



**PLANNING COMMISSION AGENDA  
June 25, 2015 7:00 PM  
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. 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). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.

**APPLICANT: Leonard Johnson (contact – Mart Storm)**

**REQUEST: Highlands at Hess Creek phases 4 & 5 - Subdivision tentative plan approval.**

**LOCATION:** South end of Kennedy Drive and Corrine Drive

**TAX LOT:** 3220-1400

**FILE NO.:** SUB3-15-001

**ORDER NO.:** 2015-18

**CRITERIA:** Newberg Development Code Section 15.235.060(A)

**V. ITEMS FROM STAFF**

1. Update on Council items
2. Other reports, letters or correspondence
3. Next Planning Commission meeting: July 9, 2015

**VI. ITEMS FROM COMMISSIONERS**

**VII. ADJOURNMENT**

FOR QUESTIONS PLEASE STOP BY, OR CALL 503-537-1240, COMMUNITY DEVELOPMENT DEPT. – P.O. BOX 970 – 414 E. FIRST STREET

**ACCOMMODATION OF PHYSICAL IMPAIRMENTS:** *In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical 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 City Recorder at (503) 537-1283. For TTY services please dial 711.*

**OUTLINE FOR QUASI-JUDICIAL PUBLIC HEARING**  
**Newberg Planning Commission**

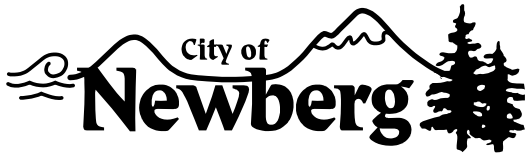
- 1. CALL TO ORDER**  
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**
- 3. LEGAL ANNOUNCEMENT**  
READ “QUASI-JUDICIAL ANNOUNCEMENTS” SHEET
- 4. STAFF REPORT**  
COMMISSION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

**QUASI-JUDICIAL  
PUBLIC HEARING PROCESS  
TESTIMONY AND EVIDENCE REQUIREMENTS**

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ORS 197.763 requires certain statements to be made at the commencement of a public hearing.

- The applicable City and State zoning criteria must be listed. This means that we must advise you of the standards that must be satisfied by the applicant prior to our approval of an application. The Planning Staff will list the applicable criteria during his or her presentation of the staff report.
- Persons wishing to participate in this hearing must direct their testimony or the evidence toward the criteria stated by the Planner or other specific City or State criteria which you believe apply. You must tell us why the testimony or evidence relates to the criteria.
- Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised in person or by letter at the local level prior to the City approving or denying the application. The law states that the issue must be raised in enough detail to afford the decision-maker and the parties an opportunity to respond. This part of the law is also known as the "raise it or waive it" requirement. If you do not bring it up now, you can't bring it up at LUBA.
- Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval in enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.
- Prior to the conclusion of the initial evidentiary hearing on an application, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Planning Commission will grant such a request through a continuance or extension of the record.



## Community Development Department

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

### PLANNING COMMISSION STAFF REPORT

Highlands at Hess Creek Phases 4 & 5

Subdivision Tentative Plan application

<b>FILE NUMBER:</b>	SUB3-15-001
<b>REQUEST:</b>	Approval for a Subdivision tentative plan to divide a 10.94 acre parcel into 27 lots for single-family detached homes.
<b>APPLICANT:</b>	Leonard Johnson (contact – Mart Storm)
<b>OWNER:</b>	Leonard Johnson
<b>LOCATION:</b>	The south end of Corinne Drive and Kennedy Drive, tax lot 3220-1400
<b>DESIGNATION:</b>	Comprehensive Plan designation of MDR (Medium Density Residential); Zoning designation of R-2 (Medium Density Residential), with a Stream Corridor overlay on approximately half the parcel.
<b>CODE CRITERIA:</b>	Newberg Development Code § 15.235.060(A)
<b>HEARING DATE:</b>	Planning Commission Hearing on June 25, 2015

#### ATTACHMENTS:

Planning Commission Order 2015-18 with:

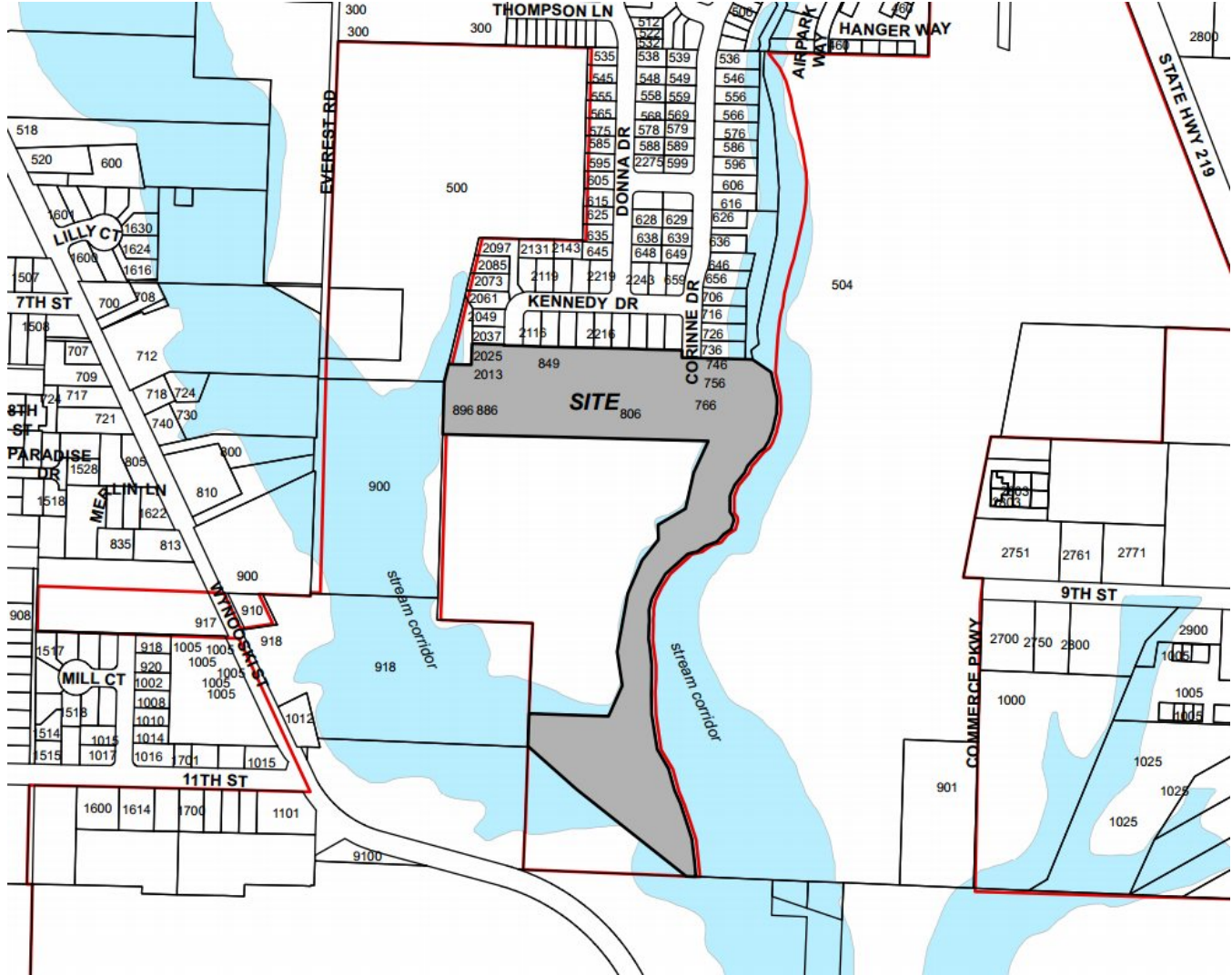
Exhibit A: Findings

Exhibit B: Conditions of approval

Exhibit C: Tentative plan

1. Aerial photo with zoning
2. Public & Agency Comments
3. Application
4. Newberg Development Code & Comprehensive Plan (by reference)

## Location Map: tax lot 3220-1400



### Proposal

The applicant has requested a Subdivision tentative plan approval for Highlands at Hess Creek phases 4 and 5. The application would divide a 10.94 acre site into 27 lots for single-family detached homes. Part of the site is in the Stream Corridor overlay zone, which requires that the subdivision application be reviewed by the Planning Commission.

### Process

This is a Type III application for a Subdivision tentative plan. The Planning Commission will hear this proposal on Thursday, June 25, 2015, at 7 p.m. at the Newberg Public Safety Building (401 E Third Street). This will be a quasi-judicial hearing, and after taking public testimony the Planning Commission will make a decision on the application based on the criteria listed in the attached findings.

**Noticing:** Important dates related to this application are:

1. 6/10/15: The Community Development Director deemed the application complete.
2. 6/4/15: The applicant mailed notice to the property owners within 500 feet of the site.
3. 6/10/15: The applicant posted notice on the site.
4. 6/10/15: The Newberg Graphic published notice of the Planning Commission hearing.
5. 6/25/15: The Planning Commission will hold a quasi-judicial hearing to consider the application.

**Criteria:** The following criteria apply to the subject proposal:

**15.235.060 Subdivision requirements – Type II and Type III.**

**A. The director (Type II) or planning commission (Type III) shall approve a subdivision of four parcels or more under a Type II or Type III procedure if the resulting parcels comply with the following approval criteria:**

1. **Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or adjoining land or access thereto.**
2. **The subdivision complies with this code including but not limited to NMC 15.340.010 through 15.440.080 and NMC 15.235.030 et seq.**
3. **Either:**
  - a. **Improvements required to be completed prior to final plat approval; or**
  - b. **The subdivider will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall include security in a form acceptable to the city in sufficient amount to insure completion of all required improvements; or**
  - c. **A local improvement district shall have been formed to complete the required improvements; or**
  - d. **The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction.**

## **Site Information**

The site is located south of Highlands at Hess Creek Phases 1-3, and is at the end of Kennedy and Corrine Drives. It is currently a flat empty field with a small Stream Corridor overlay on the western edge of the property and a large Stream Corridor overlay on the southeast part of the site. There are many mature trees in the stream corridor.

### Surrounding uses:

- North: Single family homes, R-2 (medium density residential) zoning.
- East: A wide stream corridor, then the airport.
- West: A wide stream corridor, then residential.

- South: A vacant parcel owned by Chehalem Park and Recreation District (CPRD), zoned CF (Community Facility).

Access and Transportation: The proposed site is accessed through existing local residential roads. Donna Drive, Corinne Drive, and Kennedy Drive are used for access. The nearest major road is State Highway 219, which is a Minor Arterial. Existing access safety concerns exist at the intersections of 2<sup>nd</sup> Street and Highway 219, and at the intersection of Everest Road and Highway 219. ODOT and the City are planning on installing safety improvements at these intersections in the future. The traffic impact of this development does not significantly increase the safety concerns at these intersections, as the problem exists currently.

Full city residential streets will be constructed through the development to serve all lots, as well as a full street stub will need to be constructed to provide access to tax lot R3220 01101.

Utilities:

- a. Sanitary Sewer: The project will connect to the existing 8” sanitary sewer line in Kennedy Drive.
- b. Water: The project will connect to and complete the loop of the existing 8” water line in Kennedy Drive.
- c. Storm: The project has existing and proposed stormwater infrastructure to serve the development. The preliminary stormwater report specifies that detention is only provided for the 25 year storm event. All net new impervious area shall be detained for ½ of the 2 year, 10 year, and 25 year storm events. Water quality also must be provide for all net new impervious area. NMC 13.25.260 & 13.25.270

**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. The findings are jointly written by the Planning division and Engineering Department. As of the writing of this report, the city received the following agency comments (summarized below – the full text is in Attachment 2):

- **Oregon Dept. of Transportation:** No comments.
- **Oregon Dept. of State Lands (summarized):** The national wetlands inventory shows a wetland/waterway on the property. Based on a review of the available information, it does not appear that the proposed grading and site development will impact jurisdictional wetlands or waterways. DSL will require a permit for any impacts to these streams that is 50 cubic yards or greater.
- **Chehalem Park and Recreation District (summarized):** CPRD requests that a street and all utilities be extended to their property south of the proposed subdivision, instead of having an access easement. They would be satisfied with an extension of either Kennedy Drive or Corrine Drive to their property.
- **Police Dept. (summarized):** The Police Department had concerns about the amount of off-street and on-street parking, congestion due to on-street parking on both sides of the street, and additional traffic problems at the neighborhood access points to Hwy 219 (Church, Everest, and Second Streets).
- **Frontier:** No conflict with FTR facilities. Frontier Communications is currently working on a design to provide FIOS Fiber within the Highlands at Hess Creek Phase No. 4 and 5.

- **Waste Management:** Reviewed, no conflict. All trash and recycling carts will be set out on a city street on pickup day.

**Public Comment:**

As of the writing of this staff report, the city has received no written public comments.

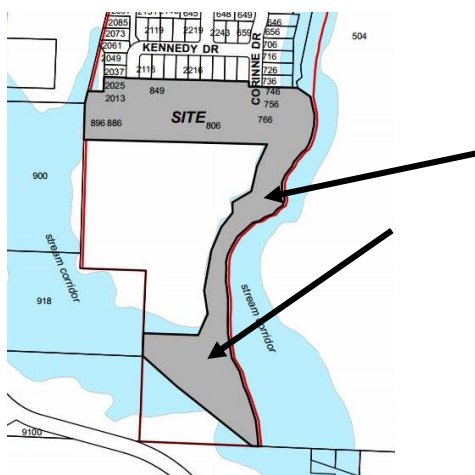
**Issues & Analysis summary:**

**1. Access/utilities to the CPRD property to the south:**

The applicant’s proposal shows that access to tax lot 3220-1101, owned by CPRD, will be provided through an access easement over a 40 foot wide tract. Newberg’s Development Code does not allow private streets, so the access easement can only contain a driveway. A driveway, under the Development Code, can only serve as access for three lots. The Development Code does allow an access easement to qualify as frontage for a lot.

The complicating factor is that the CPRD lot is undeveloped. The CF zone is primarily intended for parks and open space, but some other uses are also allowed (basic utilities, transportation facilities, emergency services) while others are conditional uses (churches, schools, community services). There is no way to determine at this point if the lot will be further divided in the future. An access easement would limit the ability to divide the property, so it constrains the potential development of the property. For this reason the access easement will need to be replaced with a street extension and public right-of-way dedication to the property line of tax lot 3220-1101. The public water line needs to be extended within the right-of-way extension.

- 2. Long southern stream corridor tract:** The plat does not show the full extent of the parcel. There is a long southern section in the Stream Corridor overlay. This parcel would become landlocked as a result of this subdivision. The applicant needs to submit a revised tentative plan that shows how this parcel will have access, clarify that it is a tract (not a buildable parcel), and state who will own it. If it is owned by an adjacent parcel then that will address the access issue.





3. **Traffic at Everest/Hwy 219:** Existing safety improvements are planned for the intersections of Hwy 219 and 2<sup>nd</sup> Street, and Hwy 219 and Everest Road. Plans include the installation of a median for right in / right out turning restrictions at Hwy 219 and 2<sup>nd</sup> street, and a traffic signal at the intersection of Hwy 219 and Everest Road (pending a signal warrants study). These improvements will be completed by ODOT and the City. The proposed development does not significantly impact the existing safety concerns at these intersections. No traffic study is required because the development is not expected to generate more than 40 trips in the PM peak hour; it is expected to generate approximately 27 trips in the PM peak hour.
  
4. **Off-street parking:** The subdivision will be for single family homes, each of which will have at least two off-street parking spaces. Most will probably have four (two in a garage, two in a driveway).

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

Move to adopt Planning Commission Order 2015-18, which approves the requested subdivision tentative plan with the attached conditions.



## **PLANNING COMMISSION ORDER NO. 2015-18**

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**AN ORDER APPROVING SUB3-15-001 FOR THE HIGHLANDS AT HESS CREEK – PHASE 4 AND 5 SUBDIVISION AT THE SOUTH END OF KENNEDY DRIVE AND CORRINE DRIVE, YAMHILL COUNTY TAX LOT 3220-1400.**

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### **RECITALS**

1. Leonard Johnson submitted an application for tentative plan approval for a 27 lot subdivision at the south end of Kennedy Drive and Corrine Drive, Yamhill County tax lot 3220-1400.
2. After proper notice, the Newberg Planning Commission held a hearing on June 25, 2015, to consider the application. The Commission considered testimony, and deliberated.
3. The Newberg Planning Commission finds that the application, as conditioned, meets the applicable criteria as shown in the findings shown in Exhibit “A”.

### **The Newberg Planning Commission orders as follows:**

1. The tentative subdivision plan application SUB3-15-001 is hereby approved, subject to the conditions contained in Exhibit “B”. Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit “A” are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This order shall be effective July 10, 2015 unless appealed prior to that date.
4. This order shall expire two years after the effective date above if the applicant does record the final plat by that time, unless an extension is granted per Newberg Development Code 15.235.130(B).

**Adopted by the Newberg Planning Commission this 25<sup>th</sup> day of June, 2015.**

ATTEST:

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Planning Commission Chair

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Planning Commission Secretary

List of Exhibits:

- Exhibit “A”: Findings
- Exhibit “B”: Conditions
- Exhibit “C”: Tentative plan

**Highlands at Hess Creek phases 4 & 5: Subdivision tentative plan  
SUB3-15-001**

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

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

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

*15.405.030 Lot dimensions and frontage.*

*D. Frontage.*

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

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

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

*15.05.030 Definitions.*

*“Private drive” means a private way which affords principal means of access to three or fewer lots (see also “service drive”).*

*“Private street” means a private way which affords principal means of access to four or more lots (see also “service drive”).*

*15.505.110 Future extension of streets.*

*Where the subdivision or partition is adjacent to land likely to be divided in the future, streets shall continue through to the boundary lines of the area under the same ownership of which the subdivision or partition is a part, where the director determines that such continuation is necessary to provide for the orderly division of such adjacent land or the transportation and access needs of the community. [Ord. 2494, 4-6-98; Ord. 2451, 12-2-96. Code 2001 § 151.690.]*

**15.235.190 Dedication.**

***A. Generally. The director may require right-of-way for adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the applicant of such design and in such locations as are necessary to facilitate provision for the transportation and access needs of the community and the subject area in accordance with the purpose of this code.***

**Finding:**

Long southern stream corridor tract: The applicant is subdividing their entire parcel, but the plat does not show the full extent of the parcel. There is a long southern section, south of lot 95, in the Stream Corridor overlay, which will presumably become a tract. This parcel would become landlocked as a result of this subdivision. The applicant needs to submit a revised tentative plan that shows how this parcel will have access, clarify that it is a tract (not a buildable parcel), and state who will own it. If it is owned by an adjacent parcel then that will address the access issue.

Access/utilities to tax lot 3220-1101 south of the site: The applicant's proposal shows that access to tax lot 3220-1101, owned by CPRD, will be provided through an access easement over Tract B, a 40 foot wide tract. Newberg's Development Code does not allow private streets, so the access easement can only contain a driveway. A driveway, under the Development Code, can only serve as access for three lots. The Development Code does allow an access easement to qualify as frontage for a lot.

The CPRD lot is undeveloped. It is in the CF (Community Facility) zone. The CF zone is primarily intended for parks and open space, but some other uses are also allowed (basic utilities, transportation facilities, emergency services) while others are conditional uses (churches, schools, community services). Under code section 15.505.110 listed above, if the site was considered likely to be divided in the future then there would be no question that a street would need to be extended to the property. If the site was zoned R-1 or R-2 then it would be considered very likely to be divided in the future.

The CF site is different, because there is no way to determine at this point if the lot will be further divided in the future. If the site was going to indefinitely remain a single lot then a driveway in an access easement could be adequate. The site is 9 acres, so it is large enough to potentially contain more than one use. An access easement would limit the ability to divide the property into more than three lots, so an access easement does constrain the potential future development of tax lot 3220-1101. The criteria requires that approval of the subdivision not adversely affect the safe and healthful development of adjoining land or access thereto. Having only an access easement for street frontage would constrain the potential development of tax lot 3220-1101, so it would adversely affect the access and development to the parcel. For that reason, the access easement in Tract B needs to be replaced with a public street extension within public right-of-way. The public water line also needs to be extended within the right-of-way to the property line. The street stub to the south could be an extension of either Kennedy Drive or Corrine Drive.

For the reasons listed above, approval of the subdivision as conditioned would not impede the future best use of the remainder of the property or adversely affect the safe and healthful development of adjoining land or access thereto.

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

**Finding:** The lot standards and development standards are addressed in detail below in section II.

**3. Either:**

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

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

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

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

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

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

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

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

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

**Finding:** All of the lots are at least 3,000 square feet, and exceed the minimum standard. The average lot size, excluding area in the stream corridor, is 4,996 square feet, so the average lot size does not exceed 5,000 square feet. This criterion is met.

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

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

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

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

*D. Frontage.*

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

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

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

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

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

*2. The above standards apply with the following exceptions:*

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

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

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

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

#### **IV. Applicable Development Standards**

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

**Findings:** There is an existing 8” waterline in Kennedy Drive and Corinne Drive. The proposed water design includes extending the public main line and completing the loop. The water design will be reviewed in detail when construction plans are submitted. The waterline shall be extended through the public right-of-way stub to the property to the South.

Water SDC’s – In accordance with Newberg Municipal Code this design review does increase the impacts to the water system and is therefore not exempt from water SDC charges.

Domestic and Fire water flow calculations will be required to be submitted to the Engineering Services Department for the proposed development that conform to the City Building Division requirements indicating that minimum service pressures are available at the future highest fixtures in the development.

Location of fire hydrants shall be approved by Newberg Fire Department prior to submittal of construction design plans.

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

**Findings:** There is currently an 8” wastewater line that runs through the proposed site. The plans show wastewater service will be connected to this existing line. The sewer design appears to comply with the engineering standards design manual, but will be reviewed in detail when construction plans are submitted. The wastewater line shall be extended through the public right-of-way stub to the property to the South.

Sanitary SDC’s – In accordance with Newberg Municipal Code this design review does increase the impacts to the public wastewater system and is therefore not exempt from sanitary SDC charges.

The sanitary sewer easement appears to meet engineering standards design manual section 2.3.3, but will be reviewed in detail when construction plans are submitted. A commercial driveway and paved maintenance access shall be provided through the entire easement.

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

**Findings:** The developer has submitted a preliminary stormwater report dated May 26, 2015. The stormwater design utilizes a regional facility for the water quality and quantity control. Stormwater will

discharge into an existing 12-inch storm drain pipe, out-falling into a natural drainage. The stormwater report and design use an assumption that the detention requirements are to match the 25-year peak flow event. Per NMC 13.25.260 & 13.25.270, as well as the engineering standards manual section 4, stormwater detention shall be provided for ½ of the 2 year, 2 year, 10 year, and 25 year storms.

