



## Planning Commission Meeting

6:30PM

Public Safety Building

401 E Third St

Hybrid: Instructions To Join Electronically At [Www.Newbergoregon.Gov](http://Www.Newbergoregon.Gov)

Email Comments To: [Fe.Bates@Newbergoregon.Gov](mailto:Fe.Bates@Newbergoregon.Gov)

**February 12, 2026**

**1. CALL MEETING TO ORDER**

**2. ROLL CALL**

**3. INTRODUCTION OF NEW COMMISSIONERS**

**4. ELECTION OF NEW CHAIR AND VICE CHAIR**

**5. PUBLIC COMMENTS**

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

**6. CONSENT CALENDAR**

- a. [12/11/2025 Planning Commission Meeting Minutes](#)

**7. QUASI-JUDICIAL PUBLIC HEARINGS**

- a. **Land Use Appeal APL-26-1: Appeal of 3-lot partition and 3 Middle Housing Land Division Approvals at 1929 E Orchard Dr (PLNG-25-42)**
  - i. [APL-26-1 1929 E Orchard Dr Staff Report.pdf](#)
  - ii. [Planning Commission Order 2026-01.pdf](#)
  - iii. [Exhibit A PC Order 2026-01 Jan 7th Director Decision PLNG-25-42.pdf](#)
  - iv. [Exhibit B PC Order 2026-01 Ryan Adovnik Statement of Interest and Appeal of PLNG-25-42.pdf](#)
  - v. [Exhibit C PC Order 2026-01 Written Testimony Applicant & Proponents.pdf](#)
  - vi. [Exhibit D PC Order 2026-01 Written Testimony Appeal Proponents.pdf](#)
  - vii. [Exhibit E PC Order 2026-01 Written Testimony Neither Support or Opposed.pdf](#)

**8. CONTINUED BUSINESS**

- a. **Discuss newly adopted City Council, Board, Commission & Committee Guidelines and if the Planning Commission would like to adopt additional rules that would accompany the 2025 Committee Guidelines.**

- i. [MEMO-Review of New Council, Boards, Commission & Committee Guidelines.pdf](#)
- ii. [2025 Council Rules Working Final Approved 2025-1020.pdf](#)
- iii. [PC Hearing Scripts\(2025\).pdf](#)
- iv. [Planning Commission Participation Guidelines\(2022\).pdf](#)

## **9. ITEMS FROM STAFF**

- a. **Anticipated Schedule of Planning Commission Activities**
  - i. [Planning Commission 2026 Members & Schedule.pdf](#)
- b. **Staff Updates for Planning Commission**

## **10. ITEMS FROM COMMISSIONERS**

## **11. ADJOURNMENT**

### **ACCOMMODATION OF PHYSICAL IMPAIRMENTS:**

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



## Planning Commission Meeting

December 11, 2025

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### **CALL MEETING TO ORDER**

Chair Linda Newton-Curtis called the meeting to order at 7:00 PM.

### **ROLL CALL**

Commissioners Present: Linda Newton-Curtis(Chair)-via Zoom  
Jason Dale  
Mathew Mansfield  
Jose Villalpando (Vise Chair)- via Zoom

Commissioners Absent: Randy Rickert, Kayla Maverick, Kriss Wright

City Council Representative: Absent

Staff Present: Community Development Director: Scot Siegel  
Associate Planner: Jeremiah Cromie  
Administrative Assistant/Secretary: Fé Bates

### **PUBLIC COMMENTS**

There were no public comments.

### **CONSENT CALENDAR**

#### **11/13/2025 Planning Commission Meeting Minutes**

The Planning Commission reviewed the meeting minutes from November 13, 2025

*Commissioner Dale moved to approve the planning commission meeting minutes as written for 11/13/25. Commissioner Mansfield seconded the motion.*

The motion passed unanimously with all present members voting "Aye".

### **NEW BUSINESS**

#### **Presentation by City Recorder Rachel Thomas of the newly adopted City Council, Board, Commission & Committee Guidelines and outline their implications for the Planning Commission**

City Recorder Rachel Thomas presented the newly adopted City Council, Board, Commission and Committee Guidelines that were approved by the City Council in November 2025. Director Siegel

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introduced the presentation, noting there were areas where the existing Planning Commission guidelines were outdated or potentially in conflict with the new citywide guidelines.

Rachel Thomas explained that the City Council had merged previously separate council and committee rules into one document to maintain consistency across all city boards and commissions. She outlined the hierarchy of rules (federal law, state law, city charter and code, council rules, committee bylaws, and finally Robert's Rules for small boards).

Key points from the presentation included:

- The new citywide guidelines supersede any conflicting Planning Commission rules
- The commission now follows Robert's Rules for small boards, which simplifies parliamentary procedure
- Clarification on quorum requirements (50% plus one, with vacancies not counting)
- Guidance on serial meetings and avoiding public meeting violations
- Public comment procedures, noting that comments must be relevant to Planning Commission work
- Guidelines for registration for public comment (before meeting for general comments, until close of hearing for public hearings)
- Written comments no longer being read aloud during meetings unless for ADA accommodation
- Online participation requiring pre-registration by noon on the meeting day
- Procedures for handling disruptive behavior during meetings
- Voting and motion protocols
- Ethics guidelines for commissioners speaking to the public
- Attendance requirements (no more than 25% unexcused absences)
- Meeting scheduling and agenda creation procedures
- Staff interaction guidelines

Following the presentation, commissioners asked clarifying questions about public comment relevancy, commissioners abstaining from voting, and the procedure for reviewing and approving minutes. Commissioner Mansfield specifically noted that it was important to retain the process of reviewing minutes as there had been instances of corrections needed in the past.

The Commission decided to table the decision on whether to retire the existing Planning Commission guidelines until the next meeting to allow commissioners more time to review the materials.

*Motion: No formal motion was made, but there was consensus to table the discussion until the next meeting.*

## **ITEMS FROM STAFF**

### **Anticipated Schedule of Planning Commission Activities**

Director Siegel announced that there may be two new planning commissioners joining in January, as the Mayor had nominated replacements for the open seats, which will be considered by City Council for approval on December 15. He mentioned that Commissioner Maverick did not reapply for her position. It was noted that student commissioner Abby Sites would be returning if approved by Council.

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## **Staff Updates for Planning Commission**

Director Siegel informed the Commission of a partition application in the unincorporated part of the county within the urban reserves off Zimri Road. He explained that under the urban growth management agreement with the county, such applications are referred to the city for comment by City Council, not the Planning Commission.

Associate Planner Jeremiah Cromie reported that there might be changes coming to the process for right-of-way closures early next year. He also updated the Commission that all temporary Tualatin Valley Fire and Rescue stations have been approved and passed the appeal period, while the main station has been approved but is still in the appeal period. Work on these stations may begin early next year.

Secretary Fe Bates reported that based on email responses from commissioners, a compromise meeting time of 6:30 PM (instead of 7:00 PM) was proposed for future Planning Commission meetings starting in January. All commissioners present indicated they were comfortable with this change.

## **ITEMS FROM COMMISSIONERS**

No updates were provided by commissioners

## **ADJOURNMENT**

Chair Newton-Curtis adjourned the meeting at: 800 p.m.

Attest:

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Linda Newton-Curtis, Planning Commission Chair

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Fé Bates, Office Assistant



## Community Development

PLANNING COMMISSION STAFF REPORT  
APPEAL OF PLNG-25-42 3-LOT PARTITION AND  
3 MIDDLE HOUSING LAND DIVISIONS  
1929 E ORCHARD DR

HEARING DATE: February 12, 2026

FILE NO: APL-26-1

REQUEST: Appeal of PLNG-25-42 3-lot partition and 3 middle housing land divisions

LOCATION: 1929 E Orchard Dr

TAX LOT: R3217CA 00501

APPLICANT: Dean Hurford

APPLICANT REP: Jackson Civil Engineers

OWNER: Dean Hurford

APPELLANT: Ryan Adovnik

ZONE: Low Density Residential District (R-1)

PLAN DISTRICT: Low Density Residential (LDR)

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**ATTACHMENTS:**

Planning Commission Order 2026-01 with:

- Exhibit A: January 7, 2026, Community Development Director's Decision and Findings
- Exhibit B: Ryan Adovnik Statement of Interest and Appeal Application for PLNG-25-42
- Exhibit C: Written Testimony from Applicant and Application Proponents [Note none submitted by staff report publication February 5, 2026]
- Exhibit D: Written Testimony by Appeal Proponents
- Exhibit E: Written Testimony by those Neither in Support or Opposed to Appeal [Note none submitted by staff report publication February 5, 2026]

**A. EXECUTIVE SUMMARY:**

A 3-lot partition and 3 middle housing land division applications (PLNG-25-42) were approved by the Community Development Director on January 7, 2026. An appeal was filed on January 21, 2026, raising issues of traffic safety, density, financial burden, and public notice requirements among others.

On review of the evidence and arguments submitted to date by the appellant, staff believes that all issues raised are either not applicable, already met pursuant to minimum requirements of the Newberg Municipal Code (NMC), or are met by conditions of approval that ensure compliance with applicable code and mitigate address the concerns raised. As such, staff recommend adopting Planning Commission Order 2026-01 denying the appeal and upholding the January 7, 2026, Community Development Director's Decision for PLNG-25-42.

The application reaches the 120-day shot-clock (deadline) for the City making its final land use decision, per NMC 15.100.100, on February 12, 2026. As such, the Commission will need to make a decision on the appeal at the hearing.

**B. DESCRIPTION OF APPEAL:**

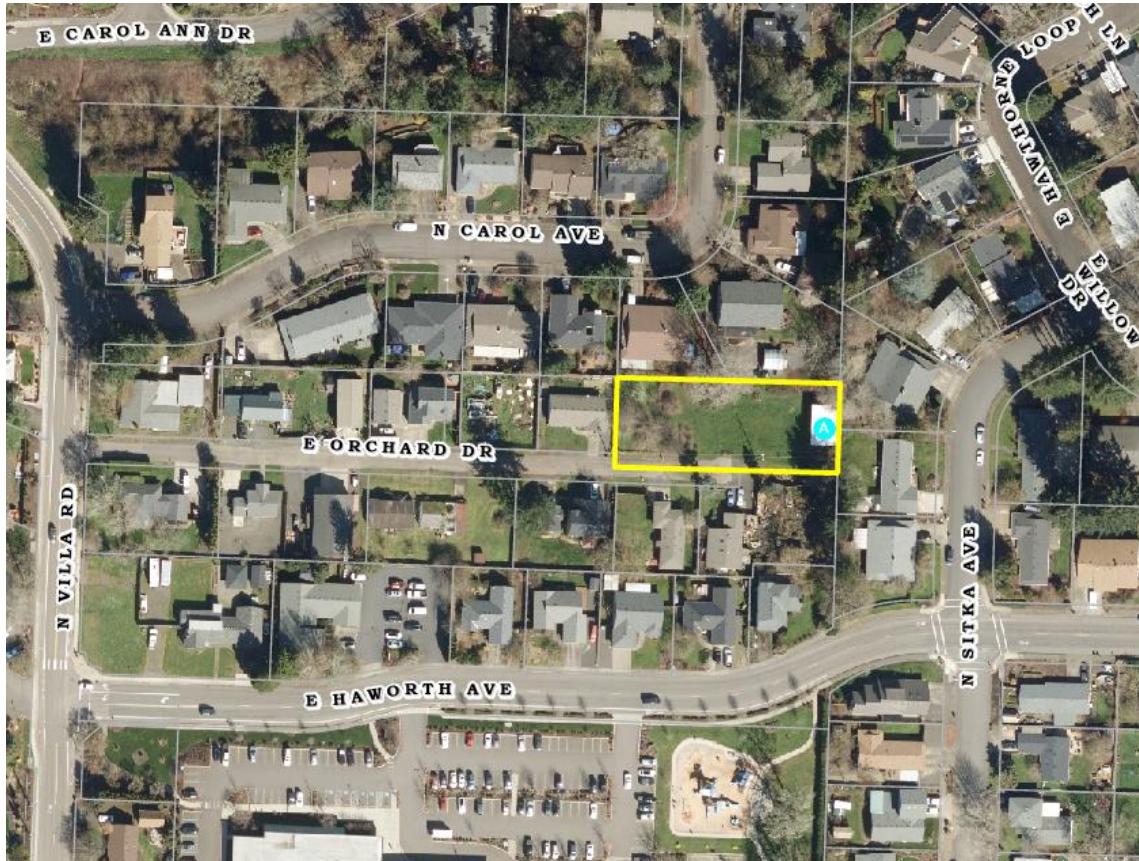
Ryan Adovnik submitted an appeal stating the City erred in its decision and should reverse the approved 3-lot partition and 3 middle housing land divisions based on allegations the application does not comply with standards for fire-access, setbacks, circulation, parking, infrastructure capacity, and public notice procedures.

Mr. Adovnik's grounds for appeal can be seen in more detail as well as staffs' response in the analysis portion of this staff report. The Planning Commission may accept other evidence and testimony before close of the appeal hearing and ultimately must make its decision based on evidence in the record and the applicable provisions of Newberg Municipal Code.

**C. DESCRIPTION OF APPLICATION**

The application PLNG-25-42 is for a 3-lot preliminary partition plat application and 3 middle housing land division applications. The initial partition would create 3 triplex lots (one triplex per lot), and each middle housing land division will create 3 middle housing lots with one dwelling unit per lot, for a total of 9 middle housing lots/units.

**D. LOCATION: 1929 E Orchard Dr**



**E. SITE INFORMATION:**

1. Location: 1929 E Orchard Dr (Approximately 550 ft east of N Villa Rd)
2. Size: 20,205 sq. ft. (approx. .46 acres)
3. Topography: Flat
4. Current Land Uses: None other than shed
5. Natural Features: There are trees, shrubs, and grass on the property
6. Adjacent Land Uses:
  - a. North: Single-family Residential

- b. East: Single-family Residential
  - c. South: Single-family Residential
  - d. West: Single-family Residential
7. Zoning: The following zoning districts abut the subject property
- a. North: R-1 (Low Density Residential)
  - b. East: R-1 (Low Density Residential)
  - c. South: R-1 (Low Density Residential)
  - d. West: R-1 (Low Density Residential)
8. Access and Transportation: Access to the property is from E Orchard Dr, a private street. E Orchard Drive connects to N Villa Road.
9. Utilities:
- a. Water: The City's online GIS mapping shows there is an existing 4-inch water main along Orchard Drive.
  - b. Wastewater: The City's online GIS mapping shows there is an existing 8-inch wastewater main that terminates in a manhole at the east end of E Orchard Drive.
  - c. Stormwater: The City's GIS mapping shows there are no public stormwater lines proximate to the property and other areas do not have a stormwater system.
  - d. Overhead Lines: There are existing overhead utilities along E Orchard Drive frontage of the development property.

## **F. PROCESS:**

This Appeal request is a Type III application and follows the procedures in Newberg Development Code 15.100.160, 15.100.170, 15.100.180 and 15.100.190. The appeal period for the Director Decision ended on January 21, 2026, at 4:30 pm. The Planning Commission will hold a quasi-judicial public hearing on the application. Pursuant to code, the hearing is a new hearing meaning the Commission may accept new evidence. The Commission decision on the application must be based on the evidence in the record including any new evidence submitted during the appeal hearing. The Planning Commission's decision is final unless appealed to City Council. Important dates related to this application are as follows:

Important dates related to this application are as follows:

- a. 10/15/2025: The Community Development Director deemed the application complete.
- b. 10/17/2025 The application materials were sent for agency referral
- c. 10/29/2025: The applicant mailed notice to the property owners within 500 feet of the site.
- d. 11/13/2025: The 14-day public comment period ended.
- e. 1/07/2026: The Community Development Director issued a decision on the application.
- f. 1/21/2026: Appeal was timely filed by Mr. Ryan Adovnik at 4:29 pm.
- g. 1/21/2026: Appeal period ended at 4:30 pm.
- h. 1/23/2026: Notice of appeal hearing mailed to property owners within 500 feet of the property
- i. 1/29/2026: The *Newberg Graphic* published notice of the Planning Commission hearing.
- j. 01/23/2026: Notice of Appeal Hearing mailed of appeal to property owners within 500 feet of the property
- k. 2/12/2026: The Planning Commission will hold a quasi-judicial public hearing to consider the appeal application.

The application reaches the 120-day shot clock deadline on February 12, 2025, under NMC 15.100.100, and therefore a decision will need to be made on February 12, 2025, regarding the application.

#### **G. AGENCY COMMENTS & PUBLIC COMMENTS:**

The original application was routed to several public agencies and City departments for review and comment as part of PLNG-25-42. Comments and recommendations from City departments and agencies are contained in Exhibit A. Public comments as part of PLNG-25-42 are contained in Exhibit A. One written public comment from Mr. Adovnik has been submitted on the appeal as of the writing of this staff report on February 5, 2026.

#### **H. ANALYSIS:**

Ryan Adovnik filed an appeal (Exhibit B) of the Community Development Director's decision that approved a 3-lot partition and 3 middle housing land divisions (Exhibit A).

Mr. Adovnik raised the following issues and reasons for the appeal (direct quotes in *italics*):

1. *Failure to meet fire/emergency access requirements*
2. *Frontage-based operational feasibility*
3. *Traffic Safety and Sight-Distance Deficiencies*
4. *Failure to demonstrate adequate public facilities*
5. *The site cannot accommodate the approved density*
6. *Failure to address precedent and cumulative impacts*
7. *Approval imposes an unmitigated and disproportionate financial burden, constituting and unfair externalization of development costs*
8. *A deficient public notice process rooted in bad faith*

The issues raised on appeal, *identified in italics that are summarized*, and staff's responses are summarized below. (The Appellant's complete appeal materials are provided in Exhibit B.)

### **1) Fire/emergency access**

#### ***Required Fire Turnaround not provided (Oregon Fire Code 503.2.5)***

*Orchard Drive is a long, narrow, privately maintained dead end-road exceeding 150 feet. Under Oregon Fire Code 503.25.5, any dead-end fire apparatus access road longer than 150 feet must include an approved turnaround. The approved plan does not provide this required turnaround. Sprinklers do not replace or waive this requirement*

#### ***Fire Flow Not Verified (NMC 15.505.020)***

*The approval was issued without a certified fire-flow test on the 4-inch water main serving the site. Condition C.1.a acknowledges that a hydrant and larger main may still be required, meaning the project was approved before confirming the fire suppression system can function.*

*NMC 15.505.020 requires proof that infrastructure, including water for fire suppression, is adequate to serve the development.*

#### **Staff Response:**

As seen in the findings and application materials for the Director's decision (Exhibit A),

the Applicant for the project provided an approved fire service provider land use permit for the project (TVFR Permit #2025-0121) with the applications. The permit does not require a turnaround if all the buildings have fire suppression sprinkler systems. The Director decision requires that the Applicant comply with all fire district permit notes including installation of sprinklers as seen in Condition C.6.a.

As noted on the permit, a fire flow test was conducted on February 20, 2024, that provided over 1,000 gallons per minute (gpm). The Director decision requires the Applicant to install another fire hydrant if it is determined to be needed at the time of public improvement permit review by Tualatin Valley Fire and Rescue and update the public water line to be an 8-inch line if it is required (Condition C.1.a).

## ***2) Frontage Based Operational Feasibility***

### ***A. A functional street requires dedicated space for legally mandated and physically present obstructions. Sources are cited as seen in the appeal materials.***

#### *a. Mandatory Fire Safety and Access Clearances*

*60-foot apparatus turnaround (TVFR Construction and Design Standards)  
10 ft No parking fire hydrant zone (Police Parking Information Handout)*

#### *b. Existing and Essential Utility Obstructions*

*i. 10-foot Utility Obstruction Buffer – This is a conservative deduction to account for the cumulative frontage rendered unusable by existing, fixed utility hardware. This includes the physical footprint and necessary working clearance around objects such as power poles, guy wire anchors, and ground-level service pedestals, which cannot be moved or obstructed by bins or vehicles*

*ii. 30-foot mail delivery zone: Combination of two federally-regulated requirements: a pad for a cluster box unit and a 20 foot zone for the mail truck to pull over*

*iii. 25-foot Commercial Delivery Zone – This is the minimum length required to park a standard commercial delivery vehicle*

*iv. Waste bin staging requirement: a continuous, unobstructed zone required for curbside waste and recycling collection, based on the physical dimensions of the equipment.*

c. *Scenario-Based Feasibility Table*

*The table in appeal materials are provided in Exhibit B. The conclusion of the table is that the nine-unit plan has a staggering -88 foot deficit of required operational space and is still mathematically impossible with 5 units but four units is the maximum viable safety for the above factored requirements and real-world activities.*

Staff Response:

The Applicant provided an approved fire service provider land use permit (TVFR Permit 2025-0121) that noted the turnaround was not required as long as each building has a fire suppression sprinkler system. It also noted the fire department requires No Parking signs to be installed on Orchard Drive. The Applicant was conditioned to meet all notes as seen in the TVFR permit (Condition C.6.a)

Regarding the utility obstructions, mail, waste bin staging and commercial delivery vehicle spaces, the city notifies the United States Postal Service, Portland General Electric (PGE), and Waste Management. Only Waste Management commented on the application and had no issues with the proposal. The City does not have any approval criteria for commercial delivery zones in residential neighborhoods and does not have standards for private streets, of which Orchard Drive is an existing private street.

As for the number of units, one triplex is permitted by right on each of the three resulting partition lots under NMC 15.305.020. The partition lots meet all applicable standards for triplexes including the minimum lot size (5,000 sq. ft.) and frontage on a 25 feet wide easement as seen in the findings for NMC 15.405.010 and NMC 15.405.030 in Exhibit A.

The three middle housing land divisions will each create three lots where one triplex will be constructed. The effect of middle housing land divisions is not to increase density but to create separate ownership lots for each middle housing unit permitted, in this case to divide triplex buildings into three dwelling units each on their own lot.

**3) Traffic Safety and Sight-Distance Deficiencies**

*A flawed traffic analysis based on selective omitted data (NMC 15.235.040). The staff report justifies its decision to waive a full traffic impact study based on an incomplete and misleading summary of the data provided to them.*

*The city staff had direct, written evidence from the applicant's own expert that the project would generate 86 total daily trips. Their expert did not elaborate on the reasons behind their calculations or show any specific references to their stated source document in a memo barely half a page long. In addition, the city chose to ignore the 86 daily trips and*

*reported only the much smaller “peak hour” figure. The hazardous “double-blind” intersection at Orchard and Villa Road is a known deficiency that exists 24 hours a day. The city’s decision to use a cherry-picked, one hour metric to assess an all-day safety problem, while in possession of data showing a much larger impact, constitutes a failure of due diligence and a negligent application of its duties under NMC 15.235.040.*

*This flawed analysis is compounded by the failure to consider foreseeable cumulative impact of a similar high-density development on the adjacent lot, which would add even more “average daily trips” to the known hazard.*

*Newberg Municipal Code 15.235.040*

*2. Traffic Analysis. A traffic analysis shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. A traffic analysis may be required for projects below the 40 trips per p.m. peak hour threshold when the development’s location or traffic characteristics could affect traffic safety, access management, street capacity or a known traffic problem or deficiency. The traffic analysis shall be scoped in conjunction with the city and any other applicable roadway authority.*

Staff Response:

The Applicant provided a memo stating they used the Transportation Engineer’s Trip Generation Manual (9<sup>th</sup> edition) to forecast the number of trips including how many trips would be taken during each pm peak hour for each triplex, showing only 9 peak hour trips (Exhibit A). A full traffic study is not required per 15.235.040(A)(2) since it is less than 40 trips per pm peak hour.

Staff have no documented information to establish that a known traffic problem or deficiency exists at the intersection of Villa Road with the existing private street (Orchard Drive). To establish if there is a known traffic problem or deficiency, staff refers to the city’s Transportation System Plan (TSP) along with checking for concerns reported to the Traffic Safety Commission.

- i. The city’s current TSP does not include a proposed project for improvements at the intersection of Villa Road and the existing private street.
- ii. No concerns related to the intersection of Villa Road and the existing private street have been identified within documented concerns reported to the Traffic Safety Commission.

#### **4) Failure to demonstrate adequate public facilities (NMC 15.505.020)**

*The approval is in direct conflict with the foundational principle of NMC 15.505.020, which requires that a developer provide definitive proof that public facilities are adequate to serve the project prior to the project being approved. The city approved this plan based on incomplete and non-compliant utility designs, deferring critical safety and capacity questions to a later date.*

##### **A. Water System: A cascade of unverified safety assumptions**

*The approval creates a dangerous “cascade failure” loop based on unverified assumptions about the water supply*

*The city waived the mandatory fire turnaround based on the developer’s promise to install fire sprinklers. The effectiveness of these sprinklers – and any firefighting effort – is entirely dependent on adequate water supply from the 4-inch main. The city approved the plan without requiring a certified fire-flow test to prove the 4-inch main could support the combined load of nine new homes and a multi-unit suppression system. Instead, it relied on an unverified developer’s memo. The city’s uncertainty is captured in condition C.1.a of the approval, which acknowledges that a new on-site hydrant and an upgraded 8-inch main may still be required. This condition is a direct admission that the city granted its approval before the required proof of adequacy was provided, in direct violation of the prerequisite established in NMC 15.505.020*

##### **B. Sanitary Sewer: Non-compliance with City Design Standards**

*The submitted sewer plans contain direct conflicts with the city’s mandatory technical specifications. The plans proposed using cleanout at changes in alignments and junctions. This is in direct conflict with Section 2.5 of the Newberg Design and Construction Standards, which explicitly requires manholes in these locations. The plans do not clearly demonstrate separate sewer connections for each lot, a requirement of Section 2.7 of the same standards. These are not minor details; they are fundamental design requirements to ensure the long-term functionality and serviceability of the public sewer system*

##### **C. Stormwater Management: Unsubstantiated and Incomplete Design**

*The stormwater plan fails to demonstrate how it will avoid negative impacts on adjacent properties. The design for “Basin 1” identifies “mechanical treatment” but fails to show a clear outfall location, piping, or equipment details. It does not provide any calculations or proof that the existing roadside ditches have the capacity to handle the increased runoff from over 14,000 square feet of new impervious surface. This creates a foreseeable and unmitigated risk of downstream flooding and erosion, again failing the requirement to prove adequacy before approval. Collectively these*

*deficiencies demonstrate a pattern of approving an incomplete and non-compliant plan in violation of NMC 15.505.020*

**Staff Response:**

In accordance with the Newberg Municipal Code (NMC), staff prepared findings of compliance with applicable code requirements, and the Director decision contains conditions of approval to ensure that the partition and middle housing land divisions meet all code standards (Exhibit A). These findings and conditions were incorporated into the decision for File PLNG-25-42. Conditions of Approval C.1, C.2, C.3 and C.8 address requirements related to water infrastructure, wastewater infrastructure, and stormwater management.

The full text of NMC 15.505.020 indicates that no development shall be approved unless applicable improvements are provided prior to occupancy or operation, unless future provision is assured in accordance with NMC. The following provides more detail and context for how public improvement requirements are met through the development review process.

## **Chapter 15.505 Public Improvement Standards**

### **15.505.020      Applicability.**

**The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).**

- The land use decision for approval with conditions is only the first step in the process of approving any development required to obtain land use approval per the Newberg Municipal Code (NMC).

During the first step in the overall development approval process, an applicant provides application materials that include preliminary reports and preliminary plans. These preliminary documents might, or might not, demonstrate compliance with applicable code or other requirements.

- Conditions of Approval issued with land use decisions are a mechanism to assist with ensuring compliance with NMC and other applicable requirements, such as the city Public Works Design and Construction Standards and state Building codes, prior to issuance of required Public Improvement Permits and Building Permits for a development project.
  - With subsequent steps in the overall development approval process, an applicant is to provide permit application materials that include any land use conditions of approval, “final” reports and construction plans that

comply with conditions of approval and applicable design standards and codes.

- During the plan review and approval process these final reports, construction plans, and any other needed materials identified by those performing plan reviews for Public Improvement Permits and Building Permits are reviewed for compliance with applicable requirements.

➤ Steps in the development approval process that follow the land use approval with conditions include:

- Plan reviews and approvals that are part of the Public Improvement Permit and Building Permit process for issuance of permits prior to construction of public or private improvements.
- Inspections during construction of work permitted with Public Improvement Permits and Building Permits.
- Closeout of Public Improvement Permits.
- Issuance of Certificates of Occupancy.

## **5) The site cannot accommodate the approved density**

*The plan is illegal as submitted. The developer's plan is non-compliant with the city's mandatory un-waivable lot coverage rule. State law does not waive this requirement. The governing rule NMC 15.405.040 limits the building footprint to 40% of the lot area for a multi-story building. The applicant's own conceptual plan proposed buildings that are far larger than what is legally allowed. The developer's own plan requires buildings that are between 46 and 55% larger than code permits. To become compliant, the units would need to be shrunk so drastically they would be unlivable. The ~1,275 sq. ft. figure is based on an illegal design.*

*A nine-unit plan consumes 100% of the legally allowed hard surface area, creating a "Zero-Buffer" site with no margin for safety or essential services.*

- Max Hard Surface Budget (60% Rule): 10,097 sq. ft. (p. 20)
- Less: Pavement for Parking & Circulation: - 3,458 sq. ft.
- Less: Building Footprint to achieve 9 units: - 6,639 sq. ft.
- Remaining "Functional Buffer": 0 sq. ft.

*A buffer of zero is not a design choice; it is a safety failure. It guarantees that daily activities – like a UPS delivery or the weekly staging of up to 27 garbage bin (p. 11) – will obstruct the designated emergency fire lane. The plan provides only the absolute legal minimum of one parking space per unit (the garage), as noted on p. 50 of the staff report. A 1,275 sq. ft. home can have 2 or 3 bedrooms. It is unrealistic to assume households in new homes will own only one car. The lack of reliable second parking space forces residents and guests' vehicles into the only available space: the private*

*drive, which is the fire lane. The developer solves a math problem on paper by creating a safety problem in the real world.*

**Staff Response:**

No building permits were submitted with the application and any plans submitted were only conceptual in nature, therefore the 40% lot coverage standard is not applicable at this time under NMC 15.405.040. As noted in the decision findings on page 20 in Exhibit A, the applicant is conditioned to submit building permit plans that comply with the 40% maximum coverage (Condition D.5). The city is not allowing larger homes than code permits. Newberg Municipal Code 15.440.030 only requires one (1) off-street parking space for each dwelling unit of a triplex. This will be evaluated at the time of building permit and is not applicable at this time.

***Violation of Front Yard Setback and Parking Standards (NMC 15.410.010(C))***

*The developer's conceptual site plan, on which the city's approval is based, depicts required parking stalls located within the mandatory 15-foot front setback. This is a direct and unambiguous violation of Newberg Municipal Code 15.410.010(C) which explicitly states "No front yards provided around any building...shall be used for public or private parking areas or garages"*

*While a limited exception (NMC 15.440.060(G)) allows a driveway to pass through the front yard to access a compliant parking area located elsewhere (e.g. a garage behind the setback line), it does not permit the required parking stalls themselves to be situated within that setback. The front yard must be maintained as open space.*

*This violation is not a minor detail; it creates a critical parking dilemma and exposes a fundamental flaw in the site's capacity analysis. If these illegally placed stalls are discounted, as they must be under the code, then the developer's plan fails to provide the minimum required number of parking spaces for nine units. The plan is therefore non-compliant on its face. The only way for the developer to correct this violation would be to move the parking stalls out of the 15-foot setback and place them further into the property. This action would consume the only available land that could have possibly been used for the frontage dependent activities calculated in Ground 1 (waste bins, mail delivery, commercial drop-offs).*

*This creates an inescapable contradiction. The developer is attempting to use the same piece of land for two mutually exclusive purposes: as both the required "open space" of the front yard setback and as the paved area for the required parking. This is not possible. The developer's reliance of illegally placed parking is the ultimate proof that the site is too constrained to meet the basic requirements of the proposed density. The city's approval of a plan with such a clear and fundamental code violation is invalid.*

Staff Response:

No building permits were submitted with the application and the only. At time of building permit submittal, the required parking and setbacks will be evaluated. In addition, the application was conditioned (Conditions D.5, D.8) to meet these standards with the building permit as seen in Exhibit A.

Nonetheless, a garage that meets applicable setback standards may be counted as required off-street parking.

***Building Height, Neighborhood Scale, Non-compliance with local zoning code and state law (NMC 15.415.020 and 15.308.010)***

*The project's proposed scale is impermissible under local code, and contrary to the developer's likely assertions, state law does not grant immunity from these local standards.*

*The project violates the R-1 code on two levels. First the developer's application proposes a 35-foot height, which is in direct conflict with NMC 15.415.020, as the code explicitly limits triplexes to 30 feet. Second a three-story building is fundamentally incompatible with the state purpose of the R-1 zone (NMC 15.308.010), which is maintain "spacious residential neighborhoods of single-family homes". The scale of this project shatters the established character of the one and two-story neighborhood.*

*In the event the developer attempts to circumvent the 30-foot height limit by arguing these buildings are "townhomes", that argument is invalid. The developer applied for, and the city approved, a triplex development. Furthermore, any such reclassification would render the project illegal under NMC 15.405.030(D)(2)(a) which require townhomes to have frontage on a public street. Orchard Drive is a private street. The developer cannot claim the favorable height of the townhouse code while ignoring the public street requirement that comes with it.*

*Any argument that state law (HB 2001) compels the city to approve this specific project is a misinterpretation of the statute. The state law itself, Oregon Revised Statute (ORS) 197A.420(5), explicitly allows a local government to apply "reasonable local regulation...relating to the siting and design" of middle housing. The purpose of the state law is to legalize the use (a triplex is allowed), not to abolish all local codes governing the form (how tall, dense, and safe that triplex must be). The multiple code violations detailed in this appeal including height limits, fire access turnarounds, traffic safety, and the physical spaces for logistics are all permissible "siting and design" standards that the city has a duty to enforce.*

Staff Response:

No building permits were submitted with the application. The lot sizes of the partition each meet the minimum required lot size of 5,000 sq. ft. for triplexes as seen in NMC 15.405.010 (findings on pg. 17 of Exhibit A) All partition “parent” lots and any structures placed on them are required to meet all development and design standards including the 30-foot height limit as seen in the findings and conditions of approval (Conditions D.6, D.9, D.10, D.11).

**6) Failure to address precedent and cumulative impacts (NMC 15.235.040)**

*The staff report’s description of the site as the “last undeveloped lot” is materially incomplete. An adjacent, similarly-sized parcel exists on the street. The approval of nine units here creates a direct and foreseeable economic precedent for a similar high-density development on that lot. The city’s analysis is myopic as it fails to consider the cumulative impact of this second foreseeable development on the street’s already limited capacity and the hazardous intersection. The failure to conduct a holistic safety analysis violates the intent and discretionary responsibility outlines in NMC 15.235.040*

Staff Response:

No other application has been submitted related to another parcel on the lot, and all the existing lots have single-family homes to staff’s knowledge. Any speculative development on another parcel on Orchard Dr is irrelevant to this project and the criteria for a partition of NMC 15.235.040 and 15.235.050. This issue is not applicable.

**7) The approval imposes an unmitigated and disproportionate financial burden, constituting an unfair externalization of development costs**

*Orchard Drive is not a public asset. As confirmed by the staff report’s discussion of its status (Staff Report pp., 28-29, 32), it is a private street. Its maintenance, repair and eventual full reconstruction are the exclusive financial responsibility of the homeowners governed by the terms of its establishing easement and any associated private road maintenance agreements. The City has no obligation to repair this road.*

*The approval sanctions two distinct phases of damage to this private infrastructure:*

1. *Construction-Phase Damage: The project will require months of heavy vehicle traffic, including concrete mixers, excavation equipment, and fully loaded material delivery trucks. These vehicles impose high Equivalent Single-Axle Loads (ESALs) – the standard engineering measure of pavement damage – far exceeding what a private residential road is designed to withstand. This will catastrophically shorten the road’s engineered service life and likely cause subgrade and surface failures.*
2. *Operation-Phase Damage: Post-construction, the project will permanently double the number of households using the street. This will, at a minimum,*

*double the Average Daily Trips (ADT). This sustained, high-frequency use will accelerate the pavement's degradation, ensuring its premature failure and forcing a full, costly reconstruction years earlier than would otherwise be required.*

*The staff report acknowledges the street is private but is silent on the foreseeable damage. A prudent approval process for a project of this scale and impact would have included standard Conditions of Approval to protect existing residents. The city's failure to impose any of the following constitutes a negligent omission:*

- *A Pre-Construction Video Survey and Pavement Condition Report to establish a baseline of the road's current condition*
- *A Bonding Requirement or Financial Guarantee posted by the developer, to be held in escrow to pay for the repair of any damage caused during construction*
- *A Developer-Funded Pavement Life-Cycle Analysis to quantify the long-term impact of the increased ADT and establish a fair contribution to a road maintenance fund*
- *A Formalized Road Maintenance Agreement as a condition of approval, requiring the new units to buy into the shared maintenance obligation at a level commensurate with their impact.*

*By failing to impose these standard mitigation tools, the City has prioritized the developer's profit over the financial well-being of existing residents.*

*This approval creates a textbook case of inequitable cost externalization. A for-profit developer is granted the right to develop a dense project, from which they will derive all financial benefit. However, the primary infrastructure cost of that development – the accelerated destruction of Orchard Dr – is transferred entirely onto private citizens who have no financial stake in the project.*

*This is an unacceptable policy outcome. Either existing residents are forced to subsidize a private developer's profits through future road repair bills, or the developer is unjustly enriched by being absolved of responsibility for the damage they will cause.*

*If the City is to grant approval that it knows will lead to premature failure of private infrastructure, it cannot abdicate responsibility for that outcome. The financial burden must be placed on the party creating it: the developer.*

*Therefore, should this approval be upheld, the only equitable remedy is for the City to require the developer, as a Condition of Approval, to upgrade Orchard Drive to current public street standards and dedicate it to the City for public ownership and maintenance. This is the only way to ensure that the long-term infrastructure costs generated by this high-density project are not unfairly borne by private individuals.*

Staff Response:

There are no code requirements or criteria for making a developer repave a private street after construction or provide a security agreement or bond for any road damage on a private street. Likewise, the city cannot advise the Applicant or other private owners of Orchard Drive on this issue.

**8) A deficient public notice process rooted in bad faith**

*This approval is built upon a foundation of a compromised public notice process that, while perhaps technically fulfilling the bare minimum procedural requirement, was executed in a matter that demonstrates a profound lack of good faith and subverted the entire legal purpose of the notice itself.*

*The legal requirement to provide notice to affected property owners (NMC 15.203.020) is a cornerstone of due process. Its purpose is not simply to send a letter; it is to provide a meaningful and effective opportunity for the community to be heard.*

*The applicant in this case took an action that had the predictable and foreseeable consequence of defeating this very purpose. The official legal notice, a document of significant public importance, was mailed in envelopes with “76 Express Lube” print in the return address area. This is especially concerning in the light of the fact that Mr. Hurford has experience in the building community and should have therefore known better.*

*The action disguised a critical legal notification as unsolicited commercial advertising. It is a universally understood behavior for residents to discard such “junk mail” unopened. Therefore, this method of delivery was not designed to inform; it was, by its very nature, designed to be ignored.*

*This was not a clerical error. It was a conscious choice. The decision to use such an envelope can only be interpreted as an act of bad faith intended to minimize public awareness, limit scrutiny, and suppress community response to the proposed development. It demonstrates a foundational lack of respect for the public process and for the residents whose lives and property values would be directly impacted.*

*The initial act of bad faith is not an isolated incident; it is a lens through which this entire project must be viewed. It established a troubling pattern of behavior and calls into question the developer’s credibility on every other aspect of this proposal.*

- *How can the residents of Orchard Drive, of this Commission, be expected to trust the developer’s unverified claims about water capacity?*
- *How can we be expected to believe there will be a responsible partner in*

- mitigating the extreme traffic and safety impacts on our street?*
- *Most critically, how can we possibly trust them to be accountable for the significant financial damage their project will inflict on our private road?*

*The answer is that we cannot. When a developer's very first interaction with the community is designed to mislead, there can be no reasonable expectation of future accountability or good faith. The public process was tainted from the outset by this profoundly cynical action, and any approval that stems from it is inherently flawed.*

Staff Response:

There are no code requirements for what envelopes the Applicant mails out the required notice in NMC 15.100.210. The Applicant mailed the required notice pursuant to NMC 15.100.210 and provided the affidavit of noticing on October 29, 2025. The Applicant fulfilled all required noticing requirements.

**I. 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 the time this report was drafted, staff recommends the following motion:

*Move to adopt Planning Commission Order 2026-01, denying the appeal and sustaining the January 07, 2026, Community Development Director Decision on PLNG-25-42.*



## **PLANNING COMMISSION ORDER 2026-01**

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### **AN ORDER SUSTAINING THE JANUARY 07, 2026, COMMUNITY DEVELOPMENT DIRECTOR DECISION PLNG-25-42**

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#### **RECITALS**

1. Dean Hurford applied for a Type II 3-Lot Partition and 3 subsequent middle housing land divisions at 1929 E Orchard Drive.
2. On January 7, 2026, the Community Development Director issued a decision on the submitted application for a 3-lot partition and 3 Middle Housing Land Divisions for triplexes on each partition lot under File No. PLNG-25-42
3. On January 21, 2026, Ryan Adovnik filed a timely appeal of the decision.
4. After proper notice, the Newberg Planning Commission held a public hearing on February 12, 2026, to consider the appeal. The Commission considered testimony and deliberated.
5. The Newberg Planning Commission finds that the application meets the applicable Newberg Municipal Code criteria as shown in the findings in Exhibit "A" of the January 07, 2026, Community Development Director Decision on PLNG-25-42.

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

1. The appeal application APL-26-1 is denied.
2. The January 7, 2026, Community Development Director Decision approving PLNG-25-42 with conditions (Exhibit "A") is sustained. Exhibit "A" is adopted and by this reference incorporated.
3. This order shall be effective February 26, 2026.

**Adopted by the Newberg Planning Commission this 12<sup>th</sup> day of February 2026.**

ATTEST:

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Planning Commission Chair

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Planning Commission  
Secretary

List of Exhibits:

- Exhibit "A": January 7, 2026, Community Development Director's Decision and Findings
- Exhibit "B": Ryan Adovnik Statement of Interest and Appeal Application for PLNG-25-42
- Exhibit "C": Written Testimony from Applicant and Application Proponents [Note none submitted by staff report publication February 5, 2026]
- Exhibit "D": Written Testimony by Appeal Proponents [Note none submitted by staff report publication February 5, 2026]
- Exhibit "E": Written Testimony by those Neither in Support or Opposed to Appeal [Note none submitted by staff report publication February 5, 2026]

**Exhibit “A” to Planning Commission Order 2026-01  
January 07, 2026 Community Development Director Decision  
and Findings – File PLNG-25-42**



NOTICE OF DECISION  
PARTITION PRELIMINARY PLAT & 3 MIDDLE HOUSING LAND DIVISIONS FOR TRIPLEXES  
1929 E ORCHARD DR – FILE NO. PLNG-25-42

January 7, 2026

Dean Hurford  
1929 E Orchard Drive  
Newberg, OR 97132

*Sent via email to: [deanhurf@yahoo.com](mailto:deanhurf@yahoo.com)*

*BCC: All persons who provided comments*

Dear Applicant,

The Newberg Community Development Director has approved PLNG-25-42, consisting of a proposed 3-lot preliminary partition plat application and 3 middle housing land division applications located at 1929 E Orchard Drive (Tax Lot R3217CA 00501), subject to the conditions listed in the attached report. The full staff report with all attachments be found online at <https://newbergor.portal.opengov.com/records/2220> under "Files". All files related to the project can also be found under the "Files" tab.

The initial partition is to create 3 triplex lots (one triplex per lot). This is to be followed by three middle housing land divisions, each dividing one triplex into 3 middle housing lots with one dwelling unit per lot, for a total of 9 middle housing lots/units. The decision will become effective on January 22, 2026, unless an appeal is filed.

You may appeal this decision to the Newberg Planning Commission within 14 calendar days of this decision in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$618.00 (plus 5% technology fee) to the Planning Division within 14 days of the date of this decision.

**The deadline for filing an appeal is 4:30 pm on January 21, 2026.**

At the conclusion of the appeal period, please remove all notices from the site.

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the partition containing the lot. Preliminary plat approval for the partition shall be effective for a period of two years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted by January 7, 2028.

Preliminary plat approval of the middle housing land divisions shall be effective for a period of three years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted by January 7, 2029.

Please contact me at [jeremiah.cromie@newbergoregon.gov](mailto:jeremiah.cromie@newbergoregon.gov) or 503-554-7772 if you have any questions.

Sincerely,



Jeremiah Cromie,  
Associate Planner  
City of Newberg | Community Development Department

STAFF REPORT

PARTITION PRELIMINARY PLAT & 3 MIDDLE HOUSING LAND DIVISIONS FOR TRIPLEXES  
1929 E Orchard Drive – FILE NO. PLNG-25-42

FILE NO: PLNG-25-42

REQUEST: Partition of one 20,205 square foot lot into three lots allowing one triplex per lot. After partition, do three separate middle housing land divisions, each creating 3 middle housing lots with one dwelling unit per lot, for a total of 9 middle housing lots/units.

LOCATION: 1929 E Orchard Dr

TAX LOT: R3217CA 00501

APPLICANT: Dean Hurford

OWNER: Dean Hurford

ZONE: Low Density Residential (R-1)

COMP PLAN: Low Density Residential (LDR)

OVERLAYS: Airport Overlay

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**CONTENTS:**

Section I: Application Information

Section II: Findings for Partition

Section III: Findings for Middle Housing Land Division or Partition Lot 1

Section IV: Findings for Middle Housing Land Division or Partition Lot 2

Section V: Findings for Middle Housing Land Division or Partition Lot 3

Section VI: Conditions of Approval

**ATTACHMENTS:**

1. Tentative Partition Plat and
2. Middle Housing Division Plats
3. Application Materials
4. Public Comments
5. Agency Comments
6. 1980 Local Improvement District (Turnaround)

**Section I: Application Information**  
**Partition Preliminary Plat & 3 Middle Housing Land Divisions**  
**1929 E Orchard Drive – File PLNG-25-42**

**A. DESCRIPTION OF APPLICATION:** Dean Hurford (Applicant) has requested approval of a 3-lot preliminary partition plat application and 3 middle housing land division applications. The initial partition will create 3 triplex lots (one triplex per lot) and each middle housing land division will create 3 middle housing lots with one dwelling unit per lot, for a total of 9 middle housing lots/units. Application and supplemental materials are provided in Attachment 3.

The proposed project would result in the following lot sizes:

<b><u>Parent Lot 1:</u></b>	<b><u>Parent Lot 2:</u></b>	<b><u>Parent Lot 3:</u></b>
6,660 sq. ft (1,110 sq. ft. in road easement)	6,570 sq. ft. (1,095 sq. ft. in road easement)	6,966 sq. ft. (1,163 sq. ft. in road easement)
<b><u>Child Lots from Parent Lot 1</u></b>		
C1: 2,430 sq. ft	C4: 2,340 sq. ft.	C7: 2,340 sq. ft.
C2: 1,890 sq. ft.	C5: 1,890 sq. ft.	C8: 1,890 sq. ft
C3: 2,340 sq. ft.	C6: 2,340 sq. ft.	C9: 2,736 sq. ft.

The subject property is zoned R-1 and, surrounded by existing residential uses, and is the last remaining vacant lot served by Orchard Drive, a private street with public utilities in it that accesses N Villa Drive between E Haworth Ave and N Carol Ave. The subject site has no significant or distinguishing natural features such as steep slopes, streambeds, or wetlands and only has an existing metal pole barn carport that will be removed with this proposal.

