. This proposal does not propose any destination resorts. Goal 8

compliance is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: A NewBERG, Newberg's community visioning program, identifies housing as a need for the community. The proposal would provide for additional housing opportunities while creating the opportunity for new homes for the growing Newberg population base and growing economy at price points that are potentially in alignment with income levels.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: Efficient development of residentially zoned land located within the City can provide the opportunity for additional housing to meet the needs of the citizens of Newberg.

A NewBERG, Newberg's community visioning program, identifies several housing weaknesses within the City, including lack of affordable housing for lower income families, lack of multifamily housing, and a lack of vacant rental residential housing. The proposed Municipal Code amendment creates the opportunity for Accessory Dwelling Units without off-street parking to be constructed in a variety of zones that allow single family residential development such as R-1, R-2, R-3, RP, C-2, C-3, I and AR. This provides flexibility to accommodate a variety of housing types including those that can be utilized for affordable housing and rental housing and complies with the goal.

The proposal would assist in meeting density targets of 4.4 units per gross acre in Low Density (R-1), 9 units per gross acre in Medium Density (R-2), and 16.5 units per gross acre in High Density (R-3).

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Newberg has acknowledged public facilities plans covering water, wastewater, transportation and stormwater. This proposal does not negatively affect any of these plans because the infrastructure is designed to meet the target densities of 4.4 units in R-1, 9 units in R-2, and 16.5 units per gross acre in High Density (R-3), which will not be changed by the proposal and complies with Goal 11.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: The proposed text amendment does not modify the acknowledged transportation plan

and no modifications to target densities of 4.4 units in R-1, 9 units in R-2, and 16.5 units in R-3 that would change a functional classification of roadways within the city. Goal 12 compliance is met.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: No applicable as the proposed amendment does not affect energy conservation.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Not applicable because the proposed amendment does not impact the Willamette River Greenway and the protections already established by the Newberg Comprehensive Plan and development regulations.

B. Newberg Municipal Code

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.060 Type IV procedure – Legislative.

A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. The public hearing before the planning commission shall be held in accordance with the requirements of this code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to NMC 15.100.200 et seq.).

D. Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the planning commission shall make findings for each of the applicable

criteria.

E. The city council shall conduct a new hearing pursuant to this code. At the public hearing, the staff shall present the report of the planning commission and may provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the city council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the city council determines that the conditions are necessary to fulfill the approval criteria.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution.

Finding: Public hearings with the Planning Commission and the City Council will be required to finalize a decision regarding the application for the amendment to the Newberg Municipal Code. This requirement can be met.

C. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation. The proposal complies with the goal.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: The proposed Municipal Code text amendment complies with HB 2001 and is consistent with the land use planning process for the City of Newberg and complies with the goal.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

POLICIES:

2. Development in drainageways shall be limited in order to prevent erosion and protect water quality. Trees provide needed protection from erosion and should be maintained.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICIES:

1. Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal and policy. Protections are in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary and complies with the goal and policy.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Not applicable because the proposal does not modify policies or regulations related to natural hazard areas such as floodplains or landslide areas.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

Finding: Not applicable because the proposal does not modify policies or regulations related to open space, scenic, historic and recreational resources.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICIES:

1. General Policies
 - a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs. (Ordinance 2006-2634, January 3, 2006)

Finding: The proposal will enhance the ability to meet the target densities in the R-1, R-2 and R-3 zones, which in turn provides the opportunity for housing at price or rental points that encourage people to live and work in Newberg. The proposal complies with the goal and policy.

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

POLICIES:

1. Density Policies
 - a. Density rather than housing type shall be the most important development criteria and

shall be used to classify different types of residential areas on the plan.

b. Target densities shall be as follows:

<u>Classification</u>	<u>Units Per Gross Acre*</u>
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

**Includes a 25 percent allowance for streets, walkways and other right-of-ways, utilities, small open spaces, preservation of resources, and similar features.*

3. Mix Policies

j. The City shall encourage innovation in housing types and design as a means of offering a greater variety of housing and reducing housing costs.

m. Within the urban area, land use policies will attempt to provide a broad range of residential uses and encourage innovative development techniques.

r. The City shall support the retention of affordable housing through public education, planning, zoning and community development programs.

ac. Accessory dwelling units are encouraged where existing single family dwellings are constructed on a lot or parcel as an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

Finding: Density is the driver rather than housing type as a policy. The proposal would assist in meeting density targets of 4.4 units per gross acre in Low Density (R-1), 9 units per gross acre in Medium Density (R-2), and 16.5 units per gross acre in High Density (R-3) stated in the Newberg Comprehensive Plan. The Newberg Comprehensive Plan indicates that actual development has been occurring at 3.6 units, below the planned density for 4.4 units per gross acre for Low Density. In Medium Density trends are identified at 5.8 units, below the 9 units per gross acre. For R-3 the numbers indicate 15.4 below the 16.5 per gross acre target. The proposal would assist in achieving the stated target densities by modifying regulations for Accessory Dwelling Units and the requirement for parking to make it easier to develop this housing product type. The proposal would also assist in encouraging a variety of home styles intermixed with traditional home styles and housing at a reduced costs to renters.

Overall the proposal complies with the goal and policies.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

4. Residential Areas Policies

b. The City will evaluate and encourage various innovative and alternative approaches to zoning, including but not limited to the following: zero lot lines, cluster and density zoning, planned unit developments, performance standards, condominiums, and accessory dwelling units.

Finding: The proposal will encourage accessory dwelling units by removing the requirement for off-street parking for the accessory dwelling unit making it easier to develop this type of housing

product and is in compliance with the Goal and Policy.

K. TRANSPORTATION

GOAL 8: Maintain and enhance the City's image, character and quality of life.

POLICIES:

- d. The City will encourage development that protects the integrity of existing neighborhoods, commercial, and industrial areas using the following design techniques.
 - 1) New development and new transportation facilities shall be designed to meet the street classification, design, and access standards identified in the Transportation System Plan.

Finding: The R-1, R-2 and R-3 zoned lands within Newberg are predominantly served by local residential streets that feed into collector and arterial roadways. The proposal does not change the street classifications identified within the Transportation System Plan by modifying the regulations for accessory dwelling unit parking. It maintains the integrity of neighborhoods for residential development and the target densities for R-1, R-2 and R-3. The proposal complies with the goal and policy.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

POLICIES:

- 1. All Facilities & Services Policies
 - c. New public facilities and services shall be designed at levels consistent with planned densities and designated land uses for the area.
- 2. Sewers and Water Policies
 - c. Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present sanitary sewer system.

Finding: Newberg has approved water, wastewater and storm water master plans that have been developed based on the target densities of 4.4 units per gross acre for R-1, 9 units per gross acre for R-2 lands, and 16.5 units per gross acre in R-3. As previously noted past trends are that densities have not been developing at the targeted densities. Modifications to removing parking requirements for accessory dwelling units assists in meeting the target densities and will be in alignment with the adopted public facilities plans.

Overall the proposal complies with the goal and policies.

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy-related policies and ordinances.

POLICIES:

- 1. Planning Policies
 - a. The City will encourage energy-efficient development patterns. Such patterns shall include

the mixture of compatible land uses and a compactness of urban development.

Finding: The proposal will continue to assist the City’s efforts to have a compact urban form for residential development and as a result assists in conserving energy through an efficient land use pattern. The proposal complies with the goal and policy.

N. URBANIZATION

GOALS:

1. To provide for the orderly and efficient transition from rural to urban land uses.
2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.
3. To create a quality living environment through a balanced growth of urban and cultural activities.

Finding: The proposal is not requesting an Urban Growth Boundary expansion, maintains Newberg’s separation from the Portland Metropolitan area and works to meeting the density targets listed in the Comprehensive Plan while balancing growth. The proposal complies with the goal and policies.

Conclusion: The proposed Municipal Code amendment meets the applicable requirements of the Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.