The Stormwater line shall be extended through the public right-of-way stub to the property to the South.

Approval of this project is conditioned on the applicant meeting the city's stormwater code (ordinance No. 2021-2754) and the engineering standards manual section 4. LIDA is the City's preferred method of water quality and quantity facility per section 4.7.3 of the Engineering Standards Manual. Given that the development utilizes an existing stormwater basin, it is reasonable to assume the use of a regional facility for this development. Submit a final engineer's storm water report per the City of Newberg Engineering Design Standards Manual Section 4.4. All storm drain and detention/water quality facilities to be maintained privately with a storm water maintenance agreement.

This development disturbs more than one acre of land and therefore an issued DEQ 1200-C permit shall be submitted to the City with the construction plan review submittal. No grading shall occur prior to the issuance of the 1200-C permit

Stormwater SDC's – In accordance with Newberg Municipal Code, this design review does increase the impacts to the public improvement facility and is therefore not exempt from stormwater SDC charges.

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

**Findings:** The proposed development takes access from local streets including Kennedy Drive, Donna Drive and Corinne Drive. Full street improvements will be provided through the development for access to all lots. An access easement to the property to the south (TL R3220 01101) is proposed. Developer shall dedicate full street Right-of-Way and a city standard residential road for access to this property.

The development will require substantial heavy construction traffic. Developer shall be responsible for the repair and replacement of any off-site city infrastructure, including streets, which are damaged by construction activities.

Transportation SDC's – In accordance with Newberg Municipal Code this design review does increase the impacts to the public transportation system and is therefore not exempt from transportation SDC charges.



*NDC 15.505.040: Existing Streets. A subdivision, partition or development requiring a Type II design review abutting or adjacent to an existing road of inadequate width, shall dedicate additional right-of-way to and improve the street to the width specified in 15.505.060.*

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

*15.505.220 Public walkways.*

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

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

**Finding:** Sidewalks and street trees will be provided along each lot frontage. The applicant needs to submit a street tree plan showing a species listed on the City's preferred street tree list. This criterion is met, as conditioned.

## **V. Overlays**

**A. Airport Overlay:** The site is located within the airport overlay zone. The main effect of the overlay is to limit the height of structures. Because of the actual distance from the runway, the height limits of the R-2 base zone are lower than the height limits set by the airport overlay, so the overlay will have little effect on building. There is an existing easement over the property relating to noise and airport operations.

**B. Stream Corridor Overlay:** A portion of the property at the western and eastern edges is within the stream corridor overlay. No grading or development is proposed within the stream corridor areas.

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

**Highlands at Hess Creek phases 4 & 5  
SUB3-15-001**

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

1. **Revised Tentative Plan:** Provide a revised tentative subdivision plan that shows the following:
  - a. Long southern stream corridor tract south of lot 95: Show the entire parcel on the revised plan and show how it will have access, clarify that it is a tract (not a buildable parcel), and state who will own it. If it is owned by an adjacent parcel then that will address the access issue.
  - b. A full width right-of-way and local street extension to tax lot 3220-1101, including public utility line extensions. Either Kennedy Drive or Corrine Drive can be extended. Tract B can be removed. All lots must continue to meet the R-2 development standards.
2. **Construction Plans must be submitted for all infrastructure per the requirements below.**

**General Requirements:**

- a. An engineering permit is required. Submit engineered construction plans for review and approval of all utilities, public street improvements, and any new public streets being constructed. Please note that additional Engineering Division plan review application and fees apply for review of plans. Submit any required easements for review and approval, and record approved easements.
- b. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved and all necessary permits have been obtained
- c. Staff reserves the right to require revisions/modifications to the public improvement construction plans and completed street improvements, if additional modifications or expansion of the sight distance onto adjacent streets is required.
- d. All survey monuments on the subject site or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the

services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.

**The plans must note the following:**

Utilities:

1. Storm Sewer Requirements:
  - a. The system shall be reviewed and approved by the City of Newberg Engineering Department prior to issuance of Permits for the development.
  - b. The stormwater system shall be extended to the South property (TL R3220 01101) through a full width public right-of way stub.
  - c. Stormwater Report: Submit a final engineer's storm water report per the City of Newberg Engineering Design Standards Manual and findings noted in Exhibit A of the staff report. All stormwater detention/water quality facilities proposed to serve public right-of-way shall be publicly owned and privately maintained with a storm water maintenance agreement. Private facilities shall also be privately maintained with a storm water maintenance agreement.
  - d. Stormwater SDC's – In accordance with Newberg Municipal Code, this design review does increase the impacts to the public improvement facility and is therefore not exempt from stormwater SDC charges.
2. Sanitary Sewer Requirements
  - a. Sanitary sewer SDCs - In accordance with Newberg Municipal Code this design review does increase the impacts to the public wastewater system and is therefore not exempt from sanitary SDC charges.
  - b. The wastewater system shall be extended to the South property (TL R3220 01101) through a full width public right-of way stub.
  - c. Provide a commercial driveway and paved maintenance access through the sanitary sewer easement.
3. Water Requirements
  - a. Location of fire hydrants shall be approved by Newberg Fire Department prior to submittal of construction design plans.
  - b. The water system shall be extended to the South property (TL R3220 01101) through a full width public right-of way stub.
  - c. Fire flow calculations will be required to be submitted to the Engineering Services Department for the proposed development that conform to the City of Newberg Fire Department standards, indicating that the development will

meet the minimum service requirements.

- d. Domestic water flow calculations will be required to be submitted to the Engineering Services Department for the proposed development that conform to the City Building Division requirements indicating that minimum service pressures are available at the future highest fixtures in the development.
- e. Water SDC's – In accordance with Newberg Municipal Code this design review does increase the impacts to the water system and is therefore not exempt from water SDC charges.

4. General Utility Requirements:

- a. The applicant shall obtain written approval from the appropriate source to construct any utilities or improvements within easement areas.

5. Streets:

- a. Developer shall be responsible for the repair and replacement of any off-site city infrastructure, including streets, which are damaged by construction activities.
- b. Developer shall dedicate full street right-of-way and a city standard residential street for access to the property to the South (TL R3220 01101)
- c. Transportation SDC's – In accordance with Newberg Municipal Code this design review does increase the impacts to the public transportation system and is therefore not exempt from transportation SDC charges.

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

4. **Grading:** Obtain a DEQ 1200-C permit and a city grading permit prior to grading.

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

1. **Substantially Complete the Construction Improvements:** Prior to final plat approval, the applicant must substantially complete the construction improvements and secure for them in accordance with city policy. Complete construction and call for a walk-through inspection with the Engineering Division (503-537-1273).

- a. Construct all public streets according to city standards for local residential streets.
- b. Construct all approved public utility lines, including stormwater facilities.

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

1. **Application Materials:**
  - a. Type I application form (found either at City Hall or on the website – [www.newbergoregon.gov](http://www.newbergoregon.gov) in the Planning Forms section) with the appropriate fees.
  - b. A current title report (within 6 months old) for the property. Include copies of all existing easements and CC&Rs that pertain to the property.
  - c. A written response to these Conditions of Approval that specifies how each condition has been met.
  - d. Two blue-line copies of the final subdivision plat for preliminary review by the City Engineering Services Department. The City Engineer will make red-line comments on these sheets for your surveyor/engineer to correct prior to printing final Mylar copies.
  - e. Any other documents required for review.
2. **Dedications/Easements Required:** The plat must show the following:
  - a. Easements:
    - i. All utility, sanitary sewer, water and storm drainage easements to the City.
    - ii. 10 ft utility easements along all frontages.
  - b. Dedications of Right-Of-Way as shown on the tentative plat and required by these conditions.
3. **Documents Required:** Provide the following documents for review and approval:
  - a. A signed and notarized performance agreement that assures construction and performance in accordance with the approved final plans.
  - b. A bond for street tree planting in an amount to be approved by the Planning Division.
  - c. Complete a subdivision agreement with the City of Newberg. The completed subdivision agreement shall be recorded by the applicant at the time of the final plat recordation.
  - d. A final draft copy of any Codes, Covenants and Restrictions (CC&Rs) for the subdivision. Planning staff will review the proposed CC&Rs for compliance with City Code prior to recordation.
4. **Final Mylar Copies of the Subdivision Plat:** Submit two final mylar copies of the corrected final subdivision plat (after red-line corrections have been made). Original plats shall be in substantial conformity to the approved tentative plan and shall conform

to the Yamhill County Surveyor's specifications and requirements pertaining to material that has the characteristics of adequate strength, permanency, as well as suitability for binding and copying. Plats shall be in clear and legible form and may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for all plats placed upon three or more sheets. Scale requirements shall be the same as specified for the tentative plans.

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

1. **City Review:** In accordance with NDC 15.235.160 and 15.235.180, Planning staff shall determine that:
  - a. Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
  - b. The proposal complies with this code.
  - c. The plat is in substantial conformity with the provisions of the tentative plan for the subdivision, as approved.
  - d. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems.
  - e. Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision have been accounted for and referenced on the plat.
  - f. There will exist an adequate quantity and quality of water and an adequate sewage disposal system to support the proposed use of the land described in the plat.
  - g. Either:
    - i. Improvements as required by this code or as a condition of tentative plan approval have been filed with the Director; or
    - ii. A performance agreement (bond) or suitable substitute as agreed upon by the city and applicant has been filed with the Director in sufficient amount to insure the completion of all required improvements; or
    - iii. A petition for improvements has been properly executed by the applicant who is effecting the subdivision and will be assessed for said improvements.
  - h. Taxes, as well as public liens, assessments and fees, with respect to the subdivision area have been paid, or adequate guarantee has been provided

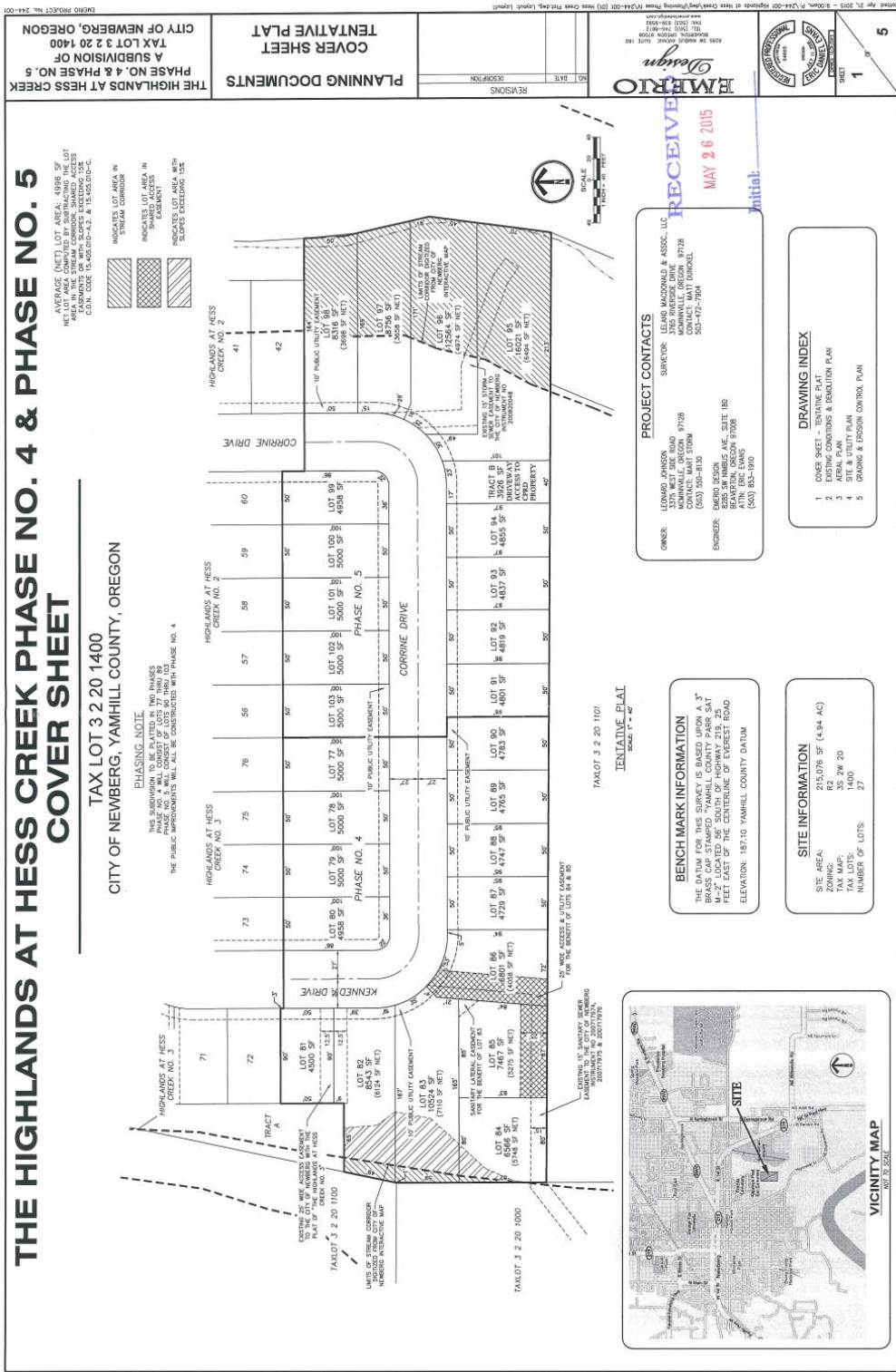
assuring said taxes, liens, assessments and fees will be paid prior to recordation.

- i. The sub divider has entered into agreement with the city relating to completion of improvements, payment of sewer and water hookup fees, inspection fees, public lands payments, monumentation or any other elements deemed relevant to the purpose of this or any other city ordinance, state statute or federal law.
  - j. If the conditions set at the time of tentative land division approval are not fulfilled and the final plat or final map is not recorded by the tentative plan expiration date, the tentative land division approval is null and void.
2. **Required Signatures:** According to NDC 15.235.180, approval of a final subdivision plat must be acknowledged and signed by the following:
    - a. Community Development Director
    - b. The County Assessor
    - c. The County Surveyor
    - d. The City Recorder
  3. **Recording:** Deliver the approved subdivision plat to the office of the County Clerk for recording. The County Clerk's office is located at 414 NE Evans St, McMinnville, OR 97128.
  4. **Completion:** Return an exact copy of the recorded plat to the Director to complete the subdivision process.

**E. Development Notes:**

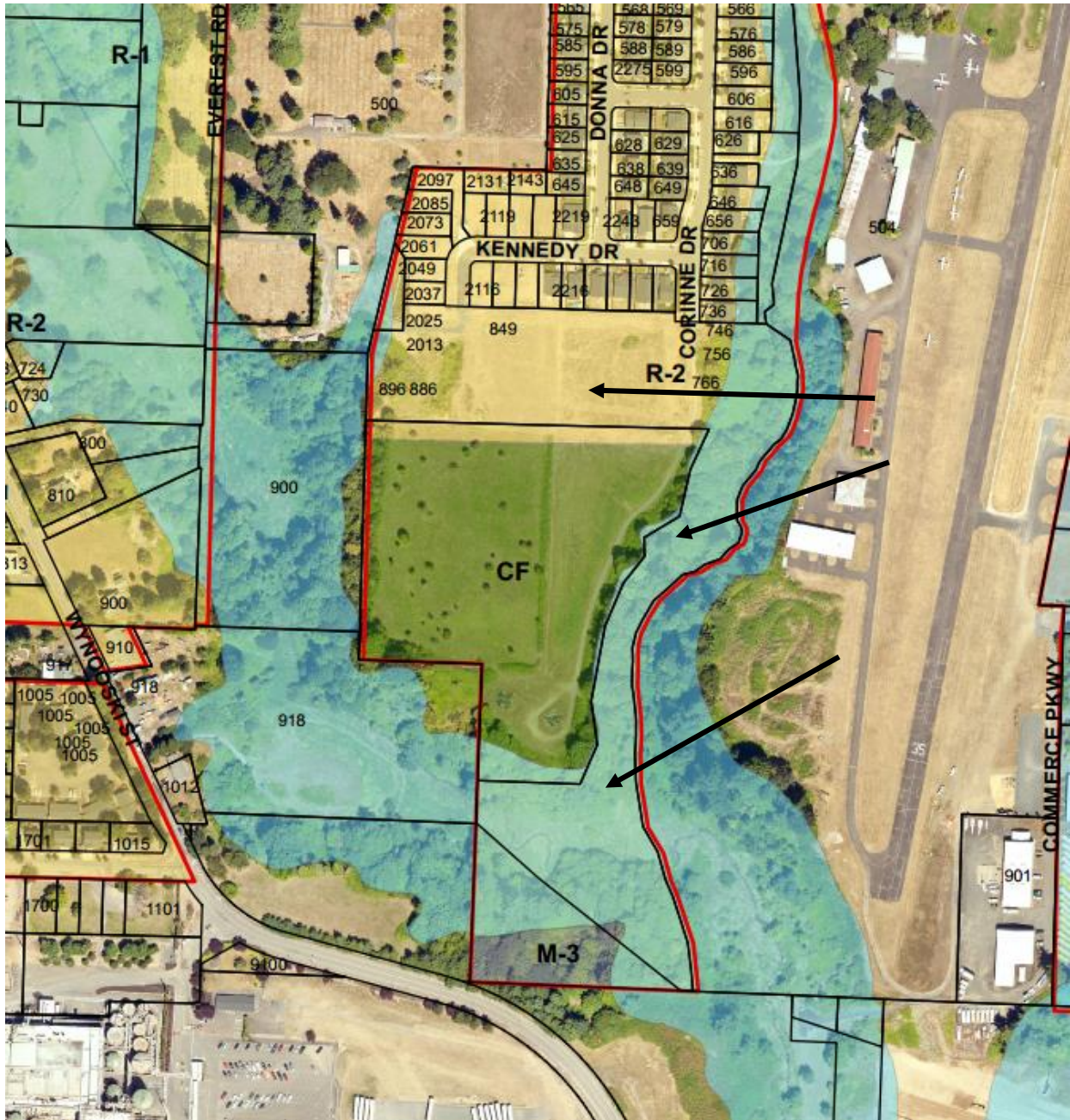
1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
2. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which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

# Exhibit C: Tentative Plan





# Attachment 1: Aerial photo with zoning





503-537-2909  
fax 503-538-9669  
125 South Elliott Road  
Newberg, OR 97132  
[cprdnewberg.org](http://cprdnewberg.org)

June 9, 2015

Mr. Steve Olson  
City of Newberg  
414 E. First Street  
P.O. Box 970  
Newberg, OR 97132

Ref: Highlands at Hess Creek Phase 4 & 5

Mr. Steve Olson,

Please see the two enclosures that illustrate our desire to have a road and all utilities connected to Chehalem Park and Recreation District property, south of the proposed development. Your help in this matter will be appreciated. We find it acceptable for Kennedy Drive or Corrine Drive to connect. We will attend the meeting on June 25, 2015. We assume the meeting will start 7 p.m. at the Public Safety Building. Please let me know if otherwise. If you need additional information, please contact me at (503) 537-4165.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Don Clements".

W. Don Clements, Superintendent

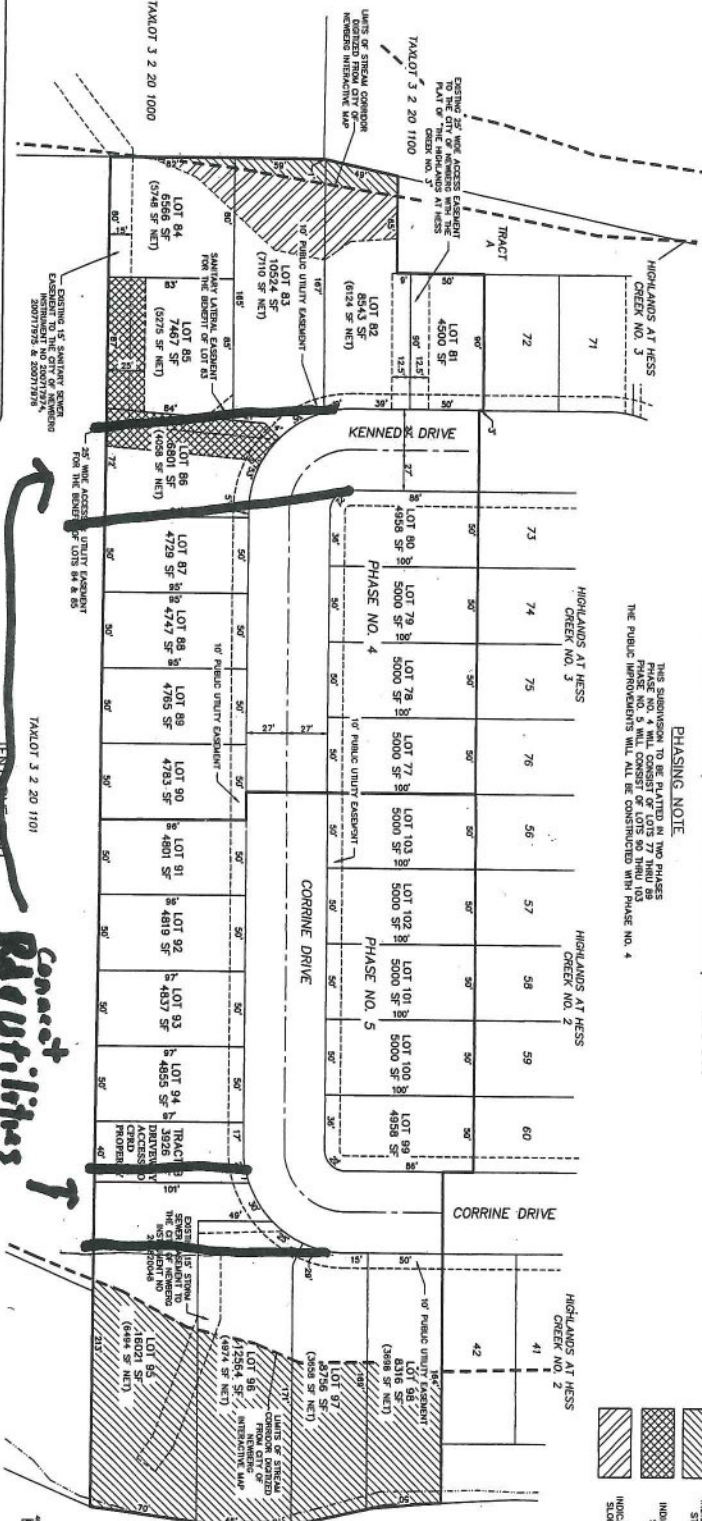
Cc: Board of Directors

# THE HIGHLANDS AT HESS CREEK PHASE NO. 4 & PHASE NO. 5 COVER SHEET

TAX LOT 3 2 20 1400  
CITY OF NEWBERG, YAMHILL COUNTY, OREGON

PHASING NOTE

THIS SUBDIVISION TO BE PLATTED IN TWO PHASES. PHASE NO. 4 WILL CONSIST OF LOTS 77 THRU 89 AND PHASE NO. 5 WILL CONSIST OF LOTS 90 THRU 103. THE PUBLIC HIGHWAY RIGHTS WILL BE CONSIDERED WITH PHASE NO. 4.