## Partition and Middle Housing Land Divisions Preliminary Plat Drawings

**CIVIL LEGEND**

EXISTING ENVELOPE	-----
PROPOSED PROPERTY LINE	-----
BOUNDARY LINE	=====
ACCESS EASEMENT	-----
SEWER EASEMENT	-----

**SETBACK TABLE**

SETBACK	SETBACK PROVIDED (FT)
SIDE (INTERIOR)	5'-0"
SIDE (INTERIOR)	8'-0"
SIDE (INTERIOR)	10'-0"
SIDE (EXTERIOR)	5'-0"

**LAND USE SUMMARY**

LAND USE TYPE	AREA (SF)
GROSS AREA	20,136 SF
DISTURBED AREA	14,212 SF
IMPERVIOUS AREA	14,212 SF
PERVIOUS AREA	5,924 SF

**LOT USAGE**

LOT USE	AREA (SF)	LOT COVERAGE (%)
BUILDING	10,175 SF	50%
DRIVeway	2,018 SF	10%
LANDSCAPING	5,984 SF	30%
ROADWAY	2,023 SF	10%

**LOT PARKING SUMMARY**

ITEM	QUANTITY PER PARENT LOT
RESIDENTIAL UNITS	3
PARKING SPACES	6
GARAGE	3

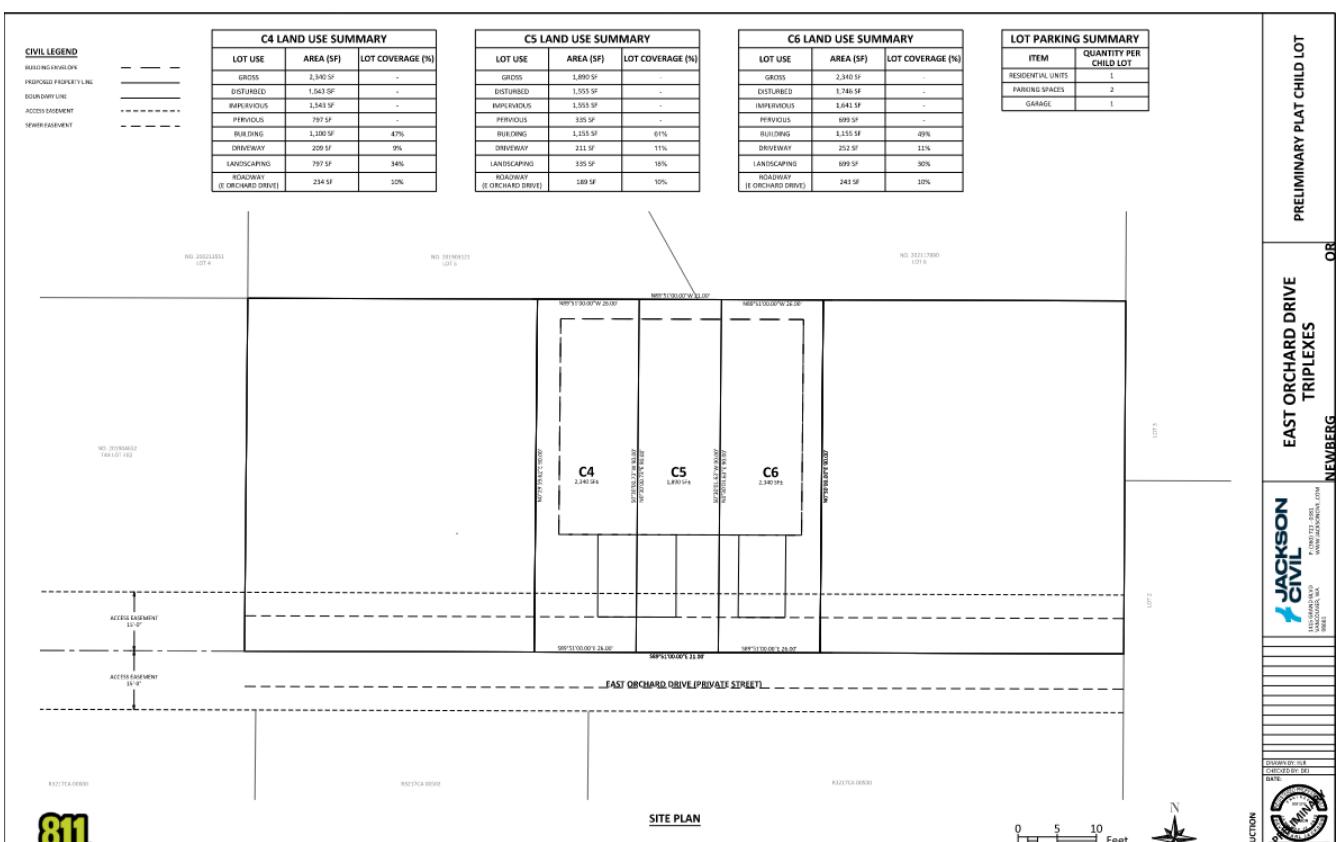
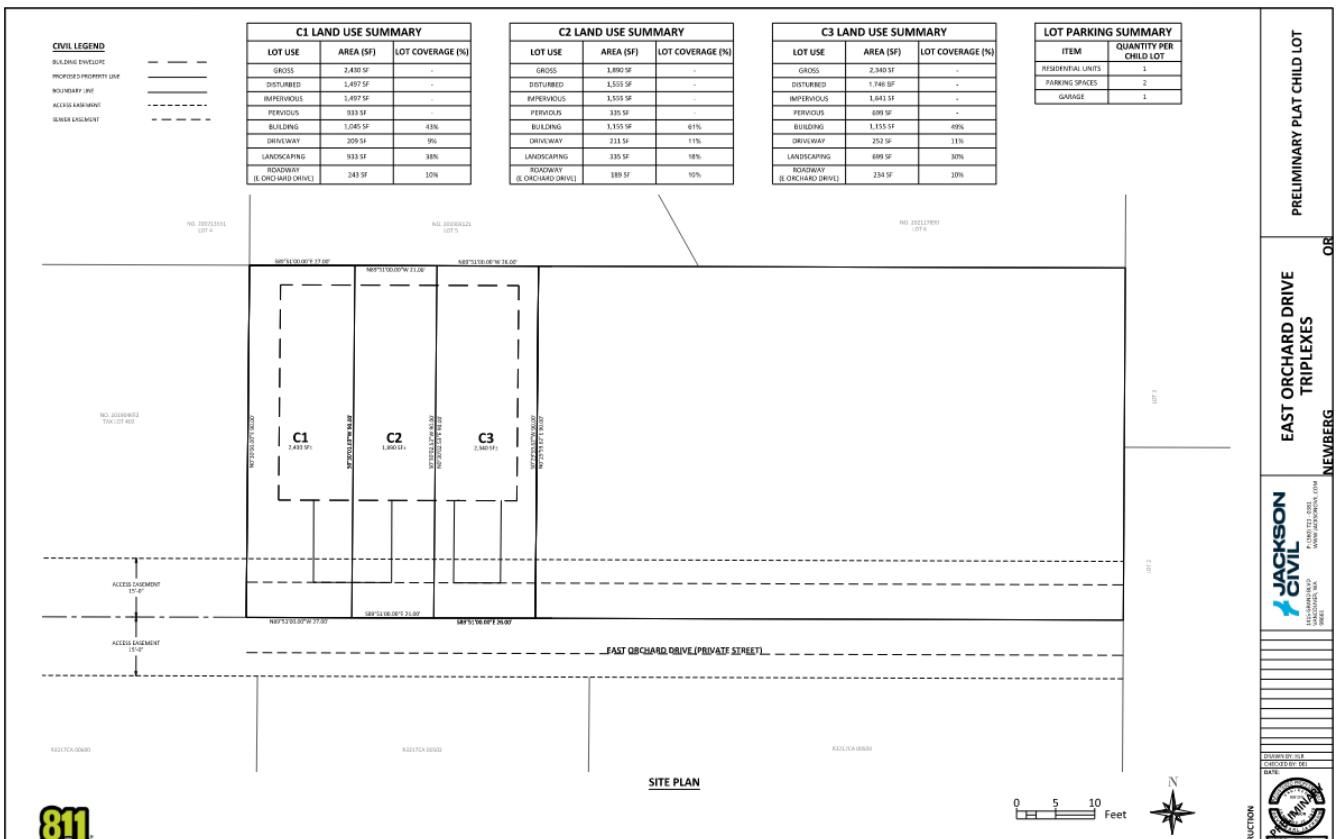
**PRELIMINARY PLAT PARENT LOT**

**EAST ORCHARD DRIVE TRIPLEXES NEWBERG**

**JACKSON CIVIL**  
LAND SURVEYING • CAD • DRONE  
www.jacksoncivil.com  
info@jacksoncivil.com

**SITE PLAN**

811





## SITE MAP



### 1929 E Orchard Drive

Subject Property

Taxlots

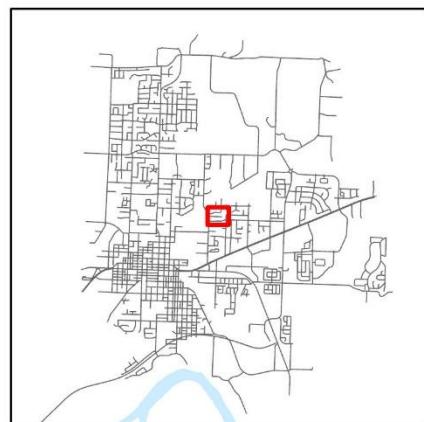
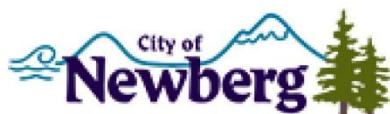


0 150 300 Feet

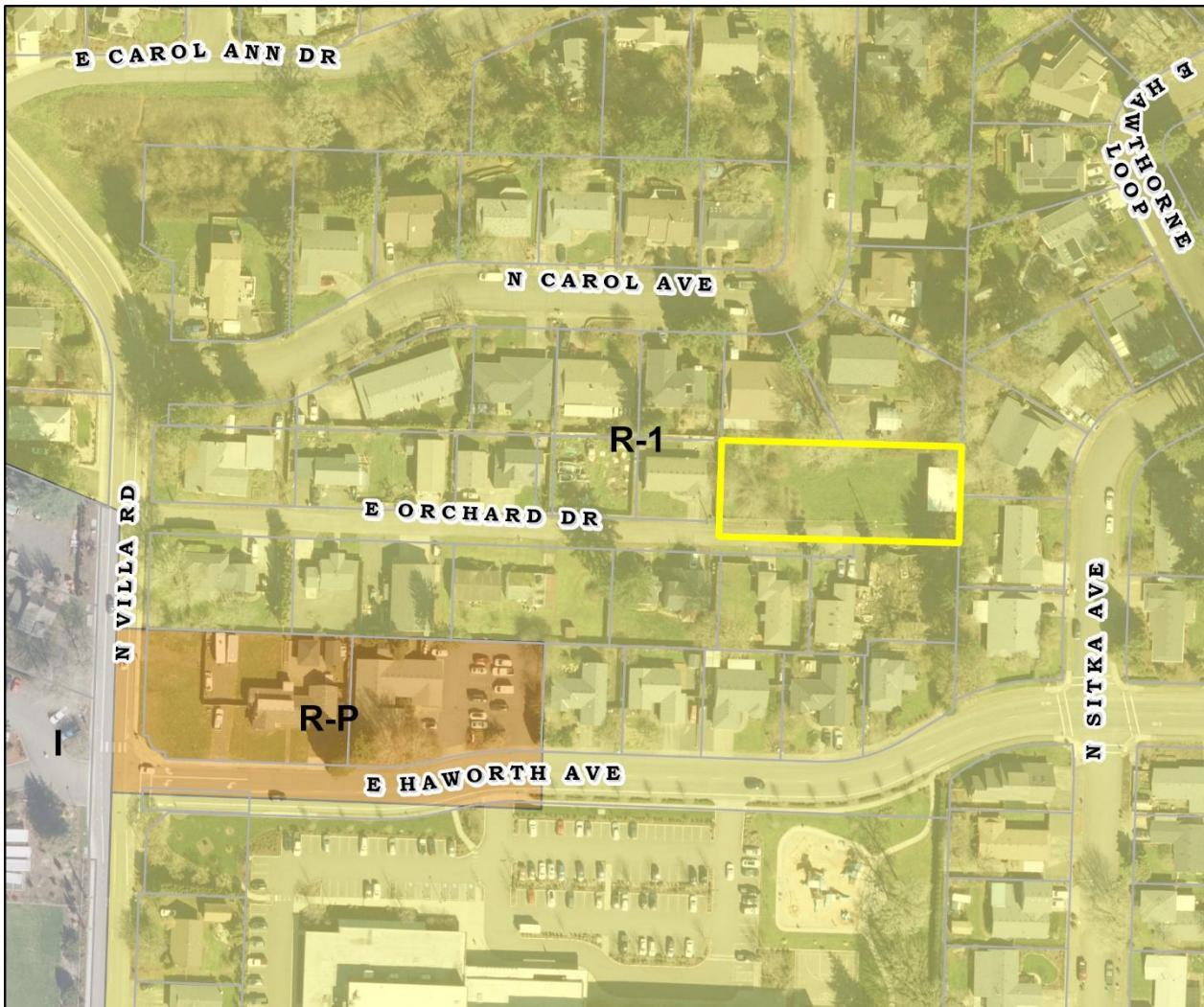
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The map is created from various data sources and is subject to change without notice.  
 This map is intended for general planning purposes only.  
 Map updated: 9/21/2023



## ZONING MAP



### 1929 E Orchard Drive - Zoning

  Subject Property

  Taxlots

#### ZONING

  R-1 Low Density Residential

  R-P Residential Professional

  I Institutional

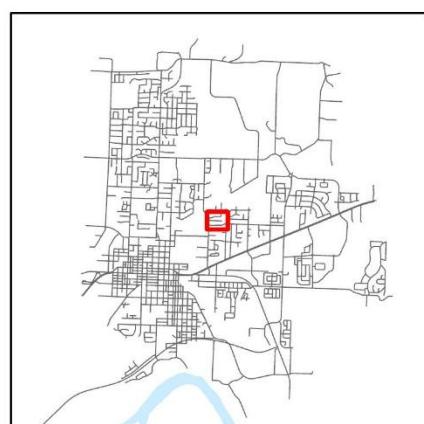


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Map updated: 9/21/2023



## UTILITIES MAP

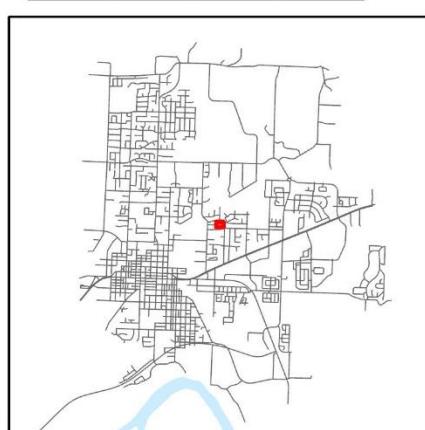


### 1929 E Orchard Drive - Utilities

- Subject Property
- Taxlots
- Sewer Manholes
- Sewer Laterals
- Gravity Main
- Water Meter
- Water Valves
- CITY OF NEWBERG, Potable Main
- Service Lateral



0 50 100 Feet



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## **B. SITE INFORMATION:**

1. Location: 1929 E Orchard Dr
2. Size: 20,205 square feet
3. Topography: Flat
4. Current Land Uses: The site currently has a carport structure
5. Natural Features: The site has an assortment of shrubs. The site does not have significant natural resources.
6. Adjacent Land Uses:
  - a. North: Single-family residential
  - b. East: Single-family residential
  - c. South: Single-family residential
  - d. West: Single-family residential
7. Zoning:
  - a. North: Low Density Residential (R-1)
  - b. East: Low Density Residential (R-1)
  - c. South: Low Density Residential (R-1)
  - d. West: Low Density Residential (R-1)
8. Access and Transportation: Access to the proposed development is provided from E Orchard Drive. E Orchard Drive is a private street and classified as a residential street under the jurisdiction of the City of Newberg.
9. Utilities:
  - a. Water: The City's online GIS mapping shows there is an existing 4-inch water main along Orchard Drive. Fire flow will need to be confirmed by a fire flow test.
  - b. Wastewater: The City's online GIS mapping shows there is an existing 8-inch wastewater main that terminates in a manhole at the east end of E Orchard Drive.
  - c. Stormwater: The City's GIS mapping shows there are no public stormwater lines proximate to the property.

- d. Overhead Lines: There are existing overhead utilities along E Orchard Drive frontage of the development property. Any new connection the property will need to be installed underground. See NMC 15.430.010 for exception provisions.

**C. PROCESS:** The partition request is a Type II application and follows the procedures in Newberg Development Code 15.100.030. Following a 14-day public comment period, the Community Development Director decides on the application based on the criteria listed in the attached findings. The Director's decision is final unless appealed.

Important dates related to this application are as follows:

- 10/15/2025: The Community Development Director deemed the application complete.
- 10/17/2025: The application materials were sent for agency referral.
- 10/29/2025: The Applicant posted notice on the site.
- 10/29/2025: The Applicant mailed notice to the property owners within 500 feet of the site.
- 11/13/2025: The 14-day public comment period ended.
- 01/07/2026: The Director issued a decision on the application.

**D. AGENCY COMMENTS:** The application was routed to several public agencies for review and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following agency comments also provided in Attachment 2:

- 1. Community Development Director: Reviewed, no conflict.
- 2. Engineering: Comments and findings of fact were provided and incorporated into this staff report and conditions of approval as appropriate.
- 3. Newberg School District: Reviewed, no conflict.
- 4. Public Works Maintenance: Reviewed, no conflict.
- 5. Public Works Operations: Reviewed, no conflict.
- 6. Waste Management: Reviewed, no conflict but mentioned that residential carts would need to be placed at the main road for service. A follow up e-mail confirmed that Orchard Drive could be the main road

**E. PUBLIC COMMENTS:** The City received eleven public comments during the comment period for the application including a petition. Comments were mostly related to concerns around traffic, street width including concerns over emergency vehicles and service vehicle turnaround, and stormwater and utility infrastructure. Commenters cited NMC 15.235.040 requesting a traffic study, NMC 15.505.030 requesting roadway widening/infrastructure improvements, and NMC 15.235.050

requesting street connectivity and a vehicle turnaround. All Public Comments can be seen in Attachment 4.

**Staff Response:** Multiple comments mentioned concerns over street width. As stated in the findings for street improvements in NMC 15.505, the proposed development will be required to widen the existing private street to a minimum width of 20 feet of pavement to match the width of the existing street and provide a turnaround to serve emergency and service vehicles. This is consistent with the City standard for a local residential street, with two 9-foot drive lanes (City of Newberg Transportation System Plan), though as an existing private street Orchard Drive is not subject to public street improvement standards. The land division has also been conditioned to meet Tualatin Valley Fire and Rescue's permit for the project.

Other public comments pertain to residential density and screening, though no applicable code sections were cited. Nevertheless, these concerns are addressed in the findings for compliance with minimum lot size standards for triplexes in NMC 15.405.010. With respect to building setbacks, no building is proposed though any future construction must comply with minimum setbacks, lot coverage, height, and other development standards.

In summary, triplexes are a permitted use in the R-1 Low Density Residential District in NMC 15.305.020 Zoning use table, and state law requires the city approve middle housing land divisions that comply with NMC 15.235.030.F.

Regarding traffic, the applicant provided a traffic generation memo using the Institute of Transportation Engineer's Trip Generation Manual. City code requires a full traffic impact study only when development would generate 40 or more peak house vehicle trips or "when the development's location or traffic characteristics could affect traffic safety, access management, street capacity or a known traffic problem or deficiency." As shown in the traffic generation memo, future development of 3 triplexes (9 total dwellings) would generate only 9 peak hour trips. The city's engineering staff found that a more detailed traffic analysis was not warranted and no additional street improvement beyond the roadway widening described above were warranted.

## **F. ANALYSIS:**

The proposed project is for a partition of 1 lot at 1929 E Orchard Drive into 3 "parent" lots with a triplex on each of the 3 lots, and 3 middle housing land divisions to divide each unit of a triplex into its own "child" lot. The parent lot must meet all development standards while the child lot does not but must meet residential building codes.

There was a previous application for 10 townhouses on this same lot that was withdrawn due to not having 20 feet of frontage on a public street as required by Newberg Municipal Code (NMC) 15.405.030(D)(2)(a) as the property only has frontage on a private street (E Orchard Dr).

Newberg Municipal Code (NMC) Chapter 15.05 states that property owners may partition (divide) their land into units called *parcels/lots* for the purposes of development. The filing of a tentative plat is the first step in a two-step process to partition land, such as described in the present application and staff report.

The subject property is located in the R-1 zoning district. NMC Chapter 15.405 requires that lots in the R-1 zoning have a minimum lot area of:

- 5,000 square feet for single family or duplex dwellings;
- 5,000 square feet for triplex dwellings;
- 7,000 square feet for quadplex or cottage cluster dwellings;
- 1,500 square feet for townhouse dwellings

The proposed partition would create three “parent” lots that meet the minimum lot size requirement and other standards for lot dimensions and coverage as conditioned in this report.

- Lot 1 will be 5,550 square feet (excludes private road easement portion)
- Lot 2 will be 5,475 square feet (excludes private road easement portion)
- Lot 3 will be 5,803 square feet (excludes private road easement portion)

The existing pole barn will be torn down for the future development. Triplexes are part of middle housing in Oregon can be built in different configurations in Newberg including detached or attached dwellings. State law requires cities over 25,000 to allow for middle housing including duplexes, triplexes, fourplexes, townhomes, and cottage clusters in all areas where single-family homes can be built. To allow for potential ownership of middle housing units through means other than condominiums the state requires cities to allow middle housing land divisions including the division of triplexes into individual dwelling units on their own lots, which the applicant has proposed to do.

**Section II: Findings**  
**3-Lot Partition Preliminary Plat**  
**1929 E Orchard Drive – File PLNG-25-42**

The findings in **Section II** are for the initial 3-lot partition only. Sections III, IV, and V, respectively, contain findings for the three middle housing land divisions, which are regulated by different code standards and state requirements than the 3-lot partition. Middle Housing Land Division standards are narrower in scope than those that apply to conventional partitions. The reason for the distinction between the two types of land divisions is that middle housing land divisions are used to divide middle housing developments, in this case triplex dwellings, into separate lots each with its own dwelling unit for homeownership purposes. Middle housing land divisions also differ from conventional partitions in that they are required to comply with the Oregon residential building codes on account that the lots that are being divided are planned for or already constructed with middle housing.

Formatting notes: The Newberg Municipal Code (NMC) criteria are written in *italic bold* font and the findings are written in regular font. The NMC criteria will be presented first, followed by the findings of fact. Finding of fact with underlined font indicate subsequent inclusion in Section VI Conditions of Approval.

## **I. FINDINGS FOR PARTITIONS (NMC CHAPTER 15.235)**

### ***15.235.050 Preliminary plat approval criteria***

***A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:***

***1. The land division application shall conform to the requirements of this chapter;***

**Finding:** The proposed 3-lot partition plat application included the required submittal elements and application materials and followed the Type II process and public notice requirements for a partition. This criterion is met.

***2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;***

**Finding:** This criterion is met. See Findings for NMC Division 15.400 which are provided elsewhere in this Section II of the staff report.

***3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;***

**Finding:** This criterion is met. See Findings for NMC Division 15.500 elsewhere in this Section II of the staff report.

***4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;***

**Finding:** ORS Chapter 92 does not require plat names for partitions (only subdivisions) and just uses a year and number format. This criteria does not apply.

*5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*

**Finding:** No new streets are proposed with the 3-lot partition application other than an extension and widening of the existing private street. See Findings for Public Improvements (NMC Chapter 15.505) elsewhere in this Section II of the staff report demonstrating adequate facilities are provided. This criterion is met.

*6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;*

**Finding:** Private common areas for the 3-lot partition are limited to the existing private street Orchard Drive. The Application Materials (Attachment 3) propose improvements to the private road but do not provide legal instruments for maintenance of such easement. As the private road extension is within an existing private access easement, the City does not require any additional maintenance document.

This criterion is met.

*7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and*

**Finding:** Staff are not aware of any state or federal permits that are applicable to this project.

This criterion is not applicable.

*8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.*

**Finding:** Utilities for future development will be provided from within the private road and sized to meet the water and sanitary sewer demands with future build-out of the 3-lot partition with one triplex per lot. See also, findings elsewhere in this staff report:

- For public improvements and development standards required by the City of Newberg including utilities, see Findings for Public Improvements (NMC Chapter 15.505); and
- For undergrounding utilities standards see Findings for Development Standards (NMC Section 15.430.010).

As seen in the agency comments, waste management did not have any issues with the proposed development and Tualatin Valley Fire and Rescue signed off on Fire Permit 2025-0121 with certain conditions which have been added to conditions of approval.

The criterion is met as demonstrated by findings to the criteria of NMC 15.505 that are found elsewhere in this Section II of the staff report and comments and permits provided by service providers.

**B. Middle Housing Land Division Criteria. The decision to approve a middle housing land division, processed as either a Type II or Type III procedure per NMC 15.100.030(B), shall be based on the following:**

[...]

**Finding:** Sections III, IV, and V, respectively, contain the findings for each of the three proposed middle housing land divisions, in compliance with the Middle Housing Land Division Criteria. These findings are found respectively in Sections III, IV and V of this staff report.

#### **15.235.060 Land division related code adjustment and variances**

**Code adjustments and variances shall be processed in accordance with Chapters 15.210 and 15.215 NMC. Applications for code adjustments and variances related to the proposed land division shall be submitted at the same time an application for land division is submitted; the applications shall be reviewed concurrently.**

**A. Applicability. Limited to residential developments requiring a developer, declarant or owner to subdivide land, as defined in ORS 92.010, and to obtain a permit under ORS 215.416 or 227.175.**

**Finding:** No variance or code adjustment has been requested as part of this application to partition an existing lot. Because no variance has been, this criterion is not applicable.

**CONCLUSION:** The proposed 3-lot partition meets the criteria for partitions contained in NMC 15.235 analyzed above and elsewhere in this Section II of the staff report.

## **II. FINDINGS FOR ZONING DISTRICTS (NMC DIVISION 15.300)**

### ***Chapter 15.340 AIRPORT OVERLAY (AO) SUBDISTRICT***

#### **15.340.010 Purpose.**

**A. In order to carry out the provisions of this airport overlay subdistrict, there are created and established certain zones which include all of the land lying beneath the airport imaginary surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current airport overlay zone map and the displaced threshold approach surface map, prepared by the Newberg engineering department (see Appendix B, Maps 2 and 3).**

**B. Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County. [Ord. 2451, 12-2-96. Code 2001 § 151.450.]**

**Finding:** The subject property is within the Airport Inner Horizontal Zone imaginary surface of Sportsman Airpark as described in NMC 15.340.010(A) and on NMC Title 15 Development Code's Appendix B (Maps 2 and 3). The maximum airport height is 150 feet which is beyond the 30-foot maximum building height requirements for the City and Fire department. Further, while configured for future construction of triplexes, the 3-lot partition does not include any vertical construction. Therefore, this criterion is met.

### III. FINDINGS FOR DEVELOPMENT STANDARDS (NMC DIVISION 15.400)

#### *Chapter 15.405 Lot Requirements*

##### *15.405.010 Minimum and maximum lot area.*

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

*1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:*

<b>Zone</b>	<i>Minimum lot area for single family</i>	<i>Minimum lot area for duplex dwelling</i>	<i>Minimum lot area for triplex dwelling</i>	<i>Minimum lot area for quadplex dwelling</i>	<i>Minimum lot area for townhouse</i>	<i>Minimum lot area for cottage cluster</i>	<i>Minimum lot area per dwelling unit for multifamily</i>
<b>R-1</b>	5,000 SF	5,000 SF	<b>5,000 SF</b>	7,000 SF	1,500 SF	7,000 SF	<i>Per conditional use review</i>
<i>R-2</i>	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF
<i>R-3</i>	2,500 SF	2,500 SF	4,500 SF	6,000 SF	1,500 SF	6,000 SF	1,500 SF
<i>R-P</i>	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF
<i>AR</i>	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	—

[...]

**Finding:** The site is zoned R-1. All three proposed partition lots are larger than 5,000 square feet as can be seen in the Applicant's materials and seen in the calculations that take out the private street portion of each lot in the findings for NMC 15.405.010(C) below.

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

*1. In the R-1 district, the average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.*

**Finding:** The proposed lots are not in excess of 10,000 square feet. This criterion is met.

[...]

*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:** The proposed lot area as shown below does not include any land in public and private streets as the land within the private street easement has been removed. There are no lands within a designated stream corridor or reserved for open spaces or historic resources. The land does not exceed 15 percent slope on any portion of the property.

<b>Lot</b>	<b>Lot Size Total (Sq. Ft.)</b>	<b>Private Street Portion of Lot (Sq. Ft.)</b>	<b>Lot Size without private street portion (Sq. Ft.)</b>
1	6,660	1,110	5,550
2	6,570	1,095	5,475
3	6,966	1,163	5,803

After subtracting out the private street from the lot calculations, all lots are still proposed to be over 5,000 square feet which is still less than 15,000 square feet regarding the requirement of minimum density and maximum lot area seen in the previous finding.

This criterion is met.

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

**Finding:** This provision does not apply because no subdivision is proposed.

#### **15.405.020 Lot area exceptions**

**The following shall be exceptions to the required lot areas:**

**A. Lots of record with less than the area required by this code.**

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

**C. Planned unit developments, provided they conform to requirements for planned unit development approval.**

**Finding:** No lot area exception is proposed. This criterion is not applicable.

#### **15.405.030 Lot Dimensions and Frontage**

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

**Finding:** The widths of all proposed lots meet the standards of this code. This criterion is met.

**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.*

**Finding:** The lot depth to width ratio does not apply because the lots are less than 15,000 square feet. This criterion does not apply.

**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.*

**Finding:** Lot area calculations do not include the private street area as seen elsewhere in this staff report. This criterion is met.

**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 R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line, except that duplex, triplex, quadplex and cottage cluster project lots in the R-3 zone shall have a minimum width of 25 feet at the front building line.**
- c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.**

[...]

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

- a. Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B).**
- b. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.**
- c. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.**
- d. 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. However, existing single-family detached dwellings on existing private streets may be converted to duplex, triplex, or quadplex dwellings.**

**Finding:** The property and proposed 3 partition lots are all within the R-1 zoning district and have access to a public street through an easement that is 30 feet wide for a private street (E Orchard Dr). All the proposed lots have at least 35 feet in width at the front building line.

The existing private street was created prior to March 1, 1999, as the recorded easement for the private street was recorded on March 19, 1971, as shown on the Title Report and survey of the property. The private street will be required to meet fire access and installation of necessary utilities as seen and conditioned in the findings for NMC 15.505.

This criterion will be met with conditions as seen in the findings for NMC 15.505.

#### ***15.405.040 Lot Coverage and Parking Coverage Requirements***

*[...]*

***B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards; however, cottage cluster projects shall be exempt from the standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.***

***1. Maximum Lot Coverage.***

***a. R-1: 40 percent, except:***

- i. Fifty percent if all structures on the lot are one story; and***
- ii. Sixty percent for townhouse dwellings.***

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

***3. Combined Maximum Lot and Parking Coverage.***

***a. R-1: 60 percent.***

**Finding:** Based on the Applicant's materials and conceptual plan for three triplex buildings, one on each resulting lot as shown on Sheet P4.0. the partition can accommodate the following lot coverages; actual lot coverage will be determined at the time of building permit applications in compliance with code standards:

Lot	Lot Size Total (Sq. Ft.)	Lot Coverage %*	Parking Coverage % (includes pavement to 10 feet wide within easement)	Combined Lot and Parking Coverage %
1	6,660	50.3% (3355 sq. ft)	7.3% (487 sq. ft)	57.6% (3842 sq. ft)
2	6,570	51.9% (3410 sq. ft)	6.7% (441 sq. ft.)	58.6% (3851 sq. ft)
3	6,966	48.9% (3410 sq. ft)	7.9% (551 sq. ft.)	56.8% (3961 sq. ft)

\*The applicant's materials state that the lot is currently vacant however at the time of application a pole building existed as shown in the Applicant's existing conditions map. It is assumed that the current pole building will come down to build the triplexes.

The applicant's conceptual proposed site plan would result in development exceeding the 40% maximum lot coverage on all 3 proposed triplex "parent" lots. As such, prior to building permit submittal, the applicant shall submit a revised site plan that complies with lot coverage standards and all other development standards of NMC 15.400 for the "parent" lots (Lots 1, 2, and 3).

Upon adherence to the aforementioned condition of approval, this criterion is met.

[...]

### ***Chapter 15.410 Yard Setback Requirements***

#### ***15.410.010 General yard regulations.***

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

**Finding:** The conceptual layout for future construction of triplexes, as shown on Sheet P4.0 submitted with the preliminary partition plat, shows that no yard or open space provided for one building would also serve as a yard or open space for any other building. This criterion is met.

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

**Finding:** The submitted preliminary plat does not rely on any adjoining property to meet code requirements for yard or open space. This criterion is met.

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

**Finding:** The proposed 3-lot partition does not include permits for building construction. All future building permit applications will be reviewed for compliance with code requirements for off-street parking. The conceptual layout for future construction of triplexes, as shown on Sheet P4.0 submitted with the preliminary plat, does not preclude compliance with the parking standards. This criterion is met.

**D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.**

**Finding:** There are no existing buildings other than the existing pole barn. The existing pole barn is within the front yard and interior yard setback. As such, the demolition and removal of the existing pole barn must occur prior to recording of the 3-lot partition plat.

Upon adherence to the aforementioned condition of approval, this criterion is met.

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

**Finding:** No non-residential buildings are present or proposed to be developed on the subject property. This criterion is not applicable.

[...]

#### **15.410.020 Front Yard Setback.**

##### **A. Residential.**

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

**1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than 10 feet. Said yard shall be landscaped and maintained.**

**Finding:** The proposed 3-lot partition does not include permits for building construction. All future building permit applications will be reviewed for compliance with code requirements for setbacks. The conceptual layout for future construction of triplexes, as shown on Sheet P4.0 submitted with the preliminary plat, is consistent with these requirements.

The existing pole barn has a 13.6-foot front yard that does not currently meet the setback. As such, the demolition and removal of the existing pole barn must occur prior to recording of the 3-lot partition plat.

Upon adherence to the aforementioned condition of approval, this criterion is met.

[...]

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

**Finding:** The proposed 3-lot partition does not include permits for building construction though the applicant states that they intend to construct triplexes with garages. All future building permit applications will be reviewed for compliance with code requirements for setbacks. The conceptual layout for future construction of triplexes, as shown on Sheet P4.0 submitted with the preliminary plat, is consistent with these requirements, as it shows buildings with garages setback approximately 30 feet from the closest property line of the private street, the south property boundary, which exceeds the 20-foot minimum setback. This criterion is met.

#### **15.410.030 Interior Yard Setback.**

##### **A. Residential.**

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

**Finding:** The proposed 3-lot partition does not include permits for building construction though the applicant states that they intend to construct triplexes with garages. All future building permit applications will be reviewed for compliance with code requirements for setbacks. The conceptual layout for future construction of triplexes, as shown on Sheet P4.0 submitted with the preliminary plat, is consistent with these requirements, as it shows interior yards of not less than 5 feet.

An existing pole barn is on the property that does not meet the interior yard setback  
As such, the demolition and removal of the existing pole barn must occur prior to recording of the 3-lot partition plat.

Upon adherence to the aforementioned condition of approval, this criterion is met.

[...]

#### **15.410.060 Vision Clearance Setback**

*The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).*

- A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.*
- B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.*
- C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.*

**D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict. [Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.555.]**

**Finding:** No public street improvements or alteration of any existing public right-of-way is proposed or required for approval of the 3-lot partition, as discussed in the findings for NMC 15.505. Therefore, this criterion is met.

**15.415.020 Building height limitation.**

**A. Residential.**

- 1. In the R-1 district, no main building shall exceed 30 feet in height, except that townhouse dwellings shall not exceed 35 feet in height.**
- 2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.**
- 3. In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.**
- 4. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:**
  - a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.**
  - b. Aircraft hangars in the AR district may be the same height as the main building.**
- 5. No cottage cluster dwelling shall exceed 25 feet in height in any zone where the use is permitted.**
- 6. Single-family dwellings permitted in commercial or industrial districts shall not exceed 35 feet in height, or the maximum height permitted in the zone, whichever is less.**

[...]

**E. Alternative Building Height Standard.** As an alternative to the building height standards above, any project may elect to use the following standard (see Figure 24 in Appendix A). To meet this standard:

- 1. Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and**
- 2. Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.**

**F. Buildings within the airport overlay subdistrict are subject to the height limits of that subdistrict.**

**Finding:** The proposed 3-lot partition does not include building elevations or building permit plans though the applicant states that they intend to construct triplexes with garages which implies the units will have more than one story. All future building permit applications will be reviewed for compliance with code requirements for height. In addition to the maximum 30-foot building height, Tualatin Valley Fire and Rescue Permit #2025-0121 for this project approved the project with the limitation of building height from grade plane to highest roof surface shall be 30 feet or less. As such, all triplex buildings shall have a building height limit of 30 feet from grade plane to the highest roof surface.

Upon adherence to the aforementioned condition of approval, this criterion is met.

**[...]/15.415.040      *Public access required.***

*No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city.*

**Finding:** Public access is provided through a 30-foot road easement for a private street (E Orchard Drive) out to N Villa Road. E Orchard Drive is an existing private street constructed prior to March 1, 1999, as allowed under NMC 15.405.030 and as addressed elsewhere in Section II of this staff report. Tualatin Valley Fire and Rescue (TVFR) permit #2025-0121 approved the access with conditions as can be seen in the Applicant's materials.

**15.415.050      *Rules and exceptions governing triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects.***

**A. Where permitted, triplex dwellings and quadplex dwellings are subject to the following provisions:**

**1. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (A)(1)(a) and (b) of this section. Any detached structure with more than 50 percent of its street-facing facade separated from the street property line by a dwelling is exempt from meeting these standards.**

**a. The entrance must be within eight feet of the longest street-facing wall of the dwelling unit; and**

**b. The entrance must either:**

**i. Face the street (see Appendix A, Figure 26);**

**ii. Be at an angle of up to 45 degrees from the street (see Appendix A, Figure 27);**

**iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Appendix A, Figure 28); or**

**iv. Open onto a porch (see Appendix A, Figure 29). The porch must:**

**(A) Be at least 25 square feet in area; and**

**(B) Have at least one entrance facing the street or have a roof.**

2. **Windows.** *A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. (See Appendix A, Figure 30.)*
3. **Garages and Off-Street Parking Areas.** *Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (A)(2)(a) and (b) of this section.*
  - a. *The garage or off-street parking area is separated from the street property line by a dwelling; or*
  - b. *The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.*

**Finding:** The applicant proposes to build triplexes as noted in the narrative and materials but no building permit plans were submitted or required to accompany the partition application under code. As such, all building plans for triplexes must meet the standards of NMC 15.415.050(A) with building permit submittals.

Upon adherence to the aforementioned condition of approval, this criterion is met.

[...]

#### **15.415.070 Middle housing land divisions.**

*Applications for middle housing land divisions shall follow the building and site design standards set forth in this chapter. [Ord. 2912 § 1 (Exh. A § 15), 5-1-23.]*

**Finding:** Compliance with NMC 15.415.070 is addressed for each of the three proposed middle housing land divisions respectively under Sections III, IV, and V of this staff report.

#### **Chapter 15.430 Utility Underground Installation**

##### **15.430.010 Underground utility installation.**

- A. *All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.*
- B. *Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.*
- C. *The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:*
  1. *The cost of undergrounding the utility is extraordinarily expensive.*
  2. *There are physical factors that make undergrounding extraordinarily difficult.*

**3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.**  
[Ord. 2537, 11-6-00. Code 2001 § 151.589.]

**Finding:** There are existing overhead utilities along E Orchard Drive. The submitted materials do not show new connections to or relocations of electric, communication, natural gas, or cable television. Any new service connection to the property is required to be installed underground.

Because no existing utility lines are proposed to be relocated and this is not an application for a Type II Design Review or annexation of developed area, this criterion will be met if the aforementioned condition of approval is adhered to.

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

***Article I. Off-Street Parking Requirements***

*[...]*

**Finding:** The proposed 3-lot partition does not include permits for building construction though the applicant states that they intend to construct triplexes with garages. All future building permit applications will be reviewed for compliance with code requirements for parking. Though not applicable, as seen on the Applicant' sheet P4.0, parking can be provided on the each of the 3 lots but will be required to be located outside the required front setbacks except as the code otherwise allows. NMC 15.440 applies at the time of building permit plan review.

*[...]*

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

***All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:***

***A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.***

***B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.***

***C. All parking areas, except those required in conjunction with a single-family detached, duplex, triplex, quadplex or townhouse dwelling, or cottage cluster project, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.***

***D. All parking areas, including service drives, except those required in conjunction with single-family detached, duplex, triplex, quadplex or townhouse dwellings or cottage cluster projects, shall be screened in accordance with NMC 15.420.010(B).***

*E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.*

*F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.*

*G. Parking areas for residential uses shall not be located in a required front yard, except as follows:*

*1. Single-family detached, duplex, triplex, quadplex, and townhouse dwellings: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.*

*H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.*

*I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.*

*J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.*

**Finding:** The proposed partition is proposing concrete driveways. No building permit plans were submitted, however the application states that the proposed future triplexes will have garages with improved parking areas outside of the required front yards. As such, with building permit plans, the proposed concrete driveways shown in the application will not be counted toward the minimum off-street parking requirements unless reconfigured to provide standard improved parking spaces of 18' x 9' that are located outside the required 15-foot front yard.

These criteria are met if the aforementioned condition of approval is adhered to or later found to be not applicable

**CONCLUSION:** The proposed project will satisfy the City's development standards and criteria pertaining to land divisions if the aforementioned conditions of approval are adhered to. See Section VI for a complete list of conditions.

## IV. FINDINGS FOR PUBLIC IMPROVEMENTS (NMC CHAPTER 15.505)

### 15.505.010 *Purpose.*

*This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]*

### 15.505.020 *Applicability.*

*The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).*

**Finding:** All improvements reviewed under this application are identified in the NMC 15.505 section specific to them and are conditioned to comply with the Public Works Design and Construction Standards in those sections.

This criterion is met.

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

**Finding:** The submitted materials indicate that the project site is served by an existing private street that does not include sidewalks. The plans indicate that the private street will be extended along the property frontage for access to each proposed lot. The existing 4-inch water main and 8-inch wastewater main are proposed to be extended along E Orchard Drive. Service laterals for both water and wastewater service are also proposed.

The applicant has not yet submitted formal construction plans for the proposed development; therefore, final plans for public improvements are to meet City of Newberg Public Works Design and Construction Standards and applicable City standards.

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

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

**Finding:** The submitted materials indicate that the project site is served by an existing private street that does not include sidewalks. The plans indicate that the private street will be extended along the property frontage for access to each proposed lot.

Development of the subject property will require that the private street pavement is extended along the property frontage within the existing 30-foot-wide easement. The private street pavement width is to be

a minimum of 20-feet matching the pavement width west of the project site. The private street extension needs to include provisions for a turnaround. At a minimum the private street extension and turnaround is to be consistent with the existing turnaround provided with the private street construction as documented in the “As Constructed” plans for Orchard Drive dated July 1980. The turnaround will also need to meet requirements for emergency vehicles and Waste Management vehicles.

The applicant has not yet submitted formal construction plans for the proposed development; therefore, final plans are to meet applicable City standards and the above identified criteria.

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

**Finding:** The submitted materials indicate that there is an existing 4-inch water main which is proposed to be extended along E Orchard Drive. Service laterals for each proposed future dwelling are also proposed. A *Waterline Capacity Memorandum* was provided which assessed the capability of the existing 4-inch water main to provide adequate water service to the future dwellings. The memo concluded that there was sufficient capacity to serve the proposed dwellings and that the existing 4-inch water main did not need to be upsized to the 8-inch City standard.

Because the applicant has not submitted construction plans for the extension of the public water line and for the new water connections, the applicant is required to submit construction plans and a water capacity analysis and obtain a public improvement permit for the extension of the public water line and connection to the public water main for the proposed water services. If during the plan review process for the public improvement permit it is determined that an additional fire hydrant is needed, the extension of the public water line will need to be an 8-inch line meeting city standards.

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

**Finding:** The plans indicate that the existing 8-inch wastewater main is proposed to be extended along E Orchard Drive. Service laterals for each proposed future dwelling are also proposed.

Because the applicant has not submitted construction plans for the extension of the public wastewater line and for the new wastewater connections, the applicant is required to submit construction plans and obtain a public improvement permit for connection to the public wastewater main for the proposed wastewater services. The extension of the public wastewater line is to terminate at a manhole.

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

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

**Finding:** The submitted materials include a preliminary stormwater report which indicates that the proposed development (construction of dwellings and private street extension) will create 14,212 square feet of impervious area. The applicant has proposed three large rain gardens to manage generated stormwater runoff.

Because there is a net increase of 500 square feet or more in impervious area, the applicant will be required to submit a stormwater facility sizing report and plans for stormwater management that meet

the requirements of Chapters 13.20 and 13.25 NMC and comply with the Public Works Design and Construction Standards with the permit application.

The stormwater management report is to be prepared in accordance with the Public Works Design and Construction Standards. This includes demonstrating compliance with the stormwater facility selection hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards.

The applicant is required to submit construction plans and obtain a building permit for proposed private stormwater facilities. Private stormwater maintenance agreements will also be required.

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

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

**Finding:** The submitted materials include a utility easement proposed along the east property boundary to accommodate relocation of an existing private wastewater service lateral that serves an adjacent property to the east. Documentation of a recorded utility easement for the proposed relocation of the existing private wastewater service lateral is required to be submitted with permit submittals.

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

***G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]***

**Finding:** Any required public improvement permit(s) for this project must be submitted, approved and issued prior to building permits being issued.

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

**15.505.030 Street standards.**

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

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

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

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

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

[...]

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

**Finding:** The submitted materials indicate that the project site is served by an existing private street. The plans indicate that the private street will be extended along the property frontage for access to each proposed lot.

Development of the subject property will require that the private street pavement is extended along the property frontage within the existing 30-foot-wide easement. The private street pavement width is to be a minimum of 20-feet matching the pavement width west of the project site. The private street extension needs to include provisions for a turnaround. At a minimum the private street extension and turnaround is to be consistent with the turnaround provided with the private street construction as documented in the “As Constructed” plans for Orchard Drive dated July 1980. The turnaround will also need to meet requirements for emergency vehicles and Waste Management vehicles.

Tualatin Valley Fire and Rescue approved TVF&R Permit #2025-0121. That permit includes fire access notes and states that in lieu of a fire turn around, all buildings shall have fire sprinkler systems. As such, all notes seen in TVF&R Permit #2025-0121 including access requirements of no parking signs and fire sprinkler systems in all buildings shall be accomplished. Demonstration of compliance with this shall occur with the public improvement and building permits.

The applicant has not yet submitted formal construction plans for the proposed development; therefore, final plans are to meet applicable City standards and the above identified criteria.

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

[...]

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

**Finding:** Based on the submitted materials, a street lighting analysis is not required per criteria established in NMC 15.505.030(B). Since the project site has frontage along, and is accessed by, an existing private street, provisions in 15.505.030 Street Standards do not apply.

This criterion is not applicable.

[...]

#### **15.505.040 Public utility standards.**

**A. Purpose.** *The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.*

**B. Applicability.** *This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.*

**C. General Standards.**

**1.** *The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.*

**2.** *The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.*

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

**1.** *All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.*

*2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.*

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

*4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.*

**Finding:** The submitted materials indicate that there is an existing 4-inch water main which is proposed to be extended along E Orchard Drive. Service laterals for each proposed future dwelling are also proposed. A *Waterline Capacity Memorandum* was provided which assessed the capability of the existing 4-inch water main to provide adequate water service to the future dwellings. The memo concluded that there was sufficient capacity to serve the proposed dwellings and that the existing 4-inch water main did not need to be upsized to the 8-inch City standard.

Because the applicant has not submitted construction plans for the extension of the public water line and for the new water connections, the applicant is required to submit construction plans and a water capacity analysis and obtain a public improvement permit for the extension of the public water line and connection to the public water main for the proposed water services. If during the plan review process for the public improvement permit it is determined that an additional fire hydrant is needed, the extension of the public water line will need to be an 8-inch line meeting city standards.

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

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

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

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

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

- 4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.*
- 5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.*
- 6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.*
- 7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.*

**Finding:** The plans indicate that the existing 8-inch wastewater main is proposed to be extended along E Orchard Drive. Service laterals for each proposed future dwelling are also proposed.

Because the applicant has not submitted construction plans for the extension of the public wastewater line and for the new wastewater connections, the applicant is required to submit construction plans and obtain a public improvement permit for connection to the public wastewater main for the proposed wastewater services. The extension of the public wastewater line is to terminate at a manhole.

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

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

**Finding:** The submitted materials include a utility easement proposed along the east property boundary to accommodate relocation of an existing private wastewater service lateral that serves an adjacent property to the east. Documentation of a recorded utility easement for the proposed relocation of the existing private wastewater service lateral is required to be submitted with permit submittals.

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

#### **15.505.050     *Stormwater system standards.***

*A. Purpose. The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.*

*B. Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain*

*system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.*

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

**Finding:** The submitted materials include a preliminary stormwater report which indicates that the proposed development (construction of dwellings and private street extension) will create 14,212 square feet of impervious area. The applicant has proposed three large rain gardens to manage generated stormwater runoff.