RESOLUTION No. 2019-3629

**A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG
MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE FOR ACCESSORY
DWELLING UNIT PARKING REQUIREMENTS**

RECITALS:

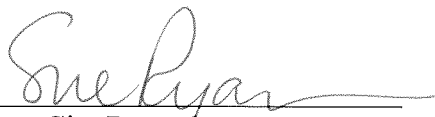
1. The Oregon Legislature passed HB 2001 during the 2019 Legislative Session. Section 7 of the bill contains language that precludes a city from requiring additional off-street parking for Accessory Dwelling Units. The new parking provisions go into effect on January 1, 2020.
2. The Newberg Municipal Code, Title 15 Development Code has a requirement for one required parking space for an Accessory Dwelling Unit.
3. The Development Code needs to be amended to comply with HB 2001.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council initiates an amendment to the Newberg Municipal Code, Title 15 Development Code for Accessory Dwelling Unit parking requirements. This starts the public process to study the proposed amendment.
2. By initiating this amendment, the City Council does not commit to taking any specific action on the proposal. It only wishes to give the amendment full consideration by the Planning Commission and City Council in public hearings.
3. Staff will schedule a Planning Commission public hearing to make a recommendation on the item. The Planning Commission recommendation will be brought to the City Council for a public hearing and final decision.

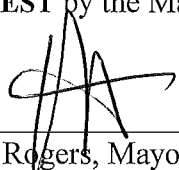
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 10, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 9th day of December, 2019.



 Sue Ryan, City Recorder

ATTEST by the Mayor this 12th day of December, 2019.



 Rick Rogers, Mayor

Planning Commission Agenda Item Report

Meeting Date: February 13, 2020

Submitted by: Keith Leonard

Submitting Department: Community Development

Item Type: Planning Commission Hearings

Agenda Section:

Subject:

Development Code Amendment of Residential Use Restrictions on the First Floor of Buildings on E/W Second Street

Suggested Action:

Move to adopt Planning Commission Resolution 2020-354, which recommends that the City Council adopt the requested amendments to Section 15.305.020 Zoning Table footnotes 5 and 8.

Attachments:

[DCA19-0003 Residential Use Limitations-Commercial Use Requirement on Second St - Staff Report - 20200213 - PC Final.pdf](#)



Community Development Department

P.O.Box 970 • 414 E First Street • Newberg, Oregon 97132

503-537-1240 • Fax 503-537-1272 • www.newbergoregon.gov

PLANNING COMMISSION STAFF REPORT FIRST FLOOR RESIDENTIAL USE RESTRICTION AND COMMERCIAL USE REQUIREMENT ALONG E/W SECOND STREET IN THE C-3 ZONE

HEARING DATE: February 13, 2020

FILE NO: DCA19-0003

APPLICANT: City of Newberg, initiated by City Council Resolution No. 2019-3531

REQUEST: Amend the Newberg Municipal Code to remove residential use restrictions along E/W Second Street in the C-3 zone

ATTACHMENTS:

Planning Commission Resolution 2019-0354 with:

Exhibit "A": Proposed Municipal Code Text Amendments

Exhibit "B": Findings

Attachments:

1. City Council Resolution 2019-3531 initiating text amendments
2. Newberg Downtown Improvement Plan (NDIP) pages 2, 3, 13, 20, 29, 49 and 54

A. SUMMARY: The proposed amendments would do the following:

City Staff recommend amendments to Section 15.305.020 footnote 5 and 8 of the Newberg Municipal Code (NMC). Based on the Newberg Downtown Improvement Plan (NDIP), staff is proposing to remove the aforementioned restriction of residential use and commercial use requirement for E/W Second Street in the C-3 zone. The residential use restriction and commercial use requirement would still apply to E/W Hancock Street. The NDIP places an emphasis on additional residential use along E/W Second Street between S Grant and S River Streets (Figure 1).

The first proposed amendment is to Section 15.305.020 Zoning Table footnote 5, which restricts residential uses along both Hancock and Second Streets to no more than 30 percent of a single street frontage block. Additionally, the current code requires that the remaining 70 percent of street frontage be commercial use. Providing more residential use along E/W Second Street may increase the foot traffic and number of customers supporting the businesses within Downtown Newberg.

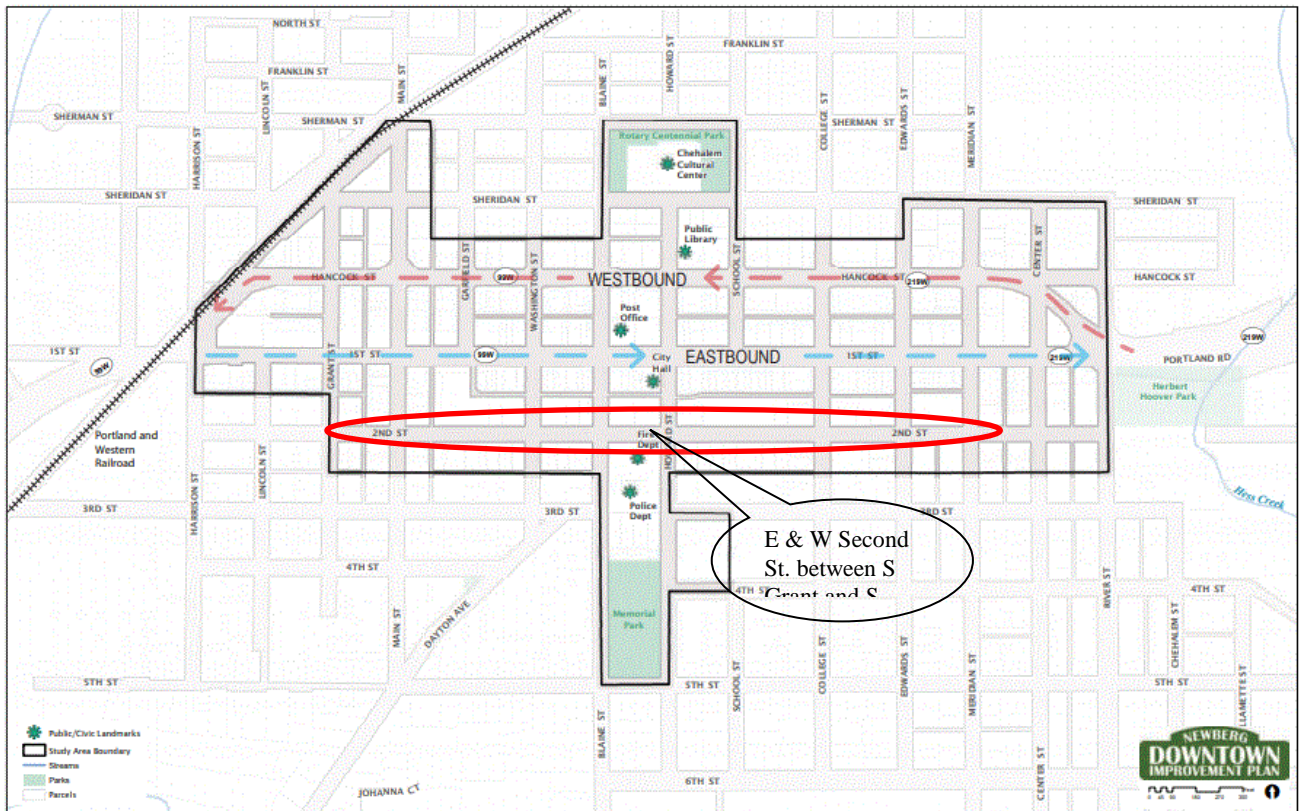


Figure 1 NDIP Proposed Amendments EAST area along E & W Second Street

The second proposed amendment is to NMC Section 15.305.020 Zoning Table footnote 8, prohibits two-family dwellings (duplex), multifamily dwellings and mixed use dwellings from occupying the first floor storefront area within the C-3 Zoning on E/W Second Street. Amendment of this footnote may also increase the foot traffic and number of customers supporting the businesses within Downtown Newberg.

B. BACKGROUND:

On February 4, 2019, the City of Newberg adopted Resolution 2019-3531, Attachment 1, initiating code amendments to the Newberg Municipal Code (NMC), Title 15 Development Code, which would remove first floor residential use restriction and commercial use requirement of buildings along E/W Second Street in the C-3 zone. There is one block in the C-3 zone along W Second Street between S Grant and S Main Streets that that wasn't listed in Resolution 2019-3531, however staff believes this is an appropriate additional area to add to the proposed NMC amendments because this area is within the Newberg Downtown Improvement Plan (NDIP) area (Figure 1).