- AVIRAGE (NET) LOT AREA: 4896 SF
- NET LOT AREA: 4896 SF
- AREA IN THE STREAM CORRIDOR, SHARED ACCESS
- AREA IN THE STREAM CORRIDOR, SHARED ACCESS
- COULDS BE 15,428.74-2 & 15,428.74-2
- INDICATES LOT AREA IN STREAM CORRIDOR
- INDICATES LOT AREA IN SHARED ACCESS EASEMENT
- INDICATES LOT AREA WITH SCOPES EXCLUDING 15%

**BENCH MARK INFORMATION**  
THE DATUM FOR THIS SURVEY IS BASED UPON A 3" BRASS CAP STAMPED "YAMHILL COUNTY PAGE SAT M-2" LOCATED SE SOUTH OF HIGHWAY 219, 25 FEET EAST OF THE CENTERLINE OF EVEREST ROAD ELEVATION: 187.10 YAMHILL COUNTY DATUM

**SITE INFORMATION**  
SITE AREA: 215,076 SF (4.94 AC)  
ZONING: R2  
TAX MAP: 35 2W 20  
TAX LOTS: 1400  
NUMBER OF LOTS: 27

**PROJECT CONTACTS**  
OWNERS: LEONARD JOHNSON, 2000 W. BROADWAY, PORTLAND, OREGON 97238  
CONTACT: MATT STORM, (503) 550-8130  
ENGINEER: ERNEST DESIGN, 8285 SW NEWBERG AVE., SUITE 180, BEAVERTON, OREGON 97008  
(503) 552-5910

**DRAWING INDEX**  
1 COVER SHEET - TENTATIVE PLAT  
2 EXISTING CONDITIONS & REDEMPTION PLAN  
3 AERIAL PLAN  
4 SITE & UTILITY PLAN  
5 GRADING & EROSION CONTROL PLAN

*Construct*  
**Rautilinas**



	<b>EMERIO Design</b> 8383 SW HANCOCK AVENUE, SUITE 100 PORTLAND, OREGON 97225 (503) 552-5910 FAX (503) 552-5915 www.emeriodesign.com	<b>PLANNING DOCUMENTS</b> <b>COVER SHEET</b> <b>TENTATIVE PLAT</b>	<b>THE HIGHLANDS AT HESS CREEK</b> <b>PHASE NO. 4 &amp; PHASE NO. 5</b> A SUBDIVISION OF <b>TAX LOT 3 2 20 1400</b> <b>CITY OF NEWBERG, OREGON</b>						
	RECEIVED MAY 26 2015 Initial:	REVISIONS <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION				27/08
NO.	DATE	DESCRIPTION							



**Newberg-Dundee  
Police Department**  
P. O. Box 970  
401 E. Third Street  
Newberg, OR 97132  
503-538-8321  
Brian T. Casey  
Chief of Police

---

**To:           Planning and Building Department**

**From:       Chris Bolek**

**Re:           File No. SUB 3-15-001**  
**27 Lot Subdivision South of 736 Corinne Drive**

**Date:        June 01, 2015**

This subdivision is a twenty-seven (27) home project. I believe that it is safe to assume there is the potential for some of these to be rentals. Furthermore, some of these renters may be university students, each with a vehicle.

In the submitted document entitled "*Narrative for the Highlands at Hess Creek Phases 4 and 5*", the area listed in *15.440 Off-Street Parking, Bicycle Parking and Private Walkways*, page #4 indicates that there will be no off-street parking, bicycle parking or private walkways incorporated into this phase.

This infers to me that area residents will be using the City Street to park their vehicles, recreational vehicles and visitor vehicles.

The plans call for a 32' wide street. City Code (15.505.060) allows this width for a local residential street, but also requires 12' travel lanes as well as eight foot parking lanes, leaving a total of eight feet for street parking; a total of a four foot parking strip on either of the street. I submit that this is insufficient for the ease of area residents. Allowing parking on both sides of the street will congest the travel lanes, make it difficult for residents to get into and out of their driveways and potentially could affect the peaceful interactions of a neighborhood.

I recognize item # 2.5 of the attached CC and Rs cover parking issues. However, it often seems that CC and Rs do not always effectively address issues such as parking as well as the subsequent remedy.

On page #2 of this same document, under Item "C", it indicates that a traffic study is not warranted.

It may not be warranted for this specific subdivision; however it does not appear to take into account the accumulative effect of this subdivision in conjunction with the existing homes and neighborhoods. I am concerned that the three ingress and egress access points to this area are already strained and will become overwhelmed with additional traffic that this development will generate along with the existing traffic. I am also concerned with parking on both sides of the street will restrict access of emergency

vehicles when needed. In reality given the location of this development, there will be only two such points in primary use.

ATTACHMENT 2

The ingress / egress points to arterial roadways are as follows:

- Church Street / Highway 219
- Everest Street / Highway 219
- E. Second Street / Highway 219

In the coming months, ODOT will restrict access at E. Second Street and Highway 219; allowing only right-hand turns onto and off of the highway from both sides of E. Second Street. While this will likely reduce the potential for crashes at this intersection, it will certainly raise that potential at the other two intersections, primarily Everest / Highway 219 by raising the number of cars trying to enter onto or crossover the highway here.

Based on these concerns, I would like to respectively suggest the following for consideration:

- Allow parking on one side of the street only.
- Adequate parking restrictions so as to not block alleys or driveway accesses (to CPRD for example) with adequate signage that gives police the necessary tools to help residents with parking issues.
- Complete a traffic study to determine the actual effect of this additional traffic at the three listed intersections / accesses to Hwy 219, the only arterial out of the residential area that connects to other areas within and outside of Newberg.

Respectfully submitted,



Chris Bolek  
Newberg-Dundee Police Department

**Steve Olson**

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**From:** HOWARD Heather <heather.howard@state.or.us>  
**Sent:** Thursday, May 28, 2015 2:31 PM  
**Subject:** WLUN #2015-0163-DSL Response (City #SUB3-15-001)  
**Attachments:** WN2015-0163-Notice.pdf; WN2015-0163-Response.pdf

We have completed our review of the Wetland Land Use Notification that was prepared for **Leonard Johnson (Attn.: Mart Storm)**. The WLUN form was submitted to the Department for review/response and given the file number **WN2015-0163**.

The results and conclusions from that review are explained in the attached pdf documents. If the attached documents are illegible or difficult to open, you may contact the Department and request paper copies. Otherwise, please review the attachments carefully and direct any questions or comments to Jurisdiction Coordinator, Chris Stevenson at (503) 986-5246. Thank you for your interest in the project.

Oregon Department of State Lands  
Aquatic Resource Management Section  
775 Summer St. NE, Ste. 100  
Salem, OR 97301-1279  
Fax: (503) 378-4844  
<http://www.oregonstatelands.us>



WETLAND LAND USE NOTIFICATION RESPONSE  
 OREGON DEPARTMENT OF STATE LANDS  
 775 Summer Street NE, Suite 100, Salem, OR 97301-1279  
 Phone (503) 986-5200  
[www.oregonstatelands.us](http://www.oregonstatelands.us)

DSL File Number: WN2015-0163

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Steve Olson from city of Newberg submitted a WLUN pertaining to local case file #: SUB3-15-001.

**Activity location:**

township: 03S	range: 02W	section: 20	quarter-quarter section:
tax lot(s): 1400			
street address: S of 736 Corinne Dr, Newberg			
city: Newberg		county: Yamhill	
latitude: 45.294457		longitude: -1212.957084	

**Mapped wetland/waterway features:**

The national wetlands inventory shows a wetland/waterway on the property.

**Oregon Removal-Fill requirement (s):**

A state permit is required for 50 cubic yards or more of removal and/or fill in wetlands, below ordinary high water of streams, within other waters of the state, or below highest measured tide where applicable.

**Your activity:**

A state permit will not be required for the proposed project because based on the submitted site plan the project appears to avoid impacts to jurisdictional wetlands and waters.

**Contacts:**

A permit may be required by the U.S. Army Corps of Engineers (503-808-4373).

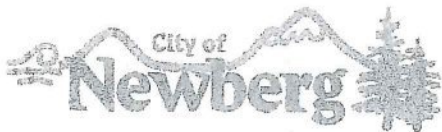
This is a preliminary jurisdictional determination and is advisory only.

Comments: Based on a review of the available information, it does not appear that the proposed grading and site development will impact jurisdictional wetlands or waterways.

Streams have been identified on the east and west of the proposed site. DSL will require a permit for any impacts to these streams that is 50 cubic yards or greater.

Response by: Chitra Stoverson date: 05/28/2015





# TYPE II APPLICATION (LAND USE) -- 2015

File #: SUB3-15-001

**TYPES – PLEASE CHECK ONE:**

Design review

Tentative Plan for Partition

Tentative Plan for Subdivision

Type II Major Modification

Variance

Other: (Explain) \_\_\_\_\_

**APPLICANT INFORMATION:**

APPLICANT: Leonard Johnson  
 ADDRESS: 3375 WESTSIDE RD MCMINNVILLE OR 97128  
 EMAIL ADDRESS: NICK@SLAWBUILT.COM  
 PHONE: 503-550-8130 MOBILE: \_\_\_\_\_ FAX: \_\_\_\_\_  
 OWNER (if different from above): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 ENGINEER/SURVEYOR: EMERIO DESIGN PHONE: 503-970-9507  
 ADDRESS: 8285 SW NIMBUS AVE SUITE 180 BEAVERTON OR 97008

**GENERAL INFORMATION:**

PROJECT NAME: HIGHLANDS PHASE 4 PROJECT LOCATION: newberg or  
 PROJECT DESCRIPTION/USE: 25 lot single family subdivision  
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3220 01400 ZONE: R2 SITE SIZE: 5 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: medium density resident TOPOGRAPHY: flat  
 CURRENT USE: vacant  
 SURROUNDING USES:  
 NORTH: mdr SOUTH: vacant  
 EAST: vacant WEST: vacant

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

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

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

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

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

[Signature] 4/8/15  
 Applicant Signature Date

Leonard Johnson  
Print Name

[Signature] 4/8/15  
 Owner Signature Date

Leonard Johnson  
Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists

# Current Title Report



**First American**

*First American Title Company of Oregon*  
825 NE Evans Street  
McMinnville, OR 97128  
Phn - (503)376-7363  
Fax - (866)800-7294

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

**Clayton Carter**, Title Officer

Phone: (503)376-7363 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Mart Storm  
22965 Sunnycrest Road  
Newberg, OR 97132

Order No.: 1039-2404451  
March 06, 2015

Phone No.: - Fax No.:  
Email:

**Preliminary Title Report**

**County Tax Roll Situs Address:** N/A, Newberg, OR 97132

**Proposed Insured Lender:**

2006 ALTA Owners Standard Coverage	Liability \$	Premium \$	
2006 ALTA Owners Extended Coverage	Liability \$	Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$	Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$	Premium \$	
Endorsement 9, 22 & 8.1		Premium \$	
Govt Service Charge		Cost \$	20.00
Other		Cost \$	

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

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

and as of March 02, 2015 at 8:00 a.m., title to the fee simple estate is vested in:

Leonard J. Johnson

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

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

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

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

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

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

- A. Survey or alternative acceptable to the company
- B. Affidavit regarding possession
- C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
  - i. Satisfactory evidence that no construction liens will be filed; or
  - ii. Adequate security to protect against actual or potential construction liens;
  - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
8. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Unnamed Creek.
9. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Unnamed Creek.
10. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Unnamed Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

11. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
12. Covenant of Waiver of Rights and Remedies, including terms and provisions thereof.  
Recorded: April 24, 2006 as Instrument No. 200608957
13. Easement, including terms and provisions contained therein:  
Recording Information: August 13, 2007 as Instrument No. 200717975  
In Favor of: City of Newberg  
For: Sanitary sewer line
14. Aircraft Operation, Sound, Air Space and Avigation Easement Agreement and the terms and conditions thereof:  
Between: Newberg Communities, LLC  
And: City of Newberg  
Recording Information: January 28, 2008 as Instrument No. 200801468
15. Easement, including terms and provisions contained therein:  
Recording Information: January 28, 2008 as Instrument No. 200801470  
In Favor of: City of Newberg  
For: Public storm drainage
16. Easement, including terms and provisions contained therein:  
Recording Information: February 20, 2008 as Instrument No. 200802862  
For: Temporary access and utility
17. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation recorded June 2, 2014 as Instrument No. 201406229 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.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: Statutory Bargain and Sale Deed recorded September 09, 2013 as Instrument No. 201314302, Newberg Communities, LLC to Leonard J. Johnson.

NOTE: Taxes for the year 2014-2015 PAID IN FULL

Tax Amount:	\$10,395.12
Map No.:	R3220 01400
Property ID:	55601
Tax Code No.:	29.0

Situs Address as disclosed on Yamhill County Tax Roll:

N/A, Newberg, OR 97132

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

**RECORDING INFORMATION**

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

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

cc: City Of Newberg



## First American Title Insurance Company

### SCHEDULE OF EXCLUSIONS FROM COVERAGE

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

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

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

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

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

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

#### SCHEDULE OF STANDARD EXCEPTIONS

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

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

TI 149 Rev. 7-22-08



*First American Title*

#### Privacy Information

##### We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

#### Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

#### Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

#### Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

#### Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

#### Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

#### Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site. There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

#### Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

#### Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive. FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

#### Fair Information Values

**Fairness** We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

**Public Record** We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

**Use** We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

**Accuracy** We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

**Education** We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

**Security** We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

Form 50-PRIVACY (9/1/10)

Page 1 of 1

Privacy Information (2001-2010 First American Financial Corporation)



**Exhibit "A"**

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

A tract of land in Section 20, Township 3 South, Range 2 West, Yamhill County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner of Parcel 1 of Yamhill County Partition Plat No. 97-61; thence South 89° 43' 16" West 293.06 feet to and iron rod at the Northwest corner of said tract; thence South 11° 53' 02" West 417.75 feet along the West line of said tract; thence South 00° 03' 38" East 149.63 feet along said West line to an iron rod; thence North 89° 43' 16" East 380.24 feet to an iron rod; thence North 89° 43' 16" East 369.36 feet to an iron rod; thence South 22° 53' 57" West 98.12 feet to an iron rod; thence South 11° 31' 25" West 105.12 feet to an iron rod; thence South 57° 43' 28" West 89.89 feet to an iron rod; thence South 02° 43' 35" East 42.05 feet to an iron rod; thence South 36° 52' 12" West 75.00 feet to an iron rod; thence South 21° 16' 47" West 101.95 feet to an iron rod; thence South 08° 36' 56" West 166.88 feet to an iron rod; thence South 10° 08' 44" East 96.51 feet to an iron rod; thence South 22° 27' 25" West 94.51 feet to an iron rod; thence North 89° 49' 55" West 230.62 feet to an iron rod; thence North 89° 49' 55" West 0.42' feet to the West line of that tract of land described in deed from Randal S. Sebastian to Newberg Communities, LLC and recorded August 25, 2006 in Instrument No. 200619743, Yamhill County Deed Records; thence South 00° 21' 34" West 436.06 feet to the Southwest corner of said Newberg Communities, LLC tract; thence South 89° 25' East 500 feet to the Southeast corner of said tract; thence in a Northeasterly direction to the junction of two small creeks; thence in a Northerly direction up one of said creeks to the Southeast corner of HIGHLANDS AT HESS CREEK - Phase 1; thence South 89° 51' 57" West 186.56 feet along the South line of HIGHLANDS AT HESS CREEK - Phase 1; thence South 85° 37' 46" West 54.15 feet along said South line; thence South 89° 51' 57" West 170.08 feet along said line; thence North 85° 53' 52" West 54.15 feet along said line; thence South 89° 51' 57" West 85.01 feet along said line to the Southwest corner of HIGHLANDS AT HESS CREEK - Phase 1; thence South 00° 08' 03" East 95.41 feet to the point of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation in Warranty Deed recorded June 2, 2014 as Instrument No. 201406229.

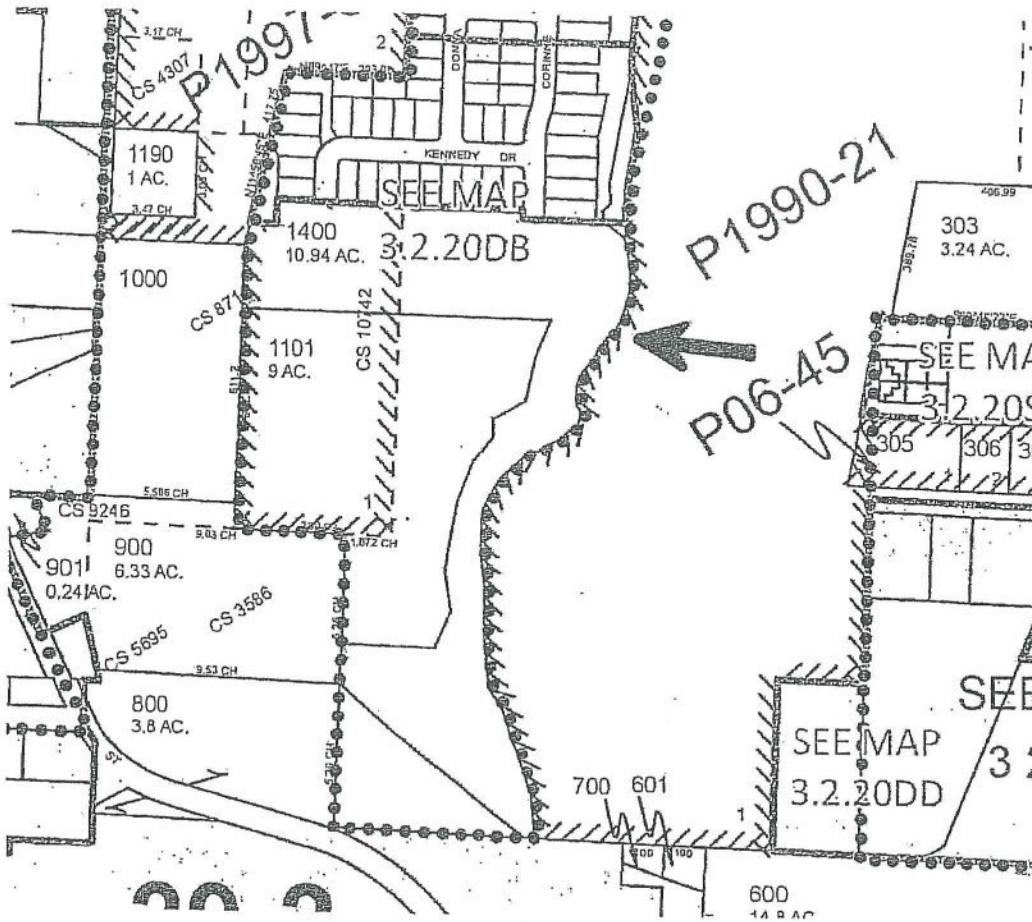
ALSO EXCEPT those portions platted as HIGHLANDS AT HESS CREEK - Phase 2 and HIGHLANDS AT HESS CREEK - Phase 3.



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





Narrative for the Highlands at Hess Creek Phases 4 and 5:

## Chapter 15.235 SUBDIVISIONS

Sections:

### 15.235.050 Subdivision applications.

A. Drafting. The tentative plan shall show all pertinent information, normally at a scale of one inch equals 100 feet. For subdivision, the scale may be increased or decreased to fit standard size sheets of 18 inches by 24 inches. However, in all multiples of 100 feet to the inch.

Answer: The tentative plan meets the requirements above

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

1. Name and block numbering of proposed subdivisions. Except for the words "town," "city," "place," "court," "addition," or similar words, the name shall be clearly different than, and clearly pronounced differently than, the name of any other subdivision in the county, unless the subject subdivision is contiguous to or platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.
2. The date, north point, and scale of the drawing, and sufficient description to define the location and boundaries of the proposed subdivision and the names of all recorded subdivisions contiguous to such area.
3. The names and addresses of the owner and engineer or surveyor.
4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the transportation system plan.
5. The locations, names and widths and grades of all existing and proposed streets and roads.
6. Contours on the site and within 100 feet of the site.
  - a. One-foot contour intervals for ground slopes up to five percent.
  - b. Two-foot contour intervals for ground slopes between five and 10 percent.
  - c. Five-foot contour intervals for ground slopes exceeding 10 percent.
7. Preliminary site grading plan, prepared by an Oregon registered engineer or land surveyor.
8. The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be required as provided for in NMC 15.505.080.

9. The approximate radii of all curves.
10. The general design of the proposed subdivision including the approximate dimension of all proposed lots and parcels.
11. The approximate location of areas subject to inundation of stormwater, and the location, width, and direction or flow of all watercourses.
12. The existing and proposed uses of the property, including the location of all existing structures that the applicant intends will remain in the subject area.
13. The domestic water system proposed to be installed, including the source, quality, and quantity of water, if from other than a public water supply.
14. All proposals for wastewater disposal, flood control and easements or deeds for drainage land, including profiles of proposed drainage ways.
15. All public areas proposed to be dedicated by the applicant and the proposed uses of the public areas.
16. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.
17. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision is a part; provided, that where the proposal comprises all of such area a written statement of such fact shall accompany the tentative plan.
18. Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to remain in place on the site and within 100 feet of the site.
19. Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to be removed on the site.
20. Such additional information as is required by the director.

**Answer:** The items have been addressed and are contemplated on the plans.

C. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.242.1.]

**Answer:** Per the 9<sup>th</sup> Edition of the ITE, residential pm peak trip generation is one per lot. This development proposes 27 lots for a total pm peak of 27. This is less than the 40 trip threshold to require a traffic study.

**15.235.060 Subdivision requirements – Type II and Type III.**

A. The director (Type II) or planning commission (Type III) shall approve a subdivision of four parcels or more under a Type II or Type III procedure if the resulting parcels comply with the following approval criteria:

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

Answer: The approval would help for the continuation of the development. It would add value to the community as it would help connect to the parcel owned by Chehalem Parks and Recreation via proposed Tract B. Hence adding additional recreational use for the community.