Because there is a net increase of 500 square feet or more in impervious area, the applicant will be required to submit a stormwater facility sizing report and plans for stormwater management that meet the requirements of Chapters 13.20 and 13.25 NMC and comply with the Public Works Design and Construction Standards with the permit application.

The stormwater management report is to be prepared in accordance with the Public Works Design and Construction Standards. This includes demonstrating compliance with the stormwater facility selection hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards.

The applicant is required to submit construction plans and obtain a building permit for proposed private stormwater facilities. Private stormwater maintenance agreements will also be required.

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

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

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

**Finding:** The submitted materials include a preliminary stormwater report which indicates that the proposed future development (construction of dwellings and private street extension) will create 14,212 square feet of impervious area. The applicant has proposed three large rain gardens to manage generated stormwater runoff.

The applicant is required to submit plans clearly showing the area of disturbance and to obtain an Oregon Department of Environmental Quality 1200-C Erosion Control Permit if 1 acre or more will be disturbed, prior to any ground disturbing activity beginning. If less than 1 acre will be disturbed, the applicant is required obtain a City issued Erosion Control Permit prior to any ground disturbing activity.

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

***E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]***

**Finding:** Because the applicant has not submitted construction plans, construction plans which comply with the Newberg Public Works Design and Construction Standards shall be submitted with the public works improvement permit application.

Plans will be fully reviewed for compliance with city standards including the Public Works Design and Construction Standards as part of the permit plan review process.

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

**CONCLUSION:** The proposed project will satisfy the City's public improvement standards and criteria if the aforementioned conditions of approval are adhered to. Because the proposed project will meet the City's standards with the required conditions of approval, the proposed 3-lot partition is **APPROVED** with conditions listed in Section VI.

### **Section III: Findings for Middle Housing Land Division (Lot 1 of Partition) 1929 E Orchard Drive – File PLNG-25-42**

**Section III** contains findings for the middle housing land division that is proposed for Lot 1 of the partition evaluated in Section II. Middle housing land divisions are regulated by different code standards and state requirements than the 3-lot partition. The reason for the distinction between the two types of land divisions is that middle housing land divisions are used to divide middle housing developments, in this case triplex dwellings, into separate lots each with its own dwelling unit for homeownership purposes. Middle housing land divisions also differ from conventional partitions in that they are required to comply with the Oregon residential building codes on account that the lots that are being divided are planned for or already constructed with middle housing.

Formatting notes: The Newberg Municipal Code (NMC) criteria are written in ***italic bold*** font and the findings are written in regular font. The NMC criteria will be presented first, followed by the findings of fact. Finding of fact with underlined font indicate subsequent inclusion in Section VI Conditions of Approval.

#### **APPLICABLE CRITERIA FOR MIDDLE HOUSING PARTITION (NMC CHAPTER 15.235)**

##### **Chapter 15.235 Land Divisions**

***15.235.030 Preliminary plat approval process.***

***[...]***

***F. Middle Housing Land Division. Unless an applicant requests that an application be reviewed under the procedures set forth in this chapter, a middle housing land division shall be processed as provided under ORS 197.360 through ORS 197.380 and is subject to the following:***

***1. Lots in the following districts may be divided for middle housing development: R-1, R-2, R-3, RP, AR, SD***

**Finding:** The property at 1929 E Orchard Drive is zoned R-1 and the application was processed accordingly to ORS 197.360 through ORS 197.380 including a 21-day completeness review (in lieu of the 30-day completeness review provided by city code). Although the City provided a 14-day comment period, Oregon House Bill 2138 (HB 2138, 2025) does not require noticing for middle housing land divisions as of July 17, 2025.

This criterion is met.

***2. Middle housing requirements found in this chapter only apply to middle housing land divisions permitted on or after June 30, 2022***

**Finding:** The middle housing land division was submitted after June 30, 2022, as it was submitted on July 29, 2025, and all fees were paid on August 13, 2025, making it a full submission for review.

This criterion is met.

***3. An application for a middle housing land division may be submitted at the same time as the submittal of an application for building permits for middle housing.***

**Finding:** Applications for building permits for middle housing have not been submitted with the middle housing land division application.

This criterion is not applicable.

4. *Applications for a middle housing land division shall be processed by the means of a preliminary plat evaluation and a final plat evaluation.*

**Finding:** This partition application is the preliminary plat evaluation. Submittal and evaluation of the final plat will be required after preliminary plat approval.

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

5. *If the application for a middle housing land division is incomplete, the city shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. Determination that an application is complete indicates only that the application contains the information necessary for a qualitative review of compliance with the Municipal Code standards.*

**Finding:** Staff informed the Applicant of incomplete items within 21 days of receipt of the application and allowed 180 days for the Applicant to submit the required additional information.

This criterion is met.

6. *If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.*

**Finding:** The Applicant submitted the requested additional information within the 180 days of when the application was first submitted, and no standards or criteria have changed from the time it was first submitted.

This criterion is met.

7. *The tentative approval of a middle housing land division is void if and only if a final plat is not approved within three years of the tentative approval.*

**Finding:** A final plat shall be submitted and approved within three years of tentative approval of this middle housing preliminary plat.

The criterion applies when a tentative plat is approved. It will be met if the aforementioned condition of approval is adhered to.

#### **15.235.050 Preliminary plat approval criteria**

***A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:***

***1. The land division application shall conform to the requirements of this chapter;***

**Finding:** As discussed below, and elsewhere in this staff report, applications for middle housing land divisions cannot be required to meet all code requirements of this chapter because portions of the code are superseded by ORS 92.031.

This criterion is superseded by ORS 92.031. However, the application was processed using a Type II procedure because it is a partition; the property is fully within the city limits and urban growth boundary; the property does not contain land with Goal 5 resources which are mapped or and designated in the comprehensive plan; the proposed partition does not impact compliance with the minimum street connectivity standards; and the middle housing land division does impact net density for the site, which is based on the allowance of one triplex for every 5,000 of lot area on the parent lot.

This criterion for NMC 15.235.050(A)(1) is superseded by ORS 92.031.

***2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;***

**Finding:** As discussed previously, the middle housing land division is not subject to all requirements of this chapter because state law preempts some development standards. The proposed lots would not meet building frontage requirements, for instance, but ORS 92.031(4)(c) waives those and other city land division standards. The middle housing child lots would also not meet minimum lot size requirements.

This criterion is superseded by ORS 92.031.

***3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;***

**Finding:** Access to individual lots is addressed in the approval of the initial 3-lot partition as detailed in Section II of this staff report. See analysis and findings under NMC 15.235.030(B)(1)(c) which requires improvements to comply with the Public Improvement Standards prior to final plat approval.

See Finding for NMC 15.235.030(B)(1)(c) and findings for public improvements in NMC 15.505 in Section II of this staff report.

***4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;***

**Finding:** There is no proposed plat name with this proposal. As this is a partition rather than a subdivision, only the county assigns a year and number to the recorded partition.

This criterion is not applicable.

***5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and***

*allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*

**Finding:** Required streets, utilities, and stormwater facilities adequate to serve the proposed triplexes are addressed in the approval of the initial 3-lot partition as detailed in Section II of this staff report. See analysis and findings under NMC 15.505 which requires improvements to comply with the Public Improvement Standards prior to final plat approval.

This criterion is met.

**6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;**

**Finding:** There are no proposed private common areas or improvements.

The criterion is not applicable.

**7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and**

**Finding:** There are no known required state or federal permits for this partition.

**8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.**

**Finding:** Required street improvements to adequately serve the proposed triplexes are addressed in the approval of the initial 3-lot partition as detailed in Section II of this staff report. See analysis and findings under NMC 430 and NMC 15.505 which requires improvements to comply with the Public Improvement Standards prior to final plat approval.

***B. Middle Housing Land Division Criteria. The decision to approve a middle housing land division, processed as either a Type II or Type III procedure NMC 15.100.030(B), shall be based on the following:***

**1. In addition to subsection (A) of this section, a middle housing division shall comply with the following:**

***a. A proposal for development of middle housing in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5)***

**Finding:** The application materials include a proposed conceptual site plan for one triplex (3 attached dwelling units). The proposed triplex units will be reviewed under the City's consolidated building permit review process for compliance with the Oregon Residential Specialty Code. As required by ORS 197.758(5), the original (parent) lot will meet the applicable land use regulations as conditioned, and the dwelling units will be reviewed for adherence to applicable land use regulations and building code at the time building permit review.

The following table summarizes the land use regulations applicable to the original lot, also referred to as a "parent lot". As shown, the parent lot currently meets or will meet as conditioned, all development

standards as required in NMC 15.405.050, 15.410.080, 15.415.070, and other criteria as addressed in this staff report. The configuration of an attached triplex is allowed under ORS 197A.420 (formerly ORS 197.758(5)).

	Required Development Standard	Parent Lot (after partition) *proposed development
Lot Size	5,000 sq. ft. for a triplex dwelling	5,550 (size without private street portion)
Lot Coverage	2664 sq. ft. (40 % Max)	3,355 sq. ft. (50.3 %)
Parking Coverage	1971 sq. ft. (30% Max)	487 sq. ft. (7.3%)
Combined Lot and Coverage Parking	3,996 sq. ft. (60% Max)	3,842 sq. ft. (57.6%)
Lot Frontage (Easement to Public Street of at least 25 feet in width)	25 feet	Private drive access easement is 30 feet wide out to public street on N Villa Road
Lot Frontage (Front Building Line)	35 feet	74 feet
Building Height	30 feet	35 feet (no elevations were provided)
Front Yard Setback	15 feet	15 feet
Interior Yard Setback	5 feet	All interior yard setbacks are no more than 5 feet. The closest dimensions are the following: West: 8 feet North: 5 feet East: 5 feet
Off-Street Parking Spaces	1 off-street parking spaces	1 off-street parking space in proposed garage

The proposed triplex was not submitted for building permit with the middle housing land division to verify all standards are met as well as meeting residential specialty code. As such, the triplex on parent lot 1 must comply with all development standards including the maximum 40% lot coverage and 30-foot building height, and meet all building code requirements at time of building permit submittal.

***b. Separate utilities for each dwelling unit***

**Finding:** The proposed plans have separate water and sewer laterals to each of the 3 dwelling units (child lots) including sewer cleanout. To ensure that each dwelling unit has separate utilities, permit plans shall provide for individual service laterals with each dwelling unit for all utilities including water and wastewater. Individual water meters are required for each dwelling unit.

This criterion will be met if the aforementioned conditions of approval are adhered to.

***c. Proposed easements necessary for each dwelling unit on the plan for:***

- i. Locating accessing, replacing and servicing all utilities;*
- ii. Pedestrian access from each dwelling unit to a private or public road;*
- iii. Any common use areas or shared building elements;*
- iv. Any dedicated driveways or parking; and*
- v. Any dedicated common area;*

**Finding:** Separate driveways are proposed for each dwelling unit. There is potential for utility easements needing to cross the lot lines of child lots. As such, easements needed for accessing and replacing all utilities shall be submitted and approved with the middle housing land division final plat.

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

***d. Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas***

**Finding:** The application indicates that exactly one dwelling unit will be on each resulting lot.

This criterion is met.

***e. Evidence demonstrating how buildings and structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines***

**Finding:** The proposed development plan included in the application materials indicates that the proposed triplex dwelling units will have 0 lot interior lot line for the newly created child lot property lines. The location of the proposed dwellings will be reviewed for compliance with applicable building code provisions at the time of building permit review including any necessary fire-rated walls.

Because submitted development plans demonstrating the location of the proposed dwellings in relation to the newly created property lines are conceptual, building plans for the proposed dwellings shall demonstrate compliance with building code at the time of building permit review.

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

***f. Notwithstanding the creation of new lot or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code***

**Finding:** The Applicant did not provide elevations or architectural drawings with their submittal however staff finds no reason to believe that Oregon Residential Specialty Code would not be met. All future buildings will need to comply with the applicable building code with the newly created lots.

***g. Conditions may be added to the approval of a tentative plan for a middle housing land division to:***

- i. Prohibit the further division of the resulting lots or parcels.*
- ii. Require that a notation appear on the final plat indicating that the approval was given under this section.*

**Finding:** To comply with state middle housing provisions, the Applicant shall record a notice of development restrictions with the final plat containing the following conditions which shall be binding on all the entire plat. The final plat shall contain reference to the notice of development restrictions and cite the applicable code section:

1. This approval was given under a middle housing land division in Newberg Municipal Code 15.235.050(B) and ORS 92.031.
2. The lots within this plat shall not be further subdivided.
3. Accessory Dwelling Units shall not be allowed on any lot within this middle housing land division.
4. All lots within this middle housing division shall have no more than one dwelling unit per lot.
5. The dwelling developed on the middle housing lot is a unit of middle housing (attached triplex) and not a single family detached residential unit or any other housing type.

This criterion is met with the aforementioned conditions.

***h. In reviewing an application for a middle housing land division, the city shall:***

***i. Apply the procedures under ORS 197.360 to 197.380***

**Finding:** The procedures under ORS 197.360 are for an “expedited land division” which requires either enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site or will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

The Applicant did not provide an answer to either option for an “expedited land division” and the City code does not specify maximum density outside of the minimum lot size for certain types of dwellings. There is no indication that either property will be sold or rented to households with incomes below 120 percent of the median income.

Because there was no indication that either of these conditions are met, staff believes the appropriate ORS to apply to this application is ORS 92.031 as described in ORS 197.365, the typical middle housing land division section in State statute, which City code reflects below as stated in ORS 92.031(4) through ORS 92.031(7).

ORS 92.031(1) through ORS 92.031(3) are addressed in the finding for NMC 15.235.050(B)(1).

***ii. Require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758<sup>1</sup>.***

**Finding:** The proposed middle housing land division does not propose or require street improvements beyond the extension of the private roadway as required for the initial partition creating three parent lots, which is addressed in Section II of this staff report.

***iii. May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.***

**Finding:** The only approval criteria used is that of ORS 92.031 as seen in this section. The City is not requiring new driveways, vehicle access, parking or street frontage except that the “parent lot” has to meet all applicable development standards as addressed by Section II of this staff report.

This criterion is met.

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<sup>1</sup> Now codified as ORS 197A.420.

- iv. *May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380*

**Finding:** The application is not subject to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

This criterion is met.

- v. *May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.*

**Finding:** There is no application for building permits at the same time as the proposed middle housing land division.

This criterion is not applicable.

- vi. *May require the dedication right-of-way if the original parcel did not previously provide a dedication.*

**Finding:** Access to the proposed development is provided through a private street, Orchard Drive, which consists of an approximate 20-foot wide roadway within a 30-foot-wide access easement. It is classified as a residential street City's Transportation System Plan though it predates contemporary public street standards. The Orchard Drive right of way is privately owned and the City does not have right-of-way or other standards for such private streets.

This criterion is met.

- vii. *The type of middle housing developed on the original parcel is not altered by a middle housing land division.*

**Finding:** This criterion which comes from ORS 92.031 means that when middle housing is later divided through a middle housing land division such action does not change the original middle housing type. However, this provision does not apply because the subject property is currently vacant with only a storage structure that will be torn down.

- viii. *Notwithstanding ORS 197.312(5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.*

**Finding:** The City will not allow an accessory dwelling unit on any lot resulting from a middle housing land division because it would violate ORS 92.031(2)(d) which states that exactly one dwelling unit is allowed on each resulting lot or parcel. To comply with state statute, accessory dwelling units shall not be allowed on any lot within this middle housing land division.

This criterion will be met if the aforementioned conditions of approval are adhered to.

- ix. *The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval.*

**Finding:** The City will require that a final partition plat for this middle housing land division shall be approved within three years of tentative approval or the partition shall be void.

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

*x. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.*

**Finding:** No new building is proposed at this time on any of the lots. Nonetheless, to ensure that the parent lot can still meet all lot coverage requirements, no building permits to put new structures on the lots shall be issued on any of the lots until a final plat is recorded for the original parent lots.

This criterion will be met if the aforementioned conditions of approval are adhered to.

**Conclusion:** The proposed middle housing partition (for parent Lot 1) can be **approved** with the conditions of approval in Section VI.

**Section IV: Findings for Middle Housing Land Division (Lot 2 of Partition)  
1929 E Orchard Drive – File PLNG-25-42**

**Section IV** contains findings for the middle housing land division that is proposed for Lot 2 of the partition evaluated in Section II. Middle housing land divisions are regulated by different code standards and state requirements than the 3-lot partition. The reason for the distinction between the two types of land divisions is that middle housing land divisions are used to divide middle housing developments, in this case triplex dwellings, into separate lots each with its own dwelling unit for homeownership purposes. Middle housing land divisions also differ from conventional partitions in that they are required to comply with the Oregon residential building codes on account that the lots that are being divided are planned for or already constructed with middle housing.

Formatting notes: The Newberg Municipal Code (NMC) criteria are written in ***italic bold*** font and the findings are written in regular font. The NMC criteria will be presented first, followed by the findings of fact. Finding of fact with underlined font indicate subsequent inclusion in Section VI Conditions of Approval.

**APPLICABLE CRITERIA FOR MIDDLE HOUSING PARTITION (NMC CHAPTER 15.235)**

**Chapter 15.235 Land Divisions**

***15.235.030 Preliminary plat approval process.***

***[...]***

***F. Middle Housing Land Division. Unless an applicant requests that an application be reviewed under the procedures set forth in this chapter, a middle housing land division shall be processed as provided under ORS 197.360 through ORS 197.380 and is subject to the following:***

***1. Lots in the following districts may be divided for middle housing development: R-1, R-2, R-3, RP, AR, SD***

**Finding:** The property at 1929 E Orchard Drive is zoned R-1 and the application was processed accordingly to ORS 197.360 through ORS 197.380 including a 21-day completeness review (in lieu of the 30-day completeness review provided by city code). Although the City provided a 14-day comment period, Oregon House Bill 2138 (HB 2138, 2025) does not require noticing for middle housing land divisions as of July 17, 2025.

This criterion is met.

***2. Middle housing requirements found in this chapter only apply to middle housing land divisions permitted on or after June 30, 2022***

**Finding:** The middle housing land division was submitted after June 30, 2022 as it was submitted on July 29, 2025 and all fees were paid on August 13, 2025 making it a full submission for review.

This criterion is met.

***3. An application for a middle housing land division may be submitted at the same time as the submittal of an application for building permits for middle housing.***

**Finding:** Applications for building permits for middle housing have not been submitted with the middle housing land division application.

This criterion is not applicable.

4. *Applications for a middle housing land division shall be processed by the means of a preliminary plat evaluation and a final plat evaluation.*

**Finding:** This partition application is the preliminary plat evaluation. Submittal and evaluation of the final plat will be required after preliminary plat approval.

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

5. *If the application for a middle housing land division is incomplete, the city shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. Determination that an application is complete indicates only that the application contains the information necessary for a qualitative review of compliance with the Municipal Code standards.*

**Finding:** Staff informed the Applicant of incomplete items within 21 days of receipt of the application and allowed 180 days for the Applicant to submit the required additional information.

This criterion is met.

6. *If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.*

**Finding:** The Applicant submitted the requested additional information within the 180 days of when the application was first submitted, and no standards or criteria have changed from the time it was first submitted.

This criterion is met.

7. *The tentative approval of a middle housing land division is void if and only if a final plat is not approved within three years of the tentative approval.*

**Finding:** A final plat shall be submitted and approved within three years of tentative approval of this middle housing preliminary plat.

The criterion applies when a tentative plat is approved. It will be met if the aforementioned condition of approval is adhered to.

#### **15.235.050 Preliminary plat approval criteria**

***A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:***

***1. The land division application shall conform to the requirements of this chapter;***

**Finding:** As discussed below, and elsewhere in this staff report, applications for middle housing land divisions cannot be required to meet all code requirements of this chapter because portions of the code are superseded by ORS 92.031.

This criterion is superseded by ORS 92.031. However, the application was processed using a Type II procedure because it is a partition; the property is fully within the city limits and urban growth boundary; the property does not contain land with Goal 5 resources which are mapped or and designated in the comprehensive plan; the proposed partition does not impact compliance with the minimum street connectivity standards; and the middle housing land division does impact net density for the site, which is based on the allowance of one triplex for every 5,000 of lot area on the parent lot.

This criterion for NMC 15.235.050(A)(1) is superseded by ORS 92.031.

***2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;***

**Finding:** As discussed previously, the middle housing land division is not subject to all requirements of this chapter because state law preempts some development standards. The proposed lots would not meet building frontage requirements, for instance, but ORS 92.031(4)(c) waives those and other city land division standards. The middle housing child lots would also not meet minimum lot size requirements.

This criterion is superseded by ORS 92.031.

***3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;***

**Finding:** Access to individual lots is addressed in the approval of the initial 3-lot partition as detailed in Section II of this staff report. See analysis and findings under NMC 15.235.030(B)(1)(c) which requires improvements to comply with the Public Improvement Standards prior to final plat approval.

See Finding for NMC 15.235.030(B)(1)(c) and findings for public improvements in NMC 15.505 in Section II of this staff report.

***4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;***

**Finding:** There is no proposed plat name with this proposal. As this is a partition rather than a subdivision, only the county assigns a year and number to the recorded partition.

This criterion is not applicable.

***5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and***

*allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*

**Finding:**

Required streets, utilities, and stormwater facilities adequate to serve the proposed triplexes are addressed in the approval of the initial 3-lot partition as detailed in Section II of this staff report. See analysis and findings under NMC 15.505 which requires improvements to comply with the Public Improvement Standards prior to final plat approval.

This criterion is met.

**6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;**

**Finding:** There are no proposed private common areas or improvements.

The criterion is not applicable.

**7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and**

**Finding:** There are no known required state or federal permits for this partition.

**8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.**

**Finding:** Improvements for utilities and streets are required for approval of the initial 3-lot partition in compliance with NMC 15.505 and NMC 15.430, as conditioned in Section II of this staff report. These improvements will serve the same triplex units which are unchanged after the proposed middle housing land division.

**B. Middle Housing Land Division Criteria. The decision to approve a middle housing land division, processed as either a Type II or Type III procedure NMC 15.100.030(B), shall be based on the following:**

**1. In addition to subsection (A) of this section, a middle housing division shall comply with the following:**

**a. A proposal for development of middle housing in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5)**

**Finding:**

The application materials include a proposed conceptual site plan for one triplex (3 attached dwelling units). The proposed triplex units will be reviewed under the City's consolidated building permit review process for compliance with the Oregon Residential Specialty Code. As required by ORS 197.758(5), the original (parent) lot will meet the applicable land use regulations as conditioned, and the dwelling units will be reviewed for adherence to applicable land use regulations and building code at the time building permit review.

The following table summarizes the land use regulations applicable to the original lot, also referred to as a “parent lot”. As shown, the parent lot currently meets or will meet as conditioned, all development standards as required in NMC 15.405.050, 15.410.080, 15.415.070, and other criteria as addressed in this staff report. The configuration of an attached triplex is allowed under ORS 197A.420 (formerly ORS 197.758(5)).

	Required Development Standard	Parent Lot (after partition) *proposed development
Lot Size	5,000 sq. ft. for a triplex dwelling	5,475 (size without private street portion)
Lot Coverage	2,628 sq. ft. (40 % Max)	3,410 sq. ft. (51.9 %)
Parking Coverage	1,971 sq. ft. (30% Max)	441 sq. ft. (6.7%)
Combined Lot and Coverage Parking	3,942.sq. ft. (60% Max)	3,851 sq. ft. (58.6%)
Lot Frontage (Easement to Public Street of at least 25 feet in width)	25 feet	Private drive access easement is 30 feet wide out to public street on N Villa Road
Lot Frontage (Front Building Line)	35 feet	73 feet
Building Height	30 feet	35 feet (no elevations were provided)
Front Yard Setback	15 feet	15 feet
Interior Yard Setback	5 feet	All interior yard setbacks are no more than 5 feet. The closest dimensions are the following: West: 5 feet North: 5 feet East: 5 feet
Off-Street Parking Spaces	1 off-street parking spaces	1 off-street parking space in proposed garage

The proposed triplex was not submitted for building permit with the middle housing land division to verify all standards are met as well as meeting residential specialty code. As such, the triplex on parent lot 2 must comply with all development standards including the maximum 40% lot coverage and 30-foot building height, and meet all building code requirements at time of building permit submittal.

*b. Separate utilities for each dwelling unit*

**Finding:** The proposed plans have separate water and sewer laterals to each of the 3 dwelling units (child lots) including sewer cleanout. To ensure that each dwelling unit has separate utilities, permit plans shall provide for individual service laterals with each dwelling unit for all utilities including water and wastewater. Individual water meters are required for each dwelling unit.

This criterion will be met if the aforementioned conditions of approval are adhered to.

*c. Proposed easements necessary for each dwelling unit on the plan for:*

- i. Locating accessing, replacing and servicing all utilities;*
- ii. Pedestrian access from each dwelling unit to a private or public road;*

- iii. Any common use areas or shared building elements;
- iv. Any dedicated driveways or parking; and
- v. Any dedicated common area;

**Finding:** Separate driveways are proposed for each dwelling unit. There is potential for utility easements needing to cross the lot lines of child lots. As such, easements needed for accessing and replacing all utilities shall be submitted and approved with the middle housing land division final plat.

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

***d. Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas***

**Finding:** The application indicates that exactly one dwelling unit will be on each resulting lot.

This criterion is met.

***e. Evidence demonstrating how buildings and structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines***

**Finding:** The proposed development plan included in the application materials indicates that the proposed triplex dwelling units will have 0 lot interior lot line for the newly created child lot property lines. The location of the proposed dwellings will be reviewed for compliance with applicable building code provisions at the time of building permit review including any necessary fire-rated walls.

Because submitted development plans demonstrating the location of the proposed dwellings in relation to the newly created property lines are conceptual, building plans for the proposed dwellings shall demonstrate compliance with building code at the time of building permit review.

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

***f. Notwithstanding the creation of new lot or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code***

**Finding:** The Applicant did not provide elevations or architectural drawings with their submittal however staff finds no reason to believe that Oregon Residential Specialty Code would not be met. All future buildings will need to comply with the applicable building code with the newly created lots.

***g. Conditions may be added to the approval of a tentative plan for a middle housing land division to:***

- i. *Prohibit the further division of the resulting lots or parcels.*
- ii. *Require that a notation appear on the final plat indicating that the approval was given under this section.*

**Finding:** To comply with state middle housing provisions, the Applicant shall record a notice of development restrictions with the final plat containing the following conditions which shall be binding on all the entire plat. The final plat shall contain reference to the notice of development restrictions and cite the applicable code section:

1. This approval was given under a middle housing land division in Newberg Municipal Code 15.235.050(B) and ORS 92.031.
2. The lots within this plat shall not be further subdivided.
3. Accessory Dwelling Units shall not be allowed on any lot within this middle housing land division
4. All lots within this middle housing division shall have no more than one dwelling unit per lot
5. The dwelling developed on the middle housing lot is a unit of middle housing (attached triplex) and not a single family detached residential unit or any other housing type.

This criterion is met with the aforementioned conditions.

***h. In reviewing an application for a middle housing land division, the city shall:***

***i. Apply the procedures under ORS 197.360 to 197.380***

**Finding:** The procedures under ORS 197.360 are for an “expedited land division” which requires either enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site or will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

The Applicant did not provide an answer to either option for an “expedited land division” and the City code does not specify maximum density outside of the minimum lot size for certain types of dwellings. There is no indication that either property will be sold or rented to households with incomes below 120 percent of the median income.

Because there was no indication that either of these conditions are met, staff believes the appropriate ORS to apply to this application is ORS 92.031 as described in ORS 197.365, the typical middle housing land division section in State statute, which City code reflects below as stated in ORS 92.031(4) through ORS 92.031(7).

ORS 92.031(1) through ORS 92.031(3) are addressed in the finding for NMC 15.235.050(B)(1).

***ii. Require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758<sup>2</sup>.***

**Finding:** The proposed middle housing land division does not propose or require street improvements beyond the extension of the private roadway as required for the initial partition creating three parent lots, which is addressed in Section II of this staff report.

***iii. May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.***

**Finding:** The only approval criteria used is that of ORS 92.031 as seen in this section. The City is not requiring new driveways, vehicle access, parking or street frontage except that the “parent lot” has to meet all applicable development standards as addressed by Section II of this staff report.

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<sup>2</sup> Now codified as ORS 197A.420.

This criterion is met.

- iv. *May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380*

**Finding:** The only approval criteria used is that of ORS 92.031 as seen in this section. The City is not requiring new driveways, vehicle access, parking or street frontage except that the “parent lot” has to meet all applicable development standards as addressed by Section II of this staff report.

This criterion is met.

- v. *May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.*

**Finding:** There is no application for building permits at the same time as the proposed middle housing land division.

This criterion is not applicable.

- vi. *May require the dedication right-of-way if the original parcel did not previously provide a dedication.*

**Finding:** Access to the proposed development is provided through a private street, Orchard Drive, which consists of an approximate 20-foot wide roadway within a 30-foot-wide access easement. It is classified as a residential street City’s Transportation System Plan though it predates contemporary public street standards. The Orchard Drive right of way is privately owned and the City does not have right-of-way or other standards for such private streets.

- vii. *The type of middle housing developed on the original parcel is not altered by a middle housing land division.*

**Finding:** This criterion which comes from ORS 92.031 means that when middle housing is later divided through a middle housing land division such action does not change the original middle housing type. However, this provision does not apply because the subject property is currently vacant with only a storage structure that will be torn down.

- viii. *Notwithstanding ORS 197.312(5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.*

**Finding:** The City will not allow an accessory dwelling unit on any lot resulting from a middle housing land division because it would violate ORS 92.031(2)(d) which states that exactly one dwelling unit is allowed on each resulting lot or parcel. To comply with state statute, accessory dwelling units shall not be allowed on any lot within this middle housing land division.

This criterion will be met if the aforementioned conditions of approval are adhered to.

- ix. *The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval.*

**Finding:** The City will require that a final partition plat for this middle housing land division shall be approved within three years of tentative approval or the partition shall be void.

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

- x. *Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.*

**Finding:** No new building is proposed at this time on any of the lots. Nonetheless, to ensure that the parent lot can still meet all lot coverage requirements, no building permits to put new structures on the lots shall be issued on any of the lots until a final plat is recorded for the original parent lots.

This criterion will be met if the aforementioned conditions of approval are adhered to.

**Conclusion:** The proposed middle housing partition (for parent Lot 2) can be **approved** with the conditions of approval in Section VI.

**Section V: Findings for Middle Housing Land Division (Lot 3 of Partition)  
1929 E Orchard Drive – File PLNG-25-42**

**Section V** contains findings for the middle housing land division that is proposed for Lot 3 of the partition evaluated in Section II. Middle housing land divisions are regulated by different code standards and state requirements than the 3-lot partition. The reason for the distinction between the two types of land divisions is that middle housing land divisions are used to divide middle housing developments, in this case triplex dwellings, into separate lots each with its own dwelling unit for homeownership purposes. Middle housing land divisions also differ from conventional partitions in that they are required to comply with the Oregon residential building codes on account that the lots that are being divided are planned for or already constructed with middle housing.

Formatting notes: The Newberg Municipal Code (NMC) criteria are written in ***italic bold*** font and the findings are written in regular font. The NMC criteria will be presented first, followed by the findings of fact. Finding of fact with *underlined* font indicate subsequent inclusion in Section VI Conditions of Approval.

**APPLICABLE CRITERIA FOR MIDDLE HOUSING PARTITION (NMC CHAPTER 15.235)**

**Chapter 15.235 Land Divisions**

***15.235.030 Preliminary plat approval process.***

*[...]*

***F. Middle Housing Land Division. Unless an applicant requests that an application be reviewed under the procedures set forth in this chapter, a middle housing land division shall be processed as provided under ORS 197.360 through ORS 197.380 and is subject to the following:***

***1. Lots in the following districts may be divided for middle housing development: R-1, R-2, R-3, RP, AR, SD***

**Finding:** The property at 1929 E Orchard Drive is zoned R-1 and the application was processed accordingly to ORS 197.360 through ORS 197.380 including a 21-day completeness review (in lieu of the 30-day completeness review provided by city code). Although the City provided a 14-day comment period, Oregon House Bill 2138 (HB 2138, 2025) does not require noticing for middle housing land divisions as of July 17, 2025.

This criterion is met.

***2. Middle housing requirements found in this chapter only apply to middle housing land divisions permitted on or after June 30, 2022***

**Finding:** The middle housing land division was submitted after June 30, 2022 as it was submitted on July 29, 2025, and all fees were paid on August 13, 2025 making it a full submission for review.

This criterion is met.

***3. An application for a middle housing land division may be submitted at the same time as the submittal of an application for building permits for middle housing.***

**Finding:** Applications for building permits for middle housing have not been submitted concurrently with the middle housing land division application.

This criterion is not applicable.

4. *Applications for a middle housing land division shall be processed by the means of a preliminary plat evaluation and a final plat evaluation.*

**Finding:** This partition application is the preliminary plat evaluation. Submittal and evaluation of the final plat will be required after preliminary plat approval.

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

5. *If the application for a middle housing land division is incomplete, the city shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. Determination that an application is complete indicates only that the application contains the information necessary for a qualitative review of compliance with the Municipal Code standards.*

**Finding:** Staff informed the Applicant of incomplete items within 21 days of receipt of the application and allowed 180 days for the Applicant to submit the required additional information.

This criterion is met.

6. *If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.*

**Finding:** The Applicant submitted the requested additional information within the 180 days of when the application was first submitted, and no standards or criteria have changed from the time it was first submitted.

This criterion is met.

7. *The tentative approval of a middle housing land division is void if and only if a final plat is not approved within three years of the tentative approval.*

**Finding:** A final plat shall be submitted and approved within three years of tentative approval of this middle housing preliminary plat.

The criterion applies when a tentative plat is approved. It will be met if the aforementioned condition of approval is adhered to.

#### **15.235.050 Preliminary plat approval criteria**

***A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:***

***1. The land division application shall conform to the requirements of this chapter;***

**Finding:**

As discussed below, and elsewhere in this staff report, applications for middle housing land divisions cannot be required to meet all code requirements of this chapter because portions of the code are superseded by ORS 92.031.

This criterion is superseded by ORS 92.031. However, the application was processed using a Type II procedure because it is a partition; the property is fully within the city limits and urban growth boundary; the property does not contain land with Goal 5 resources which are mapped or and designated in the comprehensive plan; the proposed partition does not impact compliance with the minimum street connectivity standards; and the middle housing land division does impact net density for the site, which is based on the allowance of one triplex for every 5,000 of lot area on the parent lot.

This criterion for NMC 15.235.050(A)(1) is superseded by ORS 92.031.

***2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;***

**Finding:** As discussed previously, the middle housing land division is not subject to all requirements of this chapter because state law preempts some development standards. The proposed lots would not meet building frontage requirements, for instance, but ORS 92.031(4)(c) waives those and other city land division standards. The lots would also not meet minimum lot size requirements.

This criterion is superseded by ORS 92.031.

***3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;***

**Finding:**

Access to individual lots is addressed in the approval of the initial 3-lot partition as detailed in Section II of this staff report. See analysis and findings under NMC 15.235.030(B)(1)(c) which requires improvements to comply with the Public Improvement Standards prior to final plat approval.

See Finding for NMC 15.235.030(B)(1)(c) and findings for public improvements in NMC 15.505 in Section II of this staff report.

***4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;***

**Finding:** There is no proposed plat name with this proposal. As this is a partition rather than a subdivision, only the county assigns a year and number to the recorded partition.

This criterion is not applicable.

*5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*

**Finding:**

Required streets, utilities, and stormwater facilities adequate to serve the proposed triplexes are addressed in the approval of the initial 3-lot partition as detailed in Section II of this staff report. See analysis and findings under NMC 15.505 which requires improvements to comply with the Public Improvement Standards prior to final plat approval.

This criterion is met.

*6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;*

**Finding:** There are no proposed private common areas or improvements.

The criterion is not applicable.

*7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and*

**Finding:** There are no known required state or federal permits for this partition.

*8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.*

**Finding:** Required street improvements to adequately serve the proposed triplexes are addressed in the approval of the initial 3-lot partition as detailed in Section II of this staff report. See analysis and findings under NMC 430 and NMC 15.505 which requires improvements to comply with the Public Improvement Standards prior to final plat approval.

*B. Middle Housing Land Division Criteria. The decision to approve a middle housing land division, processed as either a Type II or Type III procedure NMC 15.100.030(B), shall be based on the following:*

*1. In addition to subsection (A) of this section, a middle housing division shall comply with the following:*

*a. A proposal for development of middle housing in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5)*

**Finding:**

The application materials include a proposed conceptual site plan for one triplex (3 attached dwelling units). The proposed triplex units will be reviewed under the City's consolidated building permit review process for compliance with the Oregon Residential Specialty Code. As required by ORS

197.758(5), the original (parent) lot will meet the applicable land use regulations as conditioned, and the dwelling units will be reviewed for adherence to applicable land use regulations and building code at the time building permit review.

The following table summarizes the land use regulations applicable to the original lot, also referred to as a “parent lot”. As shown, the parent lot currently meets or will meet as conditioned, all development standards as required in NMC 15.405.050, 15.410.080, 15.415.070, and other criteria as addressed in this staff report. The configuration of an attached triplex is allowed under ORS 197A.420 (formerly ORS 197.758(5)).

	<b>Required Development Standard</b>	<b>Parent Lot (after partition) *proposed development</b>
Lot Size	5,000 sq. ft. for a triplex dwelling	5,803 (size without private street portion)
Lot Coverage	2,786.4 sq. ft. (40 % Max)	3,410 sq. ft. (48.9 %)
Parking Coverage	2,089.8 sq. ft. (30% Max)	551 sq. ft. (7.9%)
Combined Lot and Coverage Parking	4,179.6 sq. ft. (60% Max)	3,961 sq. ft. (56.8%)
Lot Frontage (Easement to Public Street of at least 25 feet in width)	25 feet	Private drive access easement is 30 feet wide out to public street on N Villa Road
Lot Frontage (Front Building Line)	35 feet	77.56 feet
Building Height	30 feet	35 feet (no elevations were provided)
Front Yard Setback	15 feet	15 feet
Interior Yard Setback	5 feet	All interior yard setbacks are no more than 5 feet. The closest dimensions are the following: West: 5 feet North: 5 feet East: 10 feet 6 inches
Off-Street Parking Spaces	1 off-street parking spaces	1 off-street parking space in proposed garage

The proposed triplex was not submitted for building permit with the middle housing land division to verify all standards are met as well as meeting residential specialty code. As such, the triplex on parent lot 3 must comply with all development standards including the maximum 40% lot coverage and 30-foot building height, and meet all building code requirements at time of building permit submittal.

***b. Separate utilities for each dwelling unit***

**Finding:** All driveways will have been separated out from all other dwelling units. There is potential for easements for utilities for each dwelling unit across at the “child” property lines. As such, easements needed for accessing and replacing all utilities shall be submitted and approved with the middle housing land division final plat.

This criterion will be met if the aforementioned conditions of approval are adhered to.

***c. Proposed easements necessary for each dwelling unit on the plan for:***  
***i. Locating accessing, replacing and servicing all utilities;***

- ii. *Pedestrian access from each dwelling unit to a private or public road;*
- iii. *Any common use areas or shared building elements;*
- iv. *Any dedicated driveways or parking; and*
- v. *Any dedicated common area;*

**Finding:** Separate driveways are proposed for each dwelling unit. There is potential for utility easements needing to cross the lot lines of child lots. As such, easements needed for accessing and replacing all utilities shall be submitted and approved with the middle housing land division final plat.

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

*d. Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas*

**Finding:** The application indicates that exactly one dwelling unit will be on each resulting lot.

This criterion is met.

*e. Evidence demonstrating how buildings and structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines*

**Finding:** The proposed development plan included in the application materials indicates that the proposed triplex dwelling units will have 0 lot interior lot line for the newly created child lot property lines. The location of the proposed dwellings will be reviewed for compliance with applicable building code provisions at the time of building permit review including any necessary fire-rated walls.

Because submitted development plans demonstrating the location of the proposed dwellings in relation to the newly created property lines are conceptual, building plans for the proposed dwellings shall demonstrate compliance with building code at the time of building permit review.

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

*f. Notwithstanding the creation of new lot or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code*

**Finding:** The Applicant did not provide elevations or architectural drawings with their submittal however staff finds no reason to believe that Oregon Residential Specialty Code would not be met. All future buildings will need to comply with the applicable building code with the newly created lots.

*g. Conditions may be added to the approval of a tentative plan for a middle housing land division to:*

- i. *Prohibit the further division of the resulting lots or parcels.*
- ii. *Require that a notation appear on the final plat indicating that the approval was given under this section.*

**Finding:** To comply with state middle housing provisions, the Applicant shall record a notice of development restrictions with the final plat containing the following conditions which shall be binding

on all the entire plat. The final plat shall contain reference to the notice of development restrictions and cite the applicable code section:

1. This approval was given under a middle housing land division in Newberg Municipal Code 15.235.050(B) and ORS 92.031.
2. The lots within this plat shall not be further subdivided.
3. Accessory Dwelling Units shall not be allowed on any lot within this middle housing land division
4. All lots within this middle housing division shall have no more than one dwelling unit per lot
5. The dwelling developed on the middle housing lot is a unit of middle housing (attached triplex) and not a single family detached residential unit or any other housing type.

This criterion is met with the aforementioned conditions.

***h. In reviewing an application for a middle housing land division, the city shall:***

***i. Apply the procedures under ORS 197.360 to 197.380***

**Finding:** The procedures under ORS 197.360 are for an “expedited land division” which requires either enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site or will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

The Applicant did not provide an answer to either option for an “expedited land division” and the City code does not specify maximum density outside of the minimum lot size for certain types of dwellings. There is no indication that either property will be sold or rented to households with incomes below 120 percent of the median income.

Because there was no indication that either of these conditions are met, staff believes the appropriate ORS to apply to this application is ORS 92.031 as described in ORS 197.365, the typical middle housing land division section in State statute, which City code reflects below as stated in ORS 92.031(4) through ORS 92.031(7).

ORS 92.031(1) through ORS 92.031(3) are addressed in the finding for NMC 15.235.050(B)(1).

***ii. Require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758<sup>3</sup>.***

**Finding:** The proposed middle housing land division does not propose or require street improvements beyond the extension of the private roadway as required for the initial partition creating three parent lots, which is addressed in Section II of this staff report.

***iii. May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.***

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<sup>3</sup> Now codified as ORS 197A.420.

**Finding:** The only approval criteria used is that of ORS 92.031 as seen in this section. The City is not requiring new driveways, vehicle access, parking or street frontage except that the “parent lot” has to meet all applicable development standards as seen addressed by Section II of this staff report.

This criterion is met.

- iv. *May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380*

**Finding:** The application is not subject to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

This criterion is met.

- v. *May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.*

**Finding:** There is no application for building permits at the same time as the proposed middle housing land division.

This criterion is not applicable.

- vi. *May require the dedication right-of-way if the original parcel did not previously provide a dedication.*

**Finding:** Access to the proposed development is provided through a private street, Orchard Drive, which consists of an approximate 20-foot wide roadway within a 30-foot-wide access easement. It is classified as a residential street City’s Transportation System Plan though it predates contemporary public street standards. The Orchard Drive right of way is privately owned and the City does not have right-of-way or other standards for such private streets.

This criterion is met.

This criterion is met.

- vii. *The type of middle housing developed on the original parcel is not altered by a middle housing land division.*

**Finding:** This criterion which comes from ORS 92.031 means that when middle housing is later divided through a middle housing land division such action does not change the original middle housing type. However, this provision does not apply because the subject property is currently vacant with only a storage structure that will be torn down.

- viii. *Notwithstanding ORS 197.312(5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.*

**Finding:** The City will not allow an accessory dwelling unit on any lot resulting from a middle housing land division because it would violate ORS 92.031(2)(d) which states that exactly one dwelling unit is allowed on each resulting lot or parcel. To comply with state statute, accessory dwelling units shall not be allowed on any lot within this middle housing land division.

This criterion will be met if the aforementioned conditions of approval are adhered to.

- ix. The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval.*

**Finding:** The City will require that a final partition plat for this middle housing land division shall be approved within three years of tentative approval or the partition shall be void.

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

- x. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.*

**Finding:** No new building is proposed at this time on any of the lots. Nonetheless, to ensure that the parent lot can still meet all lot coverage requirements, no building permits to put new structures on the lots shall be issued on any of the lots until a final plat is recorded for the original parent lots.

This criterion will be met if the aforementioned conditions of approval are adhered to.

**Conclusion:** The proposed middle housing partition can be **approved** with the conditions of approval in Section VI.

**Section VI: Conditions of Approval**  
**Partition Preliminary Plat & 3 Middle Housing Land Divisions**  
**1929 E Orchard Drive – File PLNG-25-42**

- A. Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of plans submitted for all permits required (public improvement, building etc.) and final plat submissions. Please include a condition compliance document with submittal of permits and final plat submissions.

For the final plat submission, please include a document that describes how conditions of approval have been met.

**THE FOLLOWING MUST BE COMPLETED BEFORE ANY GROUND DISTURBING ACTIVITY:**

**B. Erosion Control**

- 1.** The applicant is required to submit plans clearly showing the area of disturbance and to obtain a Oregon Department of Environmental Quality 1200-C Erosion Control Permit if 1 acre or more will be disturbed prior to any ground disturbing activity. If less than 1-acre is disturbed the applicant is required obtain a City issued Erosion Control Permit prior to any ground disturbing activity.

**C. The Applicant must submit permit applications for review and approval to complete the following public and other improvements prior to final plat approval:**

**1. Water**

- a.** The applicant is required to submit construction plans and a water capacity analysis and obtain a public improvement permit for the extension of the public water line and connection to the public water main for the proposed water services. If during the plan review process for the public improvement permit it is determined that an additional fire hydrant is needed, the extension of the public water line will need to be an 8-inch line meeting city standards.
- b.** Each dwelling unit shall have its own individual service laterals for all utilities including water and wastewater. Each dwelling shall have its own water meter.

**2. Wastewater**

- a.** The applicant is required to submit construction plans and obtain a public improvement permit for connection to the public wastewater main for the proposed wastewater services. The extension of the public wastewater line is to terminate at a manhole.
- b.** Each dwelling unit shall have its own individual service laterals for all utilities including water and wastewater.

### **3. Stormwater**

- a.** The applicant will be required to submit a stormwater facility sizing report and plans for stormwater management that meet the requirements of Chapters 13.20 and 13.25 NMC and comply with the Public Works Design and Construction Standards with the permit application.

The stormwater management report is to be prepared in accordance with the Public Works Design and Construction Standards. This includes demonstrating compliance with the stormwater facility selection hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards.

- b.** The applicant is required to submit construction plans and obtain a building permit for proposed private stormwater facilities. Private stormwater maintenance agreements will also be required.

### **4. Streets**

- a.** Development of the subject property will require that the private street pavement is extended along the property frontage within the existing 30-foot-wide easement. The private street pavement width is to be a minimum of 20-feet matching the pavement width west of the project site. The private street extension needs to include provisions for a turnaround. At a minimum the private street extension and turnaround is to be consistent with the existing turnaround provided with the private street construction as documented in the “As Constructed” plans for Orchard Drive dated July 1980. The turnaround will also need to meet requirements for emergency vehicles and Waste Management vehicles unless otherwise approved by each agency

### **5. Utilities:**

- a.** Any new service connection to the property is required to be undergrounded. See NMC 15.430.010 for additional requirements and exception provisions

### **6. Fire Access and Requirements**

- a.** All notes seen in TVF&R Permit #2025-0121 including access requirements of no parking signs and fire sprinkler systems in all buildings shall be accomplished. Demonstration of compliance with this shall occur with the public improvement and building permits.

### **7. Easements**

- a.** Documentation of a recorded utility easement for the proposed relocation of the existing private wastewater service lateral is required to be submitted with permit submittals

- b. Easements needed for accessing and replacing all utilities (including water and wastewater) shall be submitted and approved with the middle housing land division final plat.

## 8. General:

- a. Final plans for public improvements are to meet City of Newberg Public Works Design and Construction Standards and applicable City standards.
  - b. Any required public improvement permit(s) for this project must be submitted, approved and issued prior to building permits being issued.
  - c. Plans and stormwater report will be fully reviewed for compliance with city standards, including the Public Works Design and Construction Standards, as part of the permit plan review process.
  - d. The demolition and removal of the existing pole barn must occur prior to recording of the 3-lot partition plat.