On July 24, 2019, City Staff meet with the Mike Ragsdale of the Downtown Coalition to discuss the potential for several comprehensive plan and development code amendments, including the proposed amendment to footnote 5 of Section 15.305.020 Zoning Table. After further review of the NMC, it has been determined that footnote 8 must also be amended in order to support residential dwellings on the first floor of buildings along E/W Second Street in the C-3 zone. On February 3,

2020, City staff met with the Molly Olson, Director of the Newberg Downtown Coalition, to provide an update on the development code amendments to footnotes 5 and 8. City staff explained that the proposed amendments are in line with the recommendations of the NDIP and would still keep the focus on E/W Hancock Street for commercial and office use while allowing more flexibility on E/W Second Street for developers to construct buildings for purely residential use. These amendments would not restrict a developer from developing commercial uses on E/W Second Street, they provide more flexibility if a developer would like to build residential units on the first floor of a building.

On December 12, 2019, the City of Newberg Planning Commission held a workshop to discuss the potential amendments to the NMC involving first floor residential use restriction and commercial use requirement on the first floor of buildings along E/W Second Street in the C-3 zone.

C. PROCESS: A development code amendment is a Type IV application and follows the procedures in Newberg Municipal Code 15.100.060. The Planning Commission will hold a legislative hearing on the application. The Commission will make a recommendation to the Newberg City Council. Following the Planning Commission's recommendation, the Newberg City Council will hold a legislative public hearing to consider the matter. Important dates related to this application are as follows:

1. 02/04/19: The Newberg City Council adopted Resolution 2019-3531, initiating the NMC amendments.
2. 12/12/19: The Planning Commission held a workshop to discuss the potential amendments to the NMC Title 15 Development Code and provide direction to City Staff.
3. 01/22/20: City Staff posted notices in four public buildings and the Newberg Graphic published notice of the hearing.
4. 01/26/20: Planning staff placed notice on Newberg's website.
5. 02/13/20: The Planning Commission held a public hearing, took public testimony, and deliberated on the proposal.

D. AGENCY COMMENTS: As of the writing of this report, the city received a total of 6 responses with five no conflict responses and one comment. The one comment regarding water availability for fire sprinklers was submitted by the Building Division. Water availability for fire hydrants is verified during the public improvements permit review process. Water availability for fire sprinklers is reviewed by the City Building Division during the building permit review process. The following agencies submitted comments:

- Frontier Communications – no conflict
- Newberg Engineering – no conflict
- Newberg Public Works and Maintenance – no conflict
- Newberg Community Development Director – no conflict

- Newberg Finance – no conflict
- Newberg Building – Verify water is available for fire sprinklers that will be required for residential occupancies attached to commercial buildings or any multi-family buildings.

E. PUBLIC COMMENTS: No public comments either for or against the code amendments have been received as of the date this report was drafted.

F. ANALYSIS: The 2017-2018 City Council goals, the NDIP and the Newberg Economic Development Strategy (NEDS) all provide support for amending NMC Section 15.305.020 Zoning Table footnotes 5 and 8 to allow residential dwelling units on E/W Second Street in the C-3 zone.

2017-2018 City Council Goals

The 2017-2018 City Council Goals provide support for removal of the residential use restriction and commercial use requirement along E/W Second Street including:

City Council Goal 8: Encourage Affordable Housing

By modifying the commercial use requirement for first floors along E/W Second Street there is greater potential for developers to construct additional residential units within the downtown and the potential for additional affordable housing units. However, there is no guarantee that affordable housing will be constructed along E/W Second Street in the C-3 zone due to developers determining if affordable housing is something they want. By providing additional housing along E/W Second Street in the C-3 zone existing businesses within the downtown may see additional customers.

Goal 11: Implement Newberg Economic Development Strategy

Newberg Economic Development Strategy (NEDS)

On April 18, 2016 the City Council adopted Resolution No. 2016-3274 approving the first NEDS. On August 19, 2019 the City Council adopted Resolution No. 2019-3585 approving A NewBERG, Newberg’s Community Visioning program, which included a Community Profile, Community Vision and Action Plan. On November 18, 2019 the NEDS update was adopted by City Council Resolution 2019-3619. The NEDS Committee, consisting of the Chehalem Valley Chamber of Commerce, Newberg Downtown Coalition, Strategic Economic Development Corporation, Visit Newberg, real estate brokerage community and the City of Newberg worked on the 2019 update. The 2019 NEDS incorporates goals, strategies and actions from the community visioning economic development document identified by the community. The 2019 NEDS update retools strategies and actions from the original 2016 NEDS document that are foundational activities in conducting an economic development program, along with capturing some actions that were not brought forward during the community visioning program development.

One of the goals in the 2019 NEDS pertains to Downtown Newberg, “complete funding, administrative, and organizational actions for Newberg Downtown Improvement Plan”. The applicable item from the NEDS is Strategy 4.4 Complete regulatory improvements pertains to needed NMC amendments. The applicable action item is number 3, which states “Update Zoning and Development Code”.

Newberg Downtown Improvement Plan (NDIP)

Amending the NMC is one of the incremental implementation items listed in the NDIP. The following statements are taken directly from the pages of the NDIP and support the proposed amendments to the NMC.

Page 2 states a desired outcome that “*Downtown will have increased density, a diverse mix of businesses and a broad range of places in which to live*”.

Page 3 of the NDIP states a vision and desired outcomes intended to guide future action from the “big picture” level. One of the ten “Big Ideas” states “*Second Street Mixed-Use District: A place to live with access to all downtown has to offer*”.

Page 13 lists desired outcomes including “*Downtown will have increased density, a diverse mix of businesses and a broad range of places in which to live*”.

Page 20 restates the “Big Idea” that Second Street should be a Mixed-Use District providing people a place to live with access to all the downtown has to offer. The NDIP states that “*housing is a key component of successful downtowns – it provides for a large and growing market of consumers wanting to live in close proximity to goods, services, restaurants, and other activities and resources offered in a downtown environment. While additional housing is encouraged throughout downtown, the area along Second Street offers a unique opportunity for appropriately scaled multi-family apartments, condominiums, townhomes, or rowhomes at a variety of affordability levels, integrated with ground floor retail or other commercial uses in a mixed-use environment immediately adjacent to the First Street commercial core. This will help fill a demonstrated housing need, provide additional business opportunities, create an active downtown neighborhood, and increase the number of rooftops supporting downtown merchants*”.

Page 29 of the NDIP states “*revise the C-3 zone to achieve the vision for these three streets (Hancock, First and Second Streets) as a mix of commercial, service and residential uses, with a heavier emphasis on residential along Second Street...*”

Page 49 is located within the Implementation section of the NDIP and focusses on items related to Second Street. The applicable implementation item is constructing “*Infill housing demonstration project*”. There is a new privately developed mixed-use building under construction on the corner of S Edwards Street and E Second Street that will have commercial use on the first floor and 19 apartments on the second and third floors and 1 live-work unit on the first floor. This the first mixed-use building along E Second Street to be constructed in the Downtown since the adoption of the NDIP.

Page 54 the NDIP refers to needed regulatory Improvements. *“Downtowns continually evolve. For this reason, it is crucial for regulations and policies to remain flexible and, on an ongoing basis, to look to codify and synchronize policies with current projects and actions. Amendments to the City’s Comprehensive Plan and Zoning Redevelopment Code and the creation of design guidelines for a new M-5 zone are proposed as actions to be taken in the short term”.*

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

Move to adopt Planning Commission Resolution 2020-354, which recommends that the City Council adopt the requested amendments.