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

In efforts to help address the NMC 15.340- thru 440.080 I have inserted the headings below to address via separate answers:

**Division 15.400 Development Standards**

**15.405 Lot Requirements**

Answer: the lots meet the minimum lot size, and width to depth ratio to the maximum extent practical and utilizing lot averaging to meet code provisions.

**15.410 Yard Setback Requirements**

Answer: The lot dimensions are designed for standard house sizes, as such the Yard setback requirements are addressed in the site plan.

**15.415 Building and Site Design Standards**

Answer: The site and construction will be substantially similar to phases 2 and phases 3 of the Highlands.

**15.420 Landscaping and Outdoor Areas**

Answer: The site does not include nor has any outside landscaping on any tracks at this time. The individual lots will include landscaping as a function of the building. All needed street trees will be installed per the instructions of the City.

**15.425 Exterior Lighting**

Answer: The exterior lighting will be a result of the house construction and also the street light design. The lighting plan will be primarily a continuation of phases 2 and 3.

**Answer: The application includes**

**15.430 Underground Utility Installation**

Answer: The underground utilities will connect to the existing system. The maps show the storm outfall is connected to the existing water quality and detention pond system in Tract A of Phase 3, water is an extension of phase 2 and 3. Sewer is already installed in the identified road way.

#### **15.435 Signs**

Answer: The signage standards for street signs will be met.

#### **15.440 Off-Street Parking, Bicycle Parking, and Private Walkways**

Answer: no off street parking, bicycle parking and private walkways are incorporated into this phase.

3. Either:

Answer: We will comply with all city requirements regarding completion and/or substantial completion prior to the recordation of the plat.

- a. Improvements required to be completed prior to final plat approval; or
- b. The subdivider will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall include security in a form acceptable to the city in sufficient amount to insure completion of all required improvements; or
- c. A local improvement district shall have been formed to complete the required improvements; or
- d. The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction.

B. A subdivision shall be processed under the Type II or Type III procedure. Notice shall be mailed to the applicant and those identified by this code to receive notice. [Ord. 2619, 5-16-05; Ord. 2529, 7-3-00; Ord. 2451, 12-2-96. Code 2001 § 151.242.2.]

#### **15.235.070 Future street plan required.**

A. A future street plan shall not be required for any portion of an area for which a proposed street layout has been established by either the Newberg comprehensive plan, its implementing ordinances, or a future street plan previously approved by a hearing body.

Answer: There is no planned extension of public streets beyond this development. Access thru Tract B will be granted to CPRD to provide for future park development.

B. A future street plan is a conceptual plan in that its adoption does not establish a precise alignment. The plan shall demonstrate how access can be provided to adjoining parcels. The director may require that a traffic study be submitted where access to the land division includes streets that are classified as a collector or greater functional classification status.

C. Except as provided in subsection (A) of this section, a future street plan shall be filed and reviewed as part of an application for a partition or subdivision. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.243.1.]

**15.235.080 Type III future street plan.**

The city council or planning commission may initiate a future street plan for any area which impacts traffic conditions inside the urban growth boundary, providing the street plan is given consideration through a Type III procedure. [Ord. 2451, 12-2-96. Code 2001 § 151.244.]

Answer: With the captured portion of this land. Easterly is the canyon, to the South is the park, west is the Hess creek canyon, the street layout is minimal and has been efficiently planned for.

**15.235.090 Recording and filing a future street plan.**

Upon final approval, a future street plan shall be recorded with the county recorder's office as follows:

A. Evidence of recordation shall be provided to the director by the applicant; or if there is no applicant, the director shall record the future street plan.

B. Filed by the director in the future street plan index. [Ord. 2451, 12-2-96. Code 2001 § 151.245.]

**15.235.100 Revision of a future street plan.**

An approved future street plan may be revised by the director under a Type II procedure in conjunction with a land division application or by the planning commission under a Type III procedure. An approved future street plan may be revised by the city council in conjunction with a revision of the Newberg comprehensive plan or implementing ordinances or resolutions. [Ord. 2451, 12-2-96. Code 2001 § 151.246.]

**15.235.110 Criteria for approval of a future street plan.**

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

Answer: Approval of this development will not impede future best use of this property or any adjacent land.

B. The future street plan complies with this code and it's implementing ordinances and resolutions, and standards and policies of the Newberg comprehensive plan and the Newberg transportation system plan.

C. Except as provided by the provisions of this code, approval as stipulated herein does not relieve the applicant from other applicable provisions of the Oregon Revised Statutes or contained elsewhere in this code.

D. The future street plan shall adequately serve traffic with an origin in, and destination to, the area of the plan.

E. The future street plan shall provide for the logical extension of streets, to serve circulation and access needs within a district or neighborhood. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.247.]



**15.235.120 Tentative plan expiration date.**

Within two years following the effective date of the approval of a tentative land division plan, the subdivider or partitioner shall complete all required conditions, submit the final plat to the director for review and approval, and record the final plat with the county recorder. [Ord. 2529, 7-3-00; Ord. 2451, 12-2-96. Code 2001 § 151.248.]

Answer: We agree with this condition.

**15.235.130 Extension of partitions and subdivisions.**

A. Partition Extension. The director may, upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, grant a one-time extension for an additional six months upon a written finding that the facts upon which the approval was based have not significantly changed. If the director makes a finding that the circumstances have changed to a minor extent, through the Type II process the director may add conditions to the partition to bring the partition into compliance with all current standards and ordinances and extend the expiration date for up to six months. If conditions have substantially changed the director shall direct the applicant to refile the application for a new partition.

B. Subdivision Extension. Upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, the director may grant a one-time extension for an additional six months upon a written finding that the facts upon which the approval was based have not significantly changed. If the director makes a finding that the circumstances have changed to a minor extent, through the Type II process, or Type III process, an extension may be granted. The Type II process shall be used if original approval was a Type II. The Type III process shall be used if the original approval was a Type III. The director or planning commission may add conditions to the subdivision to bring the subdivision into compliance with all current standards and ordinances and extend the expiration date for up to six months. If conditions have substantially changed the director shall direct the applicant to refile the application for a new subdivision.

Answer: At this time, no extension is being asked for.

C. Phased Subdivisions. Each filing of a final plat (phase) shall extend the expiration of the tentative plan by 12 months from the date of its expiration or the date of the previously filed final plat, whichever is later. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (B) of this section. The extension of a phase under subsection (B) of this section shall also extend any subsequent phases. The total number of extensions shall not extend the tentative plan more than five years from its approval. [Ord. 2451, 12-2-96. Code 2001 § 151.249.]

Answer: This subdivision is set up to be constructed in two phases. The timing for each phase will be determined by market factors.

**15.235.140 Modifications of an approved tentative plan.**

Following tentative plan approval, an applicant may make modifications to the plan consistent with the following procedures. The director will determine whether the proposed modification is a minor or major modification.

Answer: No modifications of an approval are being requested.

A. Minor modifications are those in keeping with the general layout and pattern of the approved plan and include minor relocations of property lines, streets, walkways and alleys, changes in the site utilities, and changes which do

not increase the number of lots by more than five percent. The director may approve a minor modification under a Type I procedure upon finding that the modification is substantially consistent with the approved tentative plan, is consistent with the provisions of this code and the conditions of approval, and does not have substantially greater impacts on surrounding properties than the original tentative plan.

B. Other modifications including changes which increase the number of lots by more than five percent, changes in the patterns of streets, alleys, or walkways, changes in the site utilities and substantial changes to the conditions of approval are major modifications. A change in the whole application or substantive parts of an application shall be considered a new application. Major modifications may be approved using the same procedure as the original application. The criteria for approval shall be those for tentative plan approval.

C. An application for a modification shall be considered a new application for purposes of the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. The applicant shall acknowledge in writing that this is a new application for purposes of the 120-day rule.

D. The city council shall establish a fee for modification of approved tentative plans by resolution. [Ord. 2590, 11-6-03. Code 2001 § 151.249.2.]

#### **15.235.150 Final partition map and subdivision plat – Drafting requirements.**

A. Partition Plats. The application for final partition plat approval shall include one original and two copies drawn in black India ink in clear and legible form. Original plats shall be in substantial conformity to the Yamhill County surveyor's specifications and requirements, but in any event, scale requirements shall be the same as specified for tentative plans. Sheet dimensions and size shall be specified by the county recording officer for partition plats offered for record.

#### **B. Subdivision Plats.**

1. The application for a final subdivision plat approval shall include one original and two copies, 18 inches by 24 inches in size, and drawn with black India ink. Original plats shall be in substantial conformity to the approved tentative plan and shall conform to the Yamhill County surveyor's specifications and requirements pertaining to material that has characteristics of adequate strength and permanency, as well as suitability for binding and copying.

2. Plats shall be in clear and legible form and may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for all plats placed upon three or more sheets. Scale requirements shall be the same as specified for tentative plans. Lettering and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, and no part of the plat shall come nearer than one inch to any edge of any sheet. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.1.]

**Answer:** The Surveyor shall comply with all standards that the City requests for the Subdivision Plat to be completed.

#### **15.235.160 Submission and review of final plat or final partition map.**

A. The final plat or final partition map shall be submitted to the director for final approval. Through a Type I procedure, the director shall determine whether the material conforms with the tentative plan approval requirements and with the applicable requirements of this code. If the director determines that the material does not conform, the applicant shall make corrections.

B. The director shall determine that:

1. Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
2. Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the city.
3. The proposal complies with this code.
4. The plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.
5. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, wastewater disposal and water supply systems.
6. Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the partition have been accounted for and referenced on the plat.
7. There will exist an adequate quantity and quality of water and an adequate wastewater disposal system to support the proposed use of the land described in the plat.
8. Either:
  - a. Improvements as required by this code or as a condition of tentative plan approval have been filed with the director; or
  - b. A performance agreement (bond) or suitable substitute as agreed upon by the city and applicant has been filed with the director in sufficient amount to insure the completion of all required improvements; or
  - c. A petition for improvements has been properly executed by the applicant who is effecting the partition or subdivision and will be assessed for said improvements.
9. Taxes, as well as public liens, assessments and fees, with respect to the subdivision area have been paid, or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.
10. The subdivider has entered into agreement with the city relating to completion of improvements, payment of wastewater and water hookup fees, inspection fees, public lands payments, monumentation or any other elements deemed relevant to the purpose of this or any other city ordinance, state statute or federal law.

**Answer:** We intent to meet all the needs of the City and Director in sufficient specificity.

C. If the conditions set at the time of tentative land division approval are not fulfilled and the final plat or final map is not recorded by the tentative plan expiration date, the tentative land division approval is null and void. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.2.]

**15.235.170 Information required.**

The proposed subdivision or partition plat must contain the following information with respect to the subject area:

- A. The lengths of all chords, radii points of curvature, and tangent bearings shown.
- B. The lot lines of all lots within the subdivision, or all parcel lines within the partition, with dimensions in feet and hundredths of feet and with all bearings shown. Area in square feet for each lot or parcel.
- C. Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.
- D. Where a plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.
- E. The description and location of all permanent reference monuments, including a tie to the city coordinate system.
- F. An affidavit of a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor, and who surveyed the subdivision or partition, conforming to the requirements of the Oregon Revised Statutes.
- G. The date, north point, and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision or partition.
- H. The locations, names and widths of all streets, existing or created.
- I. The location, dimensions and purpose of all recorded and proposed public and private easements and all reserve strips shall be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.
- J. Before a partition or subdivision can be approved, there shall appear thereon a restriction providing that no building, structure, or other obstruction shall be placed or located on or in a public utility easement.
- K. A designation of all areas covered by water, and the approximate location and direction of flow of all watercourses.
- L. A designation of all areas dedicated by the applicant, including proposed uses, and an effective written dedication of the areas.
- M. Designation of all donations to the public of all common improvements, including but not limited to streets, roads, parks, wastewater disposal and water systems, the donation of which was made a condition of approval of the tentative plan for the subdivision or partition.
- N. A copy of all protective deed restrictions being proposed.

O. A title report issued by a title insurance company licensed by the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.3.]

Answer: All conditions above have been met in this approval.

**15.235.180 Approval signatures for final partition map and subdivision plat.**

A. Approval of a final partition map, together with the effective date, shall be noted in writing on the final map by the director.

B. Approval of a final subdivision plat shall be acknowledged by including on the plat the authorized signature of:

1. The director, whose signature shall certify that the final plat conforms to the conditions of tentative plan approval.
2. The county assessor certifying that all taxes on the property have been paid or bonded for in accordance with state law.
3. The county or city surveyor, certifying the subdivision plat complies with applicable survey laws.
4. The city recorder, whose signature shall certify that all liens on the property have been paid.

C. Deliver the approved subdivision plat to the office of the county clerk for recording.

D. Return an exact copy of the recorded plat to the director. The copy shall be made with permanent black India-type ink or silver halide permanent photocopy on three millimeter polyester film. [Ord. 2451, 12-2-96. Code 2001 § 151.251.]

**Cross-reference:** See ORS 92.095 for prepayment of taxes before recording of subdivision plats can occur.

**Article II. Standards for Land Divisions**

**15.235.190 Dedication.**

A. Generally. The director may require right-of-way for adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the applicant of such design and in such locations as are necessary to facilitate provision for the transportation and access needs of the community and the subject area in accordance with the purpose of this code.

B. Special Safety Requirements. Where necessary to ensure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subject area, the director may require that local streets be so designated as to discourage their use by nonlocal traffic.

C. Ownership Verification of Dedications. In the event approval of a land division is conditioned upon the dedication of a portion of the area to the public, the applicant shall submit to the director a title report issued by a title insurance company licensed in the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public.

D. Approval Required on Dedications. No instrument dedicating land to the public shall be accepted for recording unless such instrument bears the approval of the director.

E. Inclusion of a transportation route in the transportation plan is intended to indicate the public's need to acquire a public right-of-way in the area through legally and constitutionally allowed means. Notwithstanding other provisions of this code or the comprehensive plan, inclusion of such a route does not restrict the use of the property by the owner who owns the property when the route is first included in any city plan, unless the review body finds the restriction is exempt from those provisions of ORS Chapter 197, as amended by Ballot Measure 49, passed November 6, 2007, or that just compensation will be paid in accordance with that section. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.1.]

**15.235.200 Lot and parcel side lines.**

As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lots or parcels face, except that on curved streets they shall be radial to the curve. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.2.]

**Answer:** The tentative plat use right angles for the lot designs to the maximum extent practicable.

**Penalty:** See NMC 15.05.120.

**15.235.210 Suitability for intended use.**

All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision or partition, or of such lot or parcel, as determined by the director, in accordance with this code. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.3.]

**Answer:** All lots will be used for productive and quality housing.

**CITY OF NEWBERG  
SAMPLE POSTED NOTICE**

**Land Use Notice**

**FILE #** (insert the file number assigned to you at the time of application)

**PROPOSAL:** 27 Lot Subdivision

**FOR FURTHER INFORMATION, CONTACT:**

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

2'

3'

Notice must be white with black letters, and must be landscape orientation, as shown above.  
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.

# CC & R's



AFTER RECORDING RETURN TO:  
Newberg Communities, LLC  
14845 Sw Murray Scholls, Suite 110 – PMB 515  
Beaverton, OR 97007

SEND ALL TAX STATEMENTS TO:  
No Change

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## CONDITIONS COVENANTS AND RESTRICTIONS

This DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS FOR HIGHLAND AT HESS CREEK – PHASE 2, a subdivision in the City of Newberg, Yamhill County, Oregon (herein known as the “Declaration”) is hereby made and executed this \_\_\_\_ day of \_\_\_\_\_, 2008, by the Undersigned (who constitutes and is the sole owner of real property more particularly described on attached Exhibit “A”);

### RECITALS:

WHEREAS, the undersigned Owner desires to create specific conditions, covenants and restrictions contained herein for the benefit of all of the parcels set forth on a portion of the real property set forth on attached Exhibit “A” and any modifications thereto and their present and subsequent Owners. The undersigned owner does hereby state that subsequent to the date of execution hereof, a subdivision plat known as HIGHLANDS AT HESS CREEK – PHASE 2 consisting of twenty six (26) residential lots will be recorded associated with the said real property with a copy of the subdivision plat attached hereto as Exhibit “B” with the entire subdivision plat herein known as “affected property”.

### SECTION 1- DEFINITIONS

The following words and terms, when used in this Declaration, and supplemental Declarations or any changes, amendments, or modifications hereto, shall have the following meanings:

1.1 “Lot or Parcel” shall mean and refer to any of the existing parcels or any modifications thereto which are contained within the affected property.

1.2 “Owner” shall mean and refer to the Owner of record, whether one or more persons or

2.3 No noxious or offensive activity shall be permitted upon any Lot or in any area or part of the affected property, nor shall anything be done or maintained thereon that may be or become an annoyance or nuisance to any Owner or detract from the value of the affected property as a high-class residential neighborhood.

2.4 No personal property such as a trailer, recreational vehicle, boat, camper unit, farm equipment, or tent shall be placed, stored or parked on any Lot, or in any part of the affected property unless it is stored so that it must be sufficiently screened from public view; provided, however, that such parking is in conformity with any applicable municipal ordinances and regulations.

2.5 Each Lot shall provide adequate room for the parking of private vehicles, and said private vehicles shall not be allowed to be parked in any portion of the said property so that they become a sight nuisance from any portion of the street which acts as an access to the entire affected property. No owner shall permit any vehicle which is inoperable to remain parked upon any Lot or open space or upon any street for a period in excess of forty eight (48) hours.

2.6 No television antennas or radio aerials shall be permitted upon any Lot, House, or any part of or area of the affected property. Small size satellite receivers and dishes shall be permitted on a Lot, House, or any part of or area in the affected property only if such are screened from view of any street and are not placed on the roof of any structure. All utilities shall be installed underground, as no overhead wires or service drops for the distribution of electricity or any other telecommunication purposes, nor any poles, towers, or other supporting structures shall be erected, placed, or maintained on any Lots. Clotheslines shall be screened so as to not be viewed from any Street.

2.7 No Lot, or area in or part of the affected property shall be used or maintained as a dumping site or depository for rubbish, refuse, trash, garbage, or any other form or type of waste. Any such waste is be stored in a location which is not visible from any Street within the affected property in a suitable and sanitary container until such waste is picked up or removed. Any containers or other equipment for the storage or disposal of such waste shall be maintained and operated in a safe and sanitary manner and shall not cause or be a form of nuisance to any resident in the affected property. Trimmings, cuttings and like debris may be composted on any Lot provided they are maintained in a singular enclosed location not visible from any Street and so as not to become an annoyance or nuisance to any other resident in the affected property.

2.8 No sign or other advertising device shall be erected or constructed upon or placed within or on any Lot or house in any area or part of the affected property except for garage sale signs, political signs, and one (1) sign not larger than eighteen (18) inches by twenty-four (24) inches advertising such House for sale, rent or for a City of Newberg permitted home based business. The Declarant or its designee may maintain and place "for sale" signs for purposes of marketing the said subdivision that are excluded from these said restrictions.

2.9 No Owner, invitee, or licensee shall allow any activity to occur which will cause a

level of noise to be offensive or disruptive to any one else within the affected property.

2.10 No structure of a temporary character or nature such as trailer, tent, shack, garage, barn, or other outbuilding shall be used on Lot, at any time, as a residence either temporarily or permanently. Declarant or its designee reserves the right to locate a temporary construction office within the subdivision while the subdivision and homes are being constructed.

2.11 During the period of time through and including one (1) year from the date of recording of the subdivision plat, the construction of all fences, retaining walls, and other structures (including swimming pools, greenhouses, storage sheds, etc.) must be approved by the Declarant or its designee. A detail plan of the proposed construction including the shape, colors, height, type of materials, proposed location on the Lot, and location and number of trees that are proposed to be removed must be provided to the Declarant or its designee for review and approval prior to commencing any construction, and at least ten (10) days prior to application for any building permit. Approval of the proposed construction is at the discretion of the Declarant or its designee, as the Declarant or its designee shall consider quality of the specified material, harmony with existing and planned structures and location with respect to topography and finished grade elevation of the Lot and of the other Lots in the subdivision.

2.11.1 No fence, either sight or non-sight obscuring, in excess of three (3) feet in height may be located between the building line and the front yard sidewalk, and in the case of a corner lot, the building line and the sidewalk abutting the side yard. The maximum height of any fence located on the remainder of the Lot shall be six (6) feet and must be constructed of cedar and be a "good neighbor" construction type with similar material and style to other fences existing within the subdivision at the time that construction is commenced by the said applicant.

2.11.2 No trade, craft, business, profession, commercial, or similar type activity of any kind or nature shall be conducted on any Lot, nor shall any goods, equipment, vehicles, materials or supplies used in connection with any trade, craft, business, profession, commercial, or similar type activity be kept or stored on any Lot, (unless allowed and permitted by the City of Newberg) excepting the right of any homebuilder, contractor, and the Declarant or Declarant's affiliates or Declarant's designee, to construct the infrastructure of the subdivision and residences on the said Lots, and to store construction equipment and materials on said Lots in the normal course of construction of said infrastructure, residences, and/or model homes for the purposes of sales in said phases. Furthermore, during the course of construction of a dwelling, the Owner and/or his contractor shall be authorized to store construction materials and equipment on the said Lot in the normal course of construction, subject to the provisions of Section 3.13.

2.12 Rubbish and Trash. No Lot or part of the Common Area shall be used as a dumping ground for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate containers for timely and proper disposal, out of public view. Yard rakings, dirt and other material resulting from landscaping work shall not be dumped onto streets, the Common Areas or any other Lots. Each owner is responsible for trash disposal, and shall only place individual trash containers in the public street (not alleyways) within 12 hours of the scheduled

trash collection time and such owners shall remove the individual trash containers from the public street and from public view within 12 hours after collection.

### SECTION 3- BUILDING STANDARDS

3.1 No lot shall be used except for residential purposes as a single-family dwelling. There are no mobile homes or manufactured homes allowed whatsoever in any portion of the affected property. No building shall be constructed on any Lot other than one single family dwelling not to exceed 2 stories in height and an attached private garage of sufficient size to store a minimum of one (1) vehicle, as long as an additional off-street parking space is available, otherwise two (2) garage parking spaces are required. All houses shall be constructed to a minimum of 1,000 sq. ft. excluding the garage area and open porches. All houses shall be constructed with all roofing material at a minimum architectural composition or better, i.e., no 3-tab roofing is allowed, with the said roofing colors to be the same colors as all other houses in the affected property.