**D. The Applicant must submit and complete the following prior to issuance of building permits (unless noted otherwise):**

1. The applicant is required to submit construction plans and obtain a building permit for proposed private stormwater facilities.
  2. The applicant will be required to provide a private stormwater maintenance agreement for all onsite private stormwater treatment facilities as part of the building permit process. The agreement is to be recorded with the County and attached to the deeds of the lots with the stormwater facility.
  3. Plans and stormwater report will be fully reviewed for compliance with city standards, including the Public Works Design and Construction Standards, as part of the permit plan review process.
  4. Any required public improvement permit(s) for this project must be submitted, approved and issued prior to building permits being issued.
  5. Prior to building permit submittal, the applicant shall submit a revised site plan that complies with lot coverage standards and all other development standards of NMC 15.400 for the “parent” lots (Lots 1, 2, and 3).
  6. All triplex buildings shall have a building height limit of 30 feet from grade plane to the highest roof surface.
  7. All triplexes must meet the standards of NMC 15.415.050(A) with building permit submittals.

8. The proposed concrete driveways shown in the application will not be counted toward the minimum off-street parking requirements unless reconfigured to provide standard improved parking spaces of 18' x 9' that are located outside the required 15-foot front yard.
9. The triplex on parent lot 1 must comply with all development standards including the maximum 40% lot coverage and 30-foot building height, and meet all building code requirements at time of building permit submittal.
10. The triplex on parent lot 2 must comply with all development standards including the maximum 40% lot coverage and 30-foot building height, and meet all building code requirements at time of building permit submittal.
11. The triplex on parent lot 3 must comply with all development standards including the maximum 40% lot coverage and 30-foot building height, and meet all building code requirements at time of building permit submittal.
12. Permit plans shall provide for individual service laterals with each dwelling unit for all utilities including water and wastewater. Individual water meters are required for each dwelling unit.
13. Building plans for the proposed dwellings shall demonstrate compliance with building code at the time of building permit review.
14. All future buildings will need to comply with the applicable building code with the newly created lots.
15. No building permits to put new structures on the lots shall be issued on any of the lots until a final plat is recorded for the original parent lots.

#### **E. Final Plat Drawing and Document Requirements:**

1. The Applicant shall record a Notice of Development Restriction(s) and Covenant(s) in a form provided by the Community Development Director to include the following restrictions on the middle housing land division final plats:
  - a. This approval was given under a middle housing land division in Newberg Municipal Code 15.235.050(B) and ORS 92.031
  - b. The lots within this plat shall not be further subdivided.
  - c. Accessory Dwelling Units shall not be allowed within this middle housing land division
  - d. All lots within this middle housing land division shall have no more than one dwelling unit per lot.
  - e. The dwelling developed on the middle housing lot is a unit of middle housing (attached triplex) and not a single-family residential unit or any other housing type.

#### **F. Final plat submission requirements and approval criteria: In accordance with NMC 15.235.070, final plats require review and approval by the director prior to recording with**

**Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:**

1. Submission Requirements:

The Applicant shall submit the final plat within two years for the “parent” lot partition and three years for the middle housing “child” lots land divisions. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

- a. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary paper copies of the plat are acceptable for review at the time of final plat application.
  - b. Written response to any conditions of approval assigned to the land division describing how conditions of approval have been met.
  - c. A title report for the property, current within six months of the final plat application date.
  - d. Copies of any required dedications, easements, or other documents.
  - e. Copies of all homeowner’s agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentations of the formation of a homeowner’s association.
  - f. Copies of any required maintenance agreements for common property.
  - g. Any other item required by the city to meet the conditions of approval assigned to the land division, including documentation of closeout of the Public Improvement Permit for any required public infrastructure improvements.
2. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval.

**G. Filing and recording: In accordance with NMC 15.235.080, a new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot. The final plat filing and recording requirements are as follows:**

1. Filing Plat with County. Within 60 days of the city approval of the final plat, the Applicant shall submit the final plat to Yamhill County for signatures of county officials as required by ORS Chapter 92.

2. **Proof of Recording.** Upon final recording with the county, the Applicant shall submit to the city a paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
3. **Prerequisites to Recording the Plat.**
  - a. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
  - b. No plat shall be recorded until the county surveyor approves it in the manner provided by ORS Chapter 92.

## **H. Development Notes:**

1. **Final Plat Application:** Final plats need to be submitted through the City's online permitting software OpenGov. You can apply for Final Plat here:  
<https://newbergor.portal.opengov.com/categories/1080>  
For any questions contact planning at (503) 537-1240.
2. **Public Improvement Permit:** Submit a public improvement permit on the City's OpenGov online permitting system here:  
<https://newbergor.portal.opengov.com/categories/1081>.  
For additional information contact Public Works Engineering at (503) 537-1273.
3. **Addresses:** The Planning Division will assign addresses for the new partition and middle housing land divisions. Planning Division staff will send out notice of the new addresses after they receive a recorded copy of the final partition plat. Address assignment is required prior to application for building permits.
4. **Building Permit:** Building permits are to be submitted through OpenGov  
<https://newbergor.portal.opengov.com/categories/1071>. For additional information contact the Building Division at (503) 537-1240.

**Attachment 1. Tentative Partition Plat**

CIVIL LEGEND	
BUILDING ENVELOPE	— — —
PROPOSED PROPERTY LINE	— — —
BOUNDARY LINE	— — —
ACCESS EASEMENT	- - -
SEWER EASEMENT	- - -

SETBACK TABLE	
SETBACK	SETBACK PROVIDED (FT)
SIDE (INTERIOR)	5'-0"
SIDE (INTERIOR)	8'-0"
SIDE (INTERIOR)	10'-6"
SIDE (EXTERIOR)	5'-0"

LAND USE SUMMARY	
LAND USE TYPE	AREA (SF)
GROSS AREA	20,196 SF
DISTURBED AREA	14,212 SF
IMPERVIOUS AREA	14,212 SF
PERVIOUS AREA	5,984 SF

LOT USAGE		
LOT USE	AREA (SF)	LOT COVERAGE (%)
BUILDING	10,175 SF	50%
DRIVEWAY	2,016 SF	10%
LANDSCAPING	5,984 SF	30%
ROADWAY	2,021 SF	10%

LOT PARKING SUMMARY	
ITEM	QUANTITY PER PARENT LOT
RESIDENTIAL UNITS	3
PARKING SPACES	6
GARAGE	3

NO. 200213551  
LOT 4NO. 201903121  
LOT 5NO. 202117890  
LOT 6NO. 201904652  
TAX LOT 402

SIDE (INTERIOR) 8'-0"

N89°51'00"W 74.00'

BUILDING ENVELOPE

N89°51'00"W 73.00'

PROPOSED PROPERTY LINE

N89°51'00"W 77.25'

SIDE (EXTERIOR) 5'-0" (TYP.)

UTILITY EASEMENT  
7'-0"

LOT 3

SIDE (INTERIOR) 10'-6"

LOT 2

ACCESS EASEMENT  
15'-0"

SO 3000.00'W 90.00'

**1**  
6,660 SF±

SO 3000.00'W 90.00'

NO 3000.00'E 90.00'

**2**  
6,570 SF±

SO 3000.00'W 90.00'

NO 3000.00'E 90.00'

**3**  
6,966 SF±

NO 1800.00'E 90.00'

ACCESS EASEMENT  
15'-0"

BOUNDARY LINE

S89°51'00"E 74.00'

S89°51'00"E 73.00'

S89°51'00"E 77.56'

EAST ORCHARD DRIVE (PRIVATE STREET)

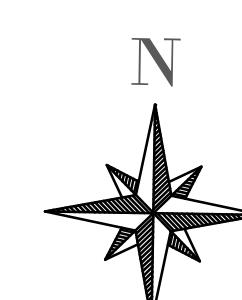
R3217CA 00600

R3217CA 00502

R3217CA 00500

SITE PLAN

0 5 10 Feet

811  
Know what's below.  
Call before you dig.

NOT FOR CONSTRUCTION

PRELIMINARY PLAT PARENT LOT  
OR
**JACKSON**  
 CIVIL

 1415 GRAND BLVD  
 VANCOUVER, WA  
 98661

 P: (360) 733-0881  
 WWW.JACKSONCIVIL.COM

 JOB NUMBER  
 0061  
 SHEET  
 P3.0

PRELIMINARY PLAT PARENT LOT

 DRAWN BY: HJR  
 CHECKED BY: DEJ  
 DATE:  
 EXPIRES: 06/30/27  
 PRELIMINARY PLAT PARENT LOT  
 DRAWN BY: HJR  
 CHECKED BY: DEJ  
 DATE:  
 EXPIRES: 06/30/27  
 90913PE  
 12/2021  
 J. JACKSON

**Attachment 2. Tentative Middle Housing Land Divisions Plats**

CIVIL LEGEND	
BUILDING ENVELOPE	— — —
PROPOSED PROPERTY LINE	— — —
BOUNDARY LINE	— — —
ACCESS EASEMENT	- - - - -
SEWER EASEMENT	- - - - -

C1 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,430 SF	-
DISTURBED	1,497 SF	-
IMPERVIOUS	1,497 SF	-
PERVIOUS	933 SF	-
BUILDING	1,045 SF	43%
DRIVEWAY	209 SF	9%
LANDSCAPING	933 SF	38%
ROADWAY (E ORCHARD DRIVE)	243 SF	10%

C2 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	1,890 SF	-
DISTURBED	1,555 SF	-
IMPERVIOUS	1,555 SF	-
PERVIOUS	335 SF	-
BUILDING	1,155 SF	61%
DRIVEWAY	211 SF	11%
LANDSCAPING	335 SF	18%
ROADWAY (E ORCHARD DRIVE)	189 SF	10%

C3 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,340 SF	-
DISTURBED	1,746 SF	-
IMPERVIOUS	1,641 SF	-
PERVIOUS	699 SF	-
BUILDING	1,155 SF	49%
DRIVEWAY	252 SF	11%
LANDSCAPING	699 SF	30%
ROADWAY (E ORCHARD DRIVE)	234 SF	10%

LOT PARKING SUMMARY	
ITEM	QUANTITY PER CHILD LOT
RESIDENTIAL UNITS	1
PARKING SPACES	2
GARAGE	1

## PRELIMINARY PLAT CHILD LOT OR

### EAST ORCHARD DRIVE TRIPLEXES

NEWBERG



P: (360) 723-0881  
www.jacksoncivil.com

1415 GRAND BLVD  
VANCOUVER, WA  
98661

NOT FOR CONSTRUCTION

0 5 10 Feet



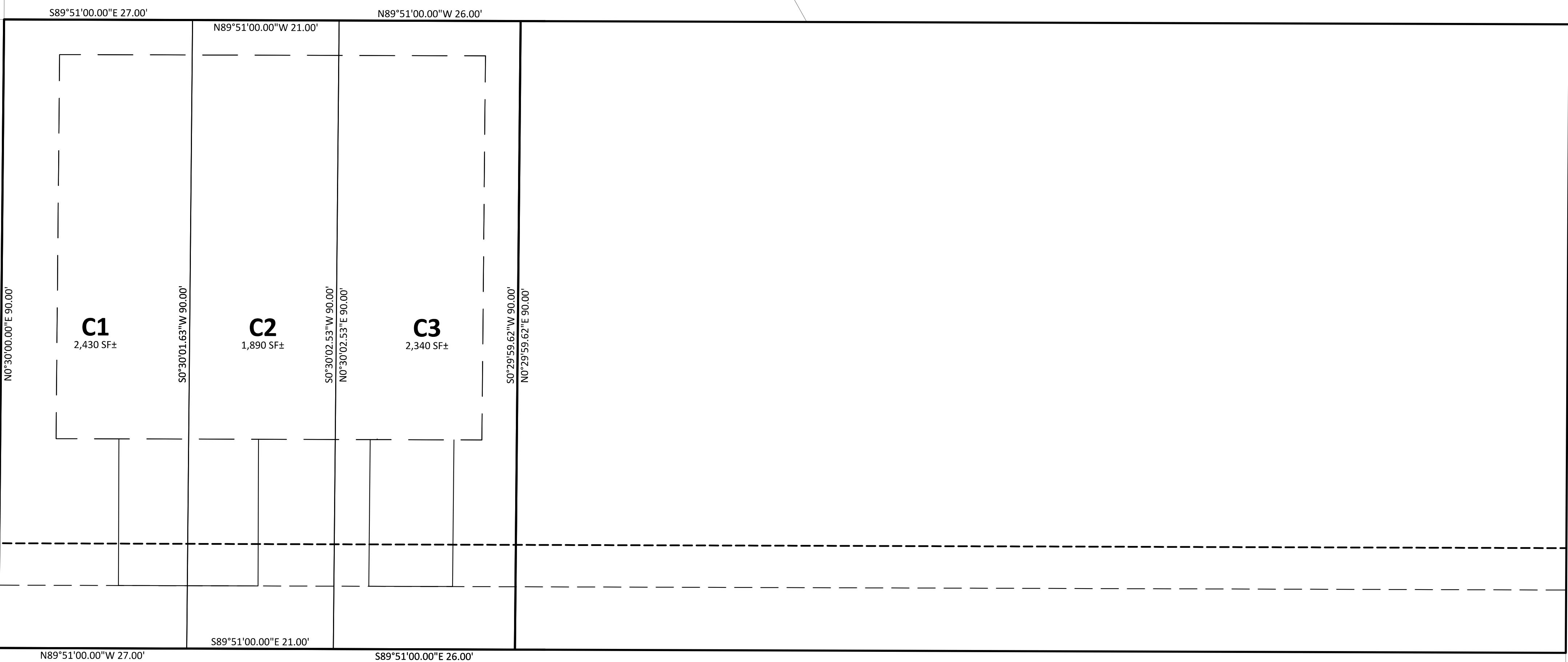
JOB NUMBER  
0061  
SHEET  
P3.1

REGISTERED PROFESSIONAL  
ENGINEER  
CARL JACKSON  
90913PE  
EXPIRES: 06/30/27

NO. 202117890  
LOT 6

NO. 201903121  
LOT 5

NO. 200213551  
LOT 4



### SITE PLAN

R3217CA 00500

R3217CA 00502

R3217CA 00600



Know what's below.  
811 before you dig.

CIVIL LEGEND	
BUILDING ENVELOPE	—
PROPOSED PROPERTY LINE	—
BOUNDARY LINE	—
ACCESS EASEMENT	- - -
SEWER EASEMENT	- - - -

C4 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,340 SF	-
DISTURBED	1,543 SF	-
IMPERVIOUS	1,543 SF	-
PERVIOUS	797 SF	-
BUILDING	1,100 SF	47%
DRIVEWAY	209 SF	9%
LANDSCAPING	797 SF	34%
ROADWAY (E ORCHARD DRIVE)	234 SF	10%

C5 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	1,890 SF	-
DISTURBED	1,555 SF	-
IMPERVIOUS	1,555 SF	-
PERVIOUS	335 SF	-
BUILDING	1,155 SF	61%
DRIVEWAY	211 SF	11%
LANDSCAPING	335 SF	18%
ROADWAY (E ORCHARD DRIVE)	189 SF	10%

C6 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,340 SF	-
DISTURBED	1,746 SF	-
IMPERVIOUS	1,641 SF	-
PERVIOUS	699 SF	-
BUILDING	1,155 SF	49%
DRIVEWAY	252 SF	11%
LANDSCAPING	699 SF	30%
ROADWAY (E ORCHARD DRIVE)	243 SF	10%

LOT PARKING SUMMARY	
ITEM	QUANTITY PER CHILD LOT
RESIDENTIAL UNITS	1
PARKING SPACES	2
GARAGE	1

NO. 200213551  
LOT 4

NO. 201903121  
LOT 5

NO. 202117890  
LOT 6

NO. 201904652  
TAX LOT 402

ACCESS EASEMENT  
15'-0"

ACCESS EASEMENT  
15'-0"

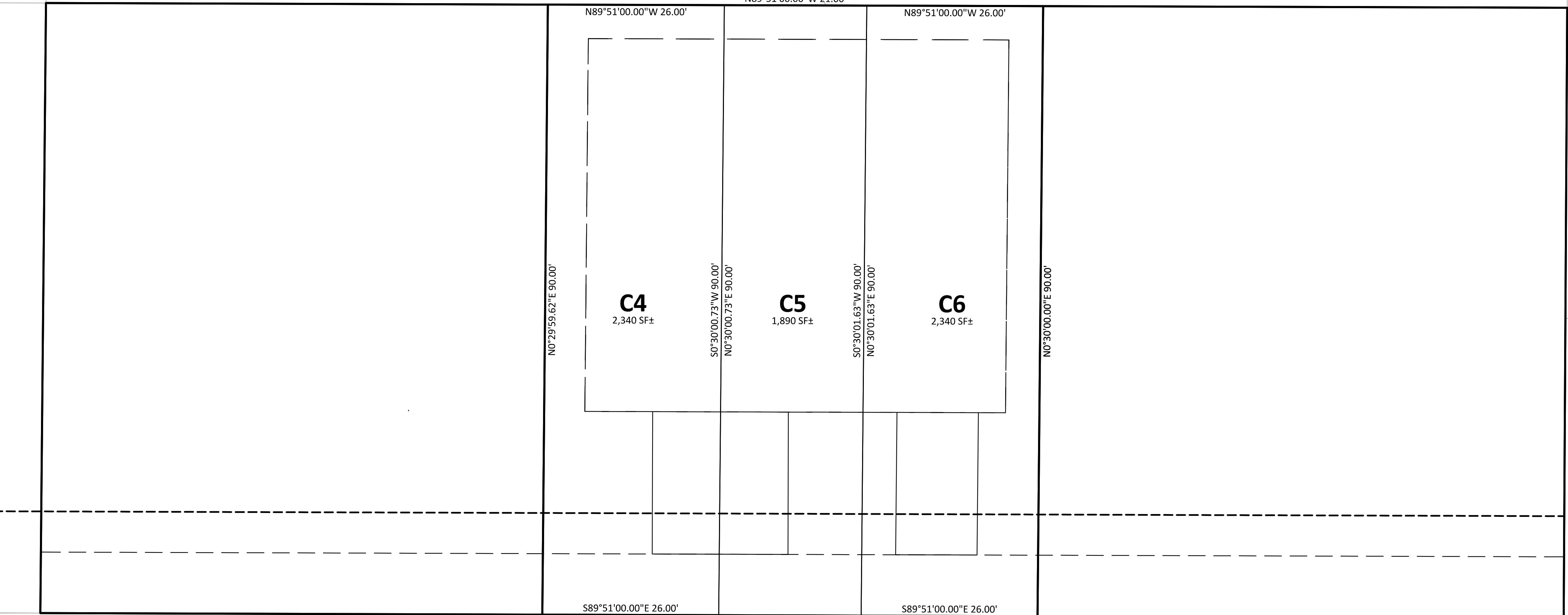
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R3217CA 00502

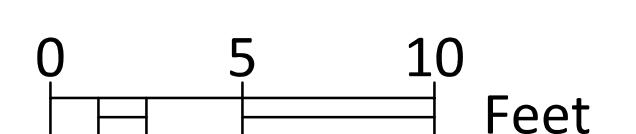
R3217CA 00500



Know what's below.  
811 before you dig.



SITE PLAN



NOT FOR CONSTRUCTION

PRELIMINARY PLAT CHILD LOT  
OR

**JACKSON**  
CIVIL

P: (360) 723-0881  
www.jacksoncivil.com

1415 GRAND BLVD  
VANCOUVER, WA  
98661

DRAWN BY: HJR  
CHECKED BY: DEJ  
DATE:

REGISTERED PROFESSIONAL  
ENGINEER  
EXPIRES: 06/30/27  
CARL JACKSON  
90913PE

JOB NUMBER  
0061

SHEET

P3.2

CIVIL LEGEND	
BUILDING ENVELOPE	— — —
PROPOSED PROPERTY LINE	— — —
BOUNDARY LINE	— — —
ACCESS EASEMENT	- - - - -
SEWER EASEMENT	- - - - -

C7 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,340 SF	-
DISTURBED	1,598 SF	-
IMPERVIOUS	1,598 SF	-
PERVIOUS	742 SF	-
BUILDING	1,155 SF	49%
DRIVEWAY	209 SF	9%
LANDSCAPING	742 SF	32%
ROADWAY (E ORCHARD DRIVE)	234 SF	10%

C8 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	1,890 SF	-
DISTURBED	1,555 SF	-
IMPERVIOUS	1,555 SF	-
PERVIOUS	335 SF	-
BUILDING	1,155 SF	61%
DRIVEWAY	211 SF	11%
LANDSCAPING	335 SF	18%
ROADWAY (E ORCHARD DRIVE)	189 SF	10%

C9 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,736 SF	-
DISTURBED	1,732 SF	-
IMPERVIOUS	1,627 SF	-
PERVIOUS	1,109 SF	-
BUILDING	1,100 SF	40%
DRIVEWAY	252 SF	9%
LANDSCAPING	1,109 SF	41%
ROADWAY (E ORCHARD DRIVE)	275 SF	10%

LOT PARKING SUMMARY	
ITEM	QUANTITY PER CHILD LOT
RESIDENTIAL UNITS	1
PARKING SPACES	2
GARAGE	1

NO. 200213551  
LOT 4

NO. 201903121  
LOT 5

NO. 202117890  
LOT 6

NO. 201904652  
TAX LOT 402

ACCESS EASEMENT  
15'-0"

ACCESS EASEMENT  
15'-0"

R3217CA 00600

R3217CA 00502

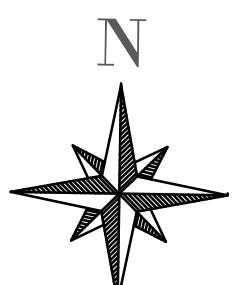
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Know what's below.  
811 before you dig.

### SITE PLAN

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NOT FOR CONSTRUCTION

**JACKSON**  
CIVIL

1415 GRAND BLVD  
VANCOUVER, WA  
98661

P: (360) 723-0881  
www.jacksoncivil.com

PRELIMINARY PLAT CHILD LOT

EAST ORCHARD DRIVE  
TRIPLEXES

NEWBERG

OR

PRELIMINARY PLAT CHILD LOT

OR

EAST ORCHARD DRIVE  
TRIPLEXES

PRELIMINARY PLAT CHILD LOT

OR

EAST ORCHARD DRIVE  
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PRELIMINARY PLAT CHILD LOT

OR

EAST ORCHARD DRIVE  
TRIPLEXES

PRELIMINARY PLAT CHILD LOT

OR

### **Attachment 3. Application Materials**



# TYPE II APPLICATION – LAND USE

File #: PRE-25-2

**TYPES – PLEASE CHECK ONE:**

- Design review  Type II Major Modification  
 Partition Preliminary Plat  Variance \_\_\_\_\_  
 Subdivision Preliminary Plat  Other: (Explain) \_\_\_\_\_

**APPLICANT INFORMATION:**

**APPLICANT:** Dean Hurford

ADDRESS: 22001 NE Halsey CITY: Fairview STATE: OR ZIP: 97024  
EMAIL ADDRESS: deanhurf@yahoo.com PHONE: MOBILE: 503-730-7339

**OWNER** (if different from above): \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**ENGINEER/SURVEYOR:** Jackson Civil Engineering CONTACT: Devin Jackson

EMAIL ADDRESS: devin@jacksoncivil.com PHONE: 360-723-0381 MOBILE: \_\_\_\_\_

**GENERAL INFORMATION:**

PROJECT LOCATION: 1929 E Orchard Drive PROJECT VALUATION: \$

PROJECT DESCRIPTION/USE: Proposing 3 triplexes

MAP/TAX LOT NO. (i.e.3200AB-400): R3217CA 00501 SITE SIZE: 0.46 SQ. FT.  ACRE

COMP PLAN DESIGNATION: Residential CURRENT ZONING: R1

CURRENT USE: Vacant

SURROUNDING USES:

NORTH: Residential

SOUTH: Residential

EAST: Residential

WEST: Residential

**ATTACHED PROJECT CRITERIA AND REQUIREMENTS (check all that apply)**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature  
 1 Digital copy of complete Application Packet

For detailed checklists, applicable criteria for the written response, and other requirements per application type, turn to:

- Design Review ..... p. 13  
Land Division (Partition & Subdivision Tentative Plat) ..... p. 15  
Variance Checklist ..... p. 20  
Short-term Rental ..... p. 22

The Application Packet can be submitted to [Planning@newbergoregon.gov](mailto:Planning@newbergoregon.gov) or at 414 E First St., Newberg OR. 97131  
2 physical copies of the Applications must be mailed or brought into the Community Development Department

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.

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief.

Applicant Signature

7/24/25

Date

Dean Hurford

Print Name

Owner Signature

7/24/25

Dean Hurford

Print Name



# TYPE II APPLICATION – LAND USE

File #: PRE-25-2

**TYPES – PLEASE CHECK ONE:**

- Design review  
 Partition Preliminary Plat  
 Subdivision Preliminary Plat
- Type II Major Modification  
 Variance \_\_\_\_\_  
 Other: (Explain) Middle Housing Land Division

**APPLICANT INFORMATION:**

**APPLICANT:** Dean Hurford

ADDRESS: 22001 NE Halsey CITY: Fairview STATE: OR ZIP: 97024  
EMAIL ADDRESS: deanhurf@yahoo.com PHONE: MOBILE: 503-730-7339

**OWNER** (if different from above): \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**ENGINEER/SURVEYOR:** Jackson Civil Engineering CONTACT: Devin Jackson

EMAIL ADDRESS: devin@jacksoncivil.com PHONE: 360-723-0381 MOBILE: \_\_\_\_\_

**GENERAL INFORMATION:**

PROJECT LOCATION: 1929 E Orchard Drive PROJECT VALUATION: \$

PROJECT DESCRIPTION/USE: Proposing 1 triplex

MAP/TAX LOT NO. (i.e.3200AB-400): R3217CA 00501 SITE SIZE: 0.15 SQ. FT.  ACRE

COMP PLAN DESIGNATION: Residential CURRENT ZONING: R1

CURRENT USE: Vacant

SURROUNDING USES:

NORTH: Residential SOUTH: Residential

EAST: Residential WEST: Residential

**ATTACHED PROJECT CRITERIA AND REQUIREMENTS (check all that apply)**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature  
 1 Digital copy of complete Application Packet

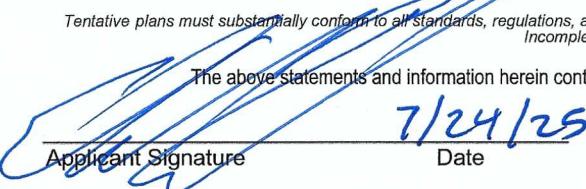
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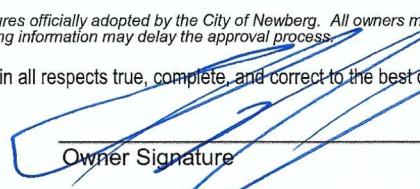
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Applicant Signature

7/24/25  
Date

Dean Hurford  
Print Name

  
Owner Signature

7/24/25  
Date

Dean Hurford  
Print Name



# TYPE II APPLICATION – LAND USE

File #: PRE-25-2

**TYPES – PLEASE CHECK ONE:**

- Design review       Type II Major Modification  
 Partition Preliminary Plat       Variance \_\_\_\_\_  
 Subdivision Preliminary Plat       Other: (Explain) Middle Housing Land Division

**APPLICANT INFORMATION:**

**APPLICANT:** Dean Hurford

ADDRESS: 22001 NE Halsey      CITY: Fairview      STATE: OR      ZIP: 97024  
EMAIL ADDRESS: deanhurf@yahoo.com      PHONE: \_\_\_\_\_      MOBILE: 503-730-7339

**OWNER** (if different from above): \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**ENGINEER/SURVEYOR:** Jackson Civil Engineering      CONTACT: Devin Jackson

EMAIL ADDRESS: devin@jacksoncivil.com      PHONE: 360-723-0381      MOBILE: \_\_\_\_\_

**GENERAL INFORMATION:**

PROJECT LOCATION: 1929 E Orchard Drive      PROJECT VALUATION: \$ \_\_\_\_\_

PROJECT DESCRIPTION/USE: Proposing 1 triplex

MAP/TAX LOT NO. (i.e.3200AB-400): R3217CA 00501      SITE SIZE: 0.15 SQ. FT.  ACRE

COMP PLAN DESIGNATION: Residential      CURRENT ZONING: R1

CURRENT USE: Vacant

SURROUNDING USES:

NORTH: Residential      SOUTH: Residential

EAST: Residential      WEST: Residential

**ATTACHED PROJECT CRITERIA AND REQUIREMENTS (check all that apply)**

General Checklist:  Fees     Public Notice Information     Current Title Report     Written Criteria Response     Owner Signature  
 1 Digital copy of complete Application Packet

For detailed checklists, applicable criteria for the written response, and other requirements per application type, turn to:

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Land Division (Partition & Subdivision Tentative Plat) .....	p. 15
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Applicant Signature

7/21/25

Owner Signature

7/24/25

Dean Hurford

Dean Hurford

Print Name

Print Name



# TYPE II APPLICATION – LAND USE

File #: PRE-25-2

**TYPES – PLEASE CHECK ONE:**

- Design review  
 Partition Preliminary Plat  
 Subdivision Preliminary Plat
- Type II Major Modification  
 Variance \_\_\_\_\_  
 Other: (Explain) Middle Housing Land Division

**APPLICANT INFORMATION:**

APPLICANT: Dean Hurford

ADDRESS: 22001 NE Halsey CITY: Fairview STATE: OR ZIP: 97024  
EMAIL ADDRESS: deanhurf@yahoo.com PHONE: MOBILE: 503-730-7339

OWNER (if different from above): \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

ENGINEER/SURVEYOR: Jackson Civil Engineering CONTACT: Devin Jackson  
EMAIL ADDRESS: devin@jacksoncivil.com PHONE: 360-723-0381 MOBILE: \_\_\_\_\_

**GENERAL INFORMATION:**

PROJECT LOCATION: 1929 E Orchard Drive PROJECT VALUATION: \$

PROJECT DESCRIPTION/USE: Proposing 1 triplex

MAP/TAX LOT NO. (i.e.3200AB-400): R3217CA 00501 SITE SIZE: 0.16 SQ. FT.  ACRE

COMP PLAN DESIGNATION: Residential CURRENT ZONING: R1

CURRENT USE: Vacant

SURROUNDING USES:

NORTH: Residential

SOUTH: Residential

EAST: Residential

WEST: Residential

**ATTACHED PROJECT CRITERIA AND REQUIREMENTS (check all that apply)**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature  
 1 Digital copy of complete Application Packet

For detailed checklists, applicable criteria for the written response, and other requirements per application type, turn to:

Design Review .....	p. 13
Land Division (Partition & Subdivision Tentative Plat) .....	p. 15
Variance Checklist .....	p. 20
Short-term Rental .....	p. 22

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Applicant Signature

7/24/25

Date

Owner Signature

7/24/25

Date

Dean Hurford

Dean Hurford

Print Name

Print Name



July 29, 2025

**PLNG-25-42**

\*Planning Application

Status: Active

Submitted On: 7/28/2025

**Primary Location**1929 E ORCHARD DR  
Newberg, OR 97132**Owner**HURFORD MARCIA HURFORD DEAN  
NE Halsey 22001 Fairview , OR 97024**Applicant**

Alison Baker  
 360-723-0381  
 alison@jacksoncivil.com  
 704 E Main Street  
STE 103  
Battle Ground , Washington 98604

**Status of Application: SUBMITTED****Land Use Type: TYPE II****Project Description**

Partition of 1 Lot that is 0.46 acre into 3 lots. Then a Middle Housing Land Division of each Partitioned parent lot into 3 child lots, resulting in 9 total lots.

**Assigned Planner:** Jeremiah Cromie  
jeremiah.cromie@newbergoregon.gov

**PROPERTY OWNER INFORMATION CONFIRMATION**

Was the Property Owner information accurate on the previous page?\*

Yes

**WHAT TYPE OF PROJECT(s) ARE YOU APPLYING FOR?**

Home Occupation Business License Review

Land Use Decision Modifications

Non-Conforming Building 

Short-Term Rental

Modification/Alteration to a Historic Landmark

► [Click here for Application Project Types under Type I Process](#)

IS YOUR PROJECT A TYPE I ? \* 

No

► [Click here for Application project Types under Type II Process](#)

IS YOUR PROJECT A TYPE II ? \* 

Yes

*Check the type of Project you are submitting; multiple options may be selected.*

Partition Preliminary Plat

Middle Housing Land Division

Subdivision Preliminary Plat

Will this be an Expedited Land Division?\* 

No

Design Review

Is this a multi-family project?\*

No

Variance

Other Type II Not Listed

► [Click here for Application project Types under Type III Process](#)

IS YOUR PROJECT A TYPE III ?\* 

No

► [Click here for Application project Types under Type IV Process](#)

IS YOUR PROJECT A TYPE IV ?\* 

No

It is Highly recommended that you have a Pre-Application Meeting due to the Project Type(s) you have selected.

NOT HAVING A PRE-APPLICATION MEETING MAY DELAY YOUR PROJECT

Did you have a Pre-Application Meeting with the City for this project?\*      Pre-Application Meeting Request Number

PRE-25-2

Yes

If you have any questions about this project, you can contact the Planning Department by:

Calling: (503) 537-1240

[SEND AN EMAIL](#)

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## PROJECT DETAILS

Property Size*	Acre/Sq. Ft.*
0.46	Acre

Project Area Size (if Different from Property Size)	Current Use*
—	Vacant

Number of Proposed Lots*	# of Middle Housing Land Division Lots*
3	9

#### Project Description\*

Submission Details: There are four Type II applications with applicant's signature that have been combined into a single pdf and attached in the "Signed Consent" portion. The first application is for the initial partition of the 0.46 acre lot. The subsequent applications are for the Middle Housing Land Division of each parent lot into 3 child lots, resulting in 9 total lots. The parent lots are labeled 1, 2, and 3 on the site plan.

The project and criteria narrative for the main lot and parent lots is also contained within a single document with headings to indicate which lot the criteria is referencing. There is no landscape plan but the Site Plan has been attached and shows landscape coverage.

## APPLICANT INFORMATION

Specify your Project Affiliation*	If Other Explain*
Other	Junior Planner Representing Owner

**Property Owner Representatives will be required to submit a signed letter of consent from the Property Owner as part of the submission.**

Will there be an Engineer, Surveyor, Architect, or other party involved in the project?\*

Yes

**LLC's will be required to submit a signed letter of consent showing the person signing the application is authorized to sign on behalf of the LLC owner as part of your submission.**

## ADDITIONAL PROFESSIONALS/PARTIES INVOLVED

Select the appropriate option:*	If "Other Party" was selected, specify the individual's involvement
Engineer	Principal Engineer and Business Owner

Company Name\* 

Jackson Civil

Contact Name\*

Devin Jackson

Contact Email Address\*

devin@jacksoncivil.com

Contact Phone Number\*

360-723-0381

License Number, if applicable

License Expiration Date, if applicable

—

Select here if you want this Company/Individual to be  added as a guest to your record



## REQUIRED WRITTEN CRITERIA

If you will be submitting the Written Response as an  attachment Check the Box Below



## APPLICANT ACKNOWLEDGMENT

All owners must sign the application or submit letters of consent.

By signing I verify that the Tentative plans substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. Incomplete or missing information may delay the approval process.

The statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief.

**Applicant's Signature\***

 Alison Lynn Baker  
Jul 22, 2025

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## REQUIRED ATTACHMENTS

- Current Title Report (60 days)

Preliminary Plat Submission Requirements can be seen here

Site Design Review Submission Requirements can be seen here

- Written Criteria Response

Select here to see the full requirements for your Written Criteria Response



See Newberg's Development Code (Title 15 )

[here.](https://www.codepublishing.com/OR/Newberg/#!/Newberg15/Newberg15.html)

Middle Housing Land Division Criteria:

- Explain and demonstrate how your project meets the following:
  - a. A proposal for development of middle housing in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5);
  - b. Separate utilities for each dwelling unit;
  - c. Proposed easements necessary for each dwelling unit on the plan for:
    - i. Locating, accessing, replacing and servicing all utilities;
    - ii. Pedestrian access from each dwelling unit to a private or public road;
    - iii. Any common use areas or shared building elements;
    - iv. Any dedicated driveways or parking; and
    - v. Any dedicated common area;
  - d. Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas;
  - e. Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines;
  - f. Notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code;
  - g. Conditions may be added to the approval of a tentative plan for a middle housing land division to:
    - i. Prohibit the further division of the resulting lots or parcels.
    - ii. Require that a notation appear on the final plat indicating that the approval was given under this section;
  - h. In reviewing an application for a middle housing land division, the city shall:
    - i. Apply the procedures under ORS 197.360 to 197.380.
    - ii. Require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758.
    - iii. May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

- iv. May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.
- v. May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.
- vi. May require the dedication of right-of-way if the original parcel did not previously provide a dedication.
- vii. The type of middle housing developed on the original parcel is not altered by a middle housing land division.
- viii. Notwithstanding ORS 197.312(5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.
- ix. The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval.
- x. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.



## PUBLIC RECORD REPORT FOR NEW SUBDIVISION OR LAND PARTITION

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF THE FOLLOWING CUSTOMER:

Roseann Johnson  
Phone No.: 999-999-9999

Date Prepared: July 28, 2025  
Effective Date: July 22, 2025 / 08:00 AM  
Charge: \$300.00  
Order No.: 471824129168  
Reference: 4th Revision

The information contained in this report is furnished to the Customer by Ticor Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report ("the Report"). Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

### REPORT

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:
  - As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:
  - As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.
- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:
  - As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.
- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:
  - As fully set forth on Exhibit "D" attached hereto and by this reference made a part hereof.

**EXHIBIT "A"**  
**(Land Description)**

**For APN/Parcel ID(s): 34563**  
**For Tax Map ID(s): R3217CA 00501**

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**PARCEL NO. 1:**

Beginning at a point 27.66 rods South, and 550 feet East, and 105 feet North from the Northeast corner of the D. D. Deskins Donation Land Claim No. 54, Notification No. 1475 in Section 17, Township 3 South, Range 2 West, Willamette Meridian, County of Yamhill, State of Oregon; thence North 90 feet; thence East 111.1 feet; thence South 90 feet; thence West 111.1 feet to the point of beginning.

**PARCEL NO. 2:**

Beginning at a point 27.66 rods South, and 661.1 feet East, and 105 feet North of the Northeast corner of the D. D. Deskins Donation Land Claim No. 54, Notification No. 1475 in Section 17, Township 3 South, Range 2 West, Willamette Meridian, County of Yamhill, State of Oregon; thence North 90 feet; thence East 111.1 feet; thence South 90 feet; thence West 111.1 feet to the point of beginning.

TOGETHER WITH a non-exclusive easement and right of way for road purposes over and across the following described tract: Beginning at a point 336.39 feet South of the Northeast corner of the D. D. Deskins Donation Land Claim No. 54, Notification No. 1475 in Section 17, Township 3 South, Range 2 West, Willamette Meridian, County of Yamhill, State of Oregon; thence East 772.2 feet; thence South 30 feet; thence West 772.2 feet; thence North 30 feet to the point of beginning.

Ticor Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
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**EXHIBIT "B"**  
**(Tax Account and Map)**

APN/Parcel ID(s) 34563 as well as Tax/Map ID(s) R3217CA 00501

Ticor Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
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**EXHIBIT "C"**  
**(Vesting)**

Dean Hurford and Marcia Hurford

Ticor Title Company of Oregon  
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**EXHIBIT "D"**  
**(Liens and Encumbrances)**

1. City Liens, if any, in favor of the City of Newberg.
2. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads, and highways.
3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as disclosed in Deed:

Granted to: Milton W. Ekman and Eloise Dawn Ekman  
Purpose: Right of way  
Recording Date: March 19, 1971  
Recording No: Book 83, page 412  
Affects: Reference is hereby made to said document for full particulars

4. Please be advised that our search did not disclose any open Deeds of Trust of record.
5. [Intentionally Deleted]
6. [Intentionally Deleted]
7. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2025-2026.
8. While this report reflects the Vestee, as reflected in the last recorded Deed, attention is called to the fact that the effective date of this report is some days prior to the recording of said Deed. Any and all recordings and other matters pertaining to the subject property and parties to the transaction, which are not currently accessible in our records are hereby excepted.

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2024-2025  
Amount: \$1,198.22, plus interest, if any  
Levy Code: 29.0  
Account No.: 34563  
Map No.: R3217CA 00501

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

**Boundary Deeds:**

Quitclaim Deed from George K. Austin, Jr. and Joan D. Austin to Ushio Oregon, Inc. recorded January 24, 2002 as Instrument No. 200201726, Yamhill County Records.

Personal Representative's Deed from Thomas Edward Reitz, Personal Representative of the Estate of Warren Keith Reitz, deceased to Russell D. St. Cyr and Stephanie J. St. Cyr recorded March 15, 2019 as Instrument No. 201903121, Yamhill County Records.

Warranty Deed from Sterling Hayes and Rebecca Hayes to Maria D. Ramos and Oscar Ramos recorded April 17, 2019 as Instrument No. 201904652, Yamhill County Records.

Bargain and Sale Deed from Dale R. Goldsmith and Christopher D. Goldsmith to Christopher D. Goldsmith recorded September 1, 2021 as Instrument No. 202117890, Yamhill County Records.

Warranty Deed from Robert B. Andrews and Mary R. Andrews to Kaed Wilcox recorded October 27, 2023 as Instrument No. 202309858, Yamhill County Records.

Warranty Deed from Dean Hurford, Trustee of the Robert F. Hurford Trust dated June 6, 1996 to Dean Hurford and Marcia Hurford recorded October 20, 2023 as Instrument No. 202309666 and re-recorded November 21, 2023 as Instrument No. 202310596, Yamhill County Records.

## DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of Company.**
  - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
  - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
  - (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
  - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
    - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
    - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
    - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
    - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
    - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
    - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
    - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

**LIMITATIONS OF LIABILITY**

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

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IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

July 25, 2025

Dean Hurford  
22001 NE Halsey  
Fairview, Oregon 97024

**RE: 1929 E Orchard Drive Triplex Project Narrative**

East Orchard Drive Triplexes proposes the development of three triplex buildings located in Newberg, Oregon along East Orchard Drive. The vacant 0.46-acre property will first be partitioned into three lots, with each lot accommodating one triplex. Using the middle housing land division process, each of these parent lots will be subdivided into three child lots for a total of nine lots, each containing a single unit from its respective triplex. The neighborhood is a combination of older and newer infill multi-family homes.

Area homes have no significant distinguishing architectural features. Landscaping is modest, consisting primarily of grass, bushes, or flower beds. A few significant trees have remained over time. The new triplexes will feature roof lines and front facades more consistent with the newer homes built in the neighborhood. While landscaping will be modest and consistent with area homes, it will be irrigated and maintained by homeowners.

E Orchard Drive is a private road that dead ends along the subject property. No on-street parking occurs in the neighborhood during normal times. The proposed triplexes will provide 18-feet of new pavement. The homes will meet the required 9 parking spaces plus have additional parking within their garages, resulting in no more impact beyond the average home in the area.

As per code, each triplex will have 5-foot side, 5-foot rear, and 20-foot front yard setbacks, with a zero-lot line along the common wall of each unit. Lot coverage is estimated to be 60%, which is the maximum allowed for triplexes. The structures are set back 20 feet from the private street with no sight-obscuring landscape or other features.

The project will meet Newberg's landscaping requirements. Approximately 30% of the area will be landscaped. No signage is planned within the project.

Triplexes are an outright permitted use within the R1 zoning district. The property is not located within any specialty sub-district. Proposed street frontage improvements are provided within the site plan design. In addition, a 15-foot access easement is provided as part of the project.

According to the 9th Edition of the ITE manual, the project would anticipate two peak hour trips per home – nine in the AM and nine in the PM – or a total of 18 daily peak hour trips for the entire project.

## **Criteria Narrative – Partition of Main Lot**

**A. Approval Criteria.** By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

- 1. The land division application shall conform to the requirements of this chapter;**

Proposed project complies.

- 2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;**

The subject property is zoned R-1. The 0.46-acre (20,037.6 SF) lot is being partitioned into three individual lots, each of which will contain one triplex. The proposed lots are 74' wide by 90' deep; 73' wide by 90' deep; and 77.51' wide by 90' deep, meeting the 5,000 SF minimum lot area within this zone (NMC 15.405.010). Each of the three lots created from the proposed partition will be partitioned further creating 3 child lots on each of the three parent lots resulting in total of nine individual lots. Each lot has over 20 feet of private road frontage meeting the minimum requirements of NMC 15.405.030 (2)(a). E Orchard Drive is an existing private street that will receive 18-feet of new pavement within the existing easement along the subject property frontage. Each new parent lot will have a lot coverage not exceeding the 60% allowed for triplexes within the R-1 zone (NMC 15.405.040 (B)(1)(a)(ii)).

Each triplex will have a front yard setback of 20 feet including the entrance of the garage, complying with NMC 15.410.020. Each lot has interior setbacks of five (5) feet except for along the common property line where units are attached meeting NMC 15.410.030(A) requirements.

Each proposed triplex will not exceed 35' in height as per NMC 15.415.020 (A)(1). A maximum of three units will be attached along a common property line. Entry

orientation will comply with NMC 15.415.020(2). Design of the project will also meet requirements of NMC 15.415.050(A)(1-3).

The outdoor and landscaping areas will meet NMC 15.420 provisions. Any potential exterior lighting will comply with NMC 15.425. All new utilities will be installed underground as per NMC 15.430. Residential garages meet required off-street parking requirements in 15.440.010 and 15.440.075.

**3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;**

The proposed project will comply with NMC 15.500. Each home will be served by City of Newberg water and sewer. Each lot has made provisions for stormwater runoff. All necessary easements have been provided for each lot. Necessary street/frontage improvements are identified on submitted plans.

**4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;**

The proposed plat name has been verified to satisfy ORS Chapter 92.

**5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development adopted at level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;**

The submitted plans and studies demonstrate that this standard can be met.

**6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;**

The proposed project will have the appropriate legal instrument in place to meet this standard.

**7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and**

Project development can show feasibility and therefore, has the ability to obtain all federal, state, and local required permits.

8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

The Application materials demonstrate the project's ability to make necessary improvements and meet legal conditions of approval.

### **Criteria Narrative – Parent Lot 1**

#### **Labeled as Lot 1 on Site Plan**

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

- 1. The land division application shall conform to the requirements of this chapter;**

Proposed project complies.

- 2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;**

The subject property is zoned R-1. The 0.15-acre (6,660 SF) lot is being partitioned into three individual child lots, each of which will contain one dwelling unit of a triplex. The child lots are 27' wide by 90' deep; 21' wide by 90' deep; and 26' wide by 90' deep, meeting the 1,500 SF minimum lot area within this zone (NMC 15.405.010). Each lot has at least 21 feet of private road frontage meeting the minimum requirements of NMC 15.405.030(2)(a). E Orchard Drive is an existing private street that will receive 18-feet of new pavement within the existing easement along the subject property frontage. The parent lot of the triplex has a lot coverage not exceeding the 60% allowed within the R-1 zone (NMC 15.405.040(B)(1)(a)(ii)).

Each dwelling unit will have a front yard setback of 20 feet including the entrance of the garage, complying with NMC 15.410.020. Each lot has Interior setbacks of five (5) feet except for along the common property line where units are attached meeting NMC 15.410.030(A) requirements.

Each proposed unit will not exceed 35' in height as per NMC 15.415.020(A)(1). A maximum of three units will be attached along a common property line. Entry orientation will comply with NMC 15.415.020(2). Design of the project will also meet requirements of NMC 15.415.050(A)(1-3).

The outdoor and landscaping areas will meet NMC 15.420 provisions. Any potential exterior lighting will comply with NMC 15.425. All new utilities will be installed underground as per NMC 15.430. Residential garages meet required off-street parking requirements in 15.440.010 and 15.440.075.

**3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;**

The proposed project will comply with NMC 15.500. Each home will be served by City of Newberg water and sewer. Each lot has made provisions for stormwater runoff. All necessary easements have been provided for each lot. Necessary street/frontage improvements are identified on submitted plans.

**4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;**

The proposed plat name has been verified to satisfy ORS Chapter 92.

**5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development adopted at level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;**

The submitted plans and studies demonstrate that this standard can be met.

**6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;**

The proposed project will have the appropriate legal instrument in place to meet this standard.

**7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and**

Project development can show feasibility and therefore, has the ability to obtain all federal, state, and local required permits.

**8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.**

The Application materials demonstrate the project's ability to make necessary improvements and meet legal conditions of approval.

**Criteria Narrative – Parent Lot 2**

**Labeled as Lot 2 on Site Plan**

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

**1. The land division application shall conform to the requirements of this chapter;**

Proposed project complies.