PLANNING COMMISSION RESOLUTION 2019-354

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE
NEWBERG MUNICIPAL CODE TITLE 15 DEVELOPMENT CODE TO REMOVE
THE REQUIREMENT FOR FIRST FLOOR COMMERCIAL USE AND THE
RESTRICTION OF RESIDENTIAL USE ALONG E/W SECOND STREET WITHIN
THE C-3 ZONE**

1. The City Council adopted Resolution 2016-3345 on December 5, 2016, which adopted the Newberg Downtown Improvement Plan (NDIP) as a guiding document for future planning efforts and investments in the downtown. The final version of the NDIP was completed on January 26, 2017.
2. Page 29 of the NDIP states “revise the C-3 zone to achieve the vision for these three streets (Hancock, First and Second Streets) as a mix of commercial, service and residential uses, with a heavier emphasis on residential along Second Street and commercial and service uses along First Street, and a desired form of two- to four-story buildings.”
3. On February 4, 2019, the City Council adopted Resolution 2019-3531 initiating amendments to the Newberg Municipal Code, Title 15 Development Code to implement the NDIP and NEDS.
4. On December 12, 2019, the Newberg Planning Commission conducted a public workshop to gather input, discuss the potential amendments to the NMC and provide direction to City staff.
5. After proper notice, the Newberg Planning Commission opened the hearing on February 13, 2020, considered public testimony and deliberated. They found that the proposed code amendments were in the best interests of the city.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission recommends that the City Council adopt the amendments to the Newberg Municipal Code as shown in Exhibit “A.” Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit “B” are hereby adopted. Exhibit "B" is by this reference incorporated.

Adopted by the Newberg Planning Commission this 13th day of February, 2020.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

“Working Together For A Better Community-Serious About Service”

List of Exhibits:

Exhibit "A": Municipal Code Amendments

Exhibit "B": Findings

**Exhibit “A” to Planning Commission Resolution 2019-354
Municipal Code Amendments – File DCA19-0003
First Floor Residential Use Restriction and Commercial Use Requirement
along E/W Second Street within the C-3 Zone**

Existing text is shown in regular font. Proposed deleted text is shown in ~~strikethrough text~~, proposed new text is in **bold double underline**

The Newberg Municipal Code shall be amended as follows:

15.305.020 Zoning use table – Use districts.

1. Amend Newberg Municipal Code Section 15.305.020 Zoning Table footnote 5, which restricts residential uses along both Hancock and Second Streets to no more than 30 percent of a single street frontage.

Proposed text deletion is shown in ~~strikethrough text~~. Footnote 5 would modify the following code text.

Section 15.305.020 (5) The dwelling units must front onto Hancock ~~or Second Street~~. No more than 30 percent of a single street frontage of a block may be occupied by residential uses. Contiguous residential street frontage must be less than 60 lineal feet. Density and parking standards for allowable dwelling units must be met.

2. Amend Newberg Municipal Code Section 15.305.020 Zoning Table footnote 8, which prohibits two-family dwellings (duplex), multifamily dwellings and Dwelling, mixed use mixed use dwellings from occupying the first floor storefront area within the C-3 zone on E/W Second Street.

Proposed new text is in **bold and double underlined**. Footnote 8 would modify the following code text.

Section 15.305.020 (8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street), **except on E/W Second Street where dwelling units are permitted to occupy the first floor of a building**. There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.

**Exhibit “B” to Planning Commission Resolution 2019-354
Municipal Code Amendments – File DCA19-0002
First Floor Residential Use Restriction and Commercial Use Requirement
along E/W Second Street within the C-3 Zone**

APPROVAL CRITERIA

A. Statewide Planning Goals (the “Goals”)

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with this Goal. The public hearing notice of the action and decision and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and has been thoroughly described in this application.

The alternative to amending the municipal code text for footnote 5 would be to deny the application and continue to restrict residential use to no more than 30 percent and no more than 60 contiguous lineal feet along E/W Second Street.

The alternative to amending the municipal code text for footnote 8 would be to continue to not allow residential dwelling units to occupy the first floor of buildings along E/W Second Street. Prohibiting residential use and requiring commercial use on the first floor of buildings on E/W Second Street would be contrary to the recommendations in the Newberg Downtown Improvement Plan (NDIP). The NDIP clearly states that the focus on E/W Second Street should be to establish more residential use.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings. The changes to the implementation measures of the code as a part of this land use action are proposed to

affect Section 15.305.020 Zoning Table footnote 5 and 8.

The Applicants' proposed amendments to the NMC are consistent with the Comprehensive Plan.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest lands outside of the Newberg Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendments would not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code to protect these resources, areas, and open spaces. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

Goal 5 is not applicable to the proposed NMC amendments because the amendments do not affect natural resources, scenic and historic areas or open spaces.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. Protections are already in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses and possibly reducing air pollution by placing more residential use along E/W Second Street in the C-3 zone where residents could walk to commercial uses instead of driving a vehicle. By increasing residential density within the downtown area land is being more efficiently utilized. The proposed amendments comply with Goal 6.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. This proposal is not applicable because the proposal does not modify the City's natural hazards requirements, such as flood plain areas.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. The Chehalem Park and Recreation District (CPRD) is the lead on developing recreation areas within the Newberg Urban Growth Boundary. This proposal does not impede CPRD's ability to plan and implement recreation areas. This proposal does not propose any destination resorts. Goal 8 compliance is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. This application is in-line with the 2017-2018 City Council Goals 8 and 11. The 2019 Newberg Economic Development Strategy (NEDS) identifies housing as a need for the community. One of the impediments to encouraging residential land uses within the downtown along E/W Second Street in the C-3 zone is Section 15.305.020 Zoning Table footnote 5, which restricts residential uses along both Hancock and Second Streets to no more than 30 percent of a single street frontage and residential use is not permitted to extend for more than 60 contiguous lineal feet. The second impediment to encouraging additional housing on E/W Second Street is footnote 8, which does not allow residential use on the first floor of buildings. The proposed amendments would maintain the aforementioned emphasis for commercial use along Hancock Street, which is a major commercial use corridor through Downtown Newberg. The following City Council Goals and 2019 NEDS supports the proposed amendments to the NMC.

City Council Goal 8: Encourage Affordable Housing

By modifying the commercial use requirement for first floors along E/W Second Street in the C-3 zone there is greater potential for developers to construct additional residential units within the downtown and the potential for additional affordable housing units. However, there is no guarantee that affordable housing will be constructed along E/W Second Street in the C-3 zone due developers determining if affordable housing is something they want to construct. Additional residential units may increase support for the existing businesses within the downtown.

Goal 11: Implement Newberg Economic Development Strategy

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One of the goals in the 2019 NEDS pertains to Downtown Newberg. The goal states “complete funding, administrative, and organizational actions for Newberg Downtown Improvement Plan”. The applicable item from the NEDS includes Strategy 4.4 Complete regulatory improvements pertains to needed NMC amendments. The applicable action item is number 3 which states “Update Zoning and Development Code”.

This goal is satisfied because the proposed NMC amendments do not negatively affect adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Newberg’s or Oregon’s citizens.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: The proposed amendments would provide additional incentives to property owners and developers that encourage additional housing within the downtown along E/W Second Street in the C-3 zone. The proposed amendments are supported by City Council Goal 8 “Encourage Affordable Housing” and the NEDS stating a need to “update zoning and development code”. The proposed amendments may encourage additional housing along E/W Second Street in the C-3 zone.

This goal is met because the proposal will provide an additional incentive to developers for constructing additional residential units along E/W Second Street.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Newberg has acknowledged public facilities plans covering water, wastewater, transportation and stormwater.

This proposal would not negatively affect any of these plans.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: The proposed text amendments do not modify the acknowledged transportation plan. Approval of the proposed amendments would not negatively affect the City’s transportation system.

This goal is met because the proposed amendments do not negatively affect the safety, convenience or the economics of Newberg’s transportation system.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: The proposed amendments may reduce the need for vehicle transportation

because by encouraging additional residential uses within the downtown along E and Second Street in the C-3 zone there is the potential that energy will be conserved by residents being able to walk to the downtown for shopping or eating instead of driving a vehicle.

The proposed amendments comply with this goal because it does not affect energy conservation or concerns about renewable energy. In fact, energy may be conserved by the proposed amendments.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: Not applicable because the proposed amendments do not affect the existing Urban Growth Boundary, buildable lands, employment, industry, open space, recreation areas, or the acknowledged transportation plan and does not create a conflict in the transition from rural to urban lands.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Not applicable because the proposed amendments do not impact the Willamette River Greenway and the protections already established by the Newberg Comprehensive Plan and development regulations.

B. Newberg Municipal Code

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.060 Type IV procedure – Legislative.

A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. The public hearing before the planning commission shall be held in accordance with the requirements of this code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to NMC 15.100.200 et seq.).

D. Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the planning commission shall make findings for each of the applicable criteria.