3.1.1 The foregoing provisions shall not exclude the construction of a private greenhouse, storage shed, private swimming pool, or a shelter for the protection of such swimming pool or for the storage of a boat, and/or camping trailer or motor home which are utilized for personal use; provided, however, that the location of such structure is required to be in conformity with the applicable municipal regulations, and furthermore are compatible in design, construction, and decoration with the residence that is constructed on the said Lot, and placed on the said Lot.

3.1.2 The Declarant or its designee reserves the right to permit exceptions to the dwelling size requirement in selected locations. The Declarant or its designee may permit exceptions where architectural design enhancements provide an overall appearance and value in conformance with the remainder of the property. Such exceptions shall be made at the sole discretion of the Declarant or its designee. Under no circumstance shall a total number of exceptions be granted that exceed a total of one half of the total number of Lots.

3.1.3 Completion of construction of any dwelling including exterior decoration shall occur within six (6) months from the date of commencement of the said construction. During this construction period of time, the following shall occur:

3.1.3.1 All Lots shall be kept in a neat and orderly condition free of brush, vines, weeds, and other debris.

3.1.3.2 All grass on the Lot shall be cut or mowed at sufficient intervals to prevent creation of a nuisance or fire hazard.

3.1.3.3 All contractors and builders shall keep their job site orderly and in clean condition and shall periodically, during the course of construction, remove all construction waste materials. In the event of hardship due to inclement weather conditions, this provision may be

extended by the Declarant or its designee for a reasonable period of time.

3.2 Landscaping. Prior to the occupancy of the house on a specific Lot, the front yard of the Lot upon which said house has been erected or constructed shall be fully and completely landscaped as to the planting of cultivated grass lawns. Within six (6) months from the date of occupancy, landscaping associated with the back and side yards of the said Lot must be completed. Owners are strongly encouraged to use sod for the planting of lawns. At all times after substantial completion of the construction of a House on a Lot in the affected area and before the installation of landscaping, all yards shall be maintained so as not to be offensive in appearance nor cause or present any sort or form of hazardous or dangerous condition.

3.2.1 Watering, trimming, and all maintenance associated with the street trees required by the City of Newberg which are planted along certain streets of the subdivision are the responsibility of the owner of the Lot which is contiguous to the said trees.

3.3 Setbacks from Property Lines. Minimum setbacks on all Lots in the affected property shall be governed by the applicable City of Newberg development and airport overlay ordinances, if applicable.

3.4 Rain gutters and downspouts. As noted and approved by the City Building Department shall be installed.

3.5 Rubbish and Trash. No Lot or part of the Common Area shall be used as a dumping ground for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate containers for timely and proper disposal, out of public view. Yard rakings, dirt and other material resulting from landscaping work shall not be dumped onto streets, the Common Areas or any other Lots. Each owner is responsible for trash disposal, and shall only place individual trash containers in the public street (not alleyways) within 12 hours of the scheduled trash collection time and such owners shall remove the individual trash containers from the public street and from public view within 12 hours after collection.

#### **SECTION 4- EASEMENTS.**

4.1 Ingress/egress, utility, drainage, and sidewalk easements are set forth on the plat of HIGHLANDS AT HESS CREEK - PHASE I.

#### **SECTION 5- MAINTENANCE OF LOTS**

5.1 Each Owner of any Lot in the affected property shall maintain the condition of said

Lot and any improvements thereon including, without limitation, any House, building, fencing, structure, landscaping, sidewalks, driveways, trees, shrubs, or other vegetation thereon in a reasonably clean, neat, attractive and visually pleasing manner so as to not detract from the affected property being a high-class residential neighborhood.

#### **SECTION 6- COMMON AREA**

6.1 No Common Areas exist as set forth on the plat of HIGHLANDS AT HESS CREEK – PHASE I

#### **SECTION 7- ARCHITECTURAL REVIEW COMMITTEE (ARC)**

7.1 No improvement shall be commenced, erected, placed or altered on any Lot until the construction plans and specifications showing the nature, shape, heights, materials, colors, and proposed location of the improvement have been submitted to and approved in writing by the ARC. It is the intent and purpose of this Declaration to assure quality of workmanship and materials and to assure harmony of exterior design with the existing improvements and landscaping. The ARC is not responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or other governmental regulations, all of which are the responsibility of the Lot Owners. The procedure and specific requirements for review and approval of construction may be set forth in design guidelines adopted from time to time by the ARC. Construction by the Declarant is presumed to have been approved and is thereby exempt from the review. In all cases which the ARC consent is required by this Declaration, the Provision of this Article shall apply.

7.2 The ARC shall consist of no fewer than three (3) members and no more than five (5) members. The Declarant reserves the right to appoint all members of the ARC and all replacements thereto until turnover. The Declarant may appoint a single person to serve as the ARC.

7.3 Except as otherwise provided in this Declaration, a majority of the members of the ARC shall have the power to act on behalf of the ARC, without the necessity of a meeting and without the necessity of consulting the remaining members of the ARC. The ARC may render its decision only by written instrument setting forth the action taken by the members consenting thereto.

7.4 The ARC shall consider and act upon the proposals and/or plans submitted pursuant to this Article. The ARC, from time to time and at its sole discretion, may adopt architectural rules, regulations, and guidelines (“Architectural Standards”). The Architectural Standards shall interpret and implement the provisions of this Declaration for architectural review and guidelines for architectural design, placement of buildings, color schemes, exterior finishes and

materials and similar features which may be used in the Property; provided, however that the Architectural Standards shall not be in derogation of the minimum standards established by this Declaration.

7.5 The ARC shall render its approval or denial decision with respect to the construction proposal within twenty (10) working days after it has received all material required by it with respect to the application. All decisions shall be in writing. In the event that ARC fails to render its decision of approval or denial in writing within sixty (30) day of receiving all material required by it with respect to the proposal, the application shall be deemed approved. Approval by the ARC does not imply government approval which is solely the responsibility of the Owner.

7.6 The ARC may, at its sole discretion, withhold consent to any proposed work if the ARC finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the ARC intends for the Property. Consideration such as siting or location on the Lot, shape, size, color, design, height, solar access, or other affect on the enjoyment of other Lots of the Common Area, and any other factors which the ARC reasonably believe to be relevant, may be taken into consideration by the ARC in determining whether or not to consent to any proposed work.

7.7 Consent by the ARC to any matter proposed to it or within its jurisdiction shall not be deemed to constitute a precedent or waiver impairing the ARC's right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

7.9 The ARC's consent to any proposed work shall automatically be revoked three (6) months after issuance unless construction of the work has been commenced or the Owner has applied for and received an extension of time from the ARC.

7.10 The ARC shall inspect, from time to time, all work performed and determine whether it is in substantial compliance with the approval granted. If the ARC finds that the work was not performed in substantial conformance with the approval granted, or if the ARC finds that the approval required was not obtained, the ARC shall notify the Owner in writing of the noncompliance. The notice shall specify the particulars of any noncompliance and shall require the Owner to take the necessary action to bring the work into compliance with the approved project.

7.11 If the ARC determines that an Owner has not constructed an improvement consistent with the specifications on which approval is based, and if the Owner fails to diligently commence to remedy such noncompliance in accordance with the provisions of the notice of noncompliance, then at the expiration of the third (3<sup>rd</sup>) day from the date of such notification, the ARC shall provide a notice of a hearing to consider the Owner's continuing noncompliance. The hearing shall be set no more than thirty (30) days from the date of the notice of noncompliance. At the hearing, if the ARC finds that there is a non valid reason for the continuing noncompliance, the ARC shall determine the estimated costs of correcting it. The ARC shall then require the Owner to remedy or remove the same within a period of not more than ten (10) days from the date of the ARC's Determination. If the Owner does not comply with the ARC's ruling within such period or

within *any* extension of such period as the ARC, at its discretion, may grant, the Association may (a) remove the noncomplying improvement, (b) remedy the noncompliance, or (c) fine Owner and his Lot, including all attorney's fees and other costs expended and incurred to enforce compliance before suit or action is filed and at trial or on any appeal or review therefrom.

7.12 Neither the ARC, their agents, nor any member thereof shall be liable to any Owner, Occupant, or builder for any damage, loss or prejudice suffered or claimed to be suffered arising from any action by the ARC or a member thereof or failure of the ARC or a member thereof, provided only that the member has acted in good faith in accordance with the actual knowledge possessed by him.

7.13 Within fifteen (15) working days after written request is delivered to the ARC by an Owner, and upon payment to the ARC of a reasonable fee fixed by the ARC to cover costs, the ARC shall provide such Owner with a certificate executed by the Chairman of the ARC, and acknowledged, certifying with respect to any Lot owned by the Owner, that as of the date thereof either (a) all improvements made or done upon or within such Lot by the Owner comply with this Declaration, or (b) such improvements do not so comply, in which event, the certificate shall also identify the noncomplying improvements and set forth with particularity the nature of such noncompliance. The Owner, his/her/their heirs, devisees, successors and assigns shall be entitled to rely on the certificate with respect to the matters set forth. The certificate shall be conclusive as between the Declarant, the ARC the Association and all Owners, and all such persons deriving an interest through any of them.

#### **SECTION 8- AMENDMENTS OR MODIFICATIONS.**

8.1 This Declaration may be amended or modified by an instrument signed by not less than eighty-five percent (85%) of the then Owners of Lots in the affected property.

8.2 Any and all amendments or modifications to this Declaration must be in writing and shall be recorded as an amendment or modification to this Declaration in the official and public records of Yamhill County, Oregon.

#### **SECTION 9- DURATION OF THESE CCR'S.**

9.1 The covenants, conditions and restrictions of this Declaration and any and all amendments and modifications hereto shall run with and bind the land and inure to the benefit of any and all Owners of Lots in the affected property, their legal representatives, heirs, successors and assigns for a term of thirty (30) years from the date this original Declaration is recorded in the official and public records of Yamhill County, Oregon. After such date, the original Declaration



and any and all amendments and modifications hereto shall be automatically extended and renewed for successive periods of ten (10) years unless and until an instrument terminating the Declaration and any amendments thereto signed by the then Owners of eighty-five percent (85%) of the Lots has been executed and recorded in the official records of Yamhill County, Oregon prior to the commencement of any ten (10) year period.

#### **SECTION 10- MISCELLANEOUS OTHER PROVISIONS.**

10.1 In constructing this Declaration, or any part hereof, stipulations that are necessary to make this Declaration or any of its terms or provisions reasonable are hereby implied. Invalidity of any of the provisions of this Declaration shall in no way affect the validity of any of the other provisions hereof which shall remain in full force and effect.

10.2 Any provision of this Declaration and any amendments thereto shall bind and inure to the benefit of and be enforceable by the Owner or Owners of any Lot or Lots, their legal representatives, successors heirs and assigns under any type of legal or equitable relief. Failure by the Owner or Owners of any Lot or Lots, their legal representatives, successors, heirs or assigns to enforce any condition, charge or restriction of this Declaration shall in no event be deemed a waiver of the right to do so. In case any suit or action is required to be filed to enforce any term or provision hereof, the non-prevailing party is required to pay the prevailing party's costs and attorney fees incurred in enforcement, both at trial and on appeal.

10.3 By the recording of this Declaration, each Owner shall be deemed to have consented and agreed to every term, condition, covenant and restriction contained herein.

#### **10.4 Mortgage Protection.**

10.4.1 Except upon the approval of Mortgagees holding Mortgages of Lots which have at least eighty-five percent (85%) of the votes of Lots which are subject to Mortgages, no amendments may be made to this Declaration which add to or amend any material provision of the Declaration which establish, provide for, govern or regulate any of the following:

10.4.2 Termination of this Declaration or any amendment thereto shall require the consent of not less than eighty-five percent (85%) of the Mortgagees holding an interest in Lots. Any such Termination of this Declaration shall be carried out by the Owners pursuant to the provisions of the Declaration, and only after a vote of the Owners as required by this Declaration.

10.4.3 The provisions of Section 8 are intended only to be a limitation on the right of the Owners to amend the Declaration, and any such amendments to the Declaration shall be made only upon full compliance with the provisions of such relating to the procedure and percentage of votes required for such amendment.

10.4.4 Any Mortgagee who receives a written request to approve an amendment to

the Declaration or any other action to be taken, shall be deemed to have given such approval unless such Mortgagees written objection to such action is delivered to the Owners within thirty (30) days after the date of the written request.

10.5 Default by an Owner of any Obligation of the said Owner.

10.5.1 Failure by an Owner to cure any breach of the terms and conditions of these CCR's shall be a default by such Owner of his or her obligations pursuant to these CCR's. In case any Owner (including the Declarant) thereof is required to retain the services of an attorney to enforce any term or condition of these said CCR's, the non-prevailing party is liable for the payment of attorney fees and costs incurred by the prevailing party, both at trial and on appeal.

10.6 Any notice under this Declaration and any amendment thereto shall be in writing and shall be effective when actually delivered or when deposited in the mail, registered or certified, addressed to the specific Owner at the mailing address of the Owner.

10.7 As used hereunder, the singular shall include the plural and the plural the singular, and the masculine and neuter shall each include the masculine, feminine, and neuter as the context requires. All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Declaration and any amendments thereto.

10.8 If any term or provision hereof is determined to be invalid, that invalidity has no effect upon the remaining terms and provisions hereof.

10.9 Any decisions required by the Declarant or its designee must be in writing setting forth the action taken in order to be enforceable.

10.10 Failure by the Declarant and/or its designee to require performance by any other party of any of the provisions hereof shall in no way affect the Declarant's and/or its designee's rights hereunder to enforce the same, nor shall any waiver of the Declarant and/or its designee of any breach hereof be held to be a waiver of any succeeding breach, or a waiver of this non-waiver clause.

10.11 So long as the Declarant and/or its designees and/or its assigns have acted in good faith based upon actual knowledge possessed by the Declarant and/or designees and/or its assigns, neither the Declarant (including any officer and/or member) and/or its designees or assigns, to the fullest extent possible, shall be liable to any owner, occupant, contractor, builder, or any others for any damages, losses, or prejudice incurred, suffered, or claimed on account of any action or failure to act by the Declarant and/or its designees and/or its assigns.

10.12 Owners are responsible for the maintenance and repairs of the public sidewalk and landscaping fronting their respective property lines.

10.13 There is no direct motor vehicle access from any lot in the said subdivision

to 3<sup>rd</sup> Street.

10.14 The Owners hold the City of Newberg, public, and the Sportsman's Airpark harmless from any damages caused by noise, fumes, dust, fuel, fuel particles or other effects that may be caused by the operation of aircraft taking off, landing or operating on or near the airfield, not including the physical impact of aircraft or parts thereof.

10.15 No Owner shall sell, nor offer for sale, any property within the AIO Sub-District unless the prospective buyer has been notified of the fact that the property is within the AIO SubDistrict. When Property ownership is transferred, the property deed shall be amended to note that the property is within the Airport Industrial Overlay Sub-district.

10.16 No Owner shall sell, nor offer for sale, any property within the ALO Sub-District unless the prospective buyer agrees to follow Aircraft Owners and Pilots Association (AOPA) standard noise abatement procedures, or the most recent noise abatement procedures established at the airport.

This said Declaration has been executed by at least 85% of the Owners.

**Newberg Communities, LLC, an Oregon Limited  
Liability Company .**

---

By: Michael Hanks  
Its: Member

STATE OF OREGON        )  
                                  ) SS.  
County of Yamhill        )

Personally appeared the above-named Michael Hanks before me who stated that he was a member of Newberg Communities, LLC and who further stated that he was authorizing this said document with the authority of the Members and acknowledged execution of the foregoing document to be his voluntary act and deed.

---

Notary Public of Oregon

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



# EMERIO *Design*

CIVIL ENGINEERS & PLANNERS

---

Date: May 26, 2015  
To: City of Newberg, Engineering Review Staff  
From: Eric Evans, PE – Emerio Design LLC  
RE: Highlands at Hess Creek Phase 4 & 5

Please find the attached storm drainage report for phase three of the Highlands at Hess Creek Subdivision. In this report you will find phase four and five were "master-planned" to address city of Newberg storm water requirements at the time phase three was constructed. Specifically water quality and detention were calculated to be addressed in the pond/swale located on the western edge of the site.

Should you have further questions or comments on this matter, please to not hesitate to call me at 503-853-1910.

Sincerely,



Eric Evans, PE  
Project Manager



EXPIRES 12-31-15

# EMERIO *Design*

CIVIL ENGINEERS & PLANNERS

## Final Stormwater Management Report

### The Highlands at Hess Creek Subdivision No. 3

Emerio Project Number: 244-001  
 City of Newberg Project Number: SUB3-12-004



EXPIRES 12-31-15

Prepared For:  
 Newberg Communities, LLC  
 PO Box 486  
 Newberg, Oregon 97132  
 Contact: Mart Storm

Prepared By:  
 Eric D. Evans, PE  
 Emerio Design, LLC  
 6107 SW Murray Blvd., Suite 147  
 Beaverton, Oregon 97008  
 (503) 853-1910  
 eric@emeriodesign.com

Submittal #	Date	Returned	Comments
One			

## **Table of Contents:**

- APPENDIX A
  - (1) Vicinity Map
- APPENDIX B
  - (1) Soils Maps—"Soils Survey for Yamhill County"
  - (2) Curve Number Table
- APPENDIX C
  - (1) Swale Sizing Spreadsheet
  - (2) Pre Developed Hydrocad Plots
  - (3) Post Developed Hydrocad Plots
- APPENDIX D
  - (1) Post-Developed Basin Map

## **Project Overview and Description:**

The proposed site will include a new subdivision in several phases. At this time 16 new lots are proposed. Three existing lots and road frontage will also be collected and detained. Future phases will create 28 new lots. A detention/water quality pond will be created on the western boundary of the site.

## **Soil Classification:**

The NRCS soil survey of Yamhill County, Oregon classifies the onsite soils as Woodburn Silt Loam. The associated hydrologic group of this soil is C. The associated curve numbers utilized in this design is 79 and 86 for pervious surfaces, Pre and Post-Developed respectively. A curve number of 98 is set for impervious surfaces, reference appendixes B(1) and B(2).

## **Basin Delineation:**

The site is modeled in three separate catchment areas. These are onsite to detention/treatment (Area A), Onsite without detention/treatment (Area B) and existing offsite upstream area to detention/treatment (Area C). Reference appendix D(1) for a basin map and area tabulation.

## **Water Quantity/Detention:**

In conversation with city staff, the only detention standard to be met within the city of Newberg is to match the 25-year peak flow pre to post. Using Hydrocad V8.00 the three basins described above were modeled in both the pre to post developed condition. Reference the pre and post developed Hydrocad plots in appendix C(2,3).

Pre-developed Condition Modeling: To determine the allowable release rate, Area C in its current condition was modeled. This was combined with area A and B being considered as grassy surfaces. This created an allowable release rate of 2.94 CFS for the design event.

Post-developed Condition Modeling: Basins A and C were routed to the pond for detention. Basin C is allowed to leave the site without the benefit of detention. However, the sum of the two runoffs, downstream of the pond plus downstream of



the area B were considered as the overall post developed release rate. This resultant sum is 2.52 CFS. Which is less than the pre-developed case, as such, the requirement for detention is satisfied.

**Water Quality:**

It is the goal of this project to provide complete water quality treatment for the site (current and future) as well as the upstream contributing areas. The impervious area yields a treatment flow based on Cleanwater Services code. Finally this flow rate is used to size an appropriate water quality swale. See appendix C(1). The resultant water quality facility has the following geometry and characteristics.

WQ Flow	0.26 CFS
Width	2 Feet
Length	122 Feet
Side Slope	4:1
Longitudinal Slope	0.50%
Flow Depth	0.39 Feet
Residence Time	11.2 Minutes

Note that a portion of the site does not drain to treatment. To mitigate for this lack of treatment, two methods have been employed. First, area C is treated in lieu of non-treated areas. Second, overtreatment is offered by the onsite facility by modeling the flow to the swale as if it contained flow from this not treated area.

**Conveyance Analysis:**

An onsite conveyance analysis was performed using the same 25-year return period standards. Three specific pipe reaches were analyzed. Each is described below.

The eight inch in easement on lot 67 has a design flow of 0.44 CFS. Considering a Manning's N of 0.013 and a minimum slope of 0.65%, this pipe has the capacity to convey 1.05 CFS, the capacity exceeds the design flow.

The twelve inch pipe in the public ROW flowing south to CB01C has a design flow of 1.41 CFS. Considering a Manning's N of 0.013 and a minimum slope of 0.65%, this pipe has the capacity to convey 3.10 CFS, the capacity exceeds the design flow.

The twelve inch pipe in the public ROW flowing north to CB01C has a design flow of 2.56 CFS. Considering a Manning's N of 0.013 and a minimum slope of 0.69%, this pipe has the capacity to convey 3.19 CFS, the capacity exceeds the design flow.

Lastly, the fifteen inch pipe to the water quality facility has a design flow of 4.41 CFS. Considering a Manning's N of 0.013 and a minimum slope of 1.00%, this pipe has the capacity to convey 6.97 CFS, the capacity exceeds the design flow.

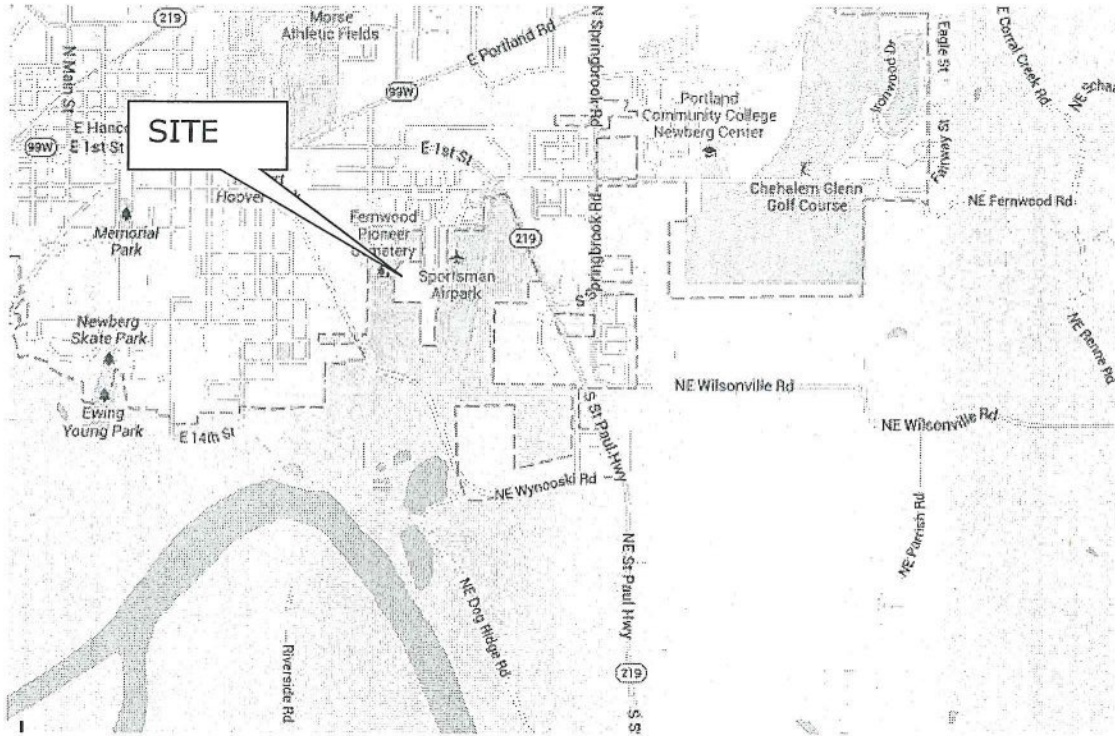
Based on the analysis above, each of the proposed pipe reaches has the capacity to convey proposed and future design flows.