**2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;**

The subject property is zoned R-1. The 0.15-acre (6,570 SF) lot is being partitioned into three individual child lots, each of which will contain one dwelling unit of a triplex. The child lots are 26' wide by 90' deep; 21' wide by 90' deep; and 26' wide by 90' deep, meeting the 1,500 SF minimum lot area within this zone (NMC 15.405.010). Each lot has at least 21 feet of private road frontage meeting the minimum requirements of NMC 15.405.030(2)(a). E Orchard Drive is an existing private street that will receive 18-feet of new pavement within the existing easement along the subject property frontage. The parent lot of the triplex has a lot coverage not exceeding the 60% allowed within the R-1 zone (NMC 15.405.040(B)(1)(a)(ii)).

Each dwelling unit will have a front yard setback of 20 feet including the entrance of the garage, complying with NMC 15.410.020. Each lot has Interior

setbacks of five (5) feet except for along the common property line where units are attached meeting NMC 15.410.030(A) requirements.

Each proposed unit will not exceed 35' in height as per NMC 15.415.020(A)(1). A maximum of three units will be attached along a common property line. Entry orientation will comply with NMC 15.415.020(2). Design of the project will also meet requirements of NMC 15.415.050(A)(1-3).

The outdoor and landscaping areas will meet NMC 15.420 provisions. Any potential exterior lighting will comply with NMC 15.425. All new utilities will be installed underground as per NMC 15.430. Residential garages meet required off-street parking requirements in 15.440.010 and 15.440.075.

**3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;**

The proposed project will comply with NMC 15.500. Each home will be served by City of Newberg water and sewer. Each lot has made provisions for stormwater runoff. All necessary easements have been provided for each lot. Necessary street/frontage improvements are identified on submitted plans.

**4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;**

The proposed plat name has been verified to satisfy ORS Chapter 92.

**5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development adopted at level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;**

The submitted plans and studies demonstrate that this standard can be met.

**6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;**

The proposed project will have the appropriate legal instrument in place to meet this standard.

**7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and**

Project development can show feasibility and therefore, has the ability to obtain all federal, state, and local required permits.

**8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.**

The Application materials demonstrate the project's ability to make necessary improvements and meet legal conditions of approval.

**Criteria Narrative – Parent Lot 3**

**Labeled as Lot 3 on Site Plan**

**A. Approval Criteria.** By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

**1. The land division application shall conform to the requirements of this chapter;**

Proposed project complies.

**2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;**

The subject property is zoned R-1. The 0.16-acre (6,966 SF) lot is being partitioned into three individual child lots, each of which will contain one dwelling unit of a triplex. The child lots are 26' wide by 90' deep; 21' wide by 90' deep; and 30.25' wide by 90' deep, meeting the 1,500 SF minimum lot area within this zone (NMC 15.405.010). Each lot has at least 21 feet of private road frontage meeting the minimum requirements of NMC 15.405.030(2)(a). E Orchard Drive is an existing private street that will receive 18-feet of new pavement within the existing easement along the subject property frontage. The parent lot of the triplex has a lot coverage not exceeding the 60% allowed within the R-1 zone (NMC 15.405.040(B)(1)(a)(ii)).

Each dwelling unit will have a front yard setback of 20 feet including the entrance of the garage, complying with NMC 15.410.020. Each lot has Interior setbacks of five (5) feet except for along the common property line where units are attached meeting NMC 15.410.030(A) requirements.

Each proposed unit will not exceed 35' in height as per NMC 15.415.020(A)(1). A maximum of three units will be attached along a common property line. Entry orientation will comply with NMC 15.415.020(2). Design of the project will also meet requirements of NMC 15.415.050(A)(1-3).

The outdoor and landscaping areas will meet NMC 15.420 provisions. Any potential exterior lighting will comply with NMC 15.425. All new utilities will be installed underground as per NMC 15.430. Residential garages meet required off-street parking requirements in 15.440.010 and 15.440.075.

**3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;**

The proposed project will comply with NMC 15.500. Each home will be served by City of Newberg water and sewer. Each lot has made provisions for stormwater runoff. All necessary easements have been provided for each lot. Necessary street/frontage improvements are identified on submitted plans.

**4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;**

The proposed plat name has been verified to satisfy ORS Chapter 92.

**5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development adopted at level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;**

The submitted plans and studies demonstrate that this standard can be met.

**6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;**

The proposed project will have the appropriate legal instrument in place to meet this standard.

**7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and**

Project development can show feasibility and therefore, has the ability to obtain all federal, state, and local required permits.

**8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.**

The Application materials demonstrate the project's ability to make necessary improvements and meet legal conditions of approval.

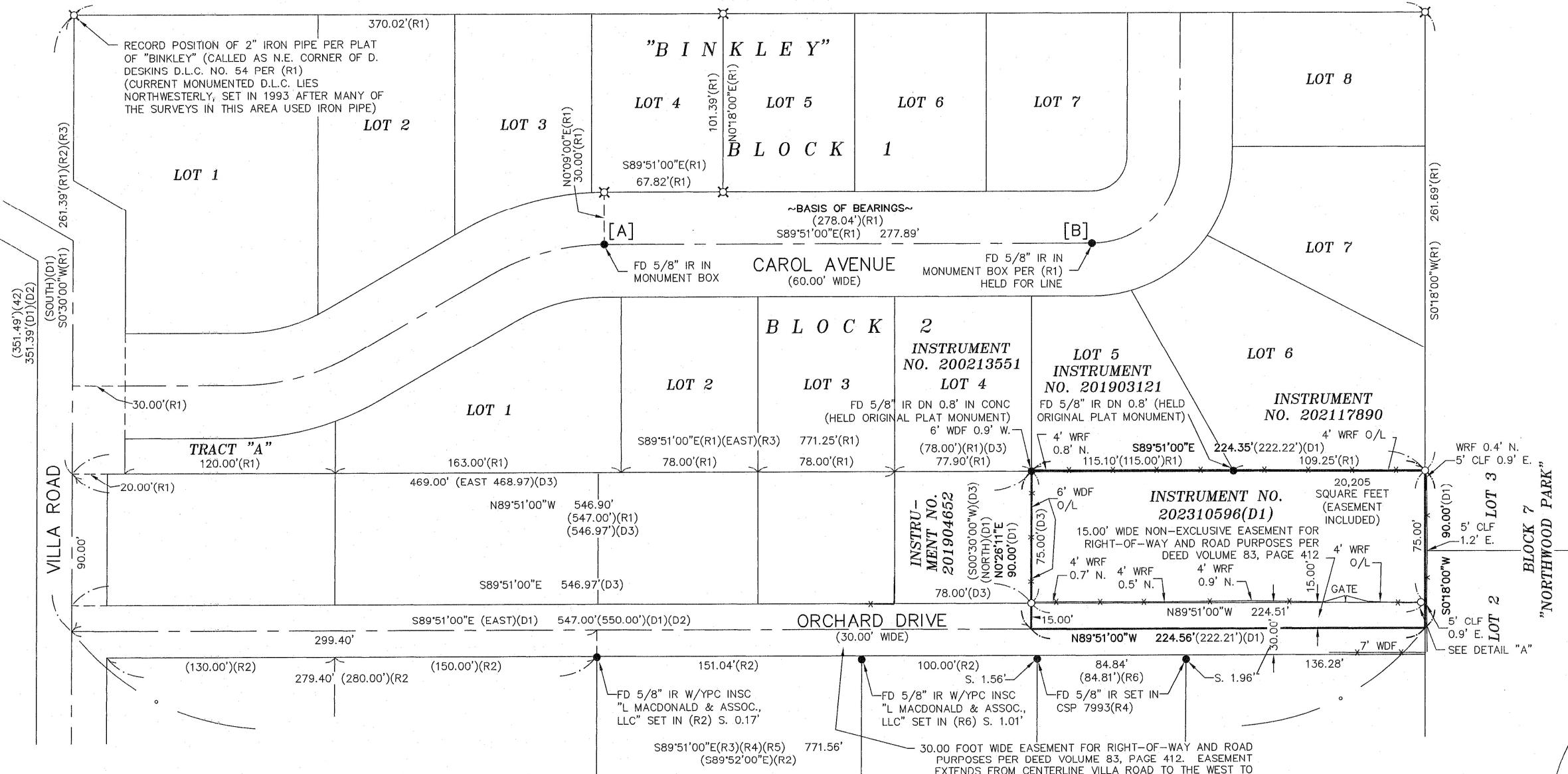
## RECORD OF SURVEY

LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 17,  
TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON

DATE: JULY 3, 2024

SURVEYED FOR: DEAN HURFORD  
17809 NE MARINE DR C10  
PORTLAND, OR 97230

S89°51'00"E(R1) 770.34'(R1)



## LEGEND

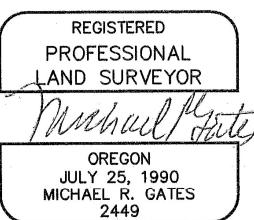
- FOUND MONUMENT AS NOTED
- SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "CMT PLS 2449" SET ON 5/17/2024
- ☒ CALCULATED POSITION NOT LOCATED AS A PART OF THIS SURVEY

— EXISTING FENCE  
WDF WOOD FENCE  
CLF CHAIN LINK FENCE  
WRF WIRE FENCE  
FD FOUND  
IR IRON ROD  
W/ WITH  
YPC YELLOW PLASTIC CAP  
INSC INSCRIBED  
DN DOWN  
(H) HELD  
(R#) REFERENCE SURVEY NUMBER OR PLAT NAME  
(OU) ORIGIN UNKNOWN  
CONC CONCRETE  
O/L ON LINE  
(NN.NN)(R#) RECORD DATA  
NN.NN(R#) MEASURED DATA HELD PER RECORD  
S. SOUTH  
E. EAST

## REFERENCES

- (R1) RECORD DATA PER PLAT OF "BINKLEY"  
(R2) RECORD DATA PER CSP 13636  
(R3) RECORD DATA PER CSP 4966  
(R4) RECORD DATA PER CSP 7933  
(R5) RECORD DATA PER CSP 8496  
(R6) RECORD DATA PER CSP 13107  
(D1) INSTRUMENT NO. 2023-09666 YAMHILL COUNT DEED RECORDS  
(D2) VOLUME 83 PAGE 412 YAMHILL COUNT DEED RECORDS  
(D3) INSTRUMENT NO. 2019-04652 YAMHILL COUNT DEED RECORDS

1. THE PURPOSE OF THIS SURVEY IS TO SURVEY AND MONUMENT THE BOUNDARIES OF THE PROPERTY DESCRIBED IN INSTRUMENT NO. 2023-09666, YAMHILL COUNTY DEED RECORDS.
2. AS THE BASIS OF BEARINGS FOR THIS SURVEY, I HELD CENTERLINE MONUMENTS SET ON THE CENTERLINE OF CAROL AVENUE AT [A] AND [B] AS SHOWN, TAKEN AS SOUTH 89°51'00" EAST PER PLAT OF "BINKLEY".
3. I ESTABLISHED THE BOUNDARIES OF THE PLAT OF "BINKLEY" AT RECORD LOCATION PER SAID PLAT AS SHOWN, HELD [A] AND BEARINGS AND DISTANCES PER SAID PLAT (R1) AS SHOWN.
4. I ESTABLISHED THE CENTERLINE OF ORCHARD DRIVE SOUTH 00°30'00" WEST FROM THE IRON PIPE MONUMENT CALLED AS THE N.E. CORNER OF D.L.C. NO. 54 PER SAID PLAT, AND SUBSEQUENT DEEDS AND SURVEYS AS SHOWN AT A DISTANCE OF 351.39'(R1).
5. FOR THE EAST LINE OF THE SUBJECT PROPERTY, I PROJECTED THE EAST LINE OF THE PLAT (R1) SOUTH 00°18'00" WEST AND INTERSECTED WITH THE CENTERLINE OF ORCHARD DRIVE (30.00' WIDE EASEMENT) WHICH ESTABLISHED THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY.
6. I FOUND AND HELD A 5/8" IRON ROD AS SHOWN AT THE SOUTHEAST CORNER OF LOT 4 "BINKLEY", CALLED AS NORTHEAST CORNER OF ADJACENT PROPERTY TO WEST PER INSTRUMENT NO. 2019-04652.
7. THE SOUTHEAST CORNER OF THE ADJACENT PROPERTY TO THE WEST LYING 546.97' FROM THE INTERSECTION OF THE NORTH LINE OF ORCHARD DRIVE WITH THE CENTERLINE OF VILLA ROAD PER (R1)(R2) AND THE NORTH LINE OF ORCHARD DRIVE CALCULATED PER (D3).
8. THE ESTABLISHED BOUNDARIES ARE CONFIRMED BY LINES OF OCCUPATION (FENCES) AS SHOWN..



EXPIRES: 6-30-25

SHEET 1 OF 1



CMT SURVEYING AND CONSULTING  
20330 SE HIGHWAY 212  
DAMASCUS, OR 97089  
PHONE (503) 850-4672 FAX (503) 850-4590  
Y:\500-1506\DWG\5001506ROS.DWG --RLLm

Elizabeth Randolph  
1809 Carol Ave  
Newberg OR 97132

Lawrence & Barbara Stock  
1813 Carol Ave  
Newberg OR 97132

John Thienes  
1817 Carol Ave  
Newberg OR 97132

Valerie Whitmore  
1901 Carol Ave  
Newberg OR 97132

Sharon Gstettenbauer  
1907 Carol Ave  
Newberg OR 97132

Judy Durkee  
1911 Carol Ave  
Newberg OR 97132

John Passaglia & Deborah Griffin-Passaglia  
17354 SW Brandyshire Ct  
Portland OR 97224

Aydelotte Beverly Trustee For  
1920 Carol Ave  
Newberg OR 97132

Christopher Goldsmith  
1916 Carol Ave  
Newberg OR 97132

Russell & Stephanie St Cyr  
1912 Carol Ave  
Newberg OR 97132

Kenneth & Linda Lewis  
1908 Carol Ave  
Newberg OR 97132

John & Kathleen Stein  
1900 Carol Ave  
Newberg OR 97132

John & Nancy Nielsen  
1816 Carol Ave  
Newberg OR 97132

Hansen Living Trust  
1808 Carol Ave  
Newberg OR 97132

Chandler & Newville Inc  
710 E Foothill Dr Ste 107  
Newberg OR 97132

Ryan & Kaitlyn Beckham  
1300 Villa Rd  
Newberg OR 97132

Chandler & Newville Inc  
710 E Foothill Dr Ste 107  
Newberg OR 97132

Ethan & Daniel McCracken  
1803 Orchard Dr  
Newberg OR 97132

Michael Nagel  
1903 Orchard Dr  
Newberg OR 97132

Michael Nagel  
1903 Orchard Dr  
Newberg OR 97132

Maria & Oscar Ramos  
1909 Orchard Dr  
Newberg OR 97132

Margaret Rathkey-Navia  
1954 Orchard Dr  
Newberg OR 97132

Ryan & Heather Adovnik  
1910 Orchard Dr  
Newberg OR 97132

Dale Smith  
1906 Orchard Dr  
Newberg OR 97132

Barbara Agnew  
23159 SW Greengate Pl  
Sherwood OR 97140

Matthew Hryciw  
1808 Carol Ave  
Newberg OR 97132

Kellyn & Justin MacKie  
1717 Haworth Ave  
Newberg OR 97132

Waters Edge Enterprises LLC  
1819 Haworth Ave  
Newberg OR 97132

Chehalem Park & Recreation District  
535 NE 5th St  
McMinnville OR 97128

Nicholas & Abigail Bennett  
2201 Willow Dr  
Newberg OR 97132

Newman Carol H Rev Trust  
4227 Sheldon Circle  
Pleasanton CA 94588

Clayton & Darlene Dawson  
1206 Sitka Ave  
Newberg OR 97132

Edward Roman-Dechenne & Rachel  
Lemke  
2200 Willow Dr  
Newberg OR 97132

Velma Williams  
2108 Willow Dr  
Newberg OR 97132

Michael Gattuso  
2104 Willow Dr  
Newberg OR 97132

Biggerstaff Living Trust  
2100 Willow Dr  
Newberg OR 97132

Mathai Family Trust  
1106 Sitka Ave  
Newberg OR 97132

Wayne & Kathy Melby  
1805 Oak Dr  
Newberg OR 97132

Nicholas & Alicia Sonne  
2103 Haworth Ave  
Newberg OR 97132

Kirissa Mayers & Randall Reed  
2105 Haworth Ave  
Newberg OR 97132

James & Lorissa Davies  
1828 Ann Ct  
Newberg OR 97132

McKenna Christian & Andrew  
Fleming  
2001 Carol Ave  
Newberg OR 97132

Deanna & Richard Crackel  
2201 Haworth Ave  
Newberg OR 97132

Antonio Cisneros  
2004 Carol Ave  
Newberg OR 97132

Randal & Janelle Nordyke  
2000 Carol Ave  
Newberg OR 97132

Bradley & Anne Beals  
1930 Carol Ave  
Newberg OR 97132

Nicholas Wall  
2203 Haworth Ave  
Newberg OR 97132

David Rightmire & Lydia Schramm  
1912 Carol Ann Dr  
Newberg OR 97132

John & Amy Natzke  
1900 Carol Ann Dr  
Newberg OR 97132

Chad Nutter  
1826 Carol Ann Dr  
Newberg OR 97132

Meredith Roybal  
1813 Ann Ct  
Newberg OR 97132

Peter & Carmen Brindell  
2200 Haworth Ave  
Newberg OR 97132

Hopp, Allan R Trustee  
PO Box 150  
Newberg OR 97132

Coty Landauer & Ashley Hamilton  
1011 Hulet Ave  
Newberg OR 97132

Andrea Navetta-Walters  
2104 Haworth Ave  
Newberg OR 97132

Melvin & Judith Scott  
2100 Haworth Ave  
Newberg OR 97132

Daniel Ehlers & Michelle Navette-  
Walters  
1012 Sitka Ave  
Newberg OR 97132

Eugene & Shawna Clark  
1010 Sitka Ave  
Newberg OR 97132

Miller Donald E & Linda S Rev Living  
Trust  
1009 Sitka Ave  
Newberg OR 97132

Rickson & Elisabeth Kisan  
1011 Sitka Ave  
Newberg OR 97132

Peter & Debbie Bernard  
2012 Haworth Ave  
Newberg OR 97132

Comella, Mark R Trustee  
19945 SW Edy Rd  
Sherwood OR

Kaed Wilcox  
1103 Sitka Ave  
Newberg OR 97132

Dean & Marcia Hurford  
17809 NE Marine Dr Unit C10  
Portland OR 97230

Rohr Rev Trust  
410 N College St  
Newberg OR 97132

Seth & Kristin Anderson  
2005 NE Chehalem Dr  
Newberg OR 97132

Robert & Judith Records  
2009 Hawthorne Loop  
Newberg OR 97132

Brian & Linda Mitchell  
1203 Sitka Ave  
Newberg OR 97132

Corrine Rice  
1205 Sitka Ave  
Newberg OR 97132

Byron & Sandra Voss  
1205 Hawthorne Loop  
Newberg OR 97132

Sturges, Paul D Trustee  
1906 Birch Ln  
Newberg OR 97132

Mather Richard G & Nancy J  
Trustees For  
1203 Hawthorne Lp  
Newberg OR 97132

Mather Richard G & Nancy J  
Trustees For  
1203 Hawthorne Lp  
Newberg OR 97132

Kelly & Peggy Johnson  
1201 Hawthorne Loop  
Newberg OR 97132

Gianettoni Jill I Trustee  
2004 Hawthorne Loop  
Newberg OR 97132

Gregg & Sandi Waalkes  
2006 Hawthorne Loop  
Newberg OR 97132

Carleen Jackson  
1200 Hawthorne Lp  
Newberg OR 97132

Christopher & Kendall Ekerson  
1202 Hawthorne Loop  
Newberg OR 97132

Steven & Jacqueline Topf  
1204 Hawthorne Loop  
Newberg OR 97132

Richard & Laura Comfort  
913 Hulet Ave  
Newberg OR 97132

Gary Rothman  
1380 SW Borland Rd  
West Linn OR 97068

Matt & Amy Washburn  
912 Sitka Ave  
Newberg OR 97132

Austin Richmond & Kendall  
Kangieser  
913 Sitka Ave  
Newberg OR 97132

Jennifer Kelley  
909 Sitka Ave  
Newberg OR 97132

Andrea & Matthew Weybright  
1930 Orchard Dr  
Newberg OR 97132

Yamhill County  
434 NE Evans St  
McMinnville OR 97128

John & Kathleen Stein  
1900 Carol Ave  
Newberg OR 97132

Sherry Beckmann  
1907 Haworth Ave  
Newberg OR 97132

Crane Linda S Rev Living Trust  
1921 Haworth Ave  
Newberg OR 97132

Joseph & Gladys Vetary  
1911 Haworth Ave  
Newberg OR 97132

Juan & Elvira Martinez  
1915 Haworth Ave  
Newberg OR 97132

Shelby & Patrick Nemecek  
16525 NE Mountain Home Rd  
Sherwood OR 97140

Dale Smith  
1906 Orchard Dr  
Newberg OR 97132

# EAST ORCHARD DRIVE TRIPLEXES

## PRELIMINARY SITE PLAN

NEWBERG, OR 97132

CIVIL LEGEND			
EXISTING	PROPOSED	EXISTING	PROPOSED
DECIDUOUS TREE	●	STORM SEWER CLEAN OUT	○
CONIFEROUS TREE	★	STORM SEWER AREA DRAIN	□
FIRE HYDRANT	○	STORM SEWER CATCH BASIN	■
WATER BLOWOFF	○	STORM SEWER MANHOLE	◎
WATER METER	□	GAS METER	□
WATER VALVE	■	GAS VALVE	□
DOUBLE CHECK VALVE	×	GUY WIRE ANCHOR	□
AIR RELEASE VALVE	○	POWER POLE	○
SANITARY SEWER CLEAN OUT	○	POWER VAULT	□
SANITARY SEWER MANHOLE	◎	POWER JUNCTION BOX	□
SIGN	●	POWER PEDESTAL	□
LIGHT POLE	○	COMMUNICATIONS VAULT	□
TENNIS NET POST	○	COMMUNICATIONS JUNCTION BOX	□
		COMMUNICATIONS RISER	●
ABBREVIATIONS			
TC	TOP OF CURB	P.O.B.	POINT OF BEGINNING
BC	BOTTOM OF CURB	P.O.E.	POINT OF ENDING
TP	TOP OF PAVEMENT	P.O.R.B.	POINT OF RADIUS BEGINNING
PC	POINT OF CURVATURE	P.O.R.E.	POINT OF RADIUS END
PT	POINT OF TANGENT	A.P.	ANGLE POINT
EXISTING		PROPOSED	
ASPHALT			
CONCRETE PAVEMENT			
RAIN GARDEN			
EXISTING		PROPOSED	
RIGHT-OF-WAY LINE			
BOUNDARY LINE			
PROPERTY LINE			
CENTERLINE			
DITCH			
SIDEWALK			
CURB			
EDGE OF PAVEMENT			
EASEMENT			
FENCE LINE			
SILT FENCE			
HIGH VISIBILITY FENCE			
POWER LINE			
OVERHEAD WIRE			
COMMUNICATIONS LINE			
FIBER OPTIC LINE			
GAS LINE			
STORM SEWER LINE			
SANITARY SEWER LINE			
WATER LINE			
INFILTRATION TRENCH			
UNDERGROUND ELECTRIC			



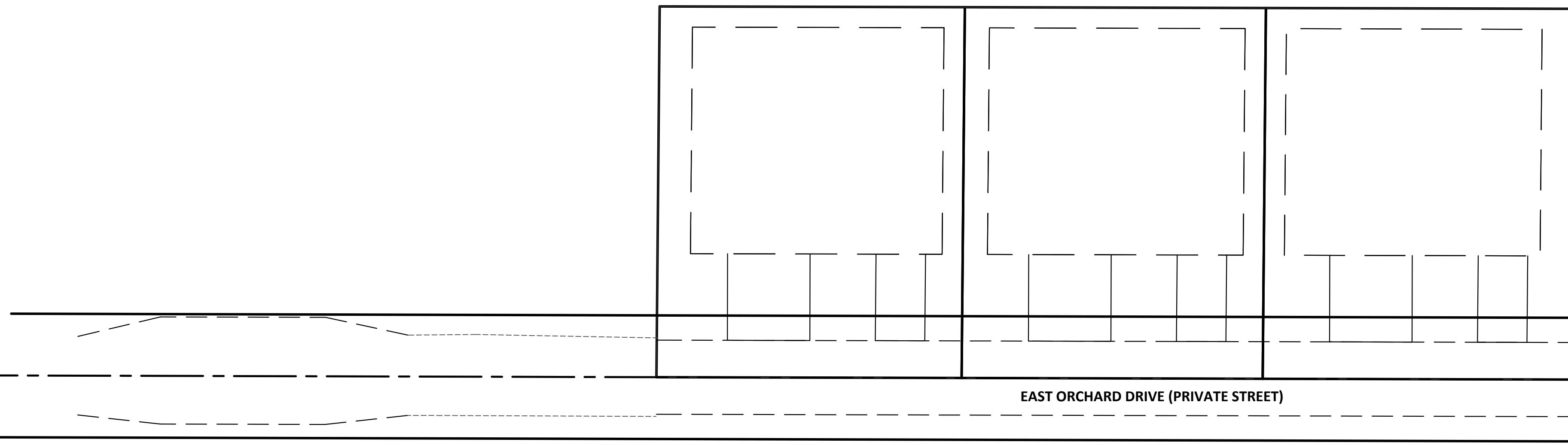
Know what's below.  
811 before you dig.

**OWNER/APPLICANT**  
DEAN HURFORD  
22001 NE HALSEY  
FAIRVIEW, OR 97024  
(503)-730-7339  
DEANHURE@YAHOO.COM

**PROJECT ENGINEER**  
JACKSON CIVIL ENGINEERING, LLC  
CONTACT: DEVIN JACKSON, P.E.  
1415 GRAND BLVD  
VANCOUVER, WA 98661  
(360)-723-0381  
DEVIN@JACKSONCIVIL.COM

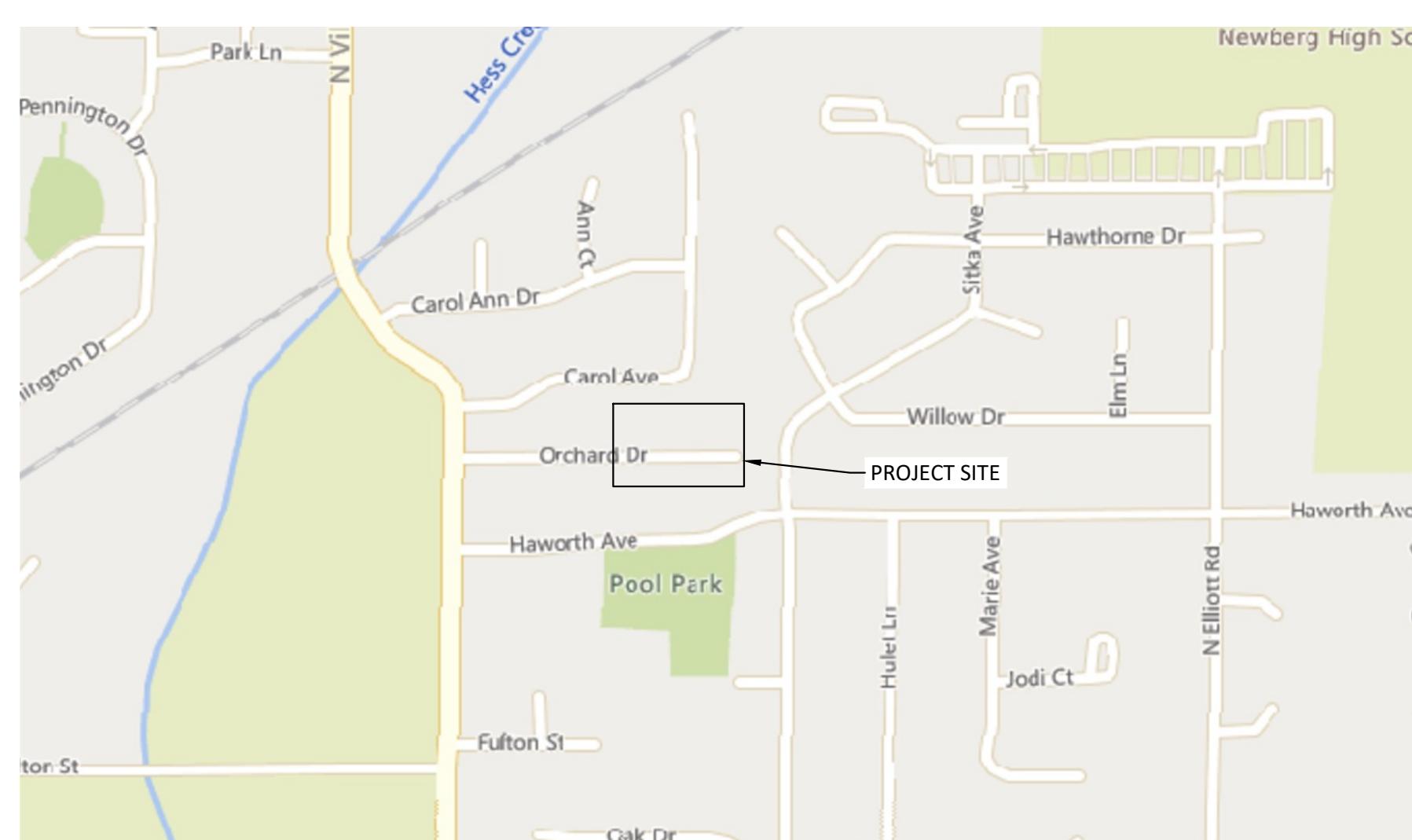
**BENCHMARK**  
LOCAL DATUM WAS ESTABLISHED BY GPS  
STATIC OBSERVATION, NAVD 88, A  
TEMPORARY BENCHMARK, AND A NAIL  
SET IN ASPHALT, ELEVATION = 213.46.

**SITE INFORMATION**  
TAX MAP ID: R3217CA 00501  
SIZE OF SITE: 0.46 ACRES (20,040  
SF)  
ADDRESS: 1929 E ORCHARD DRIVE  
NEWBERG, OR 97132  
**ZONING**  
R-1 (LOW DENSITY RESIDENTIAL)



### SITE MAP

SCALE: 1"= 20'



### VICINITY MAP

SCALE: NTS

### SHEET INDEX

SHEET NUMBER	SHEET TITLE
P1.0	PLANNING COVER SHEET
P3.0	PRELIMINARY PLAT PARENT LOT
P3.1	PRELIMINARY PLAT CHILD LOT
P3.2	PRELIMINARY PLAT CHILD LOT
P3.3	PRELIMINARY PLAT CHILD LOT
P4.0	SITE PLAN
P5.0	STREET FRONTAGE IMPROVEMENT PLAN
P6.0	STORMWATER PLAN
P7.0	SANITARY SEWER AND WATER PLAN
FS-1	FIRE SERVICE PLAN

NOT FOR CONSTRUCTION

**JACKSON**  
CIVIL

P: (360) 723-0381  
www.jacksoncivil.com  
1415 GRAND BLVD  
VANCOUVER, WA  
98661

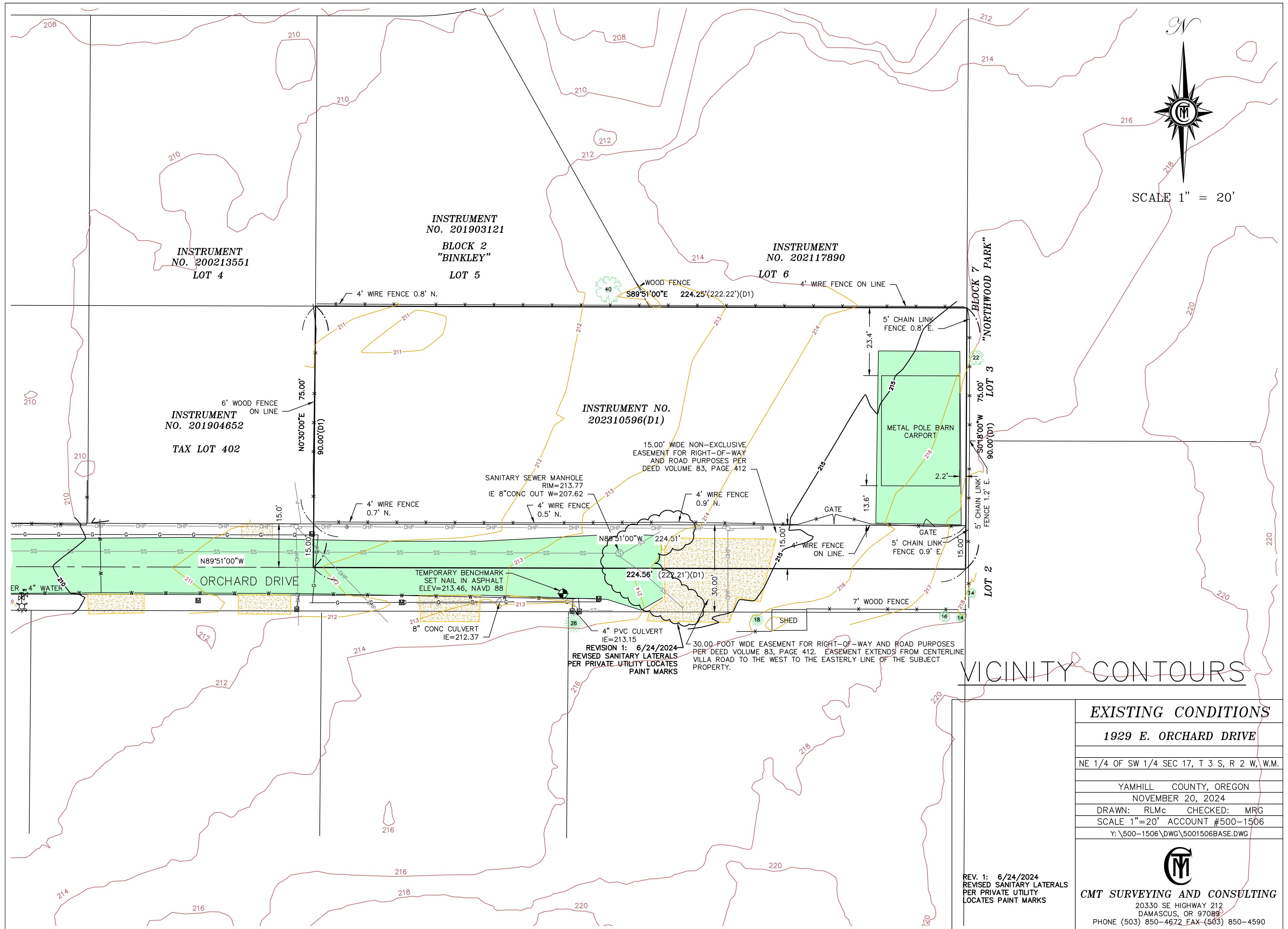
PLANNING COVER SHEET

EAST ORCHARD DRIVE  
TRIPLEXES

NEWBERG

DRAWN BY: HJR  
CHECKED BY: DEJ  
DATE: 06/30/27  
REGISTERED PROFESSIONAL  
ENGINEER  
STATE OF OREGON  
No. 90913PE  
P. DEJ  
CARL JACKSON  
EXPIRES: 06/30/27

JOB NUMBER  
0061  
SHEET  
P1.0



## CIVIL LEGEND

BUILDING ENVELOPE	— — —
PROPOSED PROPERTY LINE	— — —
BOUNDARY LINE	— — —
ACCESS EASEMENT	- - -
SEWER EASEMENT	- - -

## SETBACK TABLE

SETBACK	SETBACK PROVIDED (FT)
SIDE (INTERIOR)	5'-0"
SIDE (INTERIOR)	8'-0"
SIDE (INTERIOR)	10'-6"
SIDE (EXTERIOR)	5'-0"

## LAND USE SUMMARY

LAND USE TYPE	AREA (SF)
GROSS AREA	20,196 SF
DISTURBED AREA	14,212 SF
IMPERVIOUS AREA	14,212 SF
PERVIOUS AREA	5,984 SF

## LOT USAGE

LOT USE	AREA (SF)	LOT COVERAGE (%)
BUILDING	10,175 SF	50%
DRIVEWAY	2,016 SF	10%
LANDSCAPING	5,984 SF	30%
ROADWAY	2,021 SF	10%

## LOT PARKING SUMMARY

ITEM	QUANTITY PER PARENT LOT
RESIDENTIAL UNITS	3
PARKING SPACES	6
GARAGE	3

## PRELIMINARY PLAT PARENT LOT

## EAST ORCHARD DRIVE TRIPLEXES

## NEWBERG

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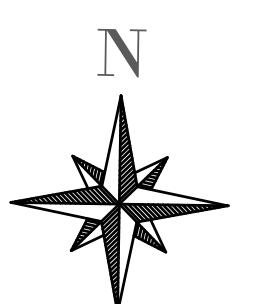
P3.0

JOB NUMBER

0061

SHEET

P3.0



0 5 10  
Feet

R3217CA 00500

R3217CA 00502

R3217CA 00600

## SITE PLAN

Know what's below.  
811 before you dig.NO. 200213551  
LOT 4NO. 201903121  
LOT 5NO. 202117890  
LOT 6

N89°51'00"W 74.00'

N89°51'00"W 73.00'

N89°51'00"W 77.25'

SIDE (INTERIOR) 8'-0"

SIDE (INTERIOR) 5'-0" (TYP.)

SIDE (EXTERIOR) 5'-0" (TYP.)

UTILITY EASEMENT  
7'-0"

LOT 3

SIDE (INTERIOR) 10'-6"

LOT 2

1  
6,660 SF±2  
6,570 SF±3  
6,966 SF±NO. 201904652  
TAX LOT 402

SO 3000.00'W 90.00'

SO 3000.00'E 90.00'

SO 3000.00'W 90.00'

NO 1800.00'E 90.00'

ACCESS EASEMENT  
15'-0"

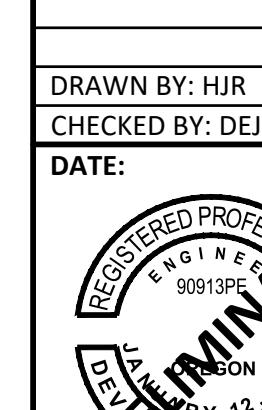
BOUNDARY LINE

S89°51'00"E 74.00'

S89°51'00"E 73.00'

S89°51'00"E 77.56'

EAST ORCHARD DRIVE (PRIVATE STREET)



EXPIRES: 06/30/27

90913PE

E. GENE

F. RY

CARL JACKSON

PREFLIMINARY

12-12-2027

0061

CIVIL LEGEND	
BUILDING ENVELOPE	— — —
PROPOSED PROPERTY LINE	— — —
BOUNDARY LINE	— — —
ACCESS EASEMENT	- - - - -
SEWER EASEMENT	- - - - -

C1 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,430 SF	-
DISTURBED	1,497 SF	-
IMPERVIOUS	1,497 SF	-
PERVIOUS	933 SF	-
BUILDING	1,045 SF	43%
DRIVEWAY	209 SF	9%
LANDSCAPING	933 SF	38%
ROADWAY (E ORCHARD DRIVE)	243 SF	10%

C2 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	1,890 SF	-
DISTURBED	1,555 SF	-
IMPERVIOUS	1,555 SF	-
PERVIOUS	335 SF	-
BUILDING	1,155 SF	61%
DRIVEWAY	211 SF	11%
LANDSCAPING	335 SF	18%
ROADWAY (E ORCHARD DRIVE)	189 SF	10%

C3 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,340 SF	-
DISTURBED	1,746 SF	-
IMPERVIOUS	1,641 SF	-
PERVIOUS	699 SF	-
BUILDING	1,155 SF	49%
DRIVEWAY	252 SF	11%
LANDSCAPING	699 SF	30%
ROADWAY (E ORCHARD DRIVE)	234 SF	10%

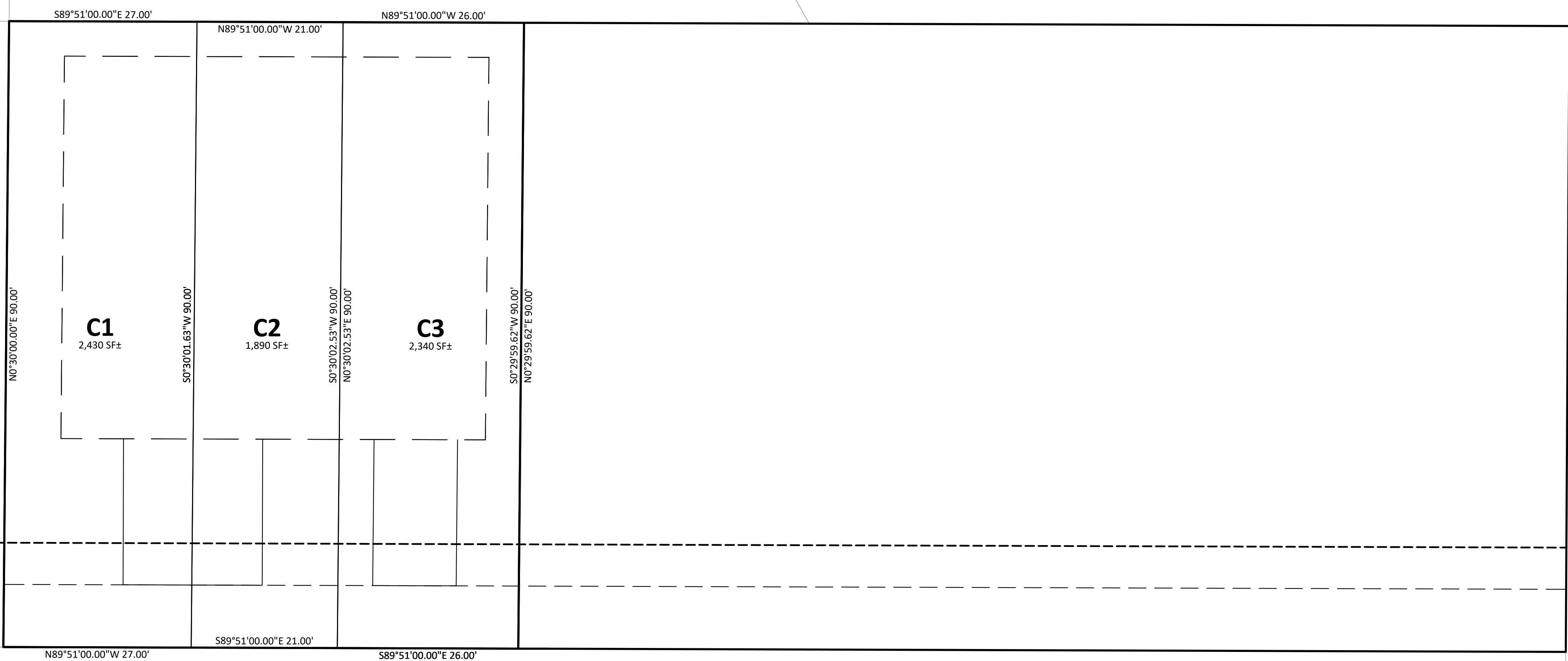
LOT PARKING SUMMARY	
ITEM	QUANTITY PER CHILD LOT
RESIDENTIAL UNITS	1
PARKING SPACES	2
GARAGE	1

NO. 200213551  
LOT 4

NO. 201903121  
LOT 5

NO. 202117890  
LOT 6

NO. 201904652  
TAX LOT 402



R3217CA 00600

R3217CA 00502

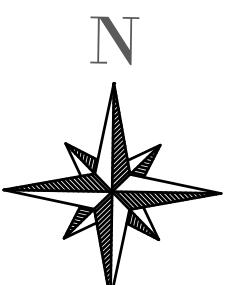
R3217CA 00500



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### SITE PLAN

0 5 10 Feet



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REGISTERED PROFESSIONAL  
ENGINEER  
CARL JACKSON  
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EXPIRES: 06/30/27

JOB NUMBER  
0061  
SHEET

P3.1

PRELIMINARY PLAT CHILD LOT

NEWBERG

EAST ORCHARD DRIVE  
TRIPLEXES

OR

CIVIL LEGEND	
BUILDING ENVELOPE	—
PROPOSED PROPERTY LINE	—
BOUNDARY LINE	—
ACCESS EASEMENT	- - -
SEWER EASEMENT	- - - -

C4 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,340 SF	-
DISTURBED	1,543 SF	-
IMPERVIOUS	1,543 SF	-
PERVIOUS	797 SF	-
BUILDING	1,100 SF	47%
DRIVEWAY	209 SF	9%
LANDSCAPING	797 SF	34%
ROADWAY (E ORCHARD DRIVE)	234 SF	10%

C5 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	1,890 SF	-
DISTURBED	1,555 SF	-
IMPERVIOUS	1,555 SF	-
PERVIOUS	335 SF	-
BUILDING	1,155 SF	61%
DRIVEWAY	211 SF	11%
LANDSCAPING	335 SF	18%
ROADWAY (E ORCHARD DRIVE)	189 SF	10%

C6 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,340 SF	-
DISTURBED	1,746 SF	-
IMPERVIOUS	1,641 SF	-
PERVIOUS	699 SF	-
BUILDING	1,155 SF	49%
DRIVEWAY	252 SF	11%
LANDSCAPING	699 SF	30%
ROADWAY (E ORCHARD DRIVE)	243 SF	10%

LOT PARKING SUMMARY	
ITEM	QUANTITY PER CHILD LOT
RESIDENTIAL UNITS	1
PARKING SPACES	2
GARAGE	1

NO. 200213551  
LOT 4

NO. 201903121  
LOT 5

NO. 202117890  
LOT 6

NO. 201904652  
TAX LOT 402

ACCESS EASEMENT  
15'-0"

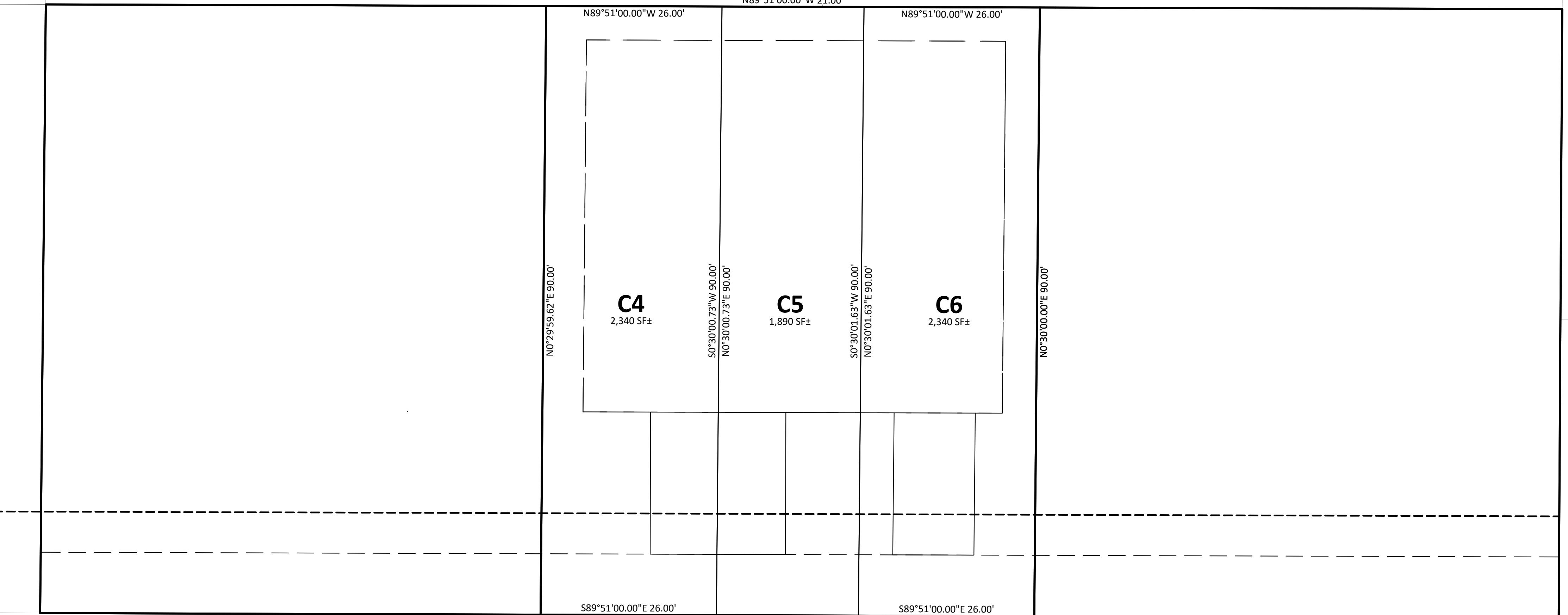
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R3217CA 00502

R3217CA 00500

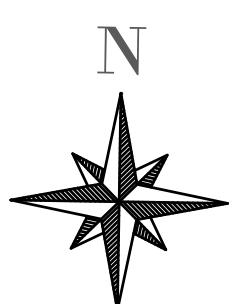


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SITE PLAN

0 5 10 Feet



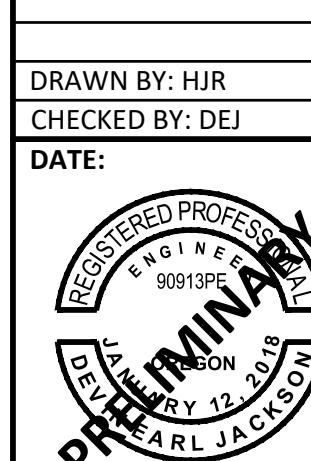
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PRELIMINARY PLAT CHILD LOT  
OR

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EXPIRES: 06/30/27

DATE: 06/20/27

REGISTERED PROFESSIONAL  
ENGINEER  
STATE OF WASHINGTON  
90913PE

EXPIRES: 06/30/27

JOB NUMBER  
0061

SHEET  
P3.2

CIVIL LEGEND	
BUILDING ENVELOPE	— — —
PROPOSED PROPERTY LINE	— — —
BOUNDARY LINE	— — —
ACCESS EASEMENT	- - - - -
SEWER EASEMENT	- - - - -

C7 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,340 SF	-
DISTURBED	1,598 SF	-
IMPERVIOUS	1,598 SF	-
PERVIOUS	742 SF	-
BUILDING	1,155 SF	49%
DRIVEWAY	209 SF	9%
LANDSCAPING	742 SF	32%
ROADWAY (E ORCHARD DRIVE)	234 SF	10%

C8 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	1,890 SF	-
DISTURBED	1,555 SF	-
IMPERVIOUS	1,555 SF	-
PERVIOUS	335 SF	-
BUILDING	1,155 SF	61%
DRIVEWAY	211 SF	11%
LANDSCAPING	335 SF	18%
ROADWAY (E ORCHARD DRIVE)	189 SF	10%

C9 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	2,736 SF	-
DISTURBED	1,732 SF	-
IMPERVIOUS	1,627 SF	-
PERVIOUS	1,109 SF	-
BUILDING	1,100 SF	40%
DRIVEWAY	252 SF	9%
LANDSCAPING	1,109 SF	41%
ROADWAY (E ORCHARD DRIVE)	275 SF	10%

LOT PARKING SUMMARY	
ITEM	QUANTITY PER CHILD LOT
RESIDENTIAL UNITS	1
PARKING SPACES	2
GARAGE	1

NO. 200213551  
LOT 4

NO. 201903121  
LOT 5

NO. 202117890  
LOT 6

NO. 201904652  
TAX LOT 402

ACCESS EASEMENT  
15'-0"

ACCESS EASEMENT  
15'-0"

R3217CA 00600

R3217CA 00502

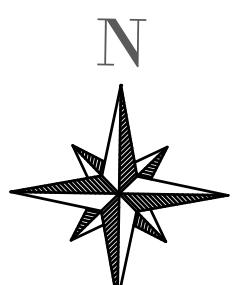
R3217CA 00500



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### SITE PLAN

0 5 10 Feet



NOT FOR CONSTRUCTION

PRELIMINARY PLAT CHILD LOT  
OR

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VANCOUVER, WA  
98661

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REGISTERED PROFESSIONAL  
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CARL JACKSON  
EXPIRES: 06/30/27

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0061  
SHEET  
P3.3

**GENERAL SITE NOTES**

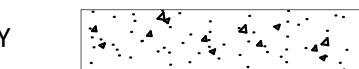
1. SITE ACCESS SHALL BE FROM EAST ORCHARD DRIVE.
2. THE TRIPLEXES SHALL HAVE A 15' ACCESS EASEMENT.
3. DRIVEWAYS SHALL BE PAVED WITH CEMENT CONCRETE.
4. THERE ARE NO KNOWN WETLANDS, FLOOD PLAINS, SHORELINE AREAS, WATER BODIES, SIGNIFICANT HABITAT, OR SIGNIFICANT HISTORIC SITES KNOWN ON SITE.