E. The city council shall conduct a new hearing pursuant to this code. At the public hearing, the staff shall present the report of the planning commission and may provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the city council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the city council determines that the conditions are necessary to fulfill the approval criteria.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution.

Finding: Public hearings with the Planning Commission and the City Council will be required to finalize a decision regarding the application for the proposed amendments to the NMC.

The proposed amendments meet the requirements of Section 15.100 of the NMC.

C. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal 1 of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

The proposed amendments comply with this goal from the Newberg Comprehensive Plan (NCP) because citizens have had the opportunity for involvement in the planning process.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: The proposed text amendments to the NMC to remove the residential use restriction and commercial use requirement along E/W Second Street in the C-3 zone is consistent with the land use planning process for the City of Newberg and complies with this goal from the NCP.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: This goal from the NCP is not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

POLICIES:

2. Development in drainageways shall be limited in order to prevent erosion and protect water quality. Trees provide needed protection from erosion and should be maintained.

Finding: This goal from the NCP is not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICIES:

- 1) Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal and policy. Protections are in place for air, water and land resource quality.

This proposal works within those parameters by providing efficiency with the use of land and an incentive to develop residential land uses within the Urban Growth Boundary near the downtown where residents could walk to services and businesses instead of driving a vehicle. The proposed NMC amendments comply with this goal and policy from the NCP.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: This goal from the NCP is not applicable because the proposal does not modify policies or regulations related to natural hazard areas such as floodplains or landslide areas within the City of Newberg.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

- 1) To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
- 2) To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
- 3) To protect, conserve, enhance and maintain the Willamette River Greenway.

Finding: This goal from the NCP is not applicable because the proposal does not modify policies or regulations related to open space, scenic, historic and recreational resources.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICIES:

- 1) General Policies

a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs. (Ordinance 2006-2634, January 3, 2006)

Finding: The proposal will enhance the ability for Newberg to attract additional residential land use development within the downtown along E/W Second Street in the C-3 zone. Additional residents living within the downtown is important to sustaining and growing the local economy, which in turn will provide additional support to businesses within the

downtown by these residents shopping, buying food and drink and using services providers offered within the downtown.

The proposal complies with this goal and policy from the NCP.

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

POLICIES:

2) Location Policies

a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

Finding: This proposal should increase the likelihood that residential housing units may be developed within the downtown along E/W Second Street within the C-3 zone, which is near commercial services. E/W Second Street is classified as a Major collector.

Overall the proposed Municipal Code amendments comply with the goal and policy from the NCP.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

5) Downtown Policies

- c. The City should encourage a variety of commercial and service activities to locate in the central business district, including mixed-use commercial/residential buildings and mixed-use commercial/craft industrial to create a vital downtown core with a strong retail sector. (Ordinance 2016-2810, December 19, 2016)
- e. The City should encourage a higher utilization of downtown space, encouraging intensive use of all building levels. (Ordinance 2016-2810, December 19, 2016)

Finding: The proposal will encourage innovative design of mixed use buildings by providing an economic incentive for developers to build additional residential units within the downtown. As with any downtown, it is important to increase population densities because the additional residents tend to purchase goods and utilize services from downtown businesses.

Overall the proposal complies with this goal and policies of the NCP.

K. TRANSPORTATION

GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance

on the automobile.

b. Modifications should be made to the City's land use plan and development ordinances that will decrease trip length and encourage non-auto oriented development.

- 1) The City should encourage neighborhood medium density and mixed use commercial development nodes. (Ordinance 2016-2810, December 19, 2016)
- 2) The City should encourage higher density development in residential areas near transit corridors, commercial areas and employment centers, including the downtown. (Ordinance 2016-2810, December 19, 2016)

GOAL 8: Maintain and enhance the City's image, character and quality of life.

d. The City will encourage development that protects the integrity of existing neighborhoods, commercial, and industrial areas using the following design techniques.

- 3) Make use of on-street parking and buildings that abut the street frontage in the central business district and designated neighborhood commercial areas to create pedestrian friendly retail and commercial service environments. (Ordinance 2005-2619, May 16, 2005)

Finding: By providing additional residential uses near the downtown business district residents will be able to walk to the downtown businesses instead of driving a vehicle, which will decrease trip length and encourage non-auto oriented development. These proposed amendments should encourage mixed-use buildings that include residential land use with an emphasis on residential use along E/W Second Street in the C-3 zone. Higher density residential use development within the downtown would be located near transit stops and corridors (E/W Second Street), downtown commercial uses and employment.

On July 24, 2019, City staff meet with the Mike Ragsdale, past Director of the Downtown Coalition, to discuss the potential for several comprehensive plan and development code amendments, including the proposed development code amendment to footnote 5 of Section 15.305.020 Zoning Table. On February 3, 2020, City staff met with the current Director of the Downtown Coalition, Molly Olson, to go over the proposed amendments to both footnotes 5 and 8. City staff explained that the requirements for commercial use on the first floor of buildings on E/W Hancock Street would not be affected and that only E/W Second Street would allow residential use on the first floor of buildings as an option. City staff further explained that if a developer wanted to construct a new building or rehabilitate an existing building on E/W Second Street to provide commercial use on the first floor then they could do so. No concerns were raised during the meeting with Ms. Olson and the Downtown Coalition. By getting input from the NDC the City will be working cooperatively with the business community to ensure there is support from the business community to increase residential use near the downtown and the potential for downtown businesses to have additional customers.

The proposed amendments comply with several of the goals and policies of the NCP.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Finding: The application was routed to 22 internal and external review agencies, no conflicts or issues were identified. However, the Building Division provided a comment to ensure that there is an adequate supply of water for fire sprinklers. Adequate water supply will be reviewed and required through the City's building permit and public improvements review processes.

The proposed amendments comply with several of the goals and policies of the NCP.

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy- related policies and ordinances.

POLICIES:

1. Planning Policies

- a. The City will encourage energy-efficient development patterns. Such patterns shall include the mixture of compatible land uses and a compactness of urban development.

Finding: The proposal will continue to assist the City's efforts to have a compact urban form for residential development and as a result assists in conserving energy through an efficient land use pattern.

This proposal complies with the goal and policy from the NCP.

N. URBANIZATION

GOALS:

1. To provide for the orderly and efficient transition from rural to urban land uses.
2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.
3. To create a quality living environment through a balanced growth of urban and cultural activities.

1. Urban Growth Boundary and Urban Reserve Area Policies

- c. The City shall encourage urban development within the City limits.

Finding: The proposal is not requesting an Urban Growth Boundary expansion, has no effect on Newberg's separation from the Portland Metropolitan area and adds to the cultural activities available in Newberg. However, these proposed NMC amendments may encourage urban development within the downtown within mixed use buildings or addition residential opportunities.

The proposal complies with the goal and policies of the NCP.

Conclusion: The proposed municipal code amendments meet the applicable

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requirements of the Statewide Planning Goals, the Newberg Comprehensive Plan, and should be approved.

Attachment 1: City Council Resolution 2019-3531 initiating text amendments



RESOLUTION No. 2019-3531

A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE TO REMOVE THE REQUIREMENT FOR FIRST FLOOR COMMERCIAL USE ALONG E SECOND STREET

RECITALS:


1. The City Council adopted Resolution 2016-3345 on December 5, 2016, which adopted the Newberg Downtown Improvement Plan (NDIP) as a guiding document for future planning efforts and investments downtown. The final version of the NDIP was completed on January 26, 2017. According to the 2016 NDIP there is a need to provide additional residential units along E Second Street.
2. The 2016 Newberg Economic Development Strategy (NEDS), adopted by Resolution No. 2016-3274, outlines one strategy and three action items that support providing additional housing units along E Second Street.
3. The City of Newberg needs to evaluate its Development Code to ensure that both the NDIP and the NEDS are being implemented.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council initiates an amendment to the Newberg Municipal Code, Title 15 Development Code to implement the NDIP and NEDS.
2. By initiating this amendment, the City Council does not commit to taking any specific action on the proposal. It only wishes to give the amendment full consideration by the Planning Commission and City Council in public hearings.


➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: February 5, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of February, 2018.



Sue Ryan, City Recorder

ATTEST by the Mayor this 7th day of February, 2019.