**Conclusion:**

The design of the proposed site satisfies conveyance, water quality and detention standards for the City of Newberg.

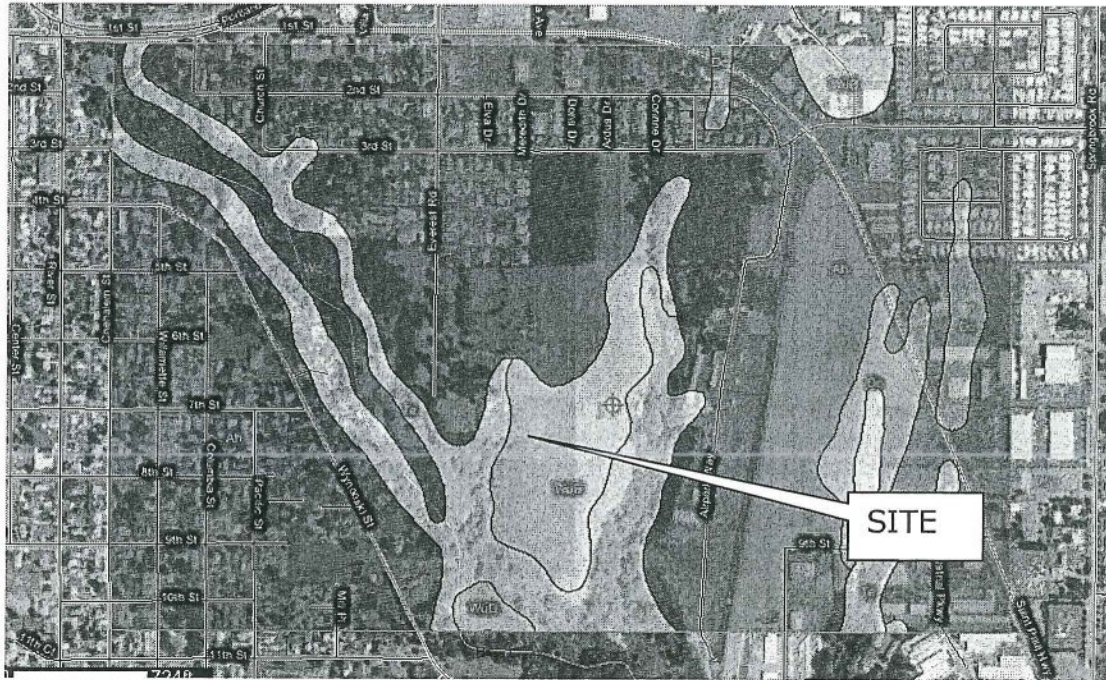
**Appendix A:**

Appendix A(1)  
Vicinity Map



**Appendix B:**

Appendix B(1)  
Soil Classification



**Tables — Hydrologic Soil Group — Summary By Map Unit**

**Summary by Map Unit — Yamhill Area, Oregon (OR679)**

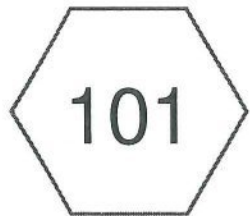
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ah	Aloha silt loam	C/D	252.2	72.4%
Dc	Dayton silt loam, thick surface	D	14.1	4.0%
Te	Terrace escarpments		43.3	12.4%
Wc	Wapato silty clay loam	C/D	10.7	3.1%
WuB	Woodburn silt loam, 0 to 7 percent slopes	C	26.3	7.6%
WuD	Woodburn silt loam, 12 to 20 percent slopes	C	1.8	0.5%
<b>Totals for Area of Interest</b>			<b>348.3</b>	<b>100.0%</b>

**RUNOFF CURVE NUMBERS (TR55)**

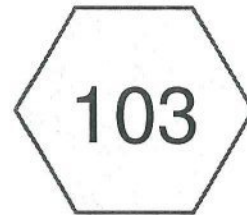
**Table 2-2a: Runoff curve numbers for urban areas <sup>1</sup>**

Cover description	Average percent impervious area <sup>2</sup>	CN for hydrologic soil group			
		A	B	C	D
<i>Fully developed urban areas (vegetation established)</i>	Post CN = 86				
Open space (lawns, parks, golf courses, cemeteries, etc.) <sup>3</sup> :	PRE CN = 79				
Poor condition (grass cover <50%)		68	79	86	89
Fair condition (grass cover 50% to 75%)		49	69	79	84
Good condition (grass cover >75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way)		98	98	98	98
Paved; open ditches (including right-of-way)		83	89	92	93
Gravel (including right-of-way)		76	85	89	91
Dirt (including right-of-way)		72	82	87	89
Western desert urban areas:					
Natural desert landscaping (pervious areas only) <sup>4</sup>		63	77	85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)		96	96	96	96
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82

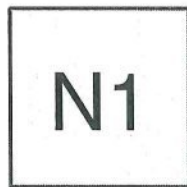
**Appendix C:**



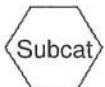
Hess Pre



Area C, Existing Offsite  
to Pond



Total Pre



**Routing Diagram for Hess Detention 6-12-13**  
Prepared by Emerio Design, LLC, Printed 5/26/2015  
HydroCAD® 10.00-13 s/n 04804 © 2014 HydroCAD Software Solutions LLC



**Hess Detentio 6-12-13**

Prepared by Emerio Design, LLC  
HydroCAD® 10.00-13 s/n 04804 © 2014 HydroCAD Software Solutions LLC

Type IA 24-hr 25-Year Rainfall=3.90"

Printed 5/26/2015

Page 2

**Summary for Subcatchment 101: Hess Pre**

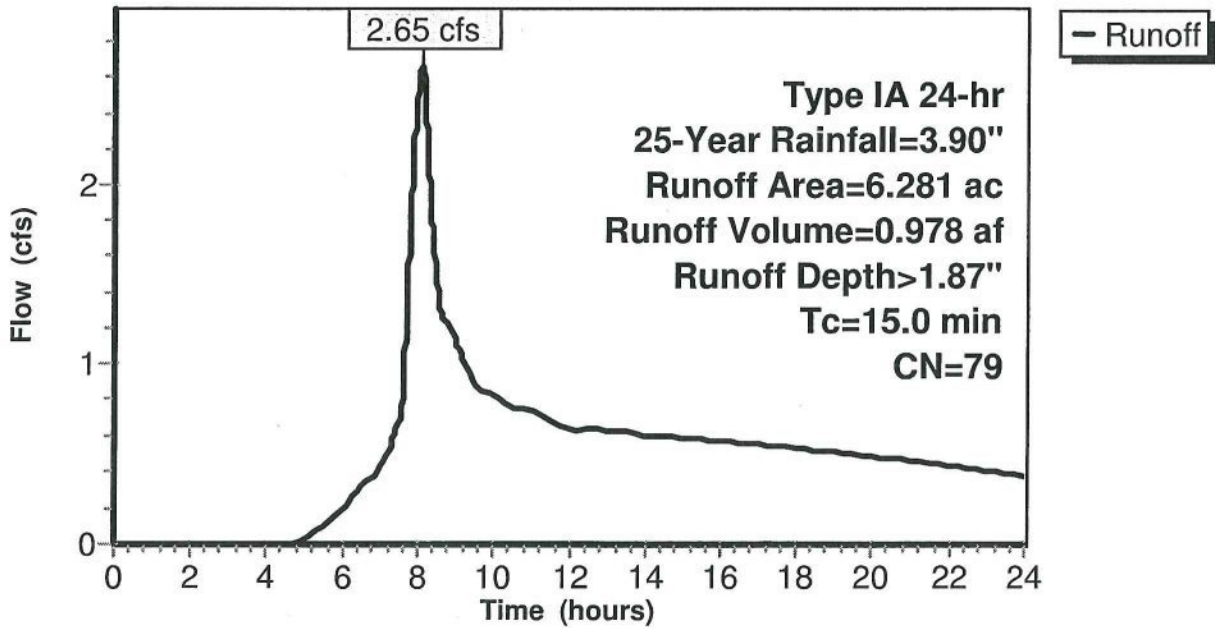
Runoff = 2.65 cfs @ 8.08 hrs, Volume= 0.978 af, Depth> 1.87"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs  
Type IA 24-hr 25-Year Rainfall=3.90"

Area (ac)	CN	Description
* 6.281	79	
6.281		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.0					Direct Entry,

**Subcatchment 101: Hess Pre  
Hydrograph**



**Summary for Subcatchment 103: Area C, Existing Offsite to Pond**

Runoff = 0.33 cfs @ 7.89 hrs, Volume= 0.106 af, Depth> 2.92"

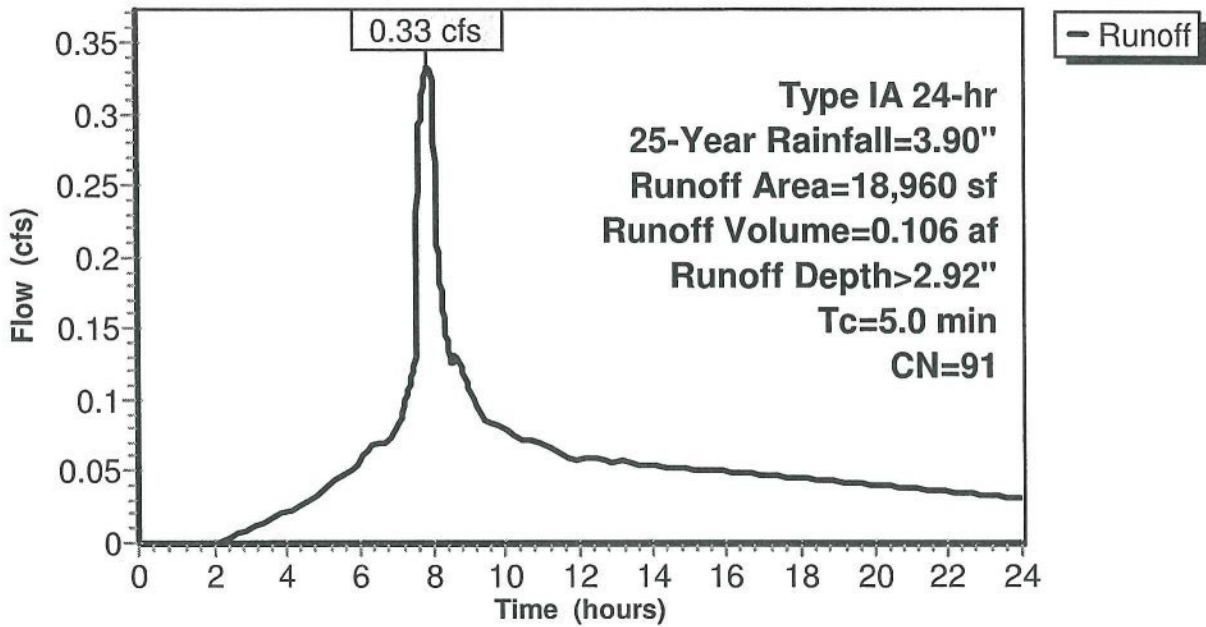
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs  
Type IA 24-hr 25-Year Rainfall=3.90"

	Area (sf)	CN	Description
*	8,370	98	
*	10,590	86	
	18,960	91	Weighted Average
	10,590		55.85% Pervious Area
	8,370		44.15% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 103: Area C, Existing Offsite to Pond**

**Hydrograph**



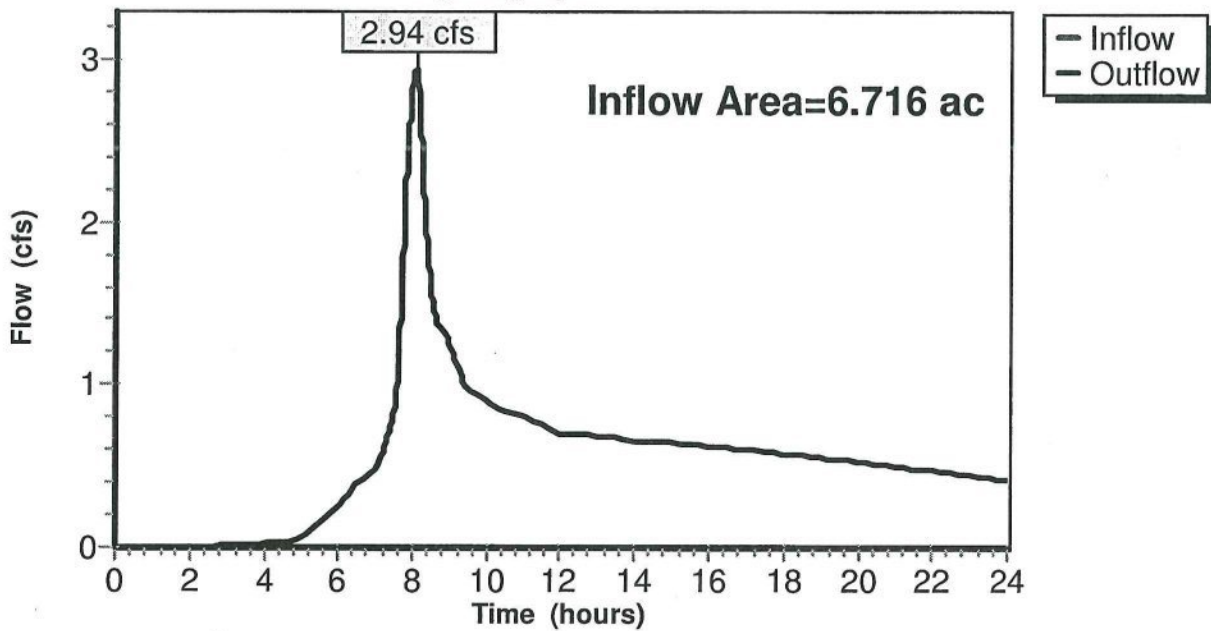
**Summary for Reach N1: Total Pre**

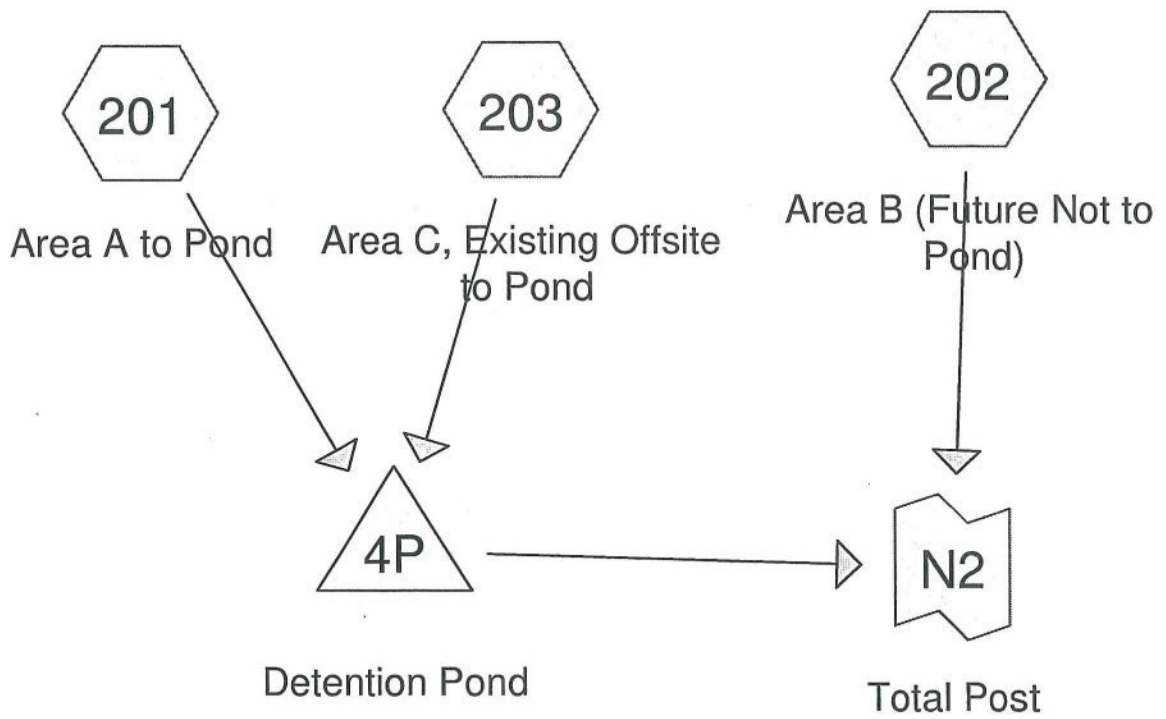
Inflow Area = 6.716 ac, 2.86% Impervious, Inflow Depth > 1.94" for 25-Year event  
Inflow = 2.94 cfs @ 8.04 hrs, Volume= 1.084 af  
Outflow = 2.94 cfs @ 8.04 hrs, Volume= 1.084 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

**Reach N1: Total Pre**

**Hydrograph**





**Routing Diagram for Hess Detentio 6-12-13**  
 Prepared by Emerio Design, LLC, Printed 5/26/2015  
 HydroCAD® 10.00-13 s/n 04804 © 2014 HydroCAD Software Solutions LLC

**Summary for Subcatchment 201: Area A to Pond**

Runoff = 4.52 cfs @ 7.88 hrs, Volume= 1.431 af, Depth> 3.12"

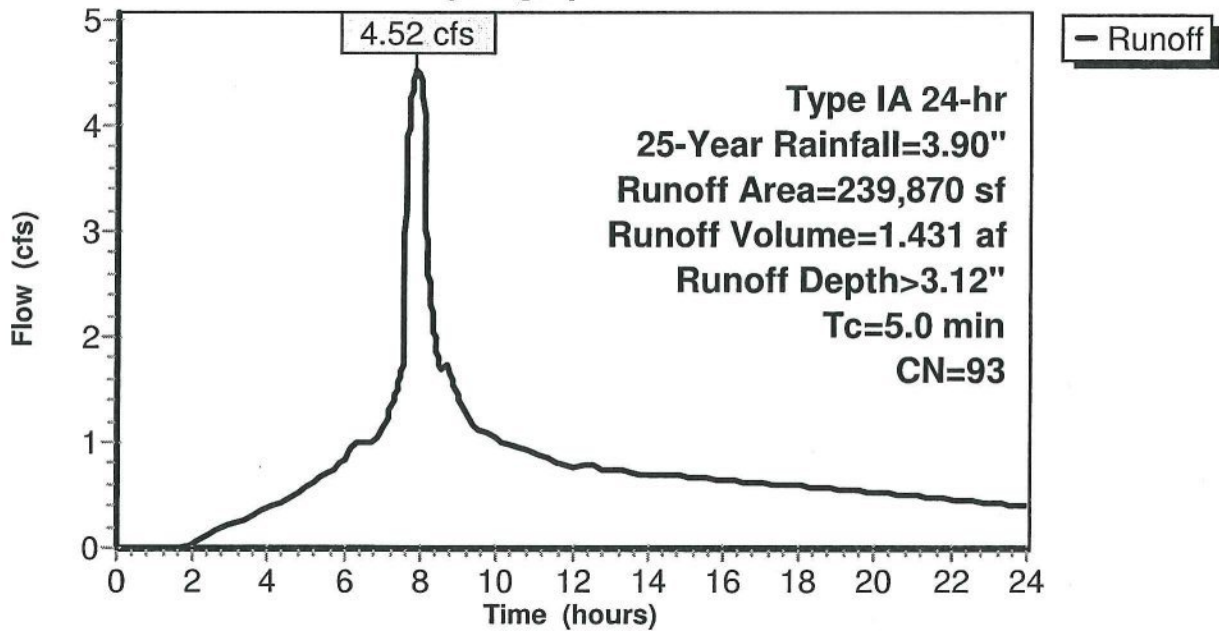
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs  
 Type IA 24-hr 25-Year Rainfall=3.90"

	Area (sf)	CN	Description
*	143,340	98	
*	96,530	86	
	239,870	93	Weighted Average
	96,530		40.24% Pervious Area
	143,340		59.76% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 201: Area A to Pond**

**Hydrograph**



**Summary for Subcatchment 202: Area B (Future Not to Pond)**

Runoff = 0.61 cfs @ 7.89 hrs, Volume= 0.195 af, Depth> 3.02"

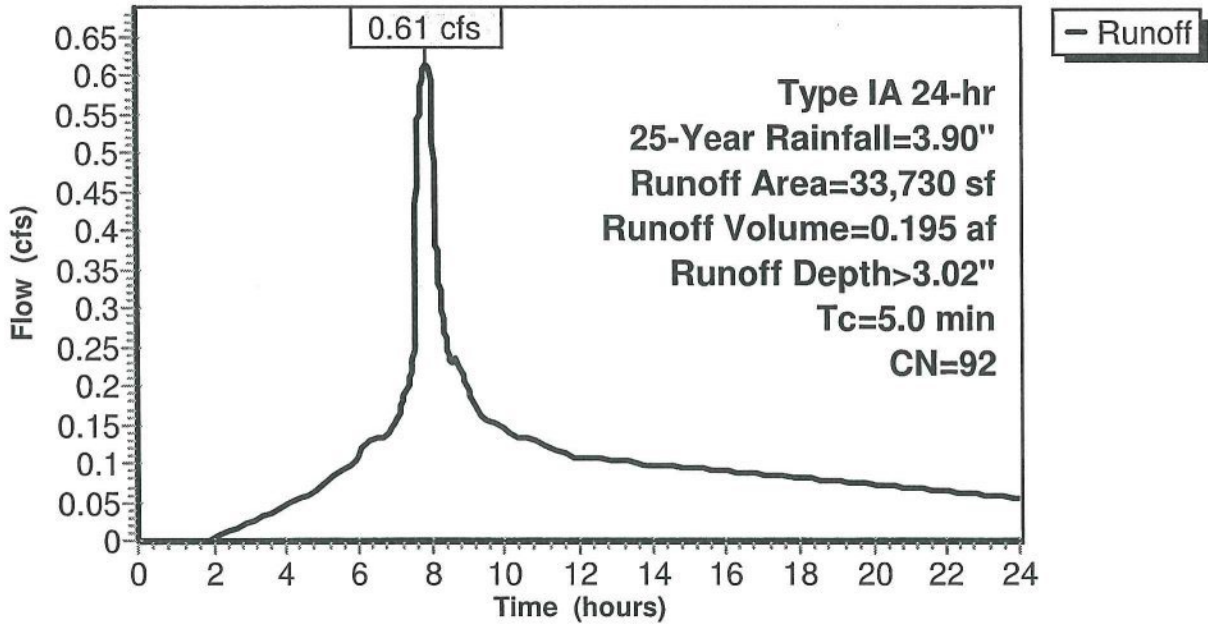
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs  
Type IA 24-hr 25-Year Rainfall=3.90"