**LEGEND**

PROPOSED ASPHALT PAVEMENT



PROPOSED PAVED CONCRETE DRIVEWAY



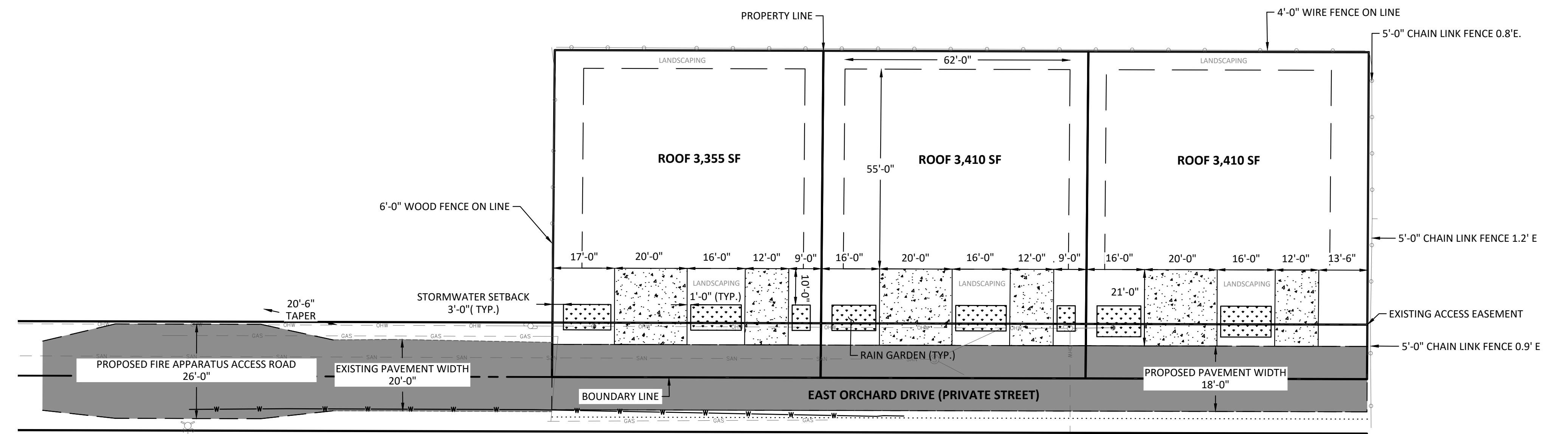
RAIN GARDEN



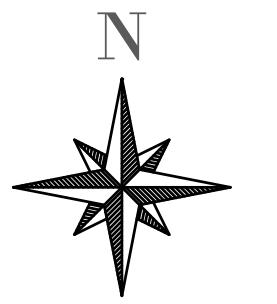
SITE PLAN

EAST ORCHARD DRIVE  
TRIPLEXES

NEWBERG

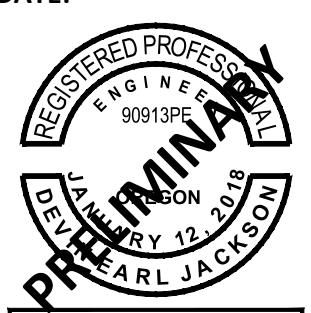
**SITE PLAN**

0 10 20 Feet



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VANCOUVER, WA  
98661DRAWN BY: HJR  
CHECKED BY: DEJ  
DATE:

EXPIRES: 06/30/27

**GENERAL NOTES**

- FRONTAGE IMPROVEMENTS SHALL MEET YAMHILL COUNTY AND THE CITY OF NEWBERG STANDARDS, WHERE A CONFLICT BETWEEN STANDARDS EXISTS APPLICANT SHALL WORK WITH BOTH MUNICIPALITIES TO RESOLVE.
- EXISTING UTILITIES MUST BE PROTECTED.
- EXTEND DRIVEWAY TO THE EDGE OF PROPERTY BOUNDARY.

**LEGEND**

PROPOSED ASPHALT PAVEMENT

**KEYED CONSTRUCTION NOTES** #

- PLACE AND COMPACT 3" OF HMA.

**STREET FRONTAGE IMPROVEMENT PLAN**

OR

**EAST ORCHARD DRIVE TRIPLEXES**

NEWBERG

**JACKSON CIVIL**

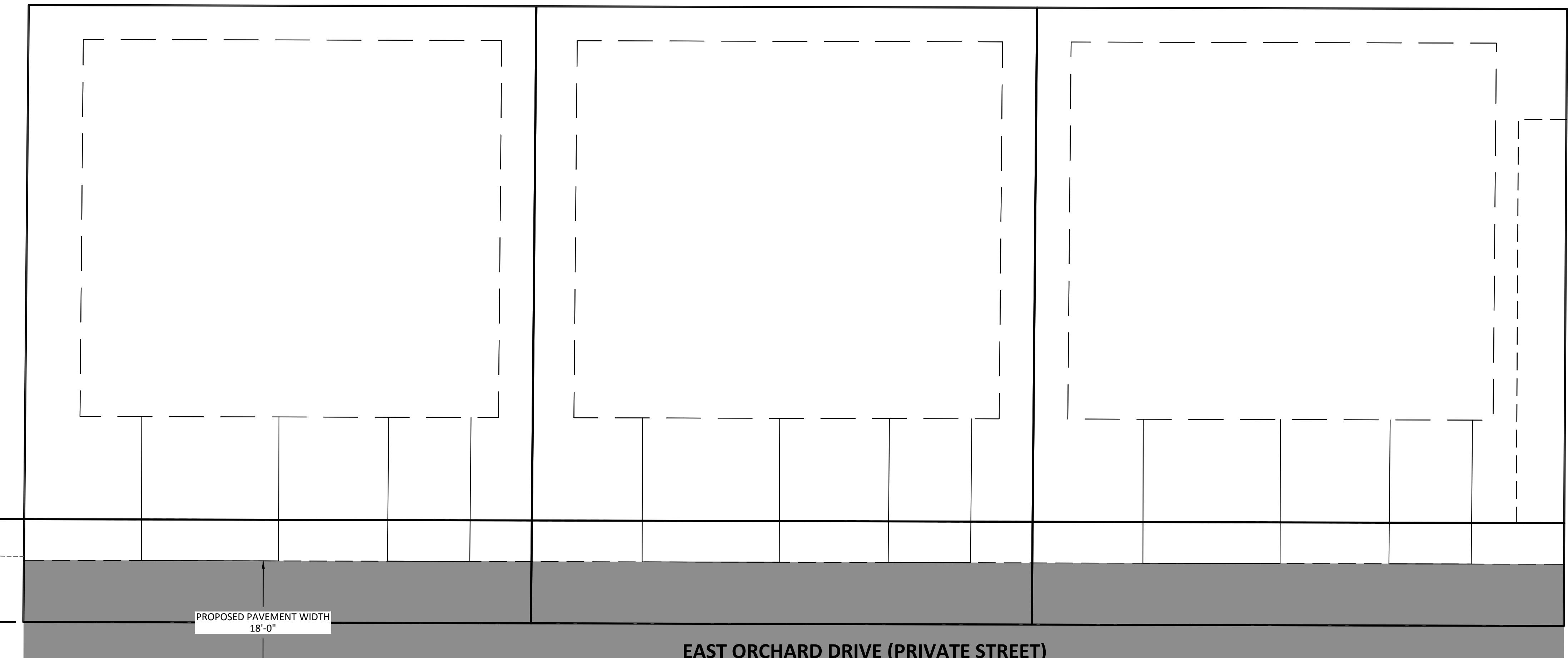
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VANCOUVER, WA

98661

**SITE PLAN**

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OR

**EAST ORCHARD DRIVE TRIPLEXES**

NEWBERG

DRAWN BY: HJR

CHECKED BY: DEJ

DATE:

JOB NUMBER  
0061

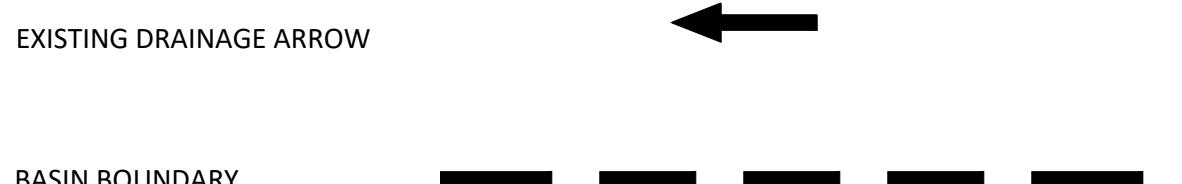
SHEET

**P5.0**

## GENERAL SITE NOTES

- ALL PROPOSED STORMWATER FACILITIES SHALL BE PRIVATELY OWNED AND MAINTAINED.
- WATER QUALITY TREATMENT SHALL BE PROVIDED FOR IMPERVIOUS ROADWAY AND DRIVEWAY SURFACES BY MECHANICAL FILTERS.
- THERE ARE NO KNOWN WETLANDS ON SITE.
- STORMWATER RUNOFF FROM ROOF AREAS SHALL BE INFILTRATED USING PRIVATE FACILITIES.

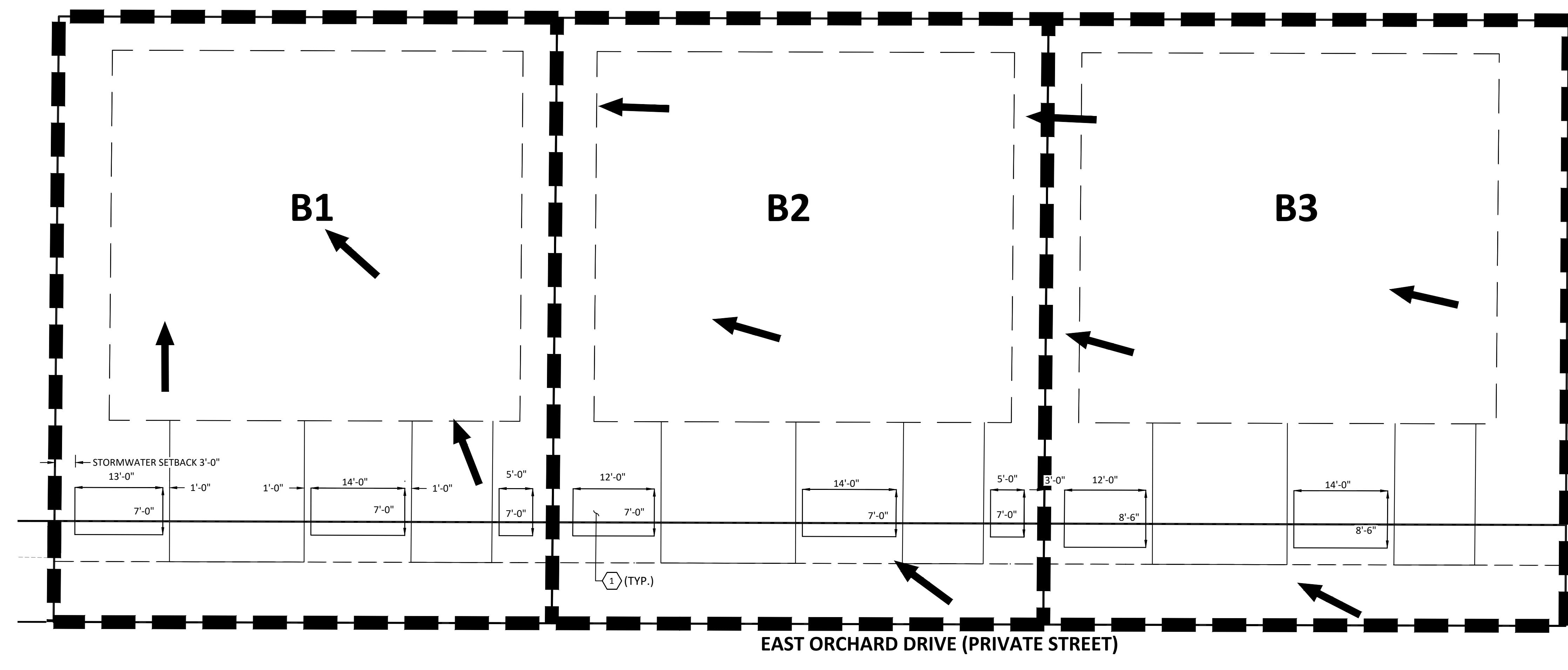
## CIVIL LEGEND



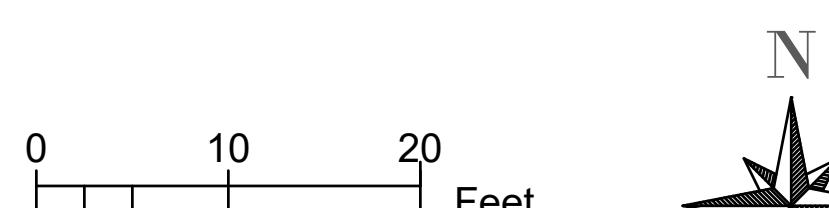
## KEYED CONSTRUCTION NOTES

- INSTALL RAIN GARDEN. SEE DETAIL ON THIS SHEET.

PROPOSED LAND USE					
BASIN	ROOF	PAVEMENT	CONCRETE	IMPERVIOUS	PERVIOUS
B1	3,355 SF	666 SF	672 SF	4,693 SF	1,967 SF
B2	3,410 SF	657 SF	672 SF	4,739 SF	1,831 SF
B3	3,410 SF	698 SF	672 SF	4,780 SF	2,186 SF



## SITE PLAN



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## DESIGN STEPS FOR LIDA FACILITIES:

- DETERMINE THE IMPERVIOUS AREA REQUIRING TREATMENT. REFER TO CHAPTER 4 OF THE STANDARD DESIGN MANUAL FOR ASSISTANCE IN DETERMINING OR CALCULATING THE IMPERVIOUS AREA REQUIRING TREATMENT.
- DEDUCT IMPERVIOUS AREA LIDA CREDITS. DEDUCT THE SITE AREAS DESIGNED WITH POROUS PAVEMENT OR GREEN ROOFS FROM THE IMPERVIOUS AREA CALCULATED IN STEP 1.
- IF NEEDED, DESIGN WATER QUALITY/ QUANTITY FACILITIES FOR REMAINING UNTREATED IMPERVIOUS AREA. SIZING FACTORS FOR INFILTRATION BASED LIDA'S ASSUME EXISTING SOIL UNFACTORED INFILTRATION RATE IS GREATER THAN 2 INCHES PER HOUR. EACH FACILITY MUST BE SIZED FOR THE AMOUNT OF IMPERVIOUS AREA DRAINING ONTO IT.
- THE SIZING FACTORS NOTED IN THIS SECTION ARE TO BE USED TO SIZE EACH LIDA FACILITY TREATING RUNOFF FROM A MAXIMUM OF 15,000 SQUARE FEET OF IMPERVIOUS AREA IN EACH FACILITY. FOR LARGE DEVELOPMENT SITES AND IMPERVIOUS AREAS, A REGIONAL WATER QUALITY/ QUANTITY FACILITY (VEGETATED SWALE, EXTENDED DRY BASIN OR CONSTRUCTED WATER QUALITY WETLAND) OR PROPRIETARY FACILITY MAY BE APPROPRIATE, AS DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER.

## GENERAL NOTES:

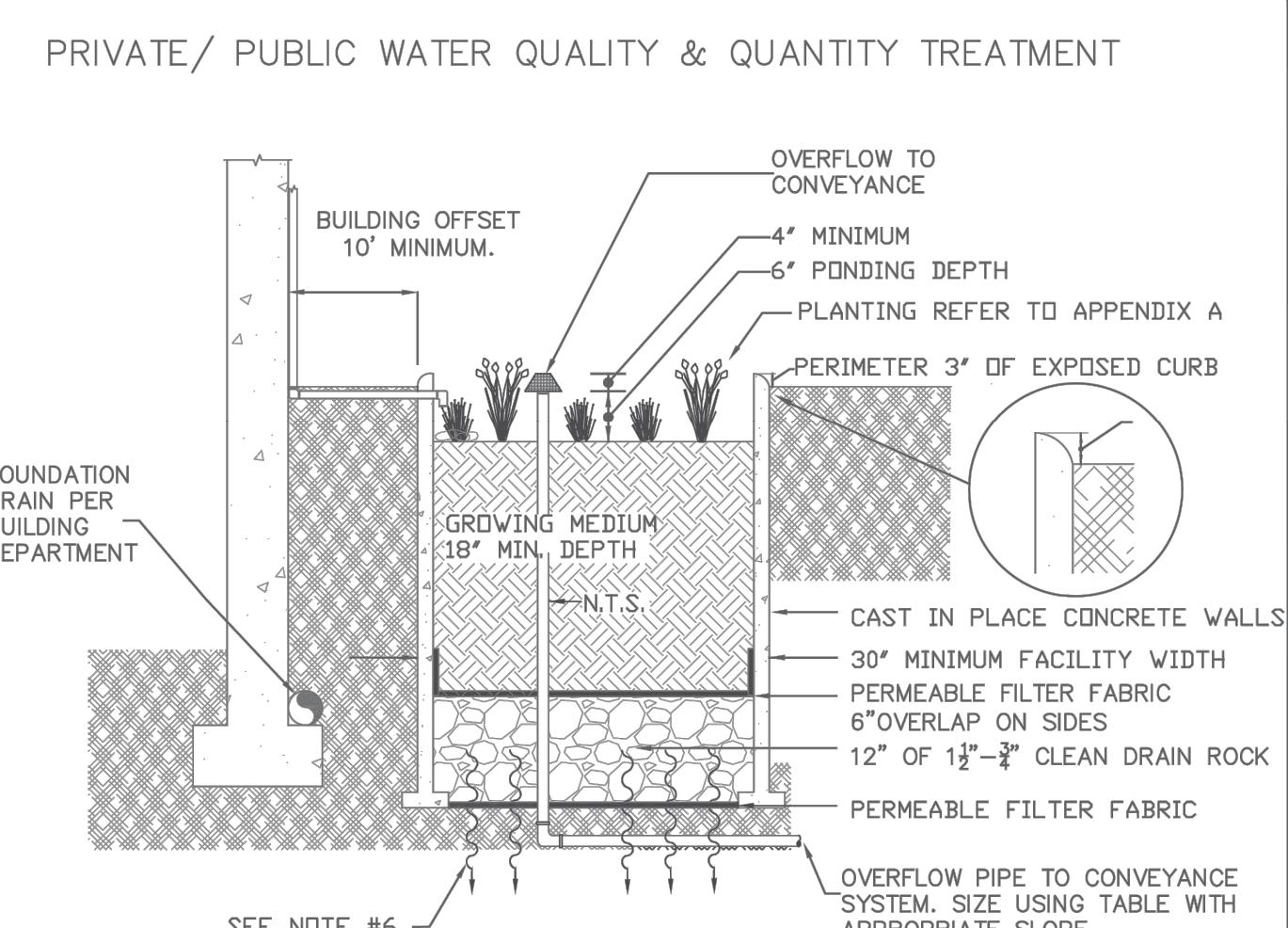
- FOR PLANTING REQUIREMENTS REFERENCE APPENDIX A OF THE STANDARD DESIGN MANUAL.
- FOR FACILITY SIZING REFERENCE STANDARD DRAWING NO. 451, LIDA SIZING FORM.
- ENERGY DISSIPATORS REQUIRED AT ALL DISCHARGE POINTS INTO THE FACILITY, MINIMUM OF 18"X18"X 6" DEEP, 4" TO 6" CLEAN ANGULAR RIPRAP.
- DISCHARGES INTO NATIVE SOILS WILL REQUIRE INFILTRATION TESTING COMPLETED BY A REGISTERED DESIGN PROFESSIONAL.

## GROWING MEDIUM NOTES:

THE GROWING MEDIUM SHALL BE ONE THIRD ORGANIC COMPOST, ONE THIRD GRAVELY SAND AND ONE THIRD TOP SOIL.

- ORGANIC COMPOST SHALL BE THE RESULT OF BIOLOGICAL DEGRADATION AND TRANSFORMATION OF PLANT DERIVED MATERIALS UNDER CONDITIONS DESIGNED TO PROMOTE AEROBIC DECOMPOSITION, FREE OF VIABLE WEED SEEDS AND STABLE WITH REGARD TO OXYGEN CONSUMPTION AND CARBON DIOXIDE GENERATION, AND OTHERWISE CONFORMING TO THE US COMPOSTING COUNCIL STA COMPOST TECHNICAL DATA SHEET; WWW.COMPOSTINGCOUNCIL.ORG.
- GRAVELY SAND SHALL BE 1" MINUS IN CONFORMANCE WITH ASTM C117/C136 (AASHTO T11/T27) STANDARDS WITH A COEFFICIENT OF UNIFORMITY (D60/D10) EQUAL TO OR GREATER THAN 6.
- TOP SOIL SHALL BE FREE OF WOOD PIECES, PLASTIC, AND OTHER FOREIGN MATTER, CHEMICAL AND BIOLOGICAL POLLUTANTS, AND CONTAIN NO VISIBLE FREE WATER.

City of Newberg	REVISIONS:	SCALE: N.T.S.
PUBLIC WORKS ENGINEERING DIVISION 414 E. FIRST STREET NEWBERG, OR 97132 PHONE: 503-537-1277 FAX: 503-537-1277		DATE: MARCH 2014
	APPROVED BY: JAY H.	STANDARD DRAWING 450



OVERFLOW PIPE SIZE(1/8 in./ft. SLOPE)	
MAX PROJECT ROOF AREA (ft.)	OVERFLOW PIPE SIZE (in.)
822	3
1,480	4
3,340	6

OVERFLOW PIPE SIZE(1/4 in./ft. SLOPE)	
MAX PROJECT ROOF AREA (ft.)	OVERFLOW PIPE SIZE (in.)
1,180	3
2,850	4
4,720	6

City of Newberg	REVISIONS:	SCALE: N.T.S.
PUBLIC WORKS ENGINEERING DIVISION 414 E. FIRST STREET NEWBERG, OR 97132 PHONE: 503-537-1277 FAX: 503-537-1277		DATE: MARCH 2014
	APPROVED BY: JAY H.	STANDARD DRAWING 453

PREFINARY

REGISTERED PROFESSIONAL ENGINEER  
CARL JACKSON  
90913PE  
EXPIRES: 06/30/27

NOT FOR CONSTRUCTION

#### WATER GENERAL NOTES

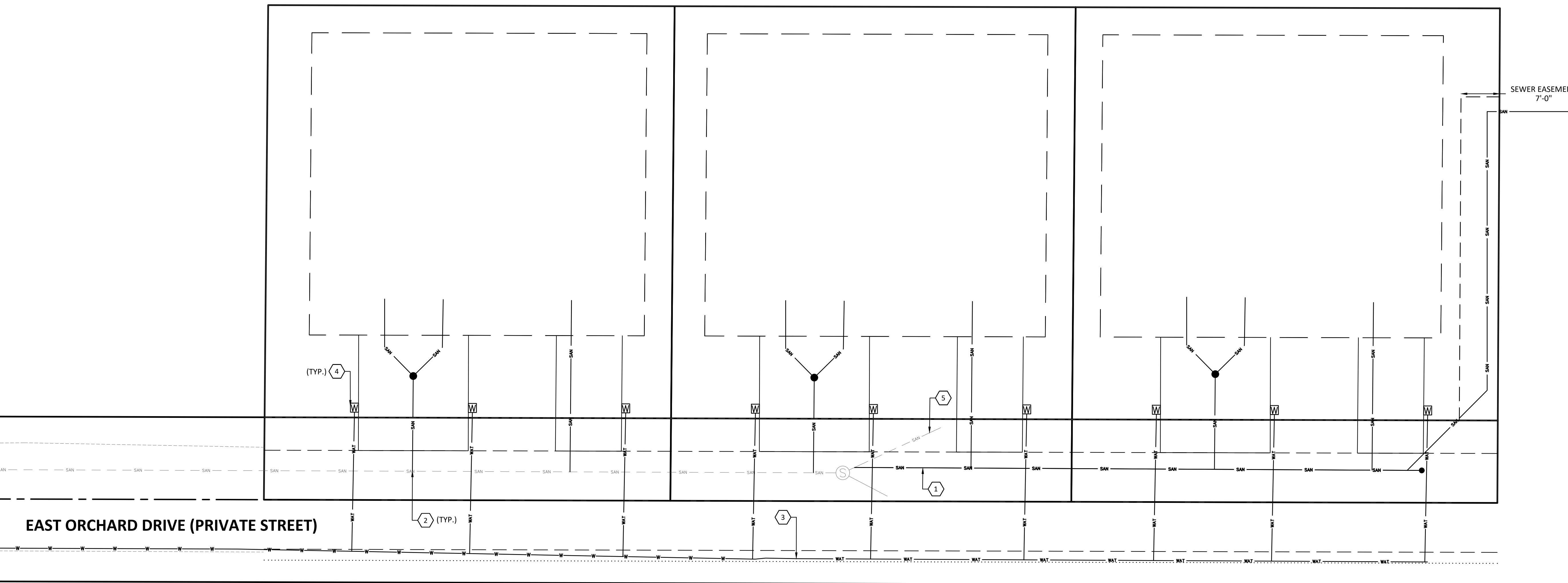
1. ALL MATERIALS AND METHODS OF CONSTRUCTION AND INSTALLATION FOR WATER FACILITIES SHALL CONFORM TO THE CITY OF NEWBERG REQUIREMENTS.
2. MAINTAIN A MINIMUM OF 10' HORIZONTAL AND 18" VERTICAL SEPARATION BETWEEN SEWER AND WATER LINES.
3. MAINTAIN AN 18" HORIZONTAL SEPARATION BETWEEN SERVICE TAPS ON A WATER MAINLINE.
4. REMOVE EXISTING WATER METER AND CAP LINE.

#### SANITARY SEWER GENERAL NOTES

1. ALL MATERIALS AND METHODS OF CONSTRUCTION AND INSTALLATION FOR WATER FACILITIES SHALL CONFORM TO THE CITY OF NEWBERG REQUIREMENTS.
2. MAINTAIN A MINIMUM OF 10' HORIZONTAL AND 18" VERTICAL SEPARATION BETWEEN SEWER AND WATER MAINLINES.

#### KEYED CONSTRUCTION NOTES

1. REPLACE EXISTING SEWER LATERAL TO 8" AND EXTEND 8" SANITARY SEWER MAIN.
2. INSTALL 6" SANITARY SEWER LATERAL INTO EACH LOT AND 4" SANITARY SEWER LATERAL FOR EACH BUILDING.
3. EXTEND EXISTING WATER LINE.
4. INSTALL WATER METER INSIDE ACCESS EASEMENT.
5. REMOVE EXISTING PIPE AND DISPOSE OF ACCORDING TO FEDERAL, STATE AND LOCAL HEALTH REGULATIONS OR AS DIRECTED BY THE CITY OF NEWBERG.



SITE PLAN

0 10 20 Feet



Know what's below.  
811 before you dig.

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CIVIL

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**EAST ORCHARD DRIVE**  
**TRIPLEXES**

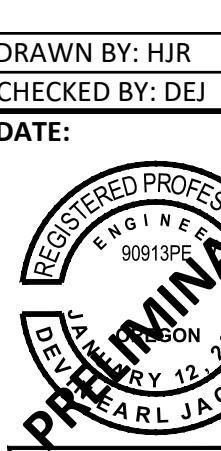
**SANITARY SEWER AND WATER PLAN**

**NEWBERG**

JOB NUMBER  
0061

SHEET

**P7.0**



REGISTERED PROFESSIONAL  
ENGINEER  
CARL JACKSON, PE  
EXPIRES: 06/30/27

DATE: 12/12/2023

CHECKED BY: DEJ

DRAWN BY: HJR

## FIRE ACCESS NOTES

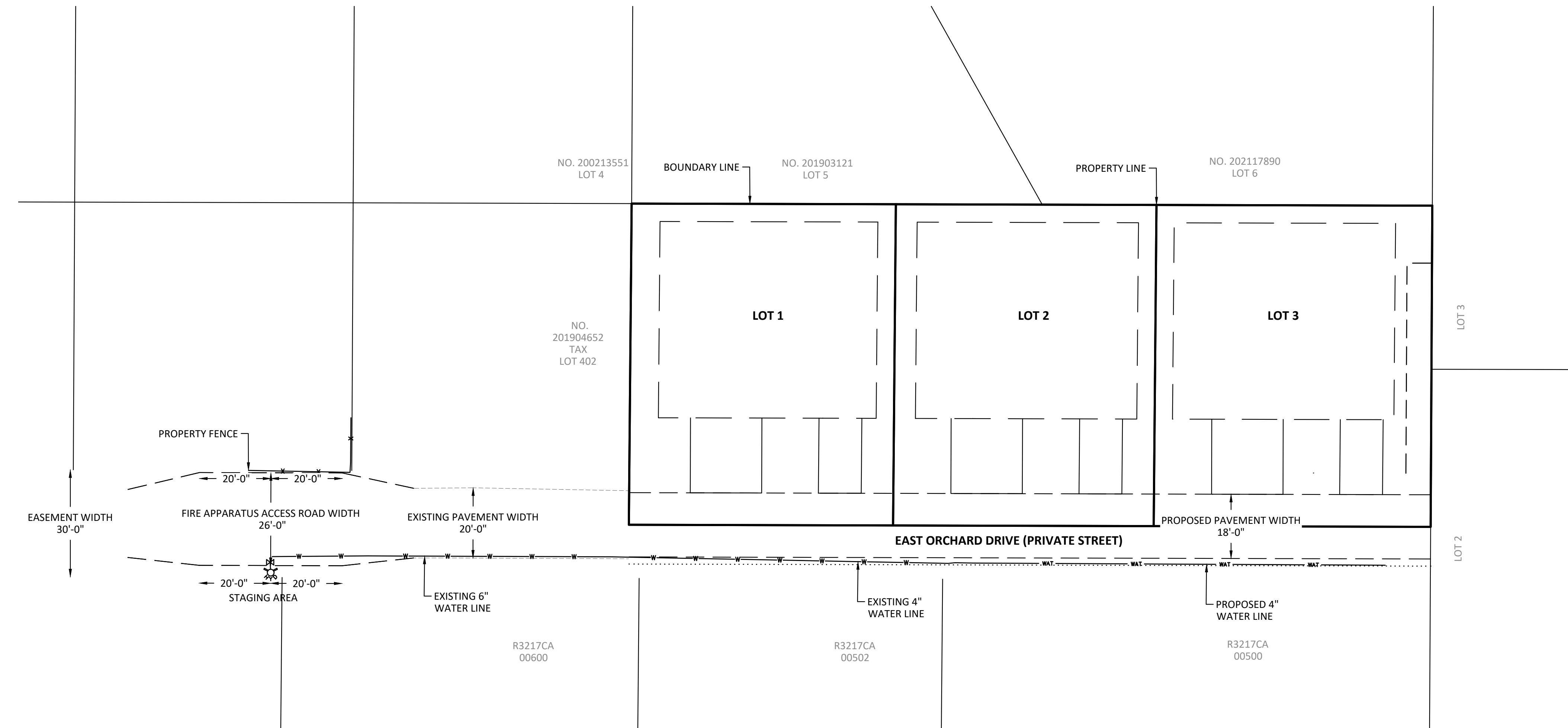
1. FIRE APPARATUS ROAD SHALL BE PAVED.
2. ACCESS ROADS SHALL BE WITHIN 150' OF ALL PORTIONS OF THE EXTERIOR WALL OF THE FIRST STORY OF THE BUILDING AS MEASURED BY AN APPROVED ROUTE AROUND THE EXTERIOR OF THE BUILDING.
3. "NO PARKING" SIGNS SHALL BE INSTALLED ON ONE OR BOTH SIDES OF THE ROADWAY. SIGNS SHALL READ "NO PARKING FIRE LANE" AND SHALL BE INSTALLED WITH A CLEAR SPACE ABOVE GRADE LEVEL OF 7'. SIGNS SHALL BE 12" WIDE BY 18" HIGH AND SHALL HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND.
4. FIRE APPARATUS ACCESS ROADS SHALL BE OF AN ALL-WEATHER SURFACE THAT IS EASILY DISTINGUISHABLE FROM THE SURROUNDING AREA AND IS CAPABLE OF SUPPORTING NOT LESS THAN 12,500 POUNDS POINT LOAD (WHEEL LOAD) AND 75,000 POUNDS LIVE LOAD (GROSS VEHICLE).
5. FIRE APPARATUS ACCESS ROADWAY GRADES SHALL NOT EXCEED 15%.
6. LENGTH FROM VILLA RD. INTERSECTION TO THE FURTHEST PROPERTY LINE IS 770'.

## FIRE WATER NOTES

1. FIRE FLOW WAS MEASURED AT 1,175 GPM BY TESTING THE HYDRANT LOCATED ON THE SOUTH SIDE OF EAST ORCHARD DRIVE ON 2/20/2024.
2. APPLICANT SHALL PROVIDE DOCUMENTATION OF A FIRE HYDRANT FLOW TEST OR FLOW TEST MODELING OF WATER AVAILABILITY FROM THE LOCAL WATER PURVEYOR.
3. HYDRANT DISTANCE TO THE FURTHEST PROPERTY LINE IS 325 LF.
4. FIRE HYDRANTS SHALL BE LOCATED NOT MORE THAN 15' FROM A APPROVED FIRE APPARATUS ACCESS ROADWAY UNLESS APPROVED BY THE FIRE MARSHALL.

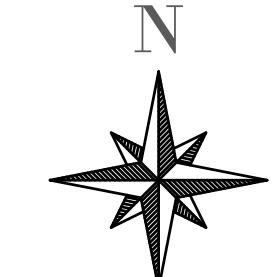
## BUILDING NOTES

1. BUILDING HEIGHT FROM GRADE PLANE TO HIGHEST ROOF SURFACE SHALL BE 30' OR LESS.
2. PER THE PRE APPLICATION MEETING, IN LIEU OF A FIRE TURN AROUND ALL BUILDINGS SHALL HAVE FIRE SPRINKLER SYSTEMS.



SITE PLAN

0 10 20 Feet



**JACKSON**  
**CIVIL**

P: (360) 723 - 0881

WWW.JACKSONCIVIL.COM

1415 GRAND BLVD

VANCOUVER, WA

98661

DRAWN BY: HJR

CHECKED BY: DEJ

DATE:

RE-REGISTERED PROFESSIONAL ENGINEER

EXPIRES: 06/30/27

REGISTRATION NO. 90913PE

**FIRE CODE / LAND USE / BUILDING REVIEW  
APPLICATION**



**North Operating Center**  
11945 SW 70<sup>th</sup> Avenue  
Tigard, OR 97223  
Phone: 503-649-8577

**South Operating Center**  
8445 SW Elligsen Rd  
Wilsonville, OR 97070  
Phone: 503-649-8577

REV 6-30-20

**Project Information**

Applicant Name: Dean Hurford  
Address: 22001 NE Halsey Faiview, OR 97024  
Phone: (503)-730-7339  
Email: deanhurf@yahoo.com  
Site Address: 1929 E Orchard Drive  
City: Newberg, OR 97132  
Map & Tax Lot #: R3217CA 00501  
Business Name: \_\_\_\_\_  
Land Use/Building Jurisdiction: Newberg  
Land Use/ Building Permit # N/A

Choose from: Beaverton, Tigard, **Newberg**, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

**Project Description**

Construction of 3 triplexes with lot partitions between each building.

**Permit/Review Type (check one):**

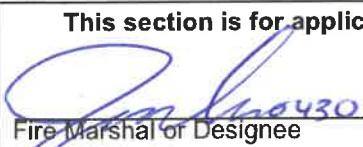
- Land Use / Building Review - Service Provider Permit  
 Emergency Radio Responder Coverage Install/Test  
 LPG Tank (Greater than 2,000 gallons)  
 Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)  
 \* Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.  
 Explosives Blasting (Blasting plan is required)  
 Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)  
 Tents or Temporary Membrane Structures (in excess of 10,000 square feet)  
 Temporary Haunted House or similar  
 OLCC Cannabis Extraction License Review  
 Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

**For Fire Marshal's Office Use Only**

TVFR Permit # 2025-0121  
 Permit Type: SDA-Newberg  
 Submittal Date: 7-9-25  
 Assigned To: DFM Arn  
 Due Date: NA  
 Fees Due: 0  
 Fees Paid: 0

**Approval/Inspection Conditions  
(For Fire Marshal's Office Use Only)**

**This section is for application approval only**

  
Fire Marshal or Designee

7-14-25  
Date

Conditions: See approved fire service plans.

See Attached Conditions:  Yes  No

Site Inspection Required:  Yes  No

**This section used when site inspection is required**

Inspection Comments:

Final TVFR Approval Signature & Emp ID

Date

#### FIRE ACCESS NOTES

1. FIRE APPARATUS ROAD SHALL BE PAVED.
2. ACCESS ROADS SHALL BE WITHIN 150' OF ALL PORTIONS OF THE EXTERIOR WALL OF THE FIRST STORY OF THE BUILDING AS MEASURED BY AN APPROVED ROUTE AROUND THE EXTERIOR OF THE BUILDING.
3. "NO PARKING" SIGNS SHALL BE INSTALLED ON ONE OR BOTH SIDES OF THE ROADWAY. SIGNS SHALL READ "NO PARKING FIRE LANE" AND SHALL BE INSTALLED WITH A CLEAR SPACE ABOVE ABOVE GRADE LEVEL OF 7'. SIGNS SHALL BE 12" WIDE BY 18" HIGH AND SHALL HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND.
4. FIRE APPARATUS ACCESS ROADS SHALL BE OF AN ALL-WEATHER SURFACE THAT IS EASILY DISTINGUISHABLE FROM THE SURROUNDING AREA AND IS CAPABLE OF SUPPORTING NOT LESS THAN 12,500 POUNDS POINT LOAD (WHEEL LOAD) AND 75,000 POUNDS LIVE LOAD (GROSS VEHICLE).
5. FIRE APPARATUS ACCESS ROADWAY GRADES SHALL NOT EXCEED 15%.
6. LENGTH FROM VILLA RD. INTERSECTION TO THE FURTHEST PROPERTY LINE IS 770'.

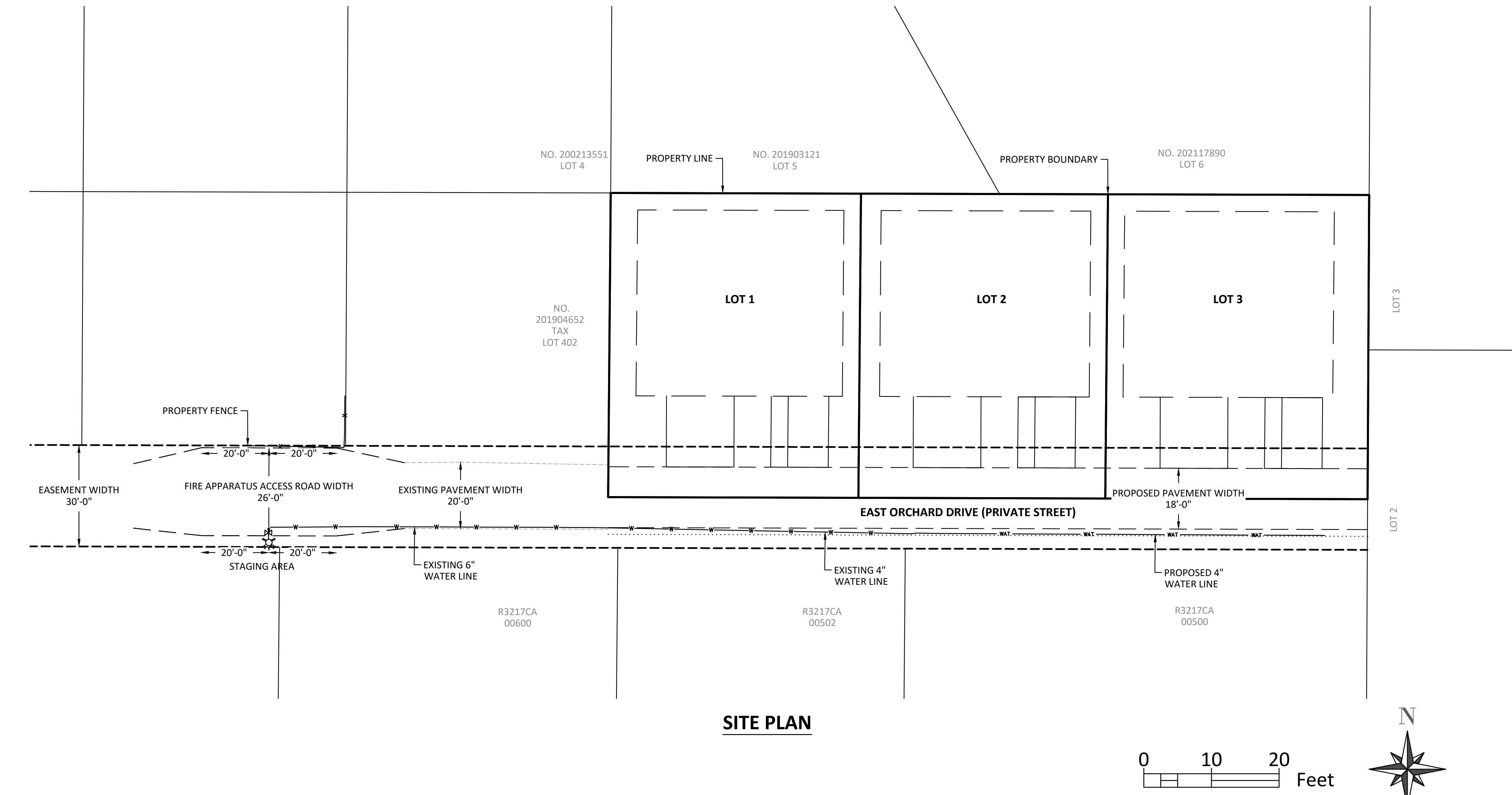


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**JACKSON CIVIL**

P: (360) 723-0381  
www.jacksoncivil.com

PO BOX 1748  
704 E MAIN ST, STE 103  
BATTLE GROUND, WA  
98604-4687

DRAWN BY:  
CHECKED BY:  
DATE:

JOB NUMBER  
0061

SHEET

FS-1

FIRE SERVICE PLAN

EAST ORCHARD DRIVE  
TOWNHOMES  
NEWBERG



704 E MAIN STREET, STE 103  
P.O. BOX 1748  
BATTLE GROUND, WA 98604  
(360) 723-0381

July 25, 2025

Dean Hurford  
22001 NE Halsey  
Fairview, Oregon 97024

**RE: 1929 E Orchard Drive Triplexes Traffic Generation Memorandum**

The E Orchard Drive Triplexes project will construct 3 triplexes in Newberg, Oregon. According to the Institute of Transportation Engineer's Trip Generation Manual (9<sup>th</sup> Edition), each triplex unit will generate an average of 9.52 trips per day, with 1.0 AM and 1.0 PM occurring during peak traffic time. This will translate to 86 average daily trips, but only 9 trips during each peak hour time.

If you have any questions, please contact me either by phone or email.

Sincerely,

Devin Jackson, PE



1415 GRAND BLVD  
VANCOUVER, WA 98661  
(360) 723-0381

E ORCHARD DRIVE TRIPLEXES SUBDIVISION

PRELIMINARY STORMWATER REPORT

CASE NUMBER:

PROPERTY OWNER: Dean Hurford  
22001 NE Halsey St  
Fairview, OR 97024

ENGINEER: Devin E Jackson, P.E.  
Jackson Civil Engineering, LLC  
1415 Grand Blvd  
Vancouver, WA 98661

DATE: September 2025

**Designer's Certification Statement**

I hereby certify that this Stormwater Management Report for the E Orchard Drive Triplexes Subdivision has been prepared by me or under my supervision and meets minimum standards of the City of Newberg and normal standards of engineering practice. I hereby acknowledge and agree that the jurisdiction does not and will not assume liability for the sufficiency, suitability, or performance of drainage facilities designed by me.



09/17/2025

## Table of Contents

Project Overview and Description	4
Methodology	4
Analysis	4
Table 1 – Lot 1	5
Table 2 – Lot 2	5
Table 3 – Lot 3	5
Table 4 – Infiltration System Summary	5
Engineering Conclusions	6
Stormwater Facility Details/Exhibits	6

## Appendices

Appendix A	Site Maps
Appendix B	Stormwater Site Plan
Appendix C	Stormwater Flow Control Analysis
Appendix D	Geotechnical Report
Appendix E	Soil Report

## Project Overview and Description

The 1929 E Orchard Drive Triplexes project proposes to develop a 0.46-acre site, comprising one parcel in the R-1 Low Density Residential zone. Located at 1929 E Orchard Drive in Newberg, Oregon, this project includes parcel number R3217CA 00501. The site's location is depicted on the vicinity map in Appendix A.