Rick Rogers, Mayor

Attachment 2: Newberg Downtown Improvement Plan Pages 2, 3, 13, 20, 29, 49
and 54

PROJECT OBJECTIVES

The primary objectives of Newberg’s Downtown Improvement Plan (NDIP or Plan) are threefold. First and foremost, the NDIP is a downtown improvement plan, one that builds upon the good “bones” of the current downtown area and that builds upon the sound foundation of community-based planning for the area. Secondly, the NDIP is intended to serve as the “master conceptual plan” for the downtown neighborhood, as envisioned within Newberg’s comprehensive

plan. Finally, the overarching objective of the Plan is implementation, ensuring that Newberg will carry out the community’s stated vision for downtown as a unique destination – a place to live, work, shop and play.

The NDIP is a vision-driven and outcomes-oriented blueprint for the reinvention of Downtown Newberg into a vital, active, more urban, mixed-use and pedestrian-friendly

environment over the next 20 to 30 years. This document depicts and summarizes the rationale for the master conceptual design plan and identifies development types, redevelopment opportunities, and “catalyst projects” having the ability to jumpstart investment and development downtown. Finally, the NDIP provides an incremental implementation strategy – a program for carrying out the plan and achieving the community’s vision for Downtown over time.

A VISION FOR DOWNTOWN NEWBERG

Through a sustained and interactive public process, the community identified a vision and set of desired outcomes for the future of downtown Newberg:

Downtown Newberg will be a thriving, active and attractive destination at the gateway to Oregon’s wine country. Building upon an authentic main street environment and maximizing redevelopment opportunity, downtown will have a successful, complementary mix of retail, civic, entertainment, cultural, office and residential uses, showcasing its pedestrian-friendly streetscapes, public art, and strong connections to adjacent neighborhoods and activity centers. Downtown Newberg – a unique destination, and a place to live, work, shop and play.

Downtown Newberg will have the following characteristics, or desired outcomes:

- Downtown will be a vibrant, inviting, and fun destination for those coming from near and far
- Downtown streets will be pedestrian-friendly and safe for all modes of transportation
- Downtown will be the center for public life – a place to shop, work, visit, gather and play
- Downtown will have increased density, a diverse mix of businesses and a broad range of places in which to live
- Downtown will be easy to navigate through attractive, effective signage and physical connections between activity centers and districts
- Downtown will have a variety of easy-to-find parking options
- New development and redevelopment will complement older and historic buildings
- Downtown will be “people-oriented” with attractive, comfortable, and functional amenities or public uses on the sidewalk or in other right-of-way
- Downtown will build upon Newberg’s strong community spirit, and incorporate public art reflecting the local character
- Downtown will have the appropriate type and level of infrastructure to support the envisioned future type, mix and intensity of uses

BIG IDEAS – THE FOUNDATION FOR ACTION

This vision and desired outcomes are intended to guide future action from the “big picture” level. To help focus efforts to achieve the envisioned downtown, a framework of key concepts, or “big ideas” was established. These Big Ideas are intended to focus recommended actions and projects for creating a climate for investment, and for stimulating development to achieve the envisioned future for downtown Newberg. The ten Big Ideas that comprise the framework for the NDIP are:

- Gateways: Heralding arrival at a special destination
- First Street Improvements: Making what’s good even better!
- Hancock Street Reinvention: Changing its character over time
- East End/Gateway District: A signature “welcome” to downtown’s main point of entry
- West End/Mill District: A place where things are made and experienced
- Second Street Mixed-Use District: A place to live with access to all downtown has to offer
- Civic/Cultural Corridor: Linking cultural, recreational and civic institutions and opportunities
- Core Catalyst Development: Jumpstarting private investment
- North/South Connections: Linking downtown to the greater community
- Celebrate Art! Good art is good business

These Big Ideas, and the actions and projects recommended for carrying them out, are detailed in the NDIP.

A STRATEGY FOR ACTION

Finally, for the Downtown Improvement Plan to truly be the “chart for change” it is intended to be, it must be accompanied by an action plan for carrying it out in manageable steps. As not every recommendation can be carried out and completed at once, an incremental implementation strategy has been provided, laying out the short-term, medium range, and long-term actions for achieving them. Critical to the success of the NDIP is ensuring that this incremental implementation strategy is regularly monitored, and that it is updated to reflect progress, changing circumstances and opportunities. In addition, it is important

that progress in carrying out the strategy in support of the vision for downtown is regularly reported to City Council and the public.

This regular monitoring, reporting and updating helps to keep the NDIP flexible and current, keeps all City departments and project partners focused on carrying out this important public policy objective, and keeps the implementation of the NDIP on the “front burner”, and in the public eye.



Newberg Downtown Improvement Plan public workshop

THE DOWNTOWN IMPROVEMENT PLAN

The types, arrangement, mix and intensity of land uses, transportation facilities, streetscape and other amenities, parking facilities and programs, and other public and private sector projects and activities greatly affect the character of a downtown. Great downtowns do not come about by accident – rather they are created, nurtured and improved by the dreams and intentional actions of many. A substantial number of ideas were generated by the Advisory Committee, the public and the Project Management Team during the initial, visioning phase of Plan development. These have been synthesized into a vision statement and a set of 10 desired outcomes that would further describe an envisioned future for downtown. In addition, 10 draft “big ideas” have been formulated which would then be used to help focus the generation of recommended projects and actions that would create a climate for investment and stimulate development to achieve the envisioned future for downtown Newberg. The vision, desired outcomes and conceptual big ideas are provided below.

VISION AND DESIRED OUTCOMES FOR DOWNTOWN NEWBERG

Downtown Newberg will be a thriving, active and attractive destination at the gateway to Oregon’s wine country. Building upon an authentic main street environment and maximizing redevelopment opportunity, downtown will have a successful, complementary mix of retail, civic, entertainment, cultural, office and residential uses, showcasing its pedestrian-friendly streetscapes, public art, and strong connections to adjacent neighborhoods and activity centers. Downtown Newberg – a unique destination, and a place to live, work, shop and play.

Downtown Newberg will have the following characteristics, or desired outcomes:

1. Downtown will be a vibrant, inviting, and fun destination for those coming from near and far
2. Downtown streets will be pedestrian-friendly and safe for all modes of transportation
3. Downtown will be the center for public life – a place to shop, work, visit, gather and play
4. Downtown will have increased density, a diverse mix of businesses and a broad range of places in which to live
5. Downtown will be easy to navigate through attractive, effective signage and physical connections between activity centers and districts
6. Downtown will have a variety of easy-to-find parking options
7. New development and redevelopment will complement older and historic buildings
8. Downtown will be “people-oriented” with attractive, comfortable, and functional amenities or public uses on the sidewalk or in other right-of-way
9. Downtown will build upon Newberg’s strong community spirit and incorporate public art reflecting the local character
10. Downtown will have the appropriate type and level of infrastructure to support the envisioned future type, mix and intensity of uses