	Area (sf)	CN	Description
*	16,930	98	
*	16,800	86	
	33,730	92	Weighted Average
	16,800		49.81% Pervious Area
	16,930		50.19% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 202: Area B (Future Not to Pond)**

**Hydrograph**



**Summary for Subcatchment 203: Area C, Existing Offsite to Pond**

Runoff = 0.33 cfs @ 7.89 hrs, Volume= 0.106 af, Depth> 2.92"

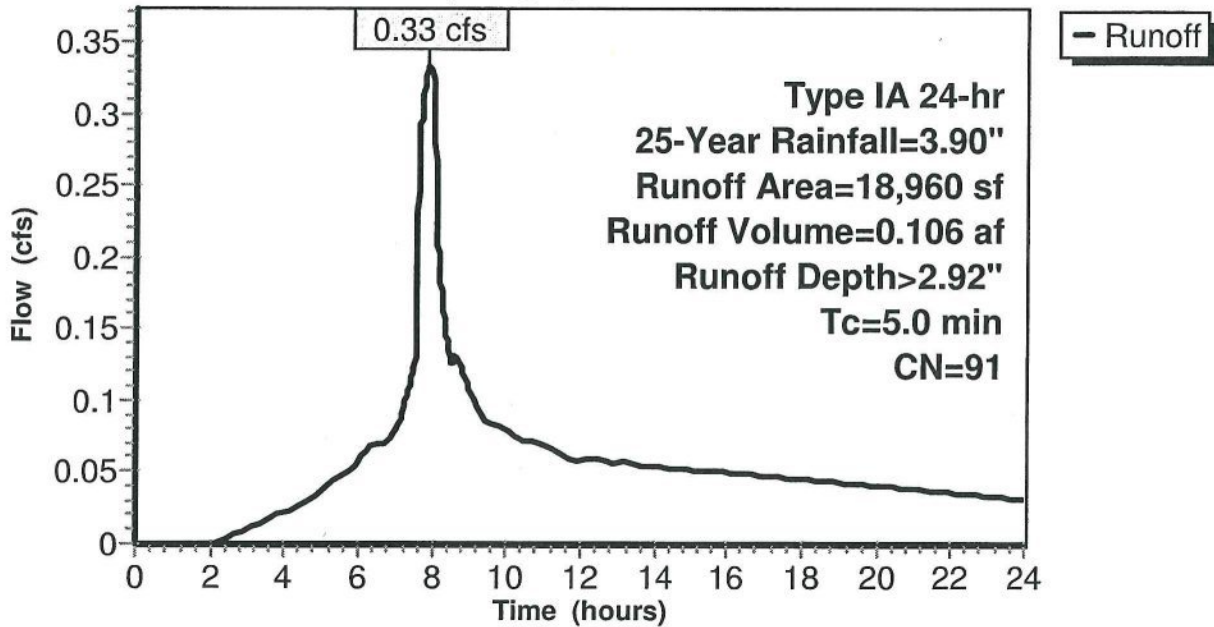
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs  
 Type IA 24-hr 25-Year Rainfall=3.90"

	Area (sf)	CN	Description
*	8,370	98	
*	10,590	86	
	18,960	91	Weighted Average
	10,590		55.85% Pervious Area
	8,370		44.15% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 203: Area C, Existing Offsite to Pond**

**Hydrograph**



**Summary for Pond 4P: Detention Pond**

Inflow Area = 5.942 ac, 58.61% Impervious, Inflow Depth > 3.10" for 25-Year event  
 Inflow = 4.85 cfs @ 7.88 hrs, Volume= 1.536 af  
 Outflow = 2.05 cfs @ 8.39 hrs, Volume= 1.536 af, Atten= 58%, Lag= 30.5 min  
 Primary = 2.05 cfs @ 8.39 hrs, Volume= 1.536 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs  
 Peak Elev= 153.85' @ 8.39 hrs Surf.Area= 2,292 sf Storage= 6,758 cf

Plug-Flow detention time= 15.7 min calculated for 1.536 af (100% of inflow)  
 Center-of-Mass det. time= 15.6 min ( 724.4 - 708.8 )

Volume	Invert	Avail.Storage	Storage Description
#1	150.50'	9,446 cf	<b>Custom Stage Data (Prismatic)</b> Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
150.50	200	0	0
151.00	2,055	564	564
152.00	2,135	2,095	2,659
153.00	2,220	2,178	4,836
154.00	2,305	2,263	7,099
155.00	2,390	2,348	9,446

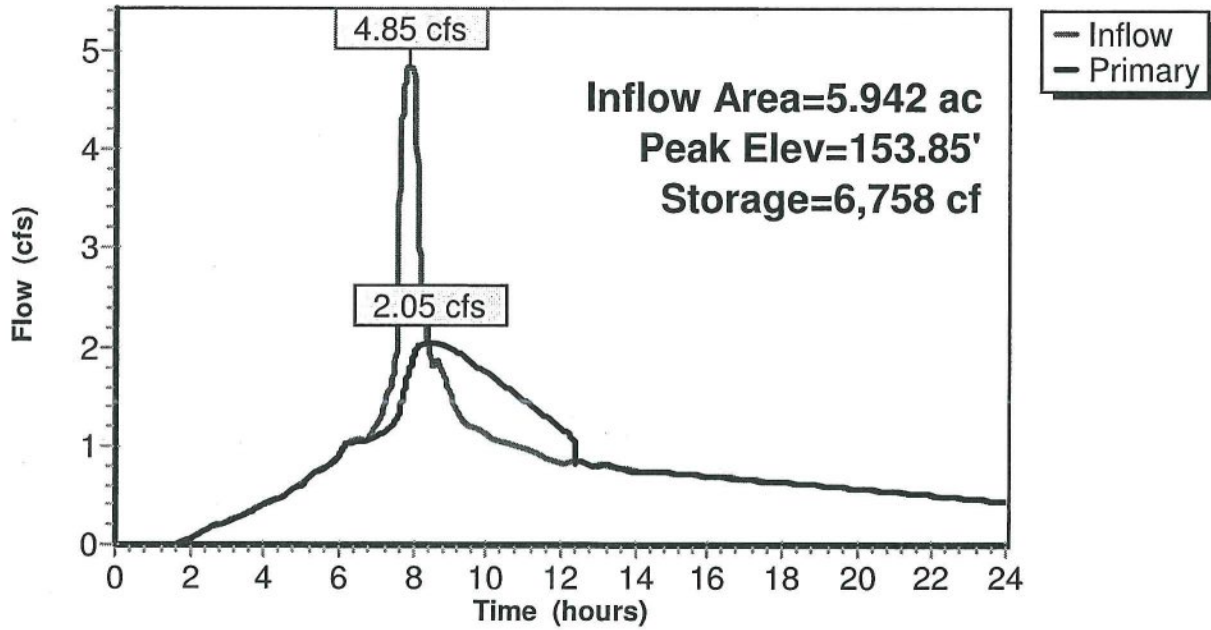
Device	Routing	Invert	Outlet Devices
#1	Primary	149.00'	<b>12.0" Round Culvert</b> L= 25.0' RCP, mitered to conform to fill, Ke= 0.700 Inlet / Outlet Invert= 149.00' / 148.75' S= 0.0100 '/' Cc= 0.900 n= 0.013, Flow Area= 0.79 sf
#2	Device 1	149.20'	<b>6.0" Vert. Orifice/Grate</b> C= 0.620
#3	Device 1	153.85'	<b>2.2' long x 0.5' breadth Broad-Crested Rectangular Weir</b> Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

**Primary OutFlow** Max=2.05 cfs @ 8.39 hrs HW=153.85' (Free Discharge)  
 1=Culvert (Passes 2.05 cfs of 6.96 cfs potential flow)  
 2=Orifice/Grate (Orifice Controls 2.05 cfs @ 10.44 fps)  
 3=Broad-Crested Rectangular Weir (Weir Controls 0.00 cfs @ 0.11 fps)



**Pond 4P: Detention Pond**

**Hydrograph**



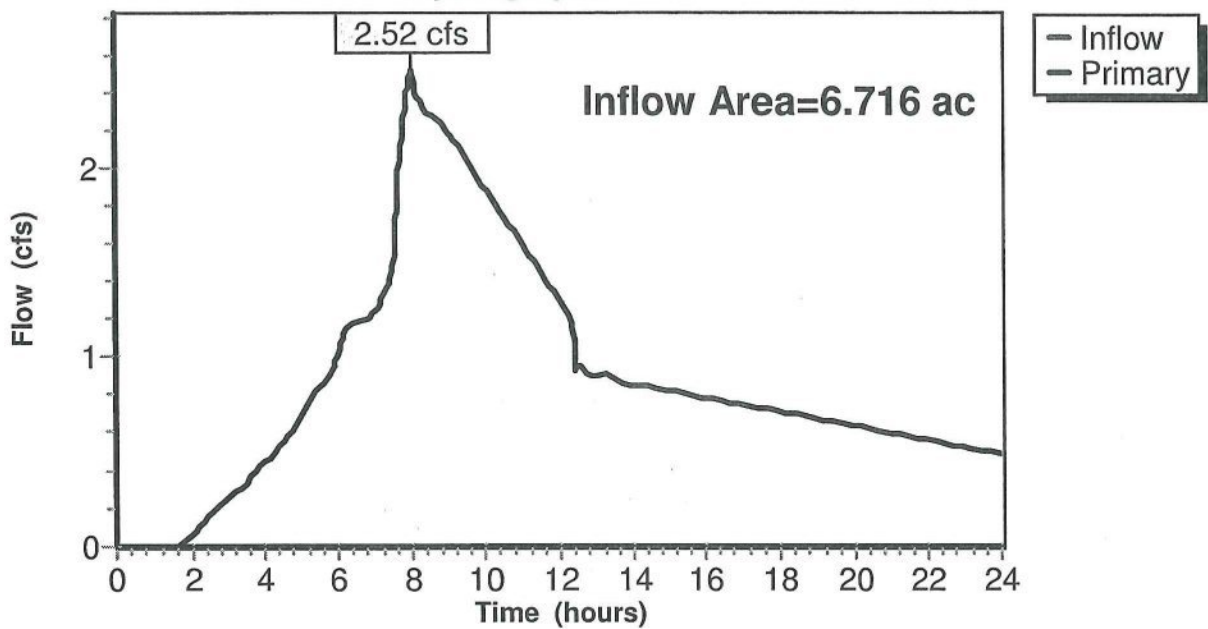
### Summary for Link N2: Total Post

Inflow Area = 6.716 ac, 57.64% Impervious, Inflow Depth > 3.09" for 25-Year event  
Inflow = 2.52 cfs @ 8.03 hrs, Volume= 1.731 af  
Primary = 2.52 cfs @ 8.03 hrs, Volume= 1.731 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

### Link N2: Total Post

#### Hydrograph



**Appendix D:**

**AREA "A"**  
ON SITE AREA  
DRAINS TO POND

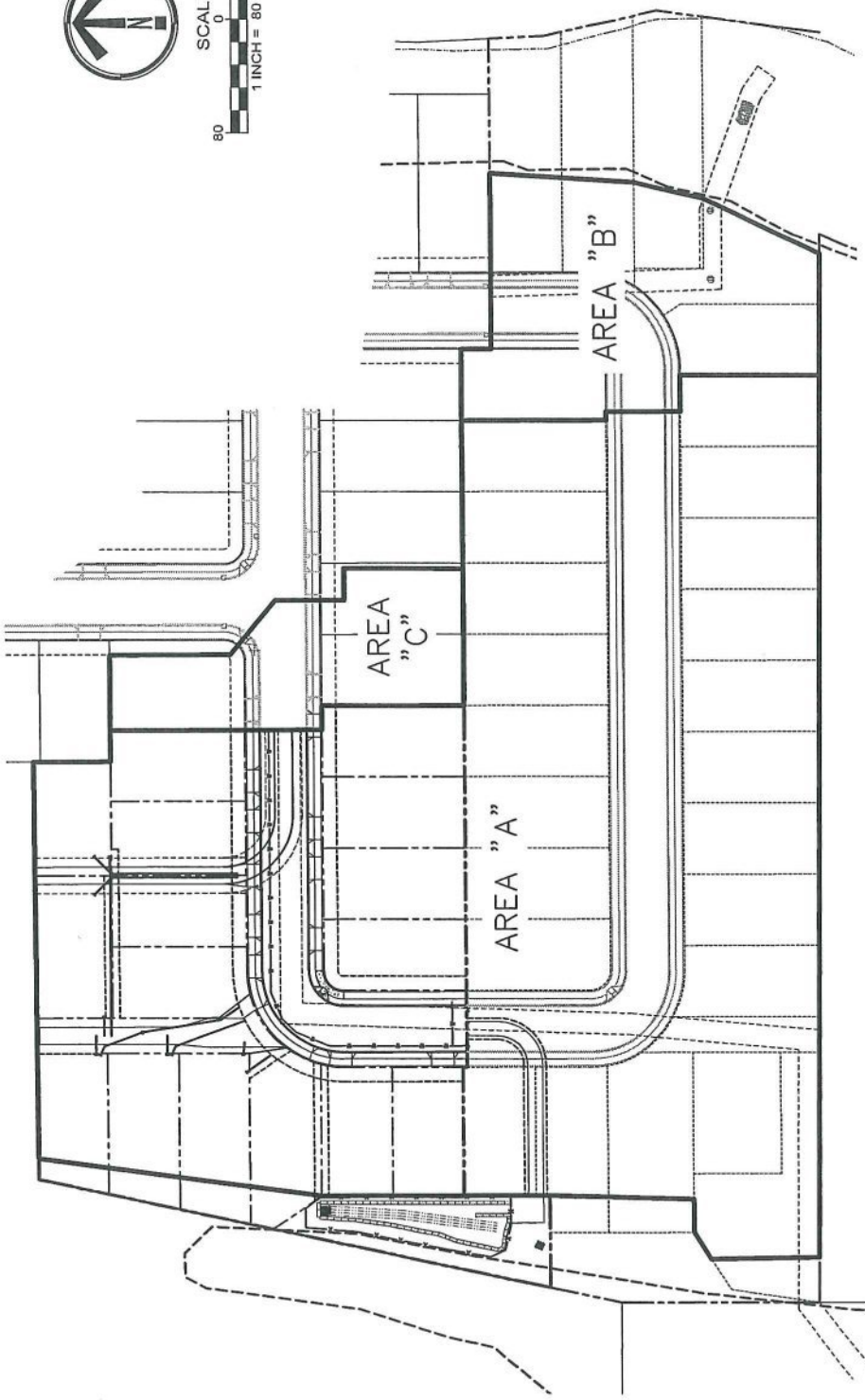
ROW	40,080 SF	PERVIOUS	6,460 SF	TOTAL	46,540 SF
PVT DWY	5,580 SF		0 SF		5,580 SF
LOTS (37)	97,680 SF	90,070 SF			187,750 SF
TOTAL	143,340 SF	96,530 SF			239,870 SF

**AREA "B"**  
ON SITE AREA  
DRAINS TO EAST

ROW	1,090 SF	PERVIOUS	7,520 SF	TOTAL	8,610 SF
LOTS (6)	15,840 SF	9,280 SF			25,120 SF
TOTAL	16,930 SF	16,800 SF			33,730 SF

**AREA "C"**  
OFF SITE AREA  
DRAINS TO EAST

ROW	450 SF	PERVIOUS	4,200 SF	TOTAL	4,650 SF
LOTS (3)	7,920 SF	6,390 SF			14,310 SF
TOTAL	8,370 SF	10,590 SF			18,960 SF



**EMERIO**  
*Design*  
817 SW KIMBAY BLVD., SUITE 147  
PORTLAND, OREGON 97208  
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FAX (503) 516-5528  
www.emeriodesign.com

**DRAINAGE BASIN MAP**  
**THE HIGHLANDS AT HESS CREEK PHASE 3 & FUTURE**  
**EXHIBIT D(1)**

PROJECT NO. 244-001  
ORIG. DATE: RR  
DRAWN BY: RR  
SHEET NO.






# THE HIGHLANDS AT HESS CREEK PHASE NO. 4 & PHASE NO. 5 COVER SHEET

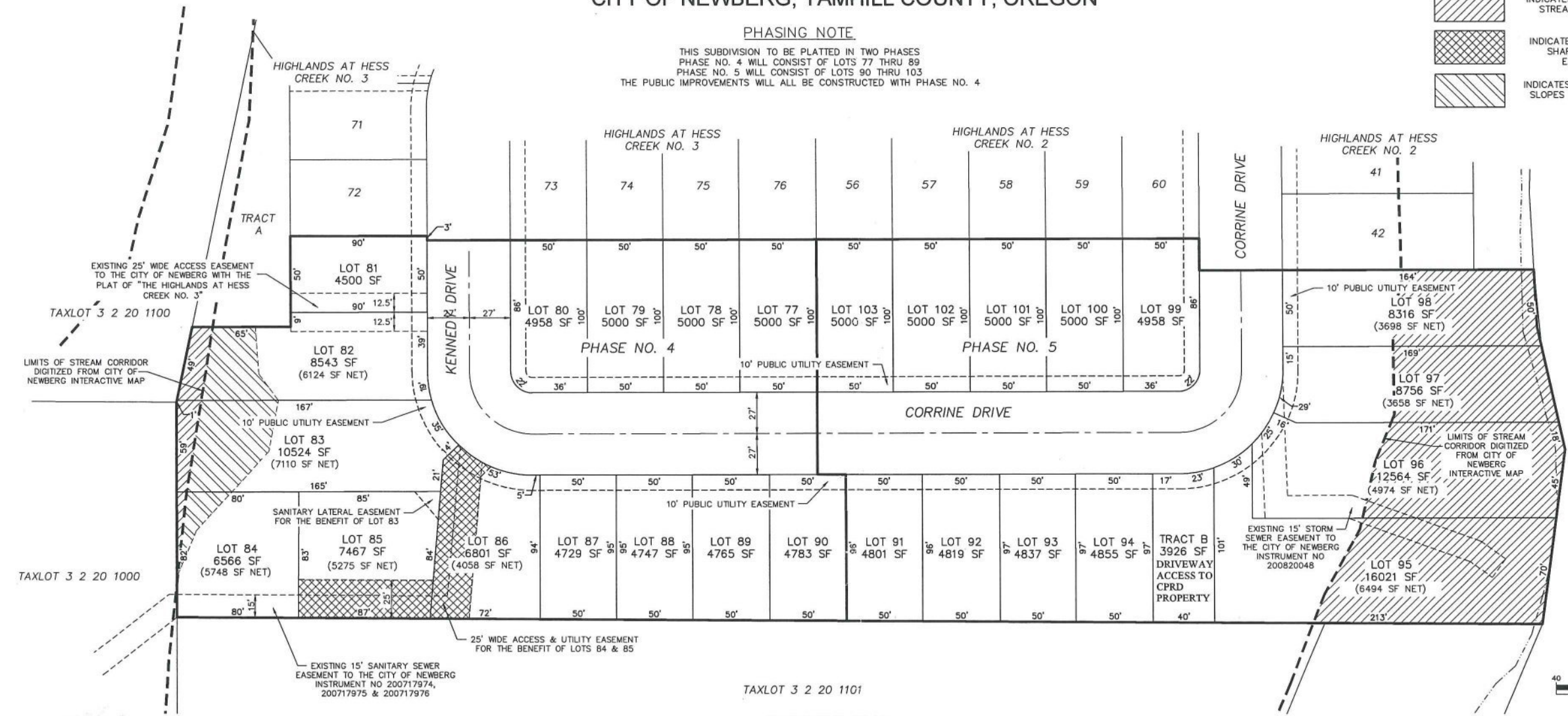
TAX LOT 3 2 20 1400  
CITY OF NEWBERG, YAMHILL COUNTY, OREGON

AVERAGE (NET) LOT AREA: 4996 SF  
NET LOT AREA COMPUTED BY SUBTRACTING THE LOT  
AREA IN THE STREAM CORRIDOR, SHARED ACCESS  
EASEMENTS OR WITH SLOPES EXCEEDING 15%  
C.O.N. CODE 15.405.010-A.2. & 15.405.010-C.