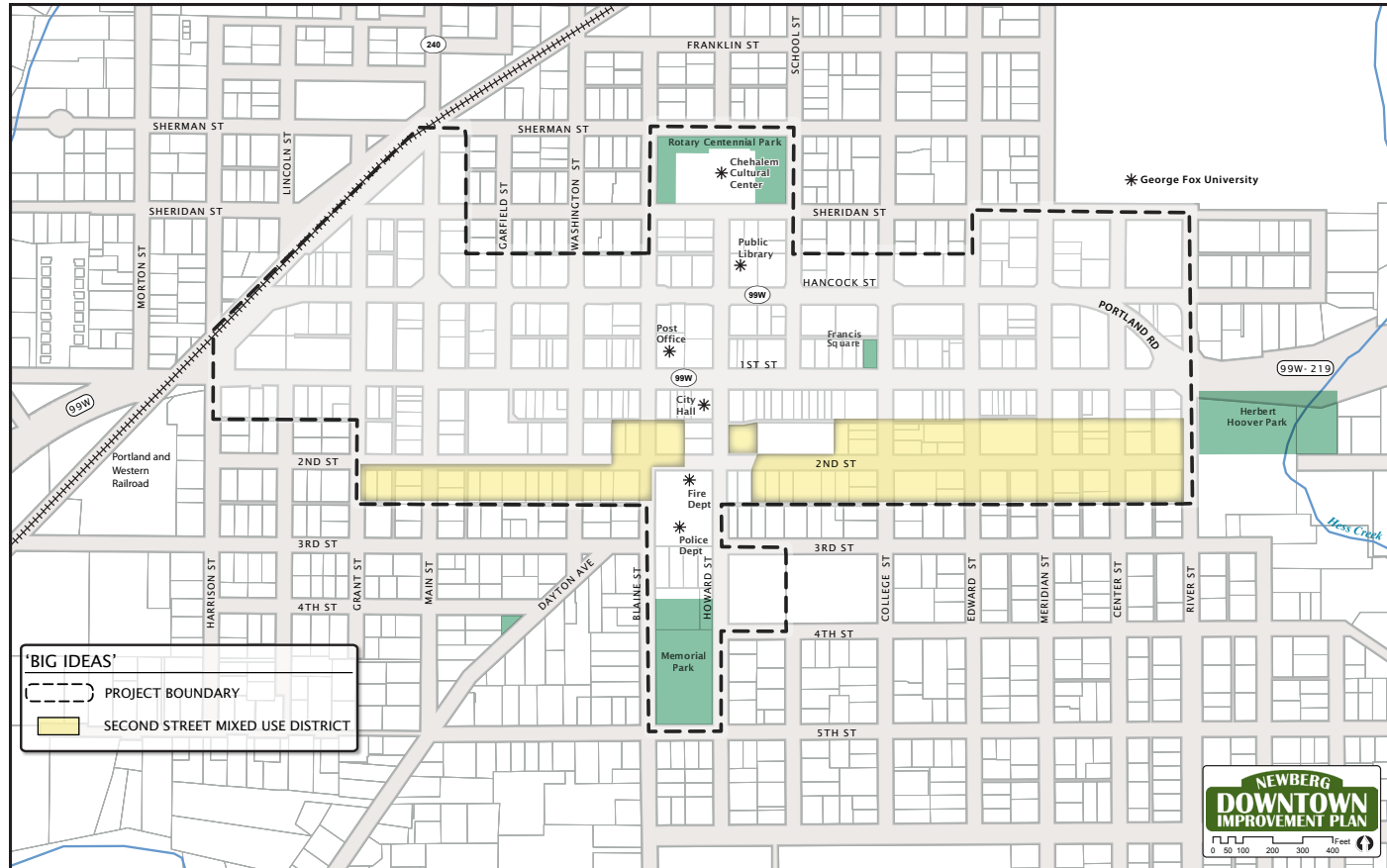
SECOND STREET MIXED-USE DISTRICT | A place to live with access to all downtown has to offer

Housing is a key component of successful downtowns – it provides for a large and growing market of consumers wanting to live in close proximity to goods, services, restaurants, and other activities and resources offered in a downtown environment. Demographic trends show a demand for the type of smaller, mixed-use or free-standing urban housing products that would be suitable in downtown Newberg. Downtown residents provide

additional buying power to support local merchants. Similarly, downtown residents generate additional vitality and safety – providing “eyes on the street” seven days a week – and housing grows the tax base for the community. While additional housing is encouraged throughout downtown, the area along Second Street offers a unique opportunity for appropriately scaled multi-family apartments, condominiums, townhomes, or rowhomes at a variety of

affordability levels, integrated with ground-floor retail or other commercial uses in a mixed-use environment immediately adjacent to the First Street commercial core. This will help fill a demonstrated housing need, provide additional business opportunities, create an active downtown neighborhood, and increase the number of rooftops supporting downtown merchants.

Figure 11: Second Street Mixed-Use District



LAND USE

To reinvent downtown Newberg as a vital, active, more urban, mixed-use and pedestrian-friendly environment, the City will need to consider amending the Newberg Comprehensive Plan and Development Code. Amendments have been identified to help the City focus on creating the desired uses, scale and character envisioned within the Plan.

The NDIP should be adopted as a refinement plan of the Newberg Comprehensive Plan. In addition, it is suggested that several sub-policies in the Comprehensive Plan see some additions and revisions. These revisions will clarify policies intended to encourage downtown revitalization. These clarifications and additions include:

- Language to encourage the retention of the post office retail function in downtown.
- Encouraging a list of uses in downtown including, “mixed-use commercial/residential buildings and mixed-use commercial/craft industrial buildings to create a vital downtown core with a strong retail sector.”
- Modifications to sub-policies encouraging the City to consider:
 - ◊ adequate off-street parking.
 - ◊ adoption of a downtown improvement plan which should include design standards for all new public and private improvements.

- ◊ various options to make the downtown area more pedestrian friendly, particularly as volumes change with the opening of Phase 1 of the Newberg Dundee Bypass.

It is also suggested the City update sections on the economy and commercial area policies to encourage tourism-related businesses, a hotel, and craft industrial uses in downtown.

In addition to updating the comprehensive plan, the following amendments to the zoning and development code are suggested to implement the NDIP:

- **HANCOCK, FIRST AND SECOND STREETS.** Revise the C-3 zone to achieve the vision for these three streets as a mix of commercial, service and residential uses, with a heavier emphasis on residential along Second Street and commercial and service uses along First Street, and a desired form of two- to four-story buildings.
- **CIVIC/CULTURAL CORRIDOR.** No changes to the current Civic Corridor Overlay District are recommended.
- **WEST END/MILL DISTRICT.** Create a new Craft Industrial Zoning District (M-5) to regulate the mix of uses allowed and prohibited, dimensional and design standards, and to provide better continuity for the area than can be achieved through existing split C-3 and

M-2 zoning. Allow for the potential siting of a hotel to take advantage of the West End’s unique craft industrial character and to provide a needed resource for downtown. The focus is on developing craft industrial uses and maintaining the area’s gritty feel more in keeping with the industrial heritage than the main street, historic feel along parts of First Street. The recommended M-5 zone is discussed in Appendix H of this Plan, as it is the recommended creation of design guidelines to achieve the envisioned feel and character of this area.

- **EAST END/GATEWAY DISTRICT.** Accommodate desired uses, such as a hotel/conference center and parking lot in the base zone, reviewing the footnotes in the use table and tailoring them to encourage this development. Specifically, revise the limitation on hotel uses in C-3 district that requires a conditional use permit for hotel uses greater than 40,000 square feet.
- **PARKING REGULATIONS.** It is recommended that parking requirements for residential uses be removed, and the City introduce a fee-in-lieu program. These in-lieu fees can be accrued and used in the future to purchase land for future parking facilities or for making other parking improvements. Address additional parking needs of residents, visitors, and employees through a variety of strategies outlined in the parking

SECOND STREET MIXED-USE DISTRICT | A place to live with access to all downtown has to offer

The Second Street Mixed-Use District offers a prime location for near-term infill housing projects. The area is proximate to the commercial core of downtown, but also shielded from traffic noise by the buildings along the south side of First Street. In order to encourage infill housing and mixed-use development in the district the following actions are recommended:

- *Property/developer engagement.* Engagement with property owners and local developers is a key strategy for encouraging any form of development.

These stakeholders are the key private sector players that have the capability to carry forward public sector development goals. Developing effective working relationships with this group by the City and the Downtown Coalition is crucial at every stage of downtown revitalization.

- *Infill housing demonstration project.* Demonstration projects illustrate to the private real estate development community appropriate and viable projects for the local area. They also train public sector staff in how to

approach and permit projects that they might not have encountered with less complicated greenfield development projects.

- *Second Street Improvement Design.* Second street is the spine of the mixed-use district. An improved right-of-way design would foster a better climate for redevelopment and investment. Improvements could include marked on-street parking, bikeway signage and wayfinding, and improved streetscape zones.