### PHASING NOTE

THIS SUBDIVISION TO BE PLATTED IN TWO PHASES  
PHASE NO. 4 WILL CONSIST OF LOTS 77 THRU 89  
PHASE NO. 5 WILL CONSIST OF LOTS 90 THRU 103  
THE PUBLIC IMPROVEMENTS WILL ALL BE CONSTRUCTED WITH PHASE NO. 4

-  INDICATES LOT AREA IN STREAM CORRIDOR
-  INDICATES LOT AREA IN SHARED ACCESS EASEMENT
-  INDICATES LOT AREA WITH SLOPES EXCEEDING 15%



TAXLOT 3 2 20 1101

### TENTATIVE PLAT

SCALE: 1" = 40'

#### BENCH MARK INFORMATION

THE DATUM FOR THIS SURVEY IS BASED UPON A 3" BRASS CAP STAMPED "YAMHILL COUNTY PARR SAT M-2" LOCATED 56' SOUTH OF HIGHWAY 219, 25 FEET EAST OF THE CENTERLINE OF EVEREST ROAD  
ELEVATION: 187.10 YAMHILL COUNTY DATUM

#### SITE INFORMATION

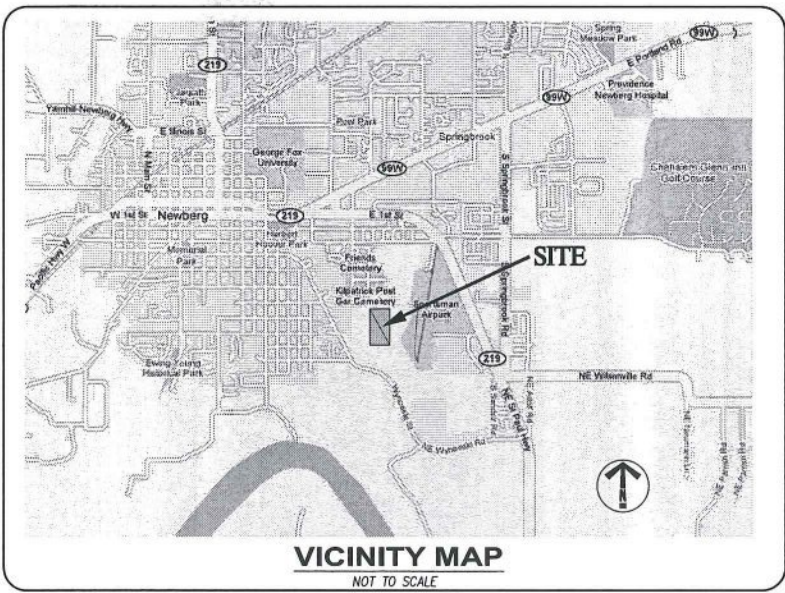
SITE AREA:	215,076 SF (4.94 AC)
ZONING:	R2
TAX MAP:	3S 2W 20
TAX LOTS:	1400
NUMBER OF LOTS:	27

#### PROJECT CONTACTS

OWNER: LEONARD JOHNSON 3375 WEST SIDE ROAD MCMINNVILLE, OREGON 97128 CONTACT: MART STORM (503) 550-8130	SURVEYOR: LELAND MACDONALD & ASSOC., LLC 3765 RIVERSIDE DRIVE MCMINNVILLE, OREGON 97128 CONTACT: MATT DUNCKEL 503-472-7904
ENGINEER: EMERIO DESIGN 8285 SW NIMBUS AVE., SUITE 180 BEAVERTON, OREGON 97008 ATTN: ERIC EVANS (503) 853-1910	

#### DRAWING INDEX

- 1 COVER SHEET - TENTATIVE PLAT
- 2 EXISTING CONDITIONS & DEMOLITION PLAN
- 3 AERIAL PLAN
- 4 SITE & UTILITY PLAN
- 5 GRADING & EROSION CONTROL PLAN



THE HIGHLANDS AT HESS CREEK  
PHASE NO. 4 & PHASE NO. 5  
A SUBDIVISION OF  
TAX LOT 3 2 20 1400  
CITY OF NEWBERG, OREGON

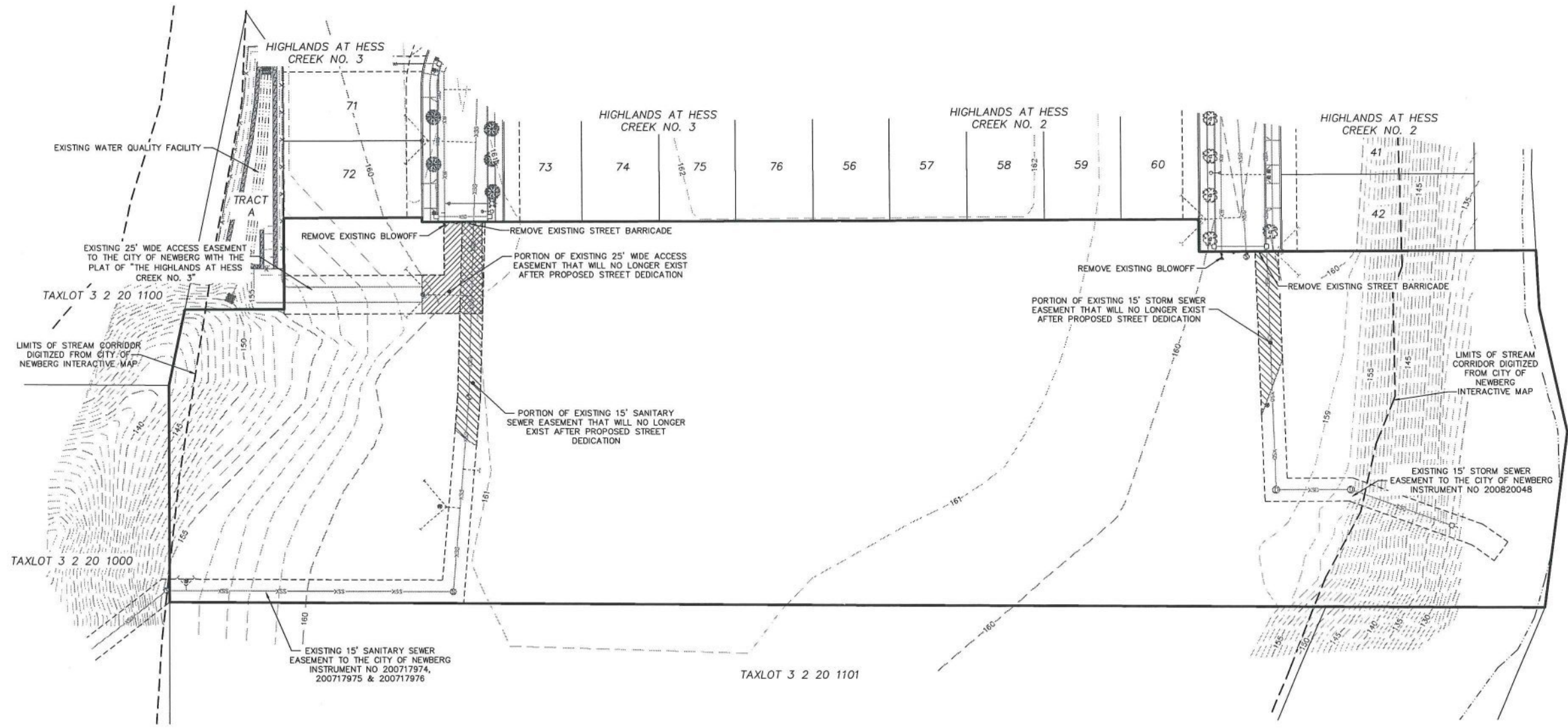
PLANNING DOCUMENTS  
COVER SHEET  
TENTATIVE PLAT

NO.	DATE	REVISIONS DESCRIPTION

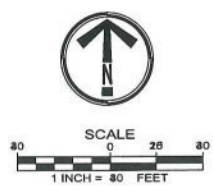
EMERIO Design  
8285 SW NIMBUS AVENUE, SUITE 180  
BEAVERTON, OREGON 97008  
TEL: (503) 853-1910  
WWW.EMERIODSIGN.COM



SHEET  
1 OF 5



EXISTING CONDITIONS PLAN  
SCALE: 1" = 40'



THE HIGHLANDS AT HESS CREEK  
PHASE NO. 4 & PHASE NO. 5  
A SUBDIVISION OF  
TAX LOT 3 2 20 1400  
CITY OF NEWBERG, OREGON

PLANNING DOCUMENTS  
EXISTING CONDITIONS  
& DEMOLITION PLAN

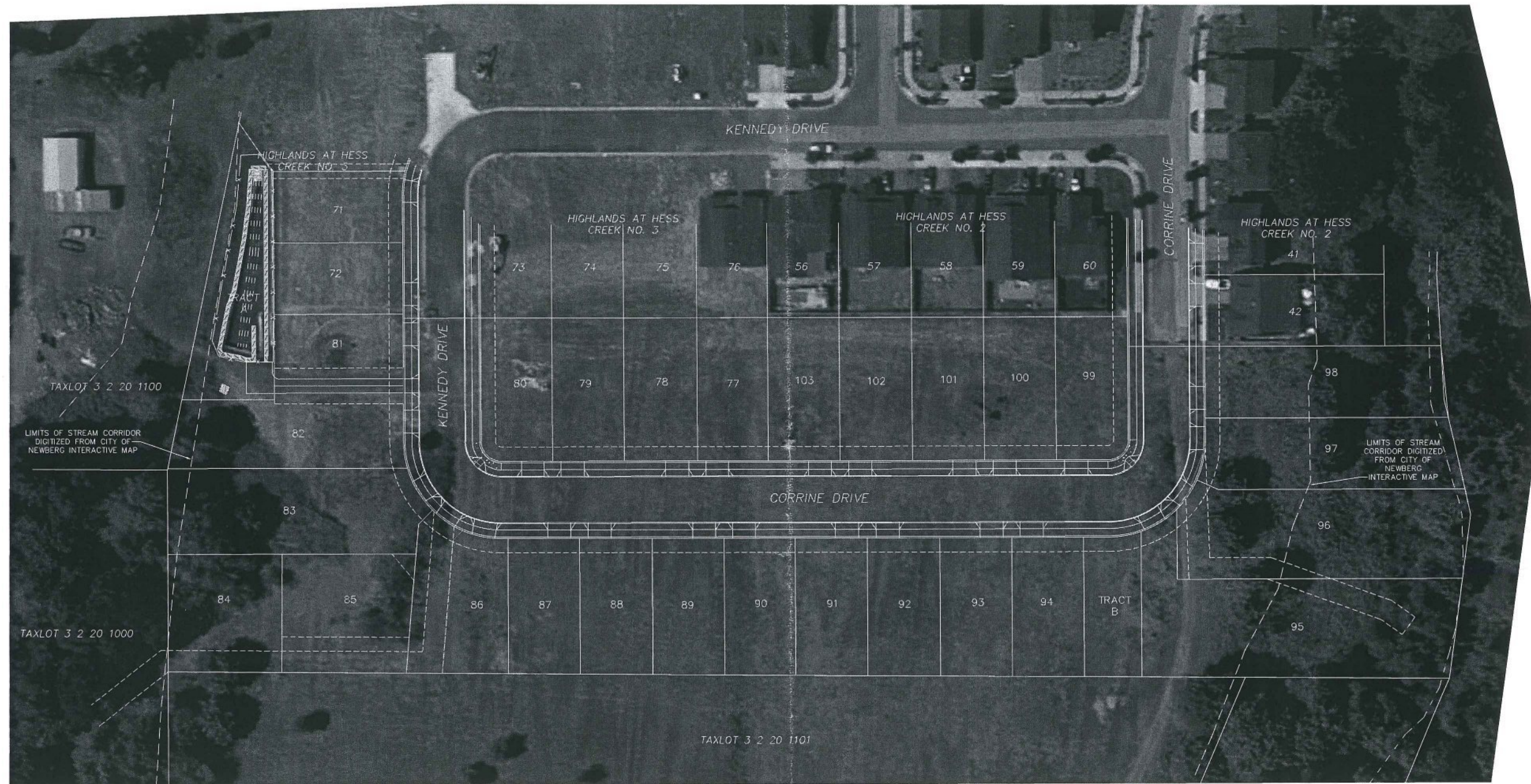
NO.	DATE	REVISIONS	DESCRIPTION

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8226 SW HAMBURG AVENUE SUITE 180  
BEAVER CREEK, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
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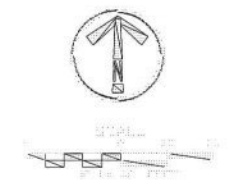


SHEET  
2  
OF  
5

Plotted: Apr 21, 2015 - 7:14am, P:\244-001 Highlands at Hess Creek\Design\Planning Phase IV\244-001 (02) Hess Creek Existing.dwg, Layout: Layout1



**AERIAL PLAN**  
SCALE: 1" = 40'

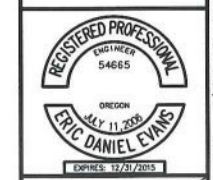


THE HIGHLANDS AT HESS CREEK  
PHASE NO. 4 & PHASE NO. 5  
A SUBDIVISION OF  
TAX LOT 3 2 20 1400  
CITY OF NEWBERG, OREGON

PLANNING DOCUMENTS  
AERIAL PLAN

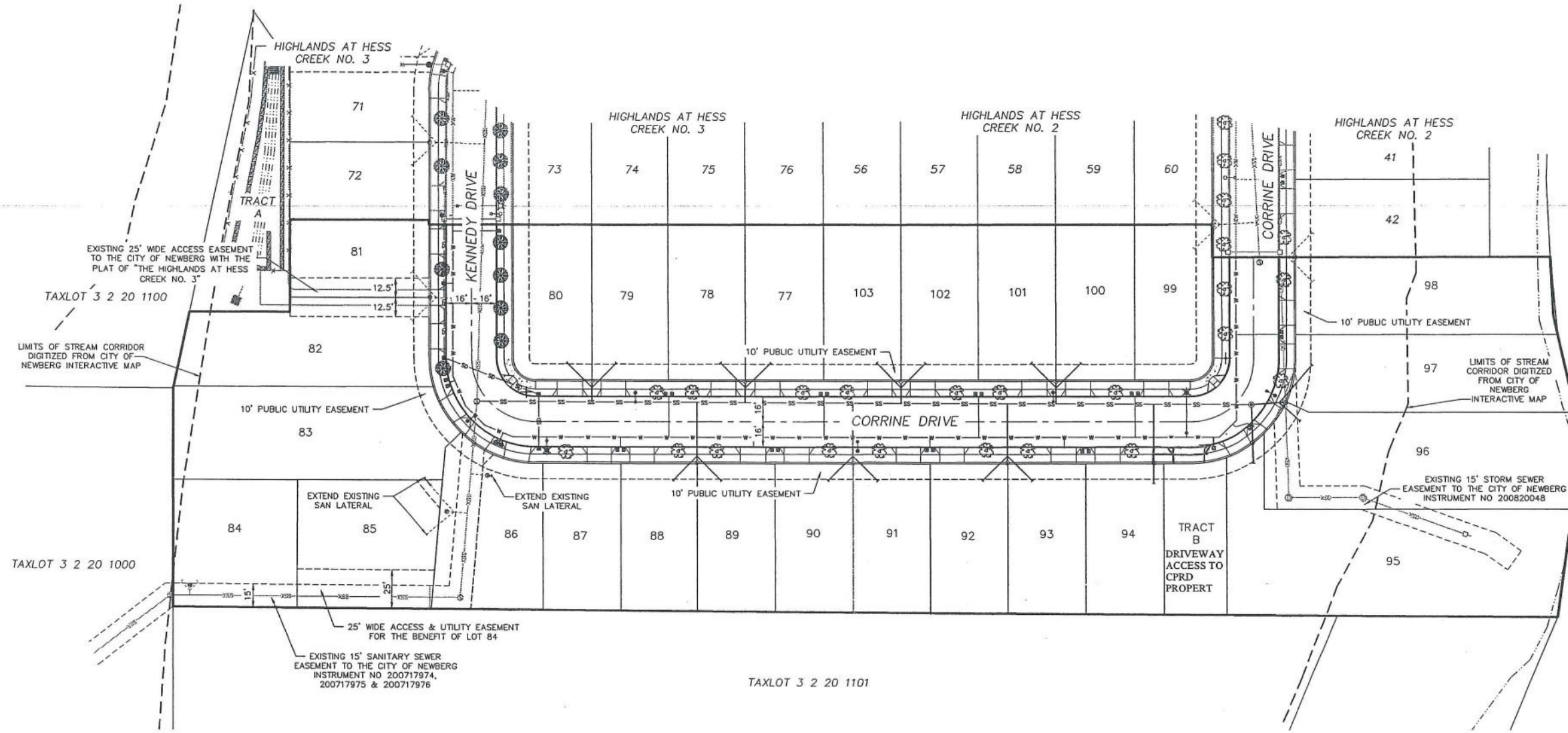
NO.	DATE	REVISIONS	DESCRIPTION

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SHEET  
**3**  
OF  
**5**





TAXLOT 3 2 20 1101

**SITE & UTILITY PLAN**  
SCALE: 1" = 40'

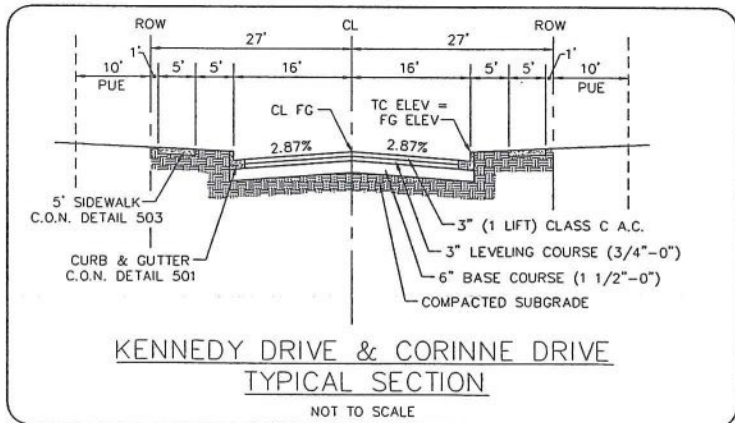
EXISTING 25' WIDE ACCESS EASEMENT TO THE CITY OF NEWBERG WITH THE PLAT OF "THE HIGHLANDS AT HESS CREEK NO. 3"

LIMITS OF STREAM CORRIDOR DIGITIZED FROM CITY OF NEWBERG INTERACTIVE MAP

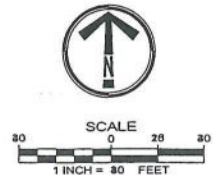
TAXLOT 3 2 20 1000

25' WIDE ACCESS & UTILITY EASEMENT FOR THE BENEFIT OF LOT 84

EXISTING 15' SANITARY SEWER EASEMENT TO THE CITY OF NEWBERG INSTRUMENT NO 200717974, 200717975 & 200717976



**KENNEDY DRIVE & CORINNE DRIVE**  
**TYPICAL SECTION**  
NOT TO SCALE

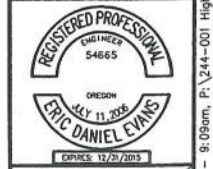


THE HIGHLANDS AT HESS CREEK  
PHASE NO. 4 & PHASE NO. 5  
A SUBDIVISION OF  
TAX LOT 3 2 20 1400  
CITY OF NEWBERG, OREGON

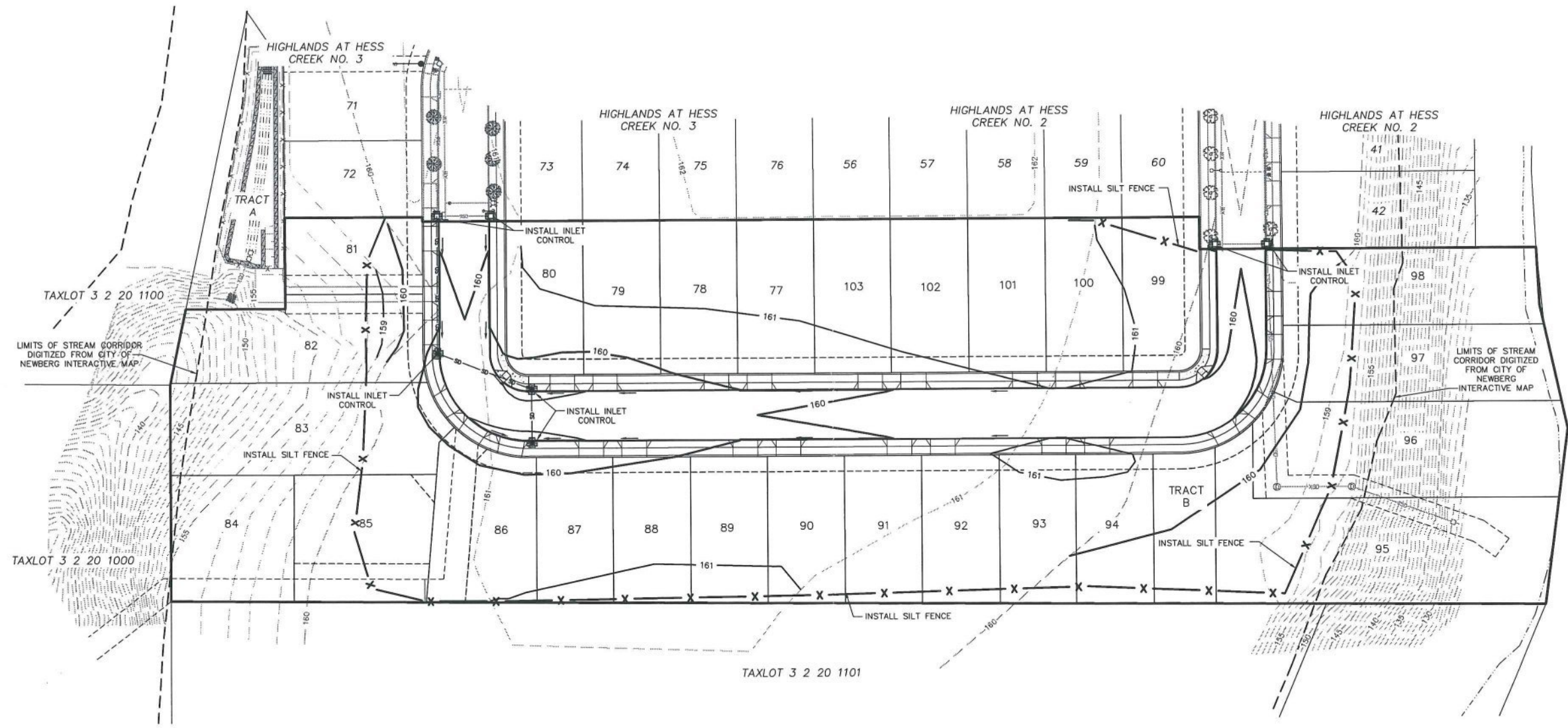
PLANNING DOCUMENTS  
**SITE & UTILITY PLAN**

NO.	DATE	REVISIONS DESCRIPTION

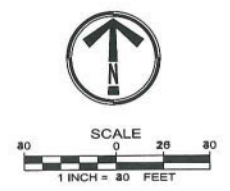
**EMERIO Design**  
8225 SW HAMBURG AVENUE SUITE 100  
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SHEET  
**4**  
OF  
**5**



GRADING & EROSION CONTROL PLAN  
SCALE: 1" = 40'

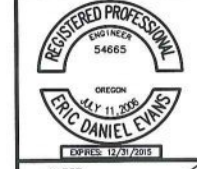


THE HIGHLANDS AT HESS CREEK  
PHASE NO. 4 & PHASE NO. 5  
A SUBDIVISION OF  
TAX LOT 3 2 20 1400  
CITY OF NEWBERG, OREGON

PLANNING DOCUMENTS  
GRADING &  
EROSION CONTROL PLAN

NO.	DATE	REVISIONS DESCRIPTION

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SHEET  
**5**  
OF  
**5**