Implementation Timing for Second Street Mixed-Use District Projects and Actions

Projects and Actions	Timeline					Cost	Project Lead	Coordination
	Short-Term			Near-Term	Long-Term			
	Year 1	Year 2	Year 3	Years 4-6	Years 7+			
Second Street Mixed-Use District								
<i>Property/developer engagement</i>	✓	✓	✓	✓	✓	Staffing	City	NDC, Property Owners
<i>Infill housing demonstration project</i>		✓	✓			TBD	City	NDC, Property Owners
<i>Second Street improvement design/construction</i>				✓		\$565,000	City	

Funding, Administrative, and Organizational Actions

The actions below enable all of the big ideas to be realized, transcending any one individual concept. These actions provide the funding mechanisms and organizational structure for carrying out all of the other projects and actions in the Plan. These actions include:

- *Creation of an Urban Renewal Program.* Urban Renewal programs are powerful, robust City-controlled redevelopment tools that enable the planning, funding, and implementation of significant public infrastructure improvements, and provide support for private development. By leveraging local tax increment, urban renewal programs increase the public sector’s borrowing capacity and increase capital project investment.
- *Economic or Business Improvement District.* EIDs and BIDs provide ongoing funding for downtown activities, modest capital projects, public art, and operations and maintenance. These organizations also provide a forum for downtown business and property owners to discuss downtown related topics and issues.
- *Regulatory Improvements.* Downtowns continually evolve. For this reason, it is crucial for regulations and policies to remain flexible and, on an ongoing basis, to look to codify and synchronize policies with current projects and actions. Amendments to the City’s Comprehensive Plan and Zoning Redevelopment Code and the creation of design guidelines for a new M-5 zone are proposed as actions to be taken in the short term.
- *Parking Management.* Parking management plans provide a comprehensive strategy for facilitating parking in the downtown area and planning for future parking needs. Parking is effectively managed through a number of simultaneous policies, programs, and actions. For a full description of parking management tasks, please refer to the Downtown Strategic Parking Management Plan in Appendix E.
- *Downtown Development Ombudsman.* This position would provide a single point of contact for property owners and developers for any issue pertaining to real estate development. The ombudsman would also act as a mediator for resolving downtown development conflicts, and champion local development initiatives. It is recommended that an initial investment of a half-time employee position be provided to serve in this role.
- *Downtown Partnership.* This partnership brings together notable community leaders to champion and raise funds for significant community projects. Although projects can be citywide, the primary focus of this committee should be on activity generating projects that draw users to the downtown area.
- *Other funding tools.* The State of Oregon enables the use of a variety of tools to help facilitate development as envisioned within this Plan and they should be considered for application within downtown Newberg.
 - ◊ *Vertical Housing Program.* The Vertical Housing Program is a state tax abatement program that allows for a tax exemption of up to 80 percent of the improvement over a 10-year term for mixed-use projects in Vertical Housing Development Zones (VHDZ) designated by local jurisdictions. The ground floor of the project is required to be a non-residential use. An additional tax exemption of up to 80 percent may be given on the land for qualifying projects providing low-income housing (set at 80 percent

Planning Commission Agenda Item Report

Meeting Date: February 13, 2020

Submitted by: Bobbie Morgan

Submitting Department: Community Development

Item Type: OTHER REPORTS, LETTERS OR CORRESPONDENCE

Agenda Section:

Subject:

OGEC Letter to City Manager, City Council, Municipal Judge, Planning Commission and Historic Planning Commission

Suggested Action:

Attachments:

[OGEC letter to Council 2020-0203 SEI first reminder.pdf](#)



February 3, 2020

To: City Manager, City Council, Municipal Judge, Planning Commission
and Historic Planning Commission

Re: ORS 244.050 and OAR 199-020-0005

Here is a reminder to mark your calendars for your annual SEI filing later this year. This is for the annual Statement of Economic Interest filings through the Oregon Government Ethics Commission. As the jurisdictional contact for the SEI filings, it is my job to verify and provide contact information for all City of Newberg officials that are required to file the SEI. These include the City Manager, Mayor, City Council, Planning Commission, Historic Planning Commission and Municipal Judge whom are actively serving on April 15 of 2020.

OGEC went to an Electronic Filing System in 2016. If you need help logging in (your password and username), there are directions available on the commission's website. If you need access to a computer to manage your account or file your form the City can make one available for you. This will need to be done by appointment with the City Recorder. Staff can assist you with technical questions and equipment but cannot fill out your forms for you. That is your responsibility as a public official.

In mid-March, OGEC will send you a notice that you can go in and file your SEI. You will have between March 15, 2020 and **the deadline of April 15, 2020** to file. You can only file during this one-month window. You cannot file your form early but you can log in to test your username or password ahead of time to make sure those work.

Again, if you have any questions you can contact me directly at sue.ryan@newbergoregon.gov or (503) 537-1283 or OGEC at (503) 378-5105, email at ogecmail@oregon.gov or check out their website at www.oregon.gov/OGEC.

The Commission also offers online tutorials through iLearn, the state's online delivery system for training. You do not have to be a state employee to register. They also offer live trainings through Adobe Connect where you can ask questions directly of a trainer. I've attached instructions on how to sign up for iLearn with this letter.

Sincerely,

Sue Ryan
Newberg City Recorder

C: DawnKaren Bevill
Encl: iLearn instructions

Planning Commission Agenda Item Report

Meeting Date: February 13, 2020

Submitted by: Bobbie Morgan

Submitting Department: Community Development

Item Type: OTHER REPORTS, LETTERS OR CORRESPONDENCE

Agenda Section:

Subject:

Anticipated Schedule of Planning Commission Activities

Suggested Action:

Anticipated Schedule of Planning Commission Activities updates given by Doug Rux

Attachments:

[Memo Planning Commission Activities 2020.doc](#)



Community Development Department
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

MEMORANDUM

TO: Newberg Planning Commission
FROM: Doug Rux, Community Development Director
SUBJECT: Anticipated Schedule of Planning Commission Activities
DATE: February 13, 2020

To assist the Planning Commission in gauging activities for FY 2019/2020 and FY 20/21, below is a preliminary schedule of actions.

February 13, 2020

- PUD 1303 S River Street – Quasi Judicial Hearing
- E Second Street Commercial Space Requirements – Quasi Judicial Hearing
- ADU Parking Regulations – Legislative

March 12, 2020

- Transit Plan Comprehensive Plan and Development Code Amendment – Legislative Hearing
- Vertical Housing Tax Abatement Program Recommendation – Administrative Hearing
- Mill District Comprehensive Plan Text Amendment, Comprehensive Map Amendment/Zoning, Development Regulations - Workshop

April 9, 2020

- Urban Renewal Feasibility Study Update

May 14, 2020

- Urban Renewal Feasibility Study Update
- TBD

June 11, 2020

- Economic Opportunities Analysis Update
- TBD

July 9, 2020

- Urban Renewal Feasibility Study Update
- TBD

August 13, 2020

- Economic Opportunities Analysis Update
- TBD

September 10, 2020

- TBD

October 8, 2020

- Economic Opportunities Analysis Update
- TBD

November 12, 2020

- Mill District Comprehensive Plan Text Amendment, Comprehensive Map Amendment/Zoning, Development Regulations – Quasi Judicial Hearing

December 10, 2020

- Economic Opportunities Analysis Update
- Housing Needs Analysis Buildable Lands Inventory/Population Update
- Public/Semi-public Land Analysis
- TBD

There are additional activities the Community Development Department may bring forward to the Planning Commission for consideration. Staff is looking at various updates and cleanup actions to the Development Code such as:

1. Tentative – Military Banner Sign Regulations – Legislative
2. Institutional Zone Development Code Changes
3. Riverfront Master Plan Comprehensive Plan Text Amendment - Legislative
4. Riverfront Master Plan Comprehensive Map Amendment/Zoning – Quasi Judicial
5. Riverfront Master Plan Comprehensive Development Code Amendment - Legislative
6. Residential Parking Standards
7. Annexation criteria
8. Stream Corridor Adjustment process
9. Urban Forestry program
10. Fences in Industrial zones
11. Parking for subdivisions/partitions/design review
12. C-3 zone – reduce front yard landscaping from 10 feet to 5 feet
13. Industrial outdoor storage
14. Downtown sign point system
15. Vacation home rentals
16. Roof top mechanical unit screening
17. Historic review process
18. Zoning Use Table
19. Undergrounding utilities
20. Driveway width
21. Home occupations
22. 15.405.030B – “The creation” development of lots under 15,000 sf.....
23. 15.302.010 – add R-4 to the list
24. Replace parking diagrams in 15.440.070 for readability
25. Replace airport overlay diagrams in back of Dev. Code for readability
26. Temporary Merchant standards
27. Food Carts