The current site features a metal pole barn carport and a private street. The terrain slopes northwest away from E Orchard Drive, with gradients ranging from 2 to 5 percent. The impervious surface of the barn appears to drain northwest as sheet flow, while the private street drains northward into a swale or ditch. There are no known hazardous areas, sensitive habitats, or wetlands on the site. Adjacent properties do not seem to contribute drainage to the site and there are no known flooding issues.

The proposed project involves constructing three triplexes, with three driveway accesses per parent lot, along E Orchard Drive (a private street). Frontage improvements will include 18 feet of hot mix asphalt (HMA) for the private street and swales. On-site construction will include paved parking areas and landscaping. The stormwater management system will incorporate rain gardens, ensuring infiltration. It is assumed that the current site drainage connects to the same system. The proposed stormwater facilities have been sized and detailed following the Low Impact Development Approaches (LIDA) design steps shown on City Standard Drawing 450.

## Methodology

The site soils are classified as Urban Land - Quatama complex, specifically 2300A – Aloha Silt Loam soils, as shown on the soil map in Appendix A. A geotechnical investigation was conducted to a depth of two (2) feet, revealing an infiltration rate of 2.83 inches per hour before factor, which will be used for rain gardens. For further details, refer to the geotechnical report in Appendix D.

The proposed site design incorporates rain gardens to manage and treat stormwater runoff from the new impervious surfaces. Rain gardens will be installed on the south side of each proposed building, and on the north side of the private street to infiltrate stormwater runoff. The rain gardens will treat runoff from roofs and driveways, and private street, as illustrated in the stormwater site plan in Appendix B.

The stormwater facility is designed to fully infiltrate, in compliance with Standard Drawing 450 of the City of Newberg design standards. The sizing of the rain garden system is based on the LIDA SIZING FORM detailed in Appendix C.

## Analysis

The proposed stormwater system was analyzed using LIDA design steps shown on City Standard Drawing 450 as required by the 2015 City of Newberg Public Works Design and Construction Standards. The land use inputs are detailed in Table 1 and Table 2.

*Table 1 – Lot 1*

<b>Impervious Area Type</b>	<b>Proposed Area (SF)</b>	<b>Proposed Facility Type</b>
Private Street	666	Rain Gardens
Driveway	672	Rain Gardens
Roof	3,355	Rain Gardens

*Table 2 – Lot 2*

<b>Impervious Area Type</b>	<b>Proposed Area (SF)</b>	<b>Proposed Facility Type</b>
Private Street	657	Rain Gardens
Driveway	672	Rain Gardens
Roof	3,410	Rain Gardens

*Table 3 – Lot 3*

<b>Impervious Area Type</b>	<b>Proposed Area (SF)</b>	<b>Proposed Facility Type</b>
Private Street	698	Rain Gardens
Driveway	672	Rain Gardens
Roof	3,410	Rain Gardens

The site is divided into three drainage areas. Drainage Area lot 1, 2 and 3 consists of the frontage along E Orchard Drive, private street, roof and driveway. The project will increase the impervious surfaces draining into the proposed rain gardens. The calculations in Appendix C show the calculation for facilities sized to fully infiltrate as shown in Table 3.

*Table 4 – Infiltration System Summary*

<b>Infiltration Facility</b>	<b>Quantity</b>	<b>Total Volume Provided (sf)</b>	<b>Total Volume Required (sf)</b>	<b>Minimum Dimensions</b>
Rain Gardens	8	640	662	

## Engineering Conclusions

The analysis demonstrates that the proposed stormwater facilities meet the flow control and treatment requirements of the 2015 City of Newberg Public Works Design and Construction Standards. The infiltration facilities are sized to fully infiltrate.

## Stormwater Facility Details/Exhibits

The stormwater facilities are illustrated on the stormwater basin plan in *Appendix B*.

## **APPENDIX A**

### **SITE MAPS**

# EAST ORCHARD DRIVE TRIPLEXES

## PRELIMINARY SITE PLAN

NEWBERG, OR 97132

CIVIL LEGEND			
EXISTING	PROPOSED	EXISTING	PROPOSED
DECIDUOUS TREE	●	STORM SEWER CLEAN OUT	○
CONIFEROUS TREE	★	STORM SEWER AREA DRAIN	□
FIRE HYDRANT	○	STORM SEWER CATCH BASIN	■
WATER BLOWOFF	○	STORM SEWER MANHOLE	◎
WATER METER	□	GAS METER	□
WATER VALVE	■	GAS VALVE	□
DOUBLE CHECK VALVE	×	GUY WIRE ANCHOR	□
AIR RELEASE VALVE	○	POWER POLE	□
SANITARY SEWER CLEAN OUT	○	POWER VAULT	□
SANITARY SEWER MANHOLE	◎	POWER JUNCTION BOX	□
SIGN	●	POWER PEDESTAL	□
LIGHT POLE	○	COMMUNICATIONS VAULT	□
TENNIS NET POST	○	COMMUNICATIONS JUNCTION BOX	□
		COMMUNICATIONS RISER	●
ABBREVIATIONS			
TC	TOP OF CURB	P.O.B.	POINT OF BEGINNING
BC	BOTTOM OF CURB	P.O.E.	POINT OF ENDING
TP	TOP OF PAVEMENT	P.O.R.B.	POINT OF RADIUS BEGINNING
PC	POINT OF CURVATURE	P.O.R.E.	POINT OF RADIUS END
PT	POINT OF TANGENT	A.P.	ANGLE POINT
EXISTING		PROPOSED	
ASPHALT			
CONCRETE PAVEMENT			
RAIN GARDEN			
EXISTING		PROPOSED	
RIGHT-OF-WAY LINE			
BOUNDARY LINE			
PROPERTY LINE			
CENTERLINE			
DITCH			
SIDEWALK			
CURB			
EDGE OF PAVEMENT			
EASEMENT			
FENCE LINE			
SILT FENCE			
HIGH VISIBILITY FENCE			
POWER LINE			
OVERHEAD WIRE			
COMMUNICATIONS LINE			
FIBER OPTIC LINE			
GAS LINE			
STORM SEWER LINE			
SANITARY SEWER LINE			
WATER LINE			
INFILTRATION TRENCH			
UNDERGROUND ELECTRIC			



Know what's below.  
811 before you dig.

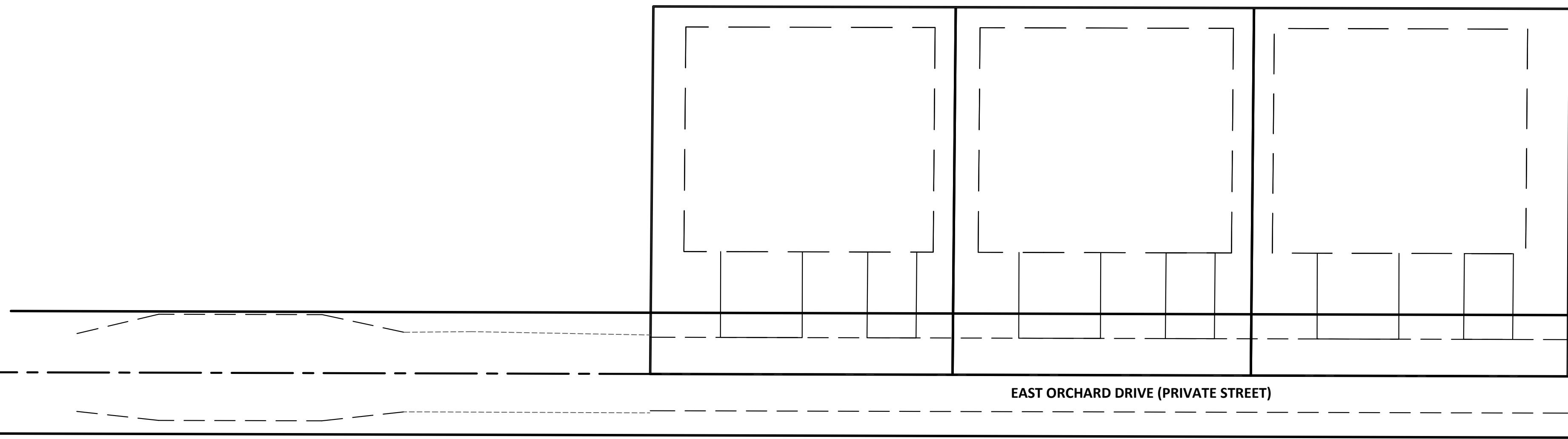
OWNER/APPLICANT  
DEAN HURFORD  
22001 NE HALSEY  
FAIRVIEW, OR 97024  
(503)-730-7339  
DEANHURE@YAHOO.COM

PROJECT ENGINEER  
JACKSON CIVIL ENGINEERING, LLC  
CONTACT: DEVIN JACKSON, P.E.  
PO BOX 1748  
BATTLE GROUND, WA 98604  
(360)-723-0381  
DEVIN@JACKSONCIVIL.COM

BENCHMARK  
LOCAL DATUM WAS ESTABLISHED BY GPS  
STATIC OBSERVATION, NAVD 88, A  
TEMPORARY BENCHMARK, AND A NAIL  
SET IN ASPHALT, ELEVATION = 213.46.

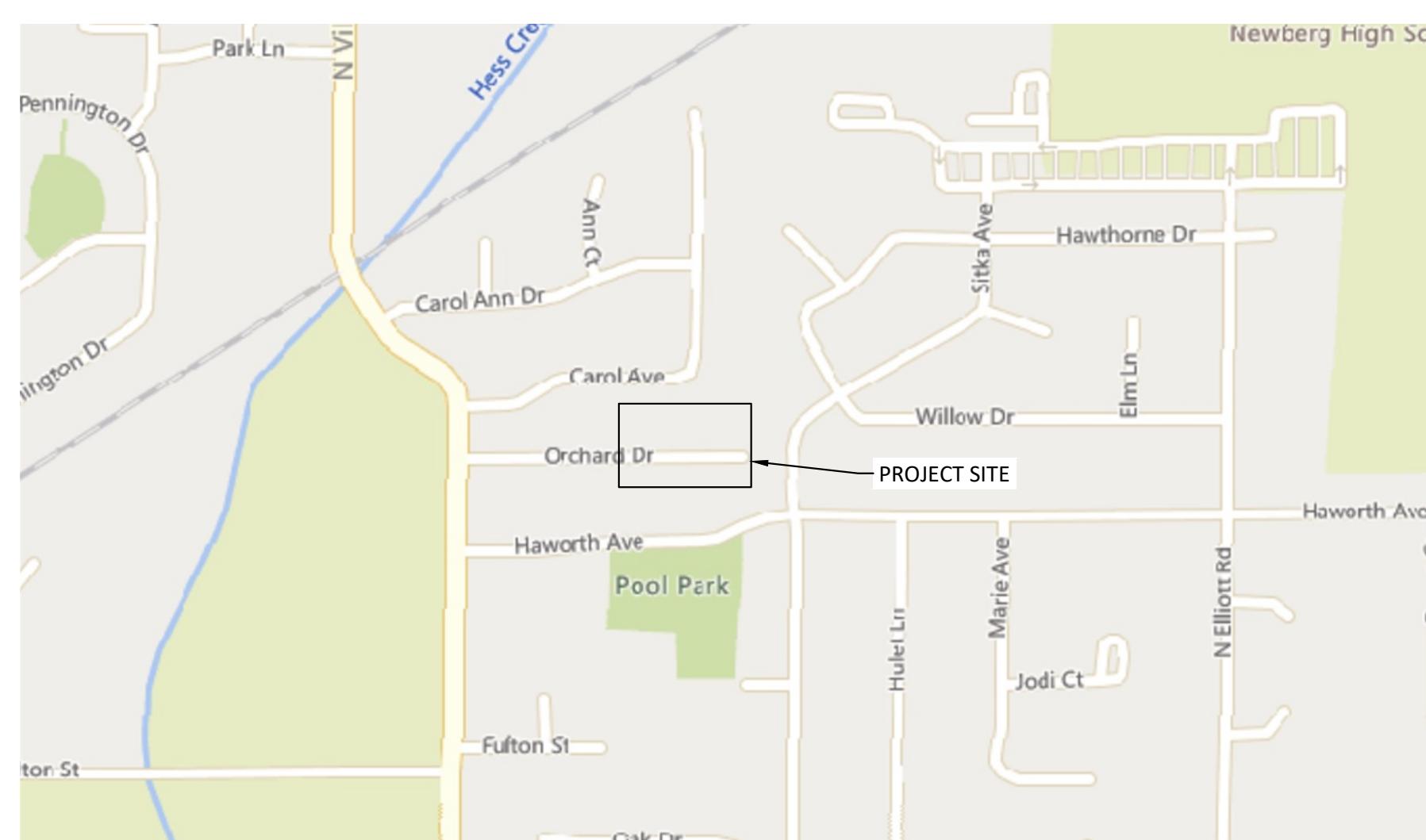
SITE INFORMATION  
TAX MAP ID: R3217CA 00501  
SIZE OF SITE: 0.46 ACRES (20,040  
SF)  
ADDRESS: 1929 E ORCHARD DRIVE  
NEWBERG, OR 97132

ZONING  
R-1 (LOW DENSITY RESIDENTIAL)



### SITE MAP

SCALE: 1"= 20'



### VICINITY MAP

SCALE: NTS

SHEET INDEX	
SHEET NUMBER	SHEET TITLE
P1.0	PLANNING COVER SHEET
P3.0	PRELIMINARY PLAT PARENT LOT
P3.1	PRELIMINARY PLAT CHILD LOT
P3.2	PRELIMINARY PLAT CHILD LOT
P3.3	PRELIMINARY PLAT CHILD LOT
P4.0	SITE PLAN
P5.0	STREET FRONTAGE IMPROVEMENT PLAN
P6.0	STORMWATER PLAN
P7.0	SANITARY SEWER AND WATER PLAN
FS-1	FIRE SERVICE PLAN

NOT FOR CONSTRUCTION

**JACKSON**  
CIVIL

PO BOX 1748  
701 MAIN ST, STE 103  
BATTLE GROUND, WA  
98604-4687

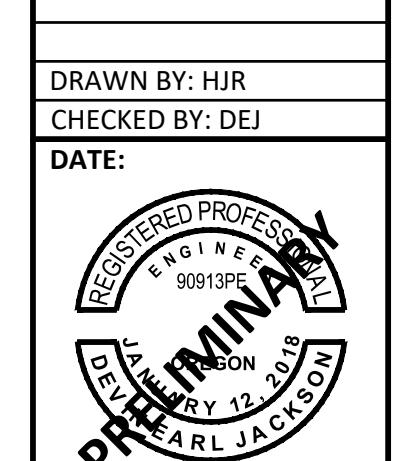
PLANNING COVER SHEET

EAST ORCHARD DRIVE

TRIPLEXES

NEWBERG

JOB NUMBER  
0061  
SHEET  
P1.0



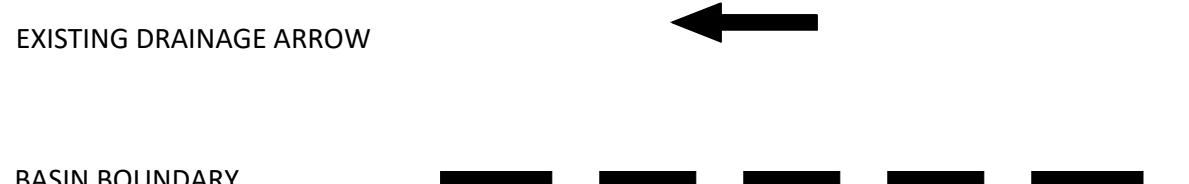
## **APPENDIX B**

### **STORMWATER SITE PLAN**

## GENERAL SITE NOTES

- ALL PROPOSED STORMWATER FACILITIES SHALL BE PRIVATELY OWNED AND MAINTAINED.
- WATER QUALITY TREATMENT SHALL BE PROVIDED FOR IMPERVIOUS ROADWAY AND DRIVEWAY SURFACES BY MECHANICAL FILTERS.
- THERE ARE NO KNOWN WETLANDS ON SITE.
- STORMWATER RUNOFF FROM ROOF AREAS SHALL BE INFILTRATED USING PRIVATE FACILITIES.

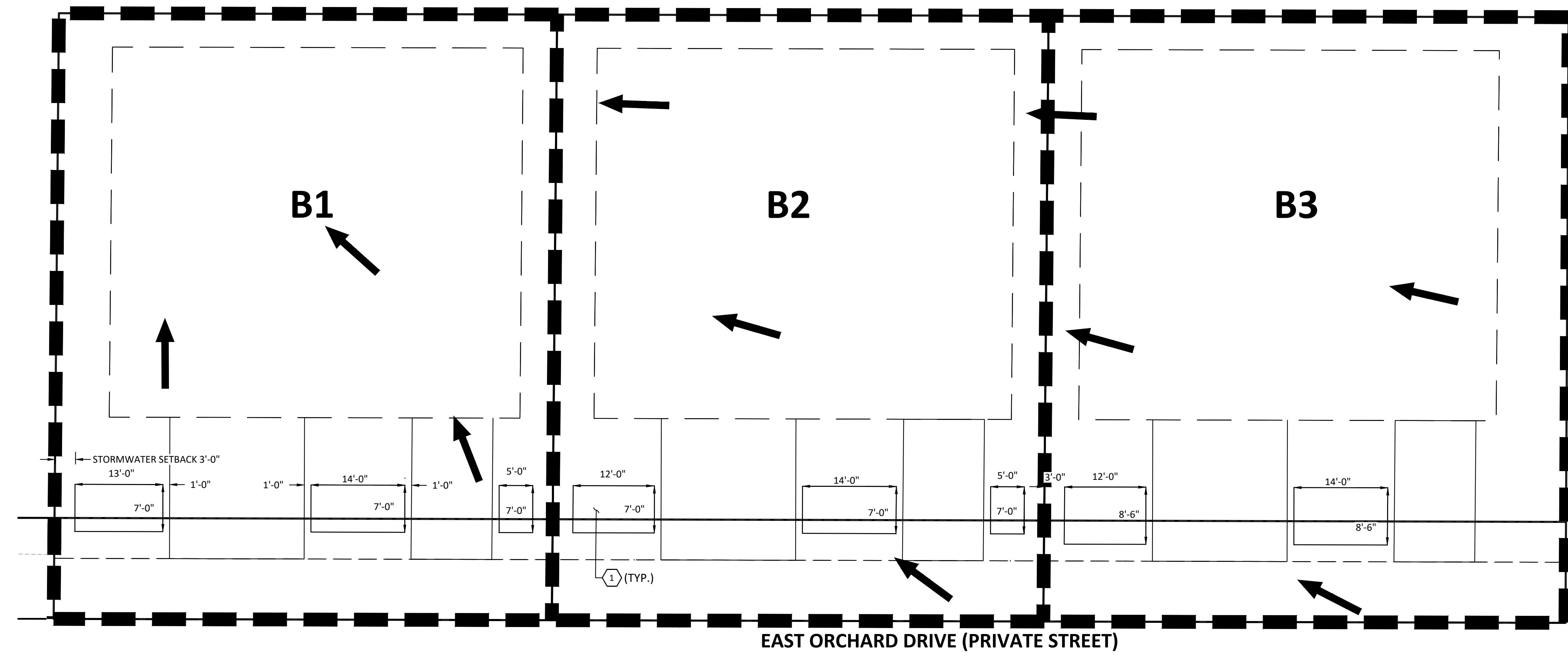
## CIVIL LEGEND



## KEYED CONSTRUCTION NOTES

- INSTALL RAIN GARDEN. SEE DETAIL ON THIS SHEET.

PROPOSED LAND USE					
BASIN	ROOF	PAVEMENT	CONCRETE	IMPERVIOUS	PERVIOUS
B1	3,355 SF	666 SF	672 SF	4,693 SF	1,967 SF
B2	3,410 SF	657 SF	672 SF	4,739 SF	1,831 SF
B3	3,410 SF	698 SF	672 SF	4,780 SF	2,186 SF



## SITE PLAN

0 10 20  
Feet



Know what's below.  
811 before you dig.

## DESIGN STEPS FOR LIDA FACILITIES:

- DETERMINE THE IMPERVIOUS AREA REQUIRING TREATMENT. REFER TO CHAPTER 4 OF THE STANDARD DESIGN MANUAL FOR ASSISTANCE IN DETERMINING OR CALCULATING THE IMPERVIOUS AREA REQUIRING TREATMENT.
- DEDUCT IMPERVIOUS AREA LIDA CREDITS. DEDUCT THE SITE AREAS DESIGNED WITH POROUS PAVEMENT OR GREEN ROOFS FROM THE IMPERVIOUS AREA CALCULATED IN STEP 1.
- IF NEEDED, DESIGN WATER QUALITY/ QUANTITY FACILITIES FOR REMAINING UNTREATED IMPERVIOUS AREA. SIZING FACTORS FOR INFILTRATION BASED LIDA'S ASSUME EXISTING SOIL UNFACTORED INFILTRATION RATE GREATER THAN 2 INCHES PER HOUR. EACH FACILITY MUST BE SIZED FOR THE AMOUNT OF IMPERVIOUS AREA DRAINING ONTO IT.
- THE SIZING FACTORS NOTED IN THIS SECTION ARE TO BE USED TO SIZE EACH LIDA FACILITY TREATING RUNOFF FROM A MAXIMUM OF 15,000 SQUARE FEET OF IMPERVIOUS AREA IN EACH FACILITY. FOR LARGE DEVELOPMENT SITES AND IMPERVIOUS AREAS, A REGIONAL WATER QUALITY/ QUANTITY FACILITY (VEGETATED SWALE, EXTENDED DRY BASIN OR CONSTRUCTED WATER QUALITY WETLAND) OR PROPRIETARY FACILITY MAY BE APPROPRIATE, AS DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER.

## GENERAL NOTES:

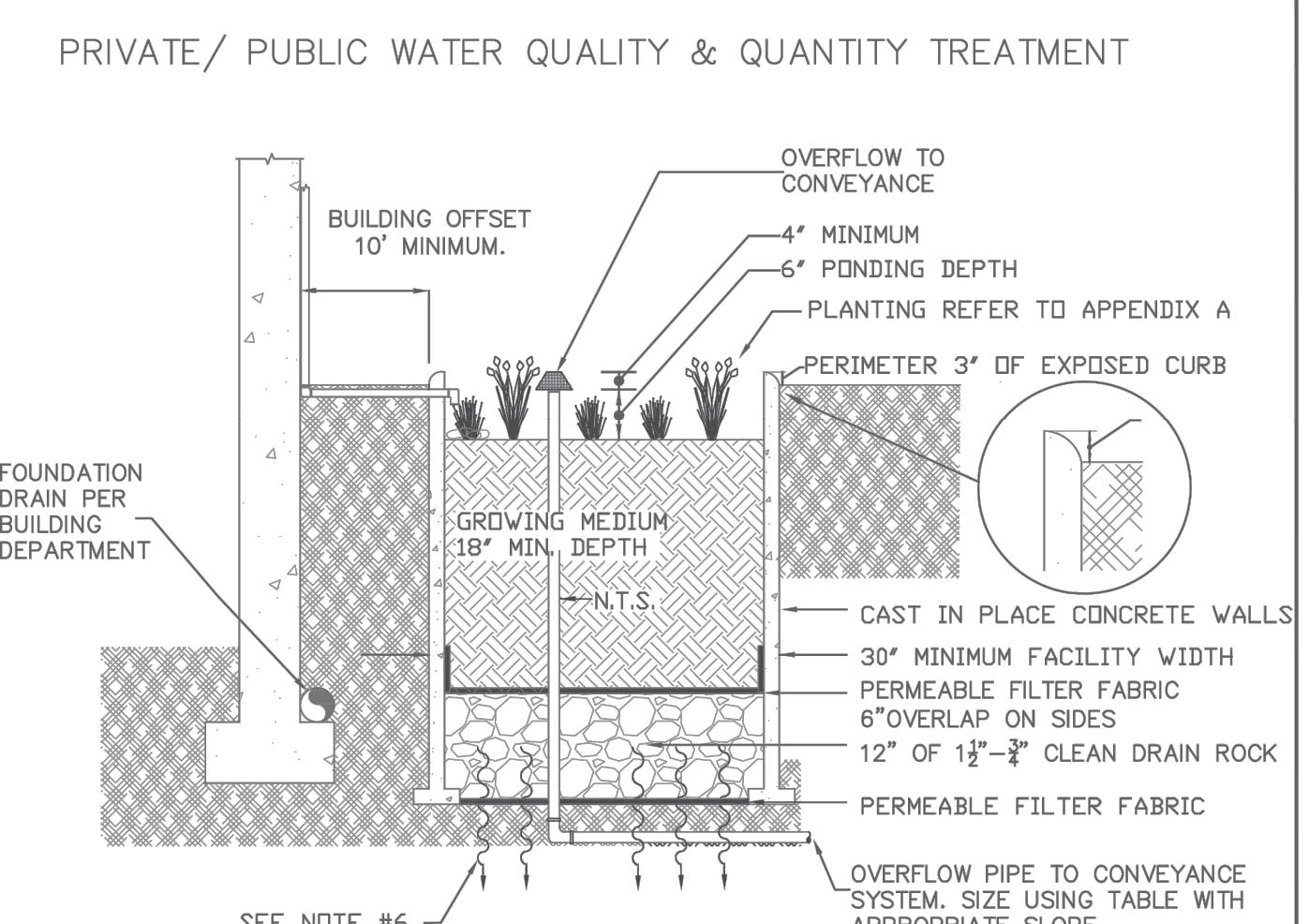
- FOR PLANTING REQUIREMENTS REFERENCE APPENDIX A OF THE STANDARD DESIGN MANUAL.
- FOR FACILITY SIZING REFERENCE STANDARD DRAWING NO. 451, LIDA SIZING FORM.
- ENERGY DISSIPATORS REQUIRED AT ALL DISCHARGE POINTS INTO THE FACILITY, MINIMUM OF 18"X18"X 6" DEEP, 4" TO 6" CLEAN ANGULAR RIPRAP.
- DISCHARGES INTO NATIVE SOILS WILL REQUIRE INFILTRATION TESTING COMPLETED BY A REGISTERED DESIGN PROFESSIONAL.

## GROWING MEDIUM NOTES:

THE GROWING MEDIUM SHALL BE ONE THIRD ORGANIC COMPOST, ONE THIRD GRAVELY SAND AND ONE THIRD TOP SOIL.

- ORGANIC COMPOST SHALL BE THE RESULT OF BIOLOGICAL DEGRADATION AND TRANSFORMATION OF PLANT DERIVED MATERIALS UNDER CONDITIONS DESIGNED TO PROMOTE AEROBIC DECOMPOSITION, FREE OF VIABLE WEED SEEDS AND STABLE WITH REGARD TO OXYGEN CONSUMPTION AND CARBON DIOXIDE GENERATION, AND OTHERWISE CONFORMING TO THE US COMPOSTING COUNCIL STA COMPOST TECHNICAL DATA SHEET; WWW.COMPOSTINGCOUNCIL.ORG.
- GRAVELY SAND SHALL BE 1" MINUS IN CONFORMANCE WITH ASTM C117/C136 (AASHTO T11/T27) STANDARDS WITH A COEFFICIENT OF UNIFORMITY (D60/D10) EQUAL TO OR GREATER THAN 6.
- TOP SOIL SHALL BE FREE OF WOOD PIECES, PLASTIC, AND OTHER FOREIGN MATTER, CHEMICAL AND BIOLOGICAL POLLUTANTS, AND CONTAIN NO VISIBLE FREE WATER.

REVISIONS:	DESIGN STEPS, GENERAL NOTES, AND GROWING MEDIUM	SCALE: N.T.S.
City of Newberg		DATE: MARCH 2014
PUBLIC WORKS ENGINEERING DIVISION 414 E. FIRST STREET, NEWBERG, OR 97132 PHONE: 503-537-1240 FAX: 503-537-1277		APPROVED BY: JAY H.
		STANDARD DRAWING 450



OVERFLOW PIPE SIZE(1/8 in./ft. SLOPE)	
MAX PROJECT ROOF AREA (H.)	OVERFLOW PIPE SIZE (in.)
822	3
1,480	4
3,340	6

OVERFLOW PIPE SIZE(1/4 in./ft. SLOPE)	
MAX PROJECT ROOF AREA (H.)	OVERFLOW PIPE SIZE (in.)
1,180	3
2,850	4
4,720	6

- NOTES:
- MAXIMUM SLOPE OF PLANTER 0.5%.
  - NO TREES OR DEEP ROOTED VEGETATION OVER PIPING IS ALLOWED IN FACILITY.
  - STORM FLOW INLETS THROUGH WALL CUT OUTS, BOTH TO MAINTAIN MAXIMUM LINEAR DISTANCE FROM THE OVERFLOW PIPE.
  - PROTECT OVERFLOW PIPE TO BE MINIMUM SPECIFIED IN THE PLUMBING CODE, SEE TABLE. PUBLIC FACILITIES SHALL BE SIZED TO CONVEY THE 25 YEAR STORM.
  - ENERGY DISSIPATORS REQUIRED AT WATER ENTRANCES MINIMUM 18"X18"X6" OF 4 TO 6 INCH ANGULAR RIPRAP.
  - SIZING FACTORS, FOR INFILTRATION FACILITIES ASSUME AN UNFACTORED INFILTRATION RATE GREATER THAN 2 IN PER HOUR. MUST BE LOCATED 3' MINIMUM FROM ADJACENT PROPERTY LINE.

REVISIONS:	INfiltration planter	SCALE: N.T.S.
City of Newberg		DATE: MARCH 2014
PUBLIC WORKS ENGINEERING DIVISION 414 E. FIRST STREET, NEWBERG, OR 97132 PHONE: 503-537-1277		APPROVED BY: JAY H.
		STANDARD DRAWING 453

PREFILED  
DRAWN BY: HJR  
CHECKED BY: DEJ  
DATE: 03/03/2014  
REGISTERED PROFESSIONAL ENGINEER  
CARL JACKSON  
EXPIRES: 06/30/2027

JOB NUMBER  
0061  
SHEET

P6.0

NOT FOR CONSTRUCTION

## **APPENDIX C**

### **STORMWATER FLOW CONTROL ANALYSIS**

# City of Newberg LIDA Sizing Form

(Include this form with plan submittal)

Project Title: East Orchard Drive

Project Address: 1929 East Orchard Drive - Lot 1

Project Taxlot/ Taxmap#: R3217CA00501

Project Location: Newberg, OR

Contact Name/Title/Company: Dean Hurford

Phone/e-mail: 503-730-7339/deanhurf@yahoo.com

## STEP 1: Determine Impervious Area Requiring Treatment

Total Gross Site Area (acres):	<input type="text" value="6,600"/>	Pre. Dev. Impervious Area (ft):	<input type="text" value="0"/> (X)
Proposed Net New Impervious Area (ft): (PA)= (Y) - (X)	<input type="text" value="4,693"/> (PA)	Post Dev. Impervious Area (ft):	<input type="text" value="4,693"/> (Y)

## STEP 2: Deduct Impervious Area LIDA Credits

Porous Pavement (sq. ft.):	<input type="text"/>	(P)
Green Roof (sq. ft.):	<input type="text"/>	(G)
Other Credits as approved (sq. ft.):	<input type="text"/>	(O)
Total Credits (sq. ft.): (C)= (P)+(G)+(O)	<input type="text"/>	(C)

Impervious Area  
Requiring Treatment (sq. ft.):  (IA)  
(IA)= (PA) - (C)

## STEP 3: Size LIDA Facilities for Remaining Impervious Area

	Impervious Area Treated (sq. ft.)	SF, Sizing Factor	LIDA Facility Size (sq. ft.)
Infiltration Planters/ Rain Garden	4,693	0.045	211
Flow-through Planter		0.060	
Public Flow-through Planter		0.060	

Total Impervious Area Treated (sq. ft.)  MUST BE EQUAL TO (IA)

# City of Newberg LIDA Sizing Form

(Include this form with plan submittal)

Project Title: East Orchard Drive

Project Address: 1929 East Orchard Drive - Lot 2

Project Taxlot/ Taxmap#: R3217CA00501

Project Location: Newberg, OR

Contact Name/Title/Company: Dean Hurford

Phone/e-mail: 503-730-7339/deanhurf@yahoo.com

## STEP 1: Determine Impervious Area Requiring Treatment

Total Gross Site Area (acres):	<u>6,570</u>	Pre. Dev. Impervious Area (ft):	<u>0</u> (X)
Proposed Net New Impervious Area (ft): (PA)= (Y) - (X)	<u>4,739</u> (PA)	Post Dev. Impervious Area (ft):	<u>4,739</u> (Y)

## STEP 2: Deduct Impervious Area LIDA Credits

Porous Pavement (sq. ft.):	<input type="text"/> (P)
Green Roof (sq. ft.):	<input type="text"/> (G)
Other Credits as approved (sq. ft.):	<input type="text"/> (O)
Total Credits (sq. ft.): (C)= (P)+(G)+(O)	<input type="text"/> (C)

Impervious Area  
Requiring Treatment (sq. ft.): 4,739.01 (IA)  
(IA)= (PA) - (C)

## STEP 3: Size LIDA Facilities for Remaining Impervious Area

	Impervious Area Treated (sq. ft.)	SF, Sizing Factor	LIDA Facility Size (sq. ft.)
Infiltration Planters/ Rain Garden	4,739	0.045	213
Flow-through Planter		0.060	
Public Flow-through Planter		0.060	

Total Impervious Area Treated (sq. ft.) 4,739 MUST BE EQUAL TO (IA)

# City of Newberg LIDA Sizing Form

(Include this form with plan submittal)

Project Title: East Orchard Drive

Project Address: 1929 East Orchard Drive - Lot 3

Project Taxlot/ Taxmap#: R3217CA00501

Project Location: Newberg, OR

Contact Name/Title/Company: Dean Hurford

Phone/e-mail: 503-730-7339/deanhurf@yahoo.com

## STEP 1: Determine Impervious Area Requiring Treatment

Total Gross Site Area (acres):	<input type="text" value="6,966"/>	Pre. Dev. Impervious Area (ft):	<input type="text" value="0"/> (X)
Proposed Net New Impervious Area (ft): (PA)= (Y) - (X)	<input type="text" value="4,780"/> (PA)	Post Dev. Impervious Area (ft):	<input type="text" value="4,780"/> (Y)

## STEP 2: Deduct Impervious Area LIDA Credits

Porous Pavement (sq. ft.):	<input type="text"/>	(P)
Green Roof (sq. ft.):	<input type="text"/>	(G)
Other Credits as approved (sq. ft.):	<input type="text"/>	(O)
Total Credits (sq. ft.): (C)= (P)+(G)+(O)	<input type="text"/>	(C)

Impervious Area  
Requiring Treatment (sq. ft.):  (IA)  
(IA)= (PA) - (C)

## STEP 3: Size LIDA Facilities for Remaining Impervious Area

	Impervious Area Treated (sq. ft.)	SF, Sizing Factor	LIDA Facility Size (sq. ft.)
Infiltration Planters/ Rain Garden	4,780	0.045	215
Flow-through Planter		0.060	
Public Flow-through Planter		0.060	

Total Impervious Area Treated (sq. ft.)  MUST BE EQUAL TO (IA)

## **APPENDIX D**

### **GEOTECHNICAL REPORT**



501 E First Street  
Newberg, Oregon 97132  
Ph. 503-554-9553 | Fax 503-537-9554

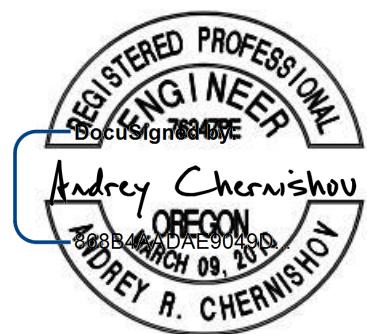
## MEMORANDUM

Date: **April 3, 2024**  
To: **To Whom This May Concern**  
From: **Andrey Chenishov, PE**  
RE: **1929 Orchard Drive Infiltration Test**

Project Number: **2024-004**

Performed by: Devin Sene, EI, LSI  
Test Location: 1929 Orchard Drive, Newberg, OR 97132  
Depth of Infiltration Tests: 24" Below Ground Surface (BGS)  
Test Method: Open Pit Falling Head Infiltration Test

Test Notes: Test pits were approximately 12" in diameter and 24" in depth. See Figure 1 for test pit locations. See Figures 2-3 for photos of test pits. Test Pit #1 and Test Pit #2 were both located approximately 15' north of Orchard Drive. Test Pit #1 was in the native ground of the field. Test Pit #2 was in the area near the trees/shrubs on the west half of the site, this location appeared to be a low point within the site. The test pits were excavated and presoaked during the afternoon of April 2<sup>nd</sup>. Testing began the morning of April 3<sup>rd</sup> and concluded the afternoon of April 3<sup>rd</sup>. See summary of testing results on the following page.



		Time	Lapse (min)	Reading (in)	Change (in)	Rate (in/hr)
Test Pit 1	Test 1	10:28 AM		12.00		
		10:38 AM	10	11.50	0.50	3.0
		10:48 AM	10	10.90	0.60	3.6
		10:58 AM	10	10.40	0.50	3.0
		11:08 AM	10	9.75	0.65	3.9
		11:18 AM	10	9.25	0.50	3.0
		11:28 AM	10	8.75	0.50	3.0
		11:38 AM	10	8.25	0.50	3.0
		11:50 AM		12.00		
Test Pit 1	Test 2	12:00 PM	10	11.25	0.75	4.5
		12:10 PM	10	10.75	0.50	3.0
		12:20 PM	10	10.25	0.50	3.0
		12:30 PM	10	9.90	0.35	2.1
		12:40 PM	10	9.40	0.50	3.0
		12:50 PM	10	8.90	0.50	3.0
	Test 3	1:00 PM		12.00		
		1:10 PM	10	11.40	0.60	3.6
		1:20 PM	10	10.75	0.65	3.9
		1:30 PM	10	10.25	0.50	3.0
		1:40 PM	10	9.75	0.50	3.0
		1:50 PM	10	9.25	0.50	3.0
		2:00 PM	10	8.80	0.45	2.7
		2:10 PM	10	8.40	0.40	2.4
Test Pit 2	Test 1	10:35 AM		12.00		
		10:45 AM	10	11.60	0.40	2.4
		10:55 AM	10	11.25	0.35	2.1
		11:05 AM	10	10.75	0.50	3.0
		11:15 AM	10	10.25	0.50	3.0
		11:25 AM	10	9.90	0.35	2.1
		11:35 AM	10	9.50	0.40	2.4
		11:45 AM	10	9.00	0.50	3.0
	Test 2	11:50 AM		12.00		
		12:00 PM	10	11.60	0.40	2.4
		12:10 PM	10	11.10	0.50	3.0
		12:20 PM	10	10.75	0.35	2.1
		12:30 PM	10	10.40	0.35	2.1
		12:40 PM	10	10.00	0.40	2.4
		12:50 PM	10	9.60	0.40	2.4
	Test 3	1:00 PM		12.00		
		1:10 PM	10	11.60	0.40	2.4
		1:20 PM	10	11.10	0.50	3.0
		1:30 PM	10	10.70	0.40	2.4
		1:40 PM	10	10.40	0.30	1.8
		1:50 PM	10	10.00	0.40	2.4
		2:00 PM	10	9.50	0.50	3.0
		2:10 PM	10	9.00	0.50	3.0
						Average
						2.83
						Factored Average
						1.41

**Results:****Average Raw Rate = 2.83 in/hr****Factored Infiltration Rate (50%) = 2.83/2 = 1.41 in/hr**



**Figure 1. - Test Pit Locations**



**Figure 2. - Test Pit #1**



**Figure 3. - Test Pit #2**

## **APPENDIX E**

### **SOIL REPORT**



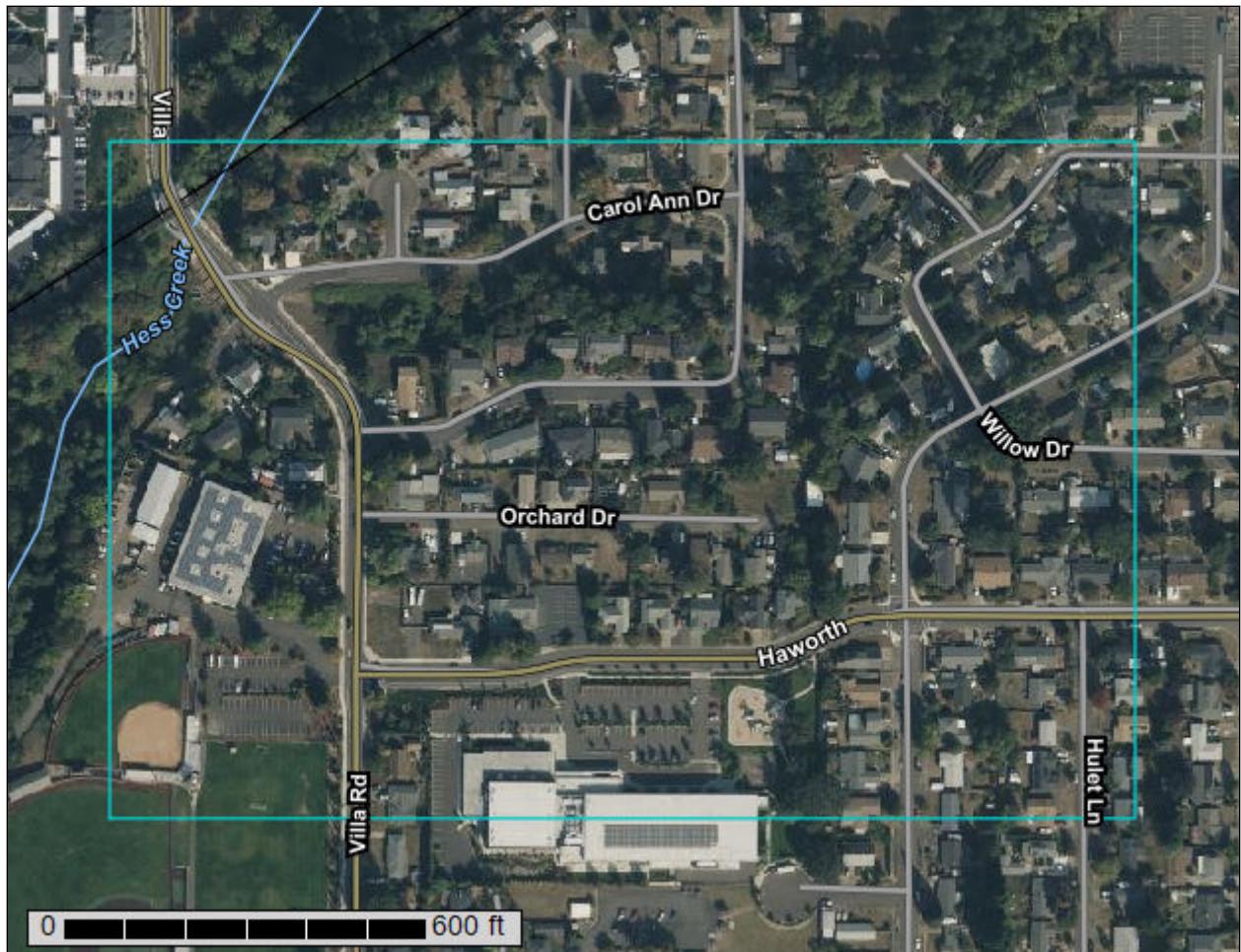
United States  
Department of  
Agriculture

**NRCS**

Natural  
Resources  
Conservation  
Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

# Custom Soil Resource Report for Yamhill County, Oregon



# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units).

Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

## Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

# **Soil Map**

---

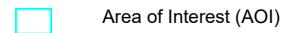
The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report  
Soil Map



## MAP LEGEND

### Area of Interest (AOI)



Area of Interest (AOI)

### Soils



Soil Map Unit Polygons



Soil Map Unit Lines



Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip

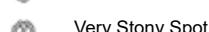


Sodic Spot

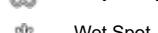
Spoil Area



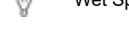
Stony Spot



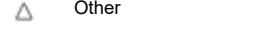
Very Stony Spot



Wet Spot

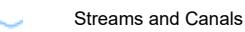


Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



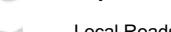
Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Yamhill County, Oregon

Survey Area Data: Version 12, Sep 8, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 26, 2022—Oct 11, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2013A	Wapato silty clay loam, 0 to 3 percent slopes	1.0	2.4%
2027A	Verboort silty clay loam, 0 to 3 percent slopes	0.2	0.4%
2300A	Aloha silt loam, 0 to 3 percent slopes	35.7	81.3%
2310C	Woodburn silt loam, 3 to 12 percent slopes	0.1	0.1%
2310F	Woodburn silt loam, 20 to 55 percent slopes	7.0	15.9%
<b>Totals for Area of Interest</b>		<b>43.9</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Yamhill County, Oregon

### 2013A—Wapato silty clay loam, 0 to 3 percent slopes

#### Map Unit Setting

*National map unit symbol:* 2dg19

*Elevation:* 50 to 1,200 feet

*Mean annual precipitation:* 40 to 60 inches

*Mean annual air temperature:* 50 to 54 degrees F

*Frost-free period:* 165 to 210 days

*Farmland classification:* Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season

#### Map Unit Composition

*Wapato and similar soils:* 90 percent

*Minor components:* 10 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Wapato

##### Setting

*Landform:* Flood plains

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Concave, linear

*Parent material:* Loamy alluvium

##### Typical profile

*Ap - 0 to 9 inches:* silty clay loam

*A - 9 to 16 inches:* silty clay loam

*Bg1 - 16 to 22 inches:* silty clay loam

*Bg2 - 22 to 32 inches:* silty clay loam

*BCg - 32 to 60 inches:* silty clay

##### Properties and qualities

*Slope:* 0 to 3 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Poorly drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.57 in/hr)

*Depth to water table:* About 0 to 9 inches

*Frequency of flooding:* Occasional

*Frequency of ponding:* Frequent

*Available water supply, 0 to 60 inches:* Very high (about 12.4 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 3w

*Land capability classification (nonirrigated):* 3w

*Hydrologic Soil Group:* C/D

*Ecological site:* F002XC002OR - Backswamp Group

*Forage suitability group:* Poorly Drained (G002XY006OR)

*Other vegetative classification:* Poorly Drained (G002XY006OR)

*Hydric soil rating:* Yes

## Minor Components

### Chehalis

*Percent of map unit:* 5 percent  
*Landform:* Flood plains  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Convex  
*Other vegetative classification:* Well drained < 15% Slopes (G002XY002OR)  
*Hydric soil rating:* No

### Mcbee

*Percent of map unit:* 3 percent  
*Landform:* Flood plains  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Convex  
*Other vegetative classification:* Moderately Well Drained < 15% Slopes (G002XY004OR)  
*Hydric soil rating:* No

### Waldo

*Percent of map unit:* 2 percent  
*Landform:* Flood plains  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Concave  
*Other vegetative classification:* Poorly Drained (G002XY006OR)  
*Hydric soil rating:* Yes

## 2027A—Verboort silty clay loam, 0 to 3 percent slopes

### Map Unit Setting

*National map unit symbol:* 2mj15  
*Elevation:* 150 to 300 feet  
*Mean annual precipitation:* 40 to 50 inches  
*Mean annual air temperature:* 50 to 54 degrees F  
*Frost-free period:* 165 to 210 days  
*Farmland classification:* Farmland of statewide importance

### Map Unit Composition

*Verboort and similar soils:* 94 percent  
*Minor components:* 6 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Verboort

#### Setting

*Landform:* Flood plains on terraces  
*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Concave

*Parent material:* Loamy alluvium over silty and clayey glaciolacustrine deposits

#### Typical profile

*Ap - 0 to 8 inches:* silty clay loam

*A - 8 to 12 inches:* silty clay loam

*E - 12 to 19 inches:* silty clay loam

*2Btg - 19 to 28 inches:* clay

*2BCtg - 28 to 33 inches:* silty clay

*2Cg - 33 to 60 inches:* silty clay loam

#### Properties and qualities

*Slope:* 0 to 3 percent

*Depth to restrictive feature:* 16 to 26 inches to abrupt textural change

*Drainage class:* Poorly drained

*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately low (0.00 to 0.06 in/hr)

*Depth to water table:* About 0 to 8 inches

*Frequency of flooding:* Frequent

*Frequency of ponding:* Frequent

*Available water supply, 0 to 60 inches:* Low (about 4.1 inches)

#### Interpretive groups

*Land capability classification (irrigated):* 3w

*Land capability classification (nonirrigated):* 3w

*Hydrologic Soil Group:* D

*Ecological site:* R002XC007OR - Valley Swale Group

*Forage suitability group:* Poorly Drained (G002XY006OR)

*Other vegetative classification:* Poorly Drained (G002XY006OR)

*Hydric soil rating:* Yes

#### Minor Components

##### Waldo

*Percent of map unit:* 5 percent

*Landform:* Flood plains

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Concave

*Other vegetative classification:* Poorly Drained (G002XY006OR)

*Hydric soil rating:* Yes

##### Woodburn

*Percent of map unit:* 1 percent

*Landform:* Terraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Convex

*Other vegetative classification:* Moderately Well Drained < 15% Slopes (G002XY004OR)

*Hydric soil rating:* No

## 2300A—Aloha silt loam, 0 to 3 percent slopes

### Map Unit Setting

*National map unit symbol:* 1j8b0  
*Elevation:* 100 to 350 feet  
*Mean annual precipitation:* 40 to 50 inches  
*Mean annual air temperature:* 50 to 54 degrees F  
*Frost-free period:* 165 to 210 days  
*Farmland classification:* Prime farmland if drained

### Map Unit Composition

*Aloha and similar soils:* 96 percent  
*Minor components:* 4 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Aloha

#### Setting

*Landform:* Terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Convex  
*Parent material:* Loamy glaciolacustrine deposits

#### Typical profile

*Ap - 0 to 8 inches:* silt loam  
*BA - 8 to 15 inches:* silt loam  
*Bt - 15 to 22 inches:* silt loam  
*Bw1 - 22 to 31 inches:* silt loam  
*Bw2 - 31 to 46 inches:* silt loam  
*Bw3 - 46 to 60 inches:* silt loam  
*C - 60 to 65 inches:* very fine sandy loam

#### Properties and qualities

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Somewhat poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.57 in/hr)  
*Depth to water table:* About 8 to 15 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* Very high (about 12.0 inches)

#### Interpretive groups

*Land capability classification (irrigated):* 2w  
*Land capability classification (nonirrigated):* 2w  
*Hydrologic Soil Group:* C/D  
*Ecological site:* R002XC007OR - Valley Swale Group  
*Forage suitability group:* Somewhat Poorly Drained (G002XY005OR)

*Other vegetative classification:* Somewhat Poorly Drained (G002XY005OR)  
*Hydric soil rating:* No

### Minor Components

#### Dayton

*Percent of map unit:* 3 percent  
*Landform:* Terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Concave  
*Hydric soil rating:* Yes

#### Willamette

*Percent of map unit:* 1 percent  
*Landform:* Terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Convex  
*Other vegetative classification:* Well drained < 15% Slopes (G002XY002OR)  
*Hydric soil rating:* No

## 2310C—Woodburn silt loam, 3 to 12 percent slopes

### Map Unit Setting

*National map unit symbol:* 1j8b5  
*Elevation:* 100 to 350 feet  
*Mean annual precipitation:* 40 to 50 inches  
*Mean annual air temperature:* 50 to 54 degrees F  
*Frost-free period:* 165 to 210 days  
*Farmland classification:* Farmland of statewide importance

### Map Unit Composition

*Woodburn and similar soils:* 93 percent  
*Minor components:* 7 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Woodburn

#### Setting

*Landform:* Terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Convex, linear  
*Across-slope shape:* Linear  
*Parent material:* Silty glaciolacustrine deposits

#### Typical profile

*Ap - 0 to 9 inches:* silt loam  
*A - 9 to 17 inches:* silt loam  
*2Bt1 - 17 to 25 inches:* silty clay loam  
*2Bt2 - 25 to 32 inches:* silty clay loam

*2BCt1 - 32 to 39 inches:* silt loam  
*2BCt2 - 39 to 54 inches:* silt loam  
*2C1 - 54 to 68 inches:* silt loam  
*2C2 - 68 to 80 inches:* stratified fine sandy loam to silt loam  
*3C3 - 80 to 92 inches:* stratified fine sandy loam to silt loam

#### **Properties and qualities**

*Slope:* 3 to 12 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.20 to 1.98 in/hr)  
*Depth to water table:* About 25 to 32 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* Very high (about 12.2 inches)

#### **Interpretive groups**

*Land capability classification (irrigated):* 4e  
*Land capability classification (nonirrigated):* 2e  
*Hydrologic Soil Group:* C  
*Ecological site:* R002XC008OR - Valley Terrace Group  
*Forage suitability group:* Moderately Well Drained < 15% Slopes (G002XY004OR)  
*Other vegetative classification:* Moderately Well Drained < 15% Slopes (G002XY004OR)  
*Hydric soil rating:* No

#### **Minor Components**

##### **Amity**

*Percent of map unit:* 5 percent  
*Landform:* Terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Concave, linear  
*Other vegetative classification:* Somewhat Poorly Drained (G002XY005OR)  
*Hydric soil rating:* No

##### **Dayton**

*Percent of map unit:* 2 percent  
*Landform:* Terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Concave  
*Hydric soil rating:* Yes

## **2310F—Woodburn silt loam, 20 to 55 percent slopes**

#### **Map Unit Setting**

*National map unit symbol:* 1j8b7  
*Elevation:* 100 to 400 feet

*Mean annual precipitation:* 40 to 50 inches  
*Mean annual air temperature:* 50 to 54 degrees F  
*Frost-free period:* 165 to 210 days  
*Farmland classification:* Not prime farmland

### **Map Unit Composition**

*Woodburn and similar soils:* 100 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Woodburn**

#### **Setting**

*Landform:* Terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Convex  
*Across-slope shape:* Linear  
*Parent material:* Silty glaciolacustrine deposits

#### **Typical profile**

*Ap - 0 to 9 inches:* silt loam  
*A - 9 to 17 inches:* silt loam  
*2Bt1 - 17 to 25 inches:* silty clay loam  
*2Bt2 - 25 to 32 inches:* silty clay loam  
*2BCt1 - 32 to 39 inches:* silt loam  
*2BCt2 - 39 to 54 inches:* silt loam  
*2C1 - 54 to 68 inches:* silt loam  
*2C2 - 68 to 80 inches:* stratified fine sandy loam to silt loam  
*3C3 - 80 to 92 inches:* stratified fine sandy loam to silt loam

#### **Properties and qualities**

*Slope:* 20 to 55 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.20 to 1.98 in/hr)  
*Depth to water table:* About 25 to 32 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* Very high (about 12.2 inches)

#### **Interpretive groups**

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 6e  
*Hydrologic Soil Group:* C  
*Ecological site:* R002XC008OR - Valley Terrace Group  
*Hydric soil rating:* No

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## Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2\\_054242](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242)

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2\\_053624](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624)

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_052290.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf)



1415 GRAND BLVD  
VANCOUVER, WA 98661  
(360) 723-0381

September 17, 2025

Dean Hurford  
22001 NE Halsey  
Fairview, Oregon 97024

**RE: 1929 E Orchard Drive Triplexes Waterline Capacity Memorandum**

The enclosed memorandum presents water line capacity calculations for the property located at 1929 E Orchard Drive. These calculations were originally prepared for a previous development proposal consisting of ten homes. The analysis concluded that the existing water main had adequate capacity to support that scope of development.

Since that time, the project scope has been revised and reduced to three triplexes. Based on the previously established data, the available waterline capacity remains sufficient to accommodate the revised development.

# MEMORANDUM

501 E First Street Newberg, Oregon 97132 | Ph. 503-554-9553 | Fax 503-537-9554

Date: April 17, 2024  
 To: City of Newberg Engineering Department  
 From: Andrey Chernishov, PE, CWRE  
 RE: Water Main Capacity Calculations for E 1929 Orchard Dr

Project Number: 2024-004

Up to 10 townhomes are being proposed on E 1929 Orchard Drive, Newberg, Oregon, which is the far east end of the dead-end road. This memo is meant to show there is adequate capacity in the existing 4" public water main that will be serving the proposed development.

According to the City of Newberg Water Master Plan dated May 2017, the single family residential average gallons per capita day (gpcd) demand is 101 gpcd, which is used in the following calculations. There are approximately 10 existing households located along E Orchard Drive that are serviced from the existing 4" Ductile Iron water main (see image below). Combining this with the 2010 US Census data for City of Newberg of approximately 2.66 persons per household, an estimated Average Daily Demand (ADD) can be calculated. With the Average Daily Demand, a Max Day Demand (MDD), and Peak Hourly Demand (PHD) can be calculated using the ratios of MDD:ADD of 2:1 and PHD:MDD of 1.7:1.



According to the City of Newberg Public Utility GIS, the "X" on the image above depicts where the 8" DI water main reduces down to a 4" DI water main. The calculations below assume up to 20 homes would be supplied by the existing 4" water main.

$$ADD = 20 \text{ homes} * 2.66 \text{ persons/home} * 101 \text{ gpcd} = 5,373.2 \text{ gpd}$$

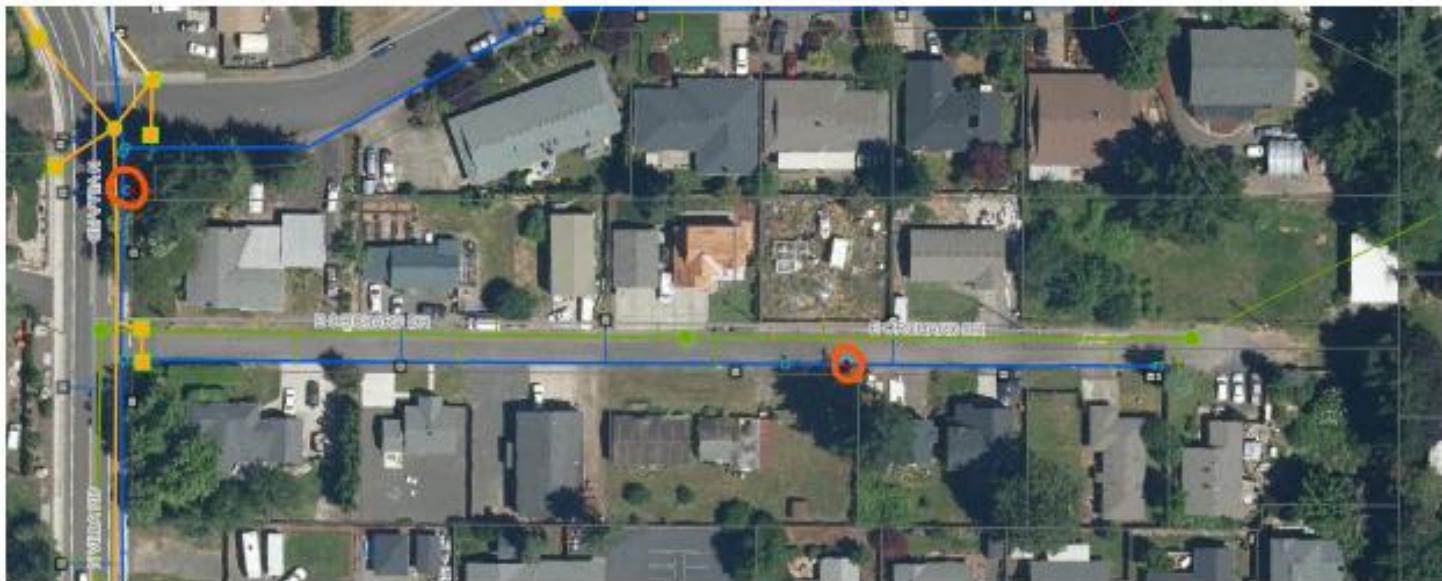
$$PHD = 5,373.2 \text{ gpd} * (1/24\text{hr}) * (1/60\text{min}) = 3.73 \text{ gal/min} * 2 * 1.7 = 12.7 \text{ gal/min}$$

$$PHD = 12.7 \text{ gal/min} * (1/60\text{sec}) * (1 \text{ ft}^3/7.48 \text{ gal}) = 0.028 \text{ ft}^3/\text{sec}$$

$$\text{Area of a 4" waterline is } \pi * r^2 \rightarrow A = \pi * (2)^2 = 12.6 \text{ in}^2 \text{ or } 0.087 \text{ ft}^2$$

$$\text{Velocity at PHD} = 0.028 \text{ ft}^3/\text{sec} * (1/0.087 \text{ ft}^2) = 0.32 \text{ ft/sec}$$

Using the above information, adding up to 10 households at the end of E Orchard Drive would result in a total Peak Hourly Demand velocity flowing through the existing 4" Ductile Iron water main of approximately 0.32 ft/sec. According to the AWWA, the recommended maximum velocity through water mains is 8 ft/sec.



Additionally, a fire flow test was performed on the fire hydrant located on the south side of E Orchard Drive, and the hydrant located on the east side of N Villa Road was used to measure the residual pressure difference. The results of this test can be found in the fire flow test report dated 02/20/2024.

Per Table 3-1 in the City of Newberg Water Master Plan, the recommended fire flow for R-1 Low Density Residential is 1,000 gpm. During the fire flow test, a flowrate of 1,175 gpm at 84 psi was measured at the fire hydrant along E Orchard Drive, which is supplied by a 4" city water line.

$$\text{Measured flow} = 1,175 \text{ gal/min} * (1/60\text{sec}) * (1 \text{ ft}^3/7.48 \text{ gal}) = 2.62 \text{ ft}^3/\text{sec}$$

$$\text{Area of a 4" waterline is } \pi * r^2 \rightarrow A = \pi * (2)^2 = 12.6 \text{ in}^2 \text{ or } 0.087 \text{ ft}^2$$

$$\text{Velocity through 4" waterline} = 2.62 \text{ ft}^3/\text{sec} * (1/0.087 \text{ ft}^2) = 30.1 \text{ ft/sec}$$

Using the above information, an expected pipe velocity under a fire flow condition would be approximately 30.1 ft/sec.

The velocity through the 6" fire hydrant assembly will be approximately 13 ft/sec at a flow rate of 1,175 gpm.



# FIRE FLOW TEST REPORT



501 E First Street  
Newberg, Oregon 97132  
phone 503-554-9553  
fax 503-537-9554

HYDRANT # & LOCATION: 1929 Orchard Drive, Newberg, OR DATE: 2/20/2024  
 TEST BY: ARC, DRS Day or Week: Tuesday TIME OF DAY: 10:45 AM  
 WATER SUPPLIED BY: City of Newberg  
 PURPOSE OF TEST: Fire Flow Test

## DATA

FLOW HYDRANT A1  
 SIZE OPENING: 2.5  
 COEFFICIENT: 0.9  
 PITOT READING: 49  
 GPM: 1,175

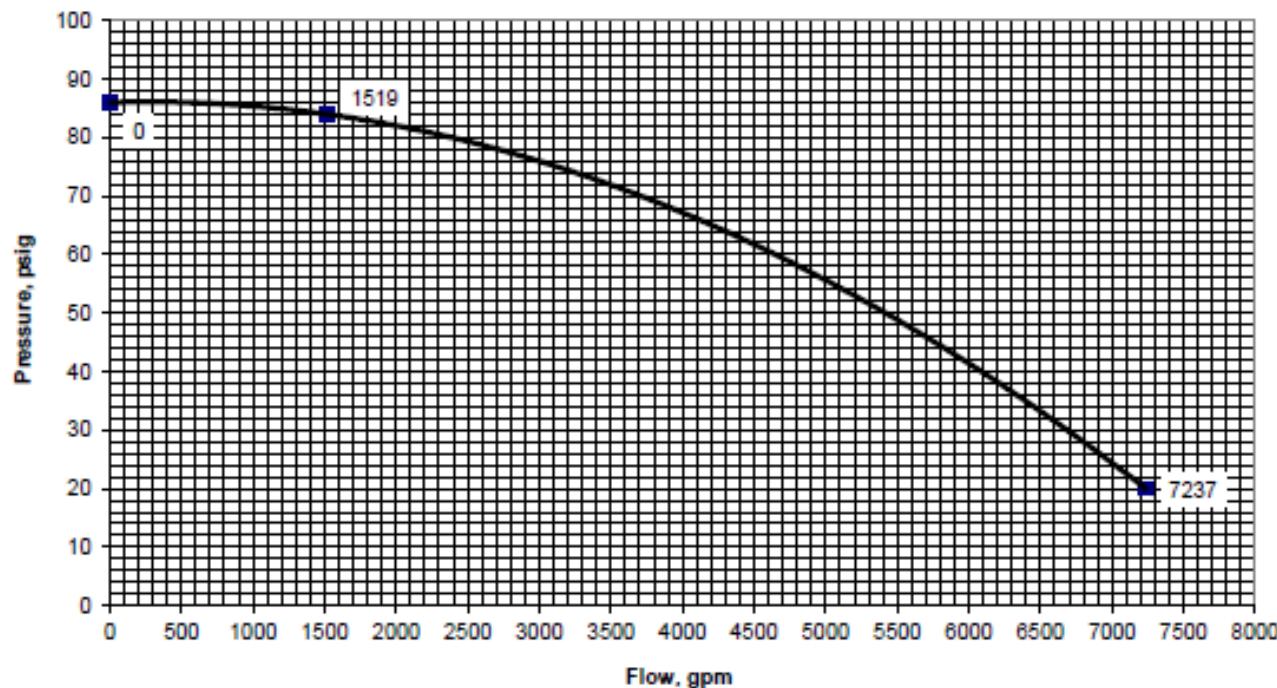
TOTAL FLOW DURING TEST: 1,175 GPM

STATIC READING: 86 PSI RESIDUAL: 84 PSI

RESULTS: AT 20 PSI RESIDUAL 7,760 GPM

REMARKS:

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#### **Attachment 4. Agency Comments**



## COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: October 31, 2025  
Please refer questions and comments to: Jeremiah Cromie

**NOTE: Additional information can be viewed on our website at:**

**APPLICANT:** Alison Baker

**REQUEST:** Partition & Middle Housing Land Division-Resulting in 9 lots

**SITE ADDRESS:** 1929 E Orchard DR

**LOCATION:**

**TAX LOT:** R3217CA 00501

**FILE NO:** PLNG-25-42

**ZONE:** R-1 (Res Low Density Zone)

**HEARING DATE:** N/A

---

For full Project Information click on the Link Here: [PLNG-25-42 Full Application](#)

---



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

**Scot Siegel**

Digital signature of Scot Siegel  
DN: C=US, O=Community Development, O=City of Newberg, CN=Scot Siegel  
E=scott.siegel@newbergoregon.gov  
Reason: I am the author of this document  
Location: Newberg, OR  
P Date: 2025.10.17 13:23:24+07'00'  
Foxit PhantomPDF Version: 10.1.1.2

**10/17/25**

Reviewed By:

Date:

**City of Newberg CDD**

Organization:



## COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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**FILE NO:** PLNG-25-42

**ZONE:** R-1 (Res Low Density Zone)

**HEARING DATE:** N/A

---

For full Project Information click on the Link Here: [PLNG-25-42 Full Application](#)

---



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

Digitally signed by W.E. Worthey  
DN: O=City of Newberg, OU=W.E. Worthey, E=will.worthey@newbergoregon.gov  
Reason: I have reviewed this document  
Location: your signing location here  
Date: 2025.10.17 17:35:21-07'00"  
Foxit PhantomPDF Version: 10.1.12

**10/17/25**

Reviewed By:

Date:

**Will Worthey CM**

Organization:



## COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: October 31, 2025  
Please refer questions and comments to: Jeremiah Cromie

**NOTE: Additional information can be viewed on our website at:**

**APPLICANT:** Alison Baker

**REQUEST:** Partition & Middle Housing Land Division-Resulting in 9 lots

**SITE ADDRESS:** 1929 E Orchard DR

**LOCATION:**

**TAX LOT:** R3217CA 00501

**FILE NO:** PLNG-25-42

**ZONE:** R-1 (Res Low Density Zone)

**HEARING DATE:** N/A

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For full Project Information click on the Link Here: [PLNG-25-42 Full Application](#)

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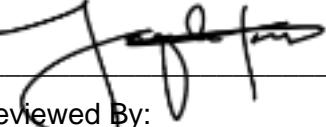
Reviewed, no conflict.

Reviewed; recommend denial for the following reasons:

Require additional information to review. (Please list information required)

Meeting requested.

Comments. (Attach additional pages as needed)

Reviewed By: 

Date:

Organization:



## COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: October 31, 2025  
Please refer questions and comments to: Jeremiah Cromie

**NOTE: Additional information can be viewed on our website at:**

**APPLICANT:** Alison Baker

**REQUEST:** Partition & Middle Housing Land Division-Resulting in 9 lots

**SITE ADDRESS:** 1929 E Orchard DR

**LOCATION:**

**TAX LOT:** R3217CA 00501

**FILE NO:** PLNG-25-42

**ZONE:** R-1 (Res Low Density Zone)

**HEARING DATE:** N/A

---

For full Project Information click on the Link Here: [PLNG-25-42 Full Application](#)

---



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

Reviewed By:

10/28/25

Date:

**Maintenance**

Organization:



## COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: October 31, 2025  
Please refer questions and comments to: Jeremiah Cromie

**NOTE: Additional information can be viewed on our website at:**

**APPLICANT:** Alison Baker

**REQUEST:** Partition & Middle Housing Land Division-Resulting in 9 lots

**SITE ADDRESS:** 1929 E Orchard DR

**LOCATION:**

**TAX LOT:** R3217CA 00501

**FILE NO:** PLNG-25-42

**ZONE:** R-1 (Res Low Density Zone)

**HEARING DATE:** N/A

---

For full Project Information click on the Link Here: [PLNG-25-42 Full Application](#)

---

- Reviewed, no conflict.
- Reviewed; recommend denial for the following reasons:
- Require additional information to review. (Please list information required)
- Meeting requested.
- Comments. (Attach additional pages as needed)

**April Catan**

Digital signature of April Catan  
DN: CCLUS\_OU=Operations\_O=City of Newberg,CN=April Catan,  
E=april.catan@newbergoregon.gov  
Reason: I am the author of this document  
Location: https://newbergoregon.gov  
P Date: 2025.10.20 10:36:19-0700  
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**10/20/25**

Reviewed By:

Date:

**City of Newberg - Operations**

Organization:

**From:** Brown, Jason <JBrown2@wm.com>  
**Sent:** Wednesday, October 29, 2025 7:41 AM  
**To:** Fe Bates  
**Cc:** Jeremiah Cromie  
**Subject:** Re: City of Newberg Request Review of Referral-PLNG-25-42

Fe, providing trash receptacles will be placed at the main road for service, WM does not see any service issues here.

Thank you

---

**From:** Fe Bates <[Fe.Bates@newbergoregon.gov](mailto:Fe.Bates@newbergoregon.gov)>  
**Sent:** Friday, October 17, 2025 1:20 PM  
**Cc:** Fe Bates <[Fe.Bates@newbergoregon.gov](mailto:Fe.Bates@newbergoregon.gov)>; Jeremiah Cromie <[Jeremiah.Cromie@newbergoregon.gov](mailto:Jeremiah.Cromie@newbergoregon.gov)>  
**Subject:** [EXTERNAL] City of Newberg Request Review of Referral-PLNG-25-42

Good Day,

Attached is Referral PLNG-25-42 for the Partition of 1 Lot that is 0.46 acre into 3 lots for a triplex on each lot. Then a Middle Housing Land Division of each Partitioned parent lot into 3 child lots, resulting in 9 total lots.

The full application for can be viewed by clicking on the Link located on the Form. Please fill out the Referral Sign Off sheet and email it back no later than **October 31, 2025** to [Planning@newbergoregon.gov](mailto:Planning@newbergoregon.gov) .

*Thank you,*

Fé Bates  
Community Development  
*Administrative Assistant*  
**City of Newberg**  
**City Hall:** 503-537-1240  
**Direct:** 503-554-7788

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**From:** Brown, Jason <JBrown2@wm.com>  
**Sent:** Thursday, November 20, 2025 12:21 PM  
**To:** Jeremiah Cromie; Fe Bates  
**Cc:** Brett Musick  
**Subject:** RE: City of Newberg Request Review of Referral-PLNG-25-42

Jeremiah, either spot would be fine as long as they are roadside/curbside.

Thanks

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**From:** Jeremiah Cromie <[Jeremiah.Cromie@newbergoregon.gov](mailto:Jeremiah.Cromie@newbergoregon.gov)>  
**Sent:** Thursday, November 20, 2025 11:09 AM  
**To:** Brown, Jason <[JBrown2@wm.com](mailto:JBrown2@wm.com)>; Fe Bates <[Fe.Bates@newbergoregon.gov](mailto:Fe.Bates@newbergoregon.gov)>  
**Cc:** Brett Musick <[Brett.Musick@newbergoregon.gov](mailto:Brett.Musick@newbergoregon.gov)>  
**Subject:** [EXTERNAL] RE: City of Newberg Request Review of Referral-PLNG-25-42

Jason,

By the main road, do you mean Orchard Drive or is the main road you are talking about Villa Road?

**Jeremiah Cromie**  
Associate Planner  
**City of Newberg**  
**City Hall:** 503-537-1240  
**Direct:** 503-554-7772

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**From:** Brown, Jason <[JBrown2@wm.com](mailto:JBrown2@wm.com)>  
**Sent:** Wednesday, October 29, 2025 7:41 AM  
**To:** Fe Bates <[Fe.Bates@newbergoregon.gov](mailto:Fe.Bates@newbergoregon.gov)>



## ENGINEERING COMMENTS

11/4/2025

FILE NO: PLNG-25-42

REQUEST: Partition a single 0.46-acre lot into three lots. Then partition each parent lot into 3 child lots, resulting in 9 total lots consistent with Middle Housing land division criteria.

LOCATION: 1929 E Orchard Drive

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### SITE INFORMATION:

Access and Transportation: The proposed project site has access frontage on Orchard Drive, a private dead-end street that has access to N Villa Road. N Villa Road is classified as Major Collector and is under the jurisdiction of the City of Newberg.

Utilities:

Water: The City's online GIS mapping shows there is an existing 4-inch water main along Orchard Drive. Fire flow will need to be confirmed by a fire flow test.

Wastewater: The City's online GIS mapping shows there is an existing 8-inch wastewater main that terminates in a manhole at the east end of E Orchard Drive.

Stormwater: The City's GIS mapping shows there are no public stormwater lines proximate to the property.

Overhead Lines: There are existing overhead utilities along E Orchard Drive frontage of the development property. Any new connection the property will need to be installed underground. See NMC 15.430.010 for exception provisions.

#### ***Chapter 12.05 Street and Sidewalks***

#### ***12.05.090 Permits and certificates.***

***A. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is \$30,000 or more except as the city engineer may require on building permits of lesser value in accordance with NMC 12.05.040, the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:***

**1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.**

**Finding:** The submitted materials do not indicate any existing sidewalks nor any proposed sidewalks. This is an existing private street that does not include sidewalks. Construction of sidewalks along existing private streets is not described as required by 12.05.090.

This criterion is not applicable.

***Chapter 15.220 Site Design Review***

***15.220.030 Site design review requirements.***

***B. Type II. The following information is required to be submitted with all Type II applications for site design review:***

***13. Roadways and Utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.***

**Finding:** The submitted materials indicate that the project site is served by an existing private street. The plans indicate that the private street will be extended along the property frontage for access to each proposed lot. The existing 4-inch water main and 8-inch wastewater main are proposed to be extended along E Orchard Drive. Service laterals for both water and wastewater service are also proposed.

The applicant has not yet submitted formal construction plans for the proposed development; therefore, final plans for public improvements are to meet City of Newberg Public Works Design and Construction Standards and applicable City standards.

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

***14. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]***

**Finding:** The submitted materials do not indicate that the proposed project will generate 40 vehicle trips or more per pm peak hour; therefore, a traffic study is not required.

This criterion is not applicable.

***Chapter 15.430 Underground Utility Installation***

***15.430.010 Underground utility installation.***

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

***B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.***

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

***1. The cost of undergrounding the utility is extraordinarily expensive.***

***2. There are physical factors that make undergrounding extraordinarily difficult.***

***3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed. [Ord. 2537, 11-6-00. Code 2001 § 151.589.]***

**Finding:** There are existing overhead utilities along E Orchard Drive. The submitted materials do not show new connections to or relocations of electric, communication, natural gas, or cable television. Any new service connection to the property is required to be installed underground.

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

***Chapter 15.505 Public Improvement Standards***

***15.505.010 Purpose.***

***This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]***

**15.505.020    Applicability.**

*The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).*

**Finding:** All improvements reviewed under this application are identified in the NMC 15.505 section specific to them and are conditioned to comply with the Public Works Design and Construction Standards in those sections.

This criterion is met.

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

**Finding:** The submitted materials indicate that the project site is served by an existing private street that does not include sidewalks. The plans indicate that the private street will be extended along the property frontage for access to each proposed lot. The existing 4-inch water main and 8-inch wastewater main are proposed to be extended along E Orchard Drive. Service laterals for both water and wastewater service are also proposed.

The applicant has not yet submitted formal construction plans for the proposed development; therefore, final plans for public improvements are to meet City of Newberg Public Works Design and Construction Standards and applicable City standards.

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

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

**Finding:** The submitted materials indicate that the project site is served by an existing private street that does not include sidewalks. The plans indicate that the private street will be extended along the property frontage for access to each proposed lot.

Development of the subject property will require that the private street pavement is extended along the property frontage within the existing 30-foot-wide easement. The private street pavement width is to be a minimum of 20-feet matching the pavement width west of the project site. The private street extension needs to include provisions for a turnaround. At a minimum the private street extension and turnaround is to be consistent with the existing turnaround provided with the private street construction as documented in the “As Constructed” plans for Orchard

Drive dated July 1980. The turnaround will also need to meet requirements for emergency vehicles and Waste Management vehicles.

The applicant has not yet submitted formal construction plans for the proposed development; therefore, final plans are to meet applicable City standards and the above identified criteria.

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

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

**Finding:** The submitted materials indicate that there is an existing 4-inch water main which is proposed to be extended along E Orchard Drive. Service laterals for each proposed future dwelling are also proposed. A *Waterline Capacity Memorandum* was provided which assessed the capability of the existing 4-inch water main to provide adequate water service to the future dwellings. The memo concluded that there was sufficient capacity to serve the proposed dwellings and that the existing 4-inch water main did not need to be upsized to the 8-inch City standard.

Because the applicant has not submitted construction plans for the extension of the public water line and for the new water connections, the applicant is required to submit construction plans and a water capacity analysis and obtain a public improvement permit for the extension of the public water line and connection to the public water main for the proposed water services. If during the plan review process for the public improvement permit it is determined that an additional fire hydrant is needed, the extension of the public water line will need to be an 8-inch line meeting city standards.

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

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

**Finding:** The plans indicate that the existing 8-inch wastewater main is proposed to be extended along E Orchard Drive. Service laterals for each proposed future dwelling are also proposed.

Because the applicant has not submitted construction plans for the extension of the public wastewater line and for the new wastewater connections, the applicant is required to submit construction plans and obtain a public improvement permit for connection to the public wastewater main for the proposed wastewater services. The extension of the public wastewater line is to terminate at a manhole.

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

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

**Finding:** The submitted materials include a preliminary stormwater report which indicates that the proposed development (construction of dwellings and private street extension) will create 14,212 square feet of impervious area. The applicant has proposed three large rain gardens to manage generated stormwater runoff.

Because there is a net increase of 500 square feet or more in impervious area, the applicant will be required to submit a stormwater facility sizing report and plans for stormwater management that meet the requirements of Chapters 13.20 and 13.25 NMC and comply with the Public Works Design and Construction Standards with the permit application.

The stormwater management report is to be prepared in accordance with the Public Works Design and Construction Standards. This includes demonstrating compliance with the stormwater facility selection hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards.

The applicant is required to submit construction plans and obtain a building permit for proposed private stormwater facilities. Private stormwater maintenance agreements will also be required.

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

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

**Finding:** The submitted materials include a utility easement proposed along the east property boundary to accommodate relocation of an existing private wastewater service lateral that serves an adjacent property to the east. Documentation of a recorded utility easement for the proposed relocation of the existing private wastewater service lateral is required to be submitted with permit submittals.

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

***G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]***

**Finding:** Any required public improvement permit(s) for this project must be submitted, approved and issued prior to building permits being issued.

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

**15.505.030 Street standards.**

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

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

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

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

\*\*\*\*\*

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

**Finding:** The submitted materials indicate that the project site is served by an existing private street. The plans indicate that the private street will be extended along the property frontage for access to each proposed lot.

Development of the subject property will require that the private street pavement is extended along the property frontage within the existing 30-foot-wide easement. The private street pavement width is to be a minimum of 20-feet matching the pavement width west of the project site. The private street extension needs to include provisions for a turnaround. At a minimum the private street extension and turnaround is to be consistent with the turnaround provided with the private street construction as documented in the “As Constructed” plans for Orchard Drive dated July 1980. The turnaround will also need to meet requirements for emergency vehicles and Waste Management vehicles.

The applicant has not yet submitted formal construction plans for the proposed development; therefore, final plans are to meet applicable City standards and the above identified criteria.

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

\*\*\*\*\*

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

**Finding:** Based on the submitted materials, a street lighting analysis is not required per criteria established in NMC 15.505.030(B). Since the project site has frontage along, and is accessed by, an existing private street, provisions in 15.505.030 Street Standards do not apply.

This criterion is not applicable.

\*\*\*\*\*

**15.505.040 Public utility standards.**

**A. Purpose.** *The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.*

**B. Applicability.** *This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.*

**C. General Standards.**

**1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all**

*improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.*

**2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.**

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

**1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.**

**2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.**

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

**4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.**

**Finding:** The submitted materials indicate that there is an existing 4-inch water main which is proposed to be extended along E Orchard Drive. Service laterals for each proposed future dwelling are also proposed. A *Waterline Capacity Memorandum* was provided which assessed the capability of the existing 4-inch water main to provide adequate water service to the future dwellings. The memo concluded that there was sufficient capacity to serve the proposed dwellings and that the existing 4-inch water main did not need to be upsized to the 8-inch City standard.

Because the applicant has not submitted construction plans for the extension of the public water line and for the new water connections, the applicant is required to submit construction plans and a water capacity analysis and obtain a public improvement permit for the extension of the public water line and connection to the public water main for the proposed water services. If during the

plan review process for the public improvement permit it is determined that an additional fire hydrant is needed, the extension of the public water line will need to be an 8-inch line meeting city standards.

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

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

- 1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.***
- 2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.***
- 3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.***
- 4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.***
- 5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.***
- 6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.***
- 7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.***

**Finding:** The plans indicate that the existing 8-inch wastewater main is proposed to be extended along E Orchard Drive. Service laterals for each proposed future dwelling are also proposed.

Because the applicant has not submitted construction plans for the extension of the public wastewater line and for the new wastewater connections, the applicant is required to submit construction plans and obtain a public improvement permit for connection to the public wastewater main for the proposed wastewater services. The extension of the public wastewater line is to terminate at a manhole.

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

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

**Finding:** The submitted materials include a utility easement proposed along the east property boundary to accommodate relocation of an existing private wastewater service lateral that serves an adjacent property to the east. Documentation of a recorded utility easement for the proposed relocation of the existing private wastewater service lateral is required to be submitted with permit submittals.

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

**15.505.050 Stormwater system standards.**

**A. Purpose.** *The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.*

**B. Applicability.** *The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.*

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

**Finding:** The submitted materials include a preliminary stormwater report which indicates that the proposed development (construction of dwellings and private street extension) will create 14,212 square feet of impervious area. The applicant has proposed three large rain gardens to manage generated stormwater runoff.

Because there is a net increase of 500 square feet or more in impervious area, the applicant will be required to submit a stormwater facility sizing report and plans for stormwater management that meet the requirements of Chapters 13.20 and 13.25 NMC and comply with the Public Works Design and Construction Standards with the permit application.

The stormwater management report is to be prepared in accordance with the Public Works Design and Construction Standards. This includes demonstrating compliance with the stormwater facility selection hierarchy described in Section 4.6.8 of the Public Works Design and Construction Standards.

The applicant is required to submit construction plans and obtain a building permit for proposed private stormwater facilities. Private stormwater maintenance agreements will also be required.

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

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

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

**Finding:** The submitted materials include a preliminary stormwater report which indicates that the proposed future development (construction of dwellings and private street extension) will create 14,212 square feet of impervious area. The applicant has proposed three large rain gardens to manage generated stormwater runoff.

The applicant is required to submit plans clearly showing the area of disturbance and to obtain a Oregon Department of Environmental Quality 1200-C Erosion Control Permit if 1 acre or more will be disturbed prior to any ground disturbing activity beginning. If less than 1 acre will be disturbed, the applicant is required obtain a City issued Erosion Control Permit prior to any ground disturbing activity.

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

***E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]***

**Finding:** Because the applicant has not submitted construction plans, construction plans which comply with the Newberg Public Works Design and Construction Standards shall be submitted with the public works improvement permit application.

Plans will be fully reviewed for compliance with city standards including the Public Works Design and Construction Standards as part of the permit plan review process.

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

## **Attachment 5. Public Comments**

**From:** Stephanie St. Cyr <stephstcyr@gmail.com>  
**Sent:** Monday, November 3, 2025 1:32 PM  
**To:** Planning  
**Subject:** File no. PLNG-25-42 Orchard Drive  
  
**Categories:** Jeremiah

Dear Planning Commission,

I'm writing as the homeowner at 1912 North Carol Ave to state our strong opposition to the proposal to build three triplexes on the parcel directly behind our property.

This project would significantly and negatively affect our home value and day-to-day living experience for the following reasons:

- Privacy & Overlooking: Two-story triplexes would directly overlook our yard and living spaces, eliminating the privacy we relied on when we purchased our home.
- Noise & Light Pollution: Increased household density means more cars, outdoor activity, porch/yard lighting, and late-evening noise that will carry into adjacent backyards.
- Traffic & Parking: Six additional units bring multiple vehicles per household. Overflow parking and noise will reduce visibility, create safety risks for kids and pedestrians, and complicate access for emergency vehicles.
- Property Value Impact: Loss of privacy, higher traffic, and a denser building form immediately behind our lot are well-known factors that reduce resale appeal and comparable values.
- Neighborhood Character & Compatibility: Our block is predominantly single-family with deep rear yards and mature trees. Three duplexes introduce a scale and intensity that is out of character with established form and setbacks.
- Construction Impacts: Months of heavy equipment, debris, and early-morning work will bring noise, dust, and vibration risks to our fencing and foundations.
- Stormwater & Drainage: Replacing permeable yard with large roof and driveway areas increases runoff toward adjacent lots; our property already experiences seasonal pooling.
- Safety & Access: Additional driveways will create new conflict points; visibility from our rear fence line is limited.
- Tree Loss & Habitat: The plan appears to remove mature trees that provide shade, privacy screening, and habitat for birds and pollinators.
- Precedent: Approving this intensity here invites further up-zoning-by-variance on neighboring parcels, accelerating the issues above.

If the project proceeds despite community concerns, we request — at minimum — the following conditions to reduce harm:

1. Lower density or alternative design (e.g., one single-family home or a single duplex) to maintain compatibility.
2. Meaningful setbacks and height limits at the rear, with step-backs on upper floors to protect privacy.
3. Evergreen tree buffer, privacy fencing, and shielded, downward-facing lighting along all shared property lines.
4. On-site parking that meets actual demand, not minimum code, and a prohibition on on-street overnight construction parking.
5. Independent traffic and stormwater studies, with required mitigations before permits are issued.
6. Construction management plan detailing limited work hours, dust/noise controls, debris containment, and a neighbor contact for issues.
7. Preservation of existing mature trees where feasible; if removal is unavoidable, like-for-like replacement with mature caliper plantings.

We bought our home based on the existing character, privacy, and safety of this neighborhood. This proposal undermines those expectations and places disproportionate burdens on adjacent homeowners. We respectfully ask you to deny the application or require substantial revisions and mitigations as listed above.

Thank you for your consideration. I'm available to discuss in more detail and to participate in any hearings.

Sincerely,

Stephanie St. Cyr (Sizzle Pop Family Trust)

1912 Carol Ave.

[stephstcyr@gmail.com](mailto:stephstcyr@gmail.com)

831-252-1350

November 3, 2025

The building of triplexes on Orchard Drive is completely ridiculous for several reasons as follows.

1. The street is very narrow as is.
2. There aren't even sidewalks because there isn't room for them.
3. There can't possibly be room for those triplexes on that street.

Sincerely, Sharon Stettenbauer  
1907 N. Carol Ave  
Newberg

**From:** PATTY BROWN <yogi.bee@comcast.net>  
**Sent:** Thursday, November 6, 2025 7:19 PM  
**To:** Planning  
**Subject:** plng-25-42 orchard drive

Hello,

I do not agree with the new plan to build residence for 9 homes at 1929 E Orchard Dr. The street will become congested and hard for say a garbage truck to turn around. Also with the new development at E Mountain View and Villa, I fear for those of us one the side roads off of Villa being able to safely get out of our neighborhoods as it is. Just too many homes for a small location.

Thank you,

Patty Brown  
2816 N Carol Ave  
newberg, OR 97132  
503-702-4583

**From:** Stephanie St. Cyr <stephstcyr@gmail.com>  
**Sent:** Tuesday, November 11, 2025 9:30 AM  
**To:** Planning  
**Subject:** Orchard Drive

To: Newberg Community Development & Planning Department

Address: 414 E. First Street, Newberg, OR 97132

Subject: Request for Review and Strengthening of Residential Design Standards

Date: 11/11/25

Dear Members of the Newberg Planning Department and Planning Commission,

We are writing as concerned residents of North Carol Avenue area to respectfully request that the City of Newberg review and strengthen its residential design standards for new developments, particularly multi-unit and infill housing projects proposed within established neighborhoods.

We fully support the State of Oregon's goal of increasing housing availability and affordability. However, we also believe that growth should be guided by clear, objective design standards that protect the safety, livability, and character of our community.

Recent development proposals have highlighted areas where current code lacks specificity regarding setbacks, height, lighting, screening, and access requirements. These gaps can lead to projects that, while technically compliant, are incompatible in scale and function with the existing neighborhood fabric.

We respectfully request that the City consider updates that include:

- Setbacks and Height Limits that reflect the prevailing character and spacing of adjacent single-family homes.
- Objective Design Standards for exterior lighting (downward-facing, shielded fixtures) and noise mitigation.
- Access and Driveway Width Requirements sufficient for emergency and service vehicles.
- Screening or Buffering Requirements such as solid walls or fences when multi-unit buildings abut single-family lots.
- Traffic and Drainage Impact Reviews for projects accessing private driveways or narrow streets.

These measures are not intended to restrict new housing, but to ensure that new development enhances our community rather than overwhelms it. We are confident that

with thoughtful design standards, Newberg can meet its housing goals while maintaining the small-town character, safety, and quality of life that residents value.

We would appreciate the opportunity to meet with Planning staff or participate in any upcoming Development Code review discussions to share neighborhood perspectives and ideas.

Thank you for your ongoing commitment to responsible growth and for considering this request.

Sincerely,

Stephanie St. Cyr

1912 Carol Ave.

831-252-1350

City of Newberg  
Community Development Department

File No. PLNG-25-42 Orchard Drive



I am writing in opposition to the proposed middle housing development being requested for Orchard Drive. I understand your mandate for middle housing but this location is not the location for such a development and will have a significant negative impact on the safety of this neighborhood drive. Nor is the infrastructure present to support such a development and it does not meet city codes in several respects.

First, I would argue that proper notice was not given. I want to request that a proper notice be sent to everyone required to receive a notice. The notice was sent out in envelopes with 76 Express Lube stamped in the area for the return address making it appear that the letter was an advertisement/junk mail. I almost threw it in my recycling as it did not appear to be an official letter/notice. I am sure others did this as many people do not open junk mail. The notice should be sent out as an official letter/notice, with either the property owners name and address or preferably with city envelopes so it is apparent that it is an official notice.

It needs to be recognized that Orchard is a private drive, in other words, a driveway. It is an asphalt driveway back to a number of homes without the infrastructure underneath that you would find on a neighborhood street. The drive is just a little wider than my driveway which is your average two car garage driveway. There is not room on this drive for normal two-way traffic. There is no room for on street parking and you cannot do a three point turn on this drive without going onto someone's property. I know people who could not do a five point turn on this drive due to the drive being so narrow. (See attached photo) The previous plan for townhomes stated a turn-around would be required and I have to wonder why that is not part of this plan. In fact, they are proposing to narrow the asphalt another couple of feet in front of the development making traffic movement in that area of the drive, along with ingress and egress into the development more challenging. Emergency and service vehicles already struggle to provide adequate services down this drive. A turn around at the end of the drive is clearly needed for traffic flow especially with almost doubling the number of residences.

I know they are planning a small area to expand the drive for a staging area in case there is a fire along the drive but I seriously question how they are adequately going to do that with the available area. There is fencing along the north side of the asphalt in that area and the fire hydrant on the south side of the asphalt. (See attached photo) Is there a city code on how far from the driving pavement a fire hydrant has to be located? To expand the drive as they are proposing would put the asphalt up to the fire hydrant base if not further depending on exactly where the boundary line is located for the property with the fence on the north side of the drive. This will clearly be a safety hazard for drivers and will increase the likelihood that someone will hit the fire hydrant. The fire hydrant will need to be moved to a more safe location back away from the asphalt. Keep in mind that the firefighters will need clear and full access around the fire hydrant if there ever is a fire. This short expansion will not allow for

better traffic flow, allow on street parking nor allow for a turn-around in the location it is proposed. My question is whether you are allowed to pave or build within the easement area. The proposed widening will pave the entire easement area as well.

Per city code, driveways are to be set back from the pavement, in other words have an easement between the two. This proposed development has the driveways being built into the easement area meeting Orchard drive. Otherwise, they will not be long enough for a car to park on them. The rain gardens are also proposed to be partially into the easement. This clearly indicates that the proposed development is too large for the available land slated for this development. Nor do I see sidewalks, planter strips, or other street features/improvements that are required by city codes. City codes require developments to meet public improvement standards. Street improvements must be made that are necessary to serve the development and when there are different design standards to be considered the higher value standards apply. That is not the case with this development. There are lower standards, below city codes, being proposed and they will not serve this community. The proposed plan states the buildings will not be higher than 35 feet but city code will not allow them to be higher than 30 feet.

Orchard is not maintained by the city but by the residents on that drive. The asphalt is already showing wear. (See attached photo which shows the condition of the asphalt in a number of places along Orchard) With its current wear, the construction vehicles needed for this development will tear the drive apart causing the residents to have to bear a significant expense that they would not have at this time if this development were not to happen. Since the development must construct the street improvements necessary to serve the development they should not be allowed to tear up the drive that is serving the residents on that drive and that is needed for the residents of the development to get back to the development. They should have to repave the whole drive and to construct proper infrastructure under the asphalt needed for the increased traffic flow that will occur and make the drive at least as wide as it is now along the entire drive including in front of the development. They should not make the drive narrower in front of the development which will not serve the development properly.

I would request a full traffic impact study as the traffic on this drive will be doubled from the current traffic flow. The standards for requiring a traffic study are for regular neighborhood, primary or secondary streets. This is not a typical street setting but is a driveway without normal street infrastructure creating a narrow asphalt dead-end that does not allow for normal traffic flow. Almost doubling the number of residences on Orchard is also going to impact the ingress and egress from and onto Villa Road which can also get busy and will only become busier once the development on Mountain View at the end of Villa is complete. The traffic study done for that development did not account for this proposed development. Any emergencies that may occur on Orchard drive will create an unsafe situation and negatively impact residents getting out. Almost doubling the number of residences will only increase that unsafe situation four-fold and increase the likelihood of an emergency situation.

I question whether a four-inch water pipe can adequately supply 9 additional homes that are proposed on this drive. The water report refers to AWWA recommended standards but those standards would be for eight-inch water pipes which are the standard sized water pipes that

are used within typical developments. Orchard drive is not your typical development and does not have the standard water pipes.

There are some inconsistencies within the proposed development write up and some reports that make it difficult to know for sure what is being proposed. The Title Report states that there are two parcels located in this area for which the development is proposed. The proposed development plan is talking about one parcel and dividing it into three. They also mention four different measurements of the three lots to be created and two different acre sizes so it is impossible to determine the true plan. When asked about existing structures and plantings they mention that they will not maintain any structures or brush. There are apple trees on part of that plot of land but they do not mention anything about the trees. There is also mention of a legal document regarding maintenance which is unknown. If the city is thinking about approving this development despite the significant issues and negative impact it will create in the neighborhood, I believe there needs to be a more accurate depiction of what is actually being proposed so that the city and everyone in the neighborhood actually knows what is being proposed. I would also ask that a condition be put on the development to prohibit further division of the lots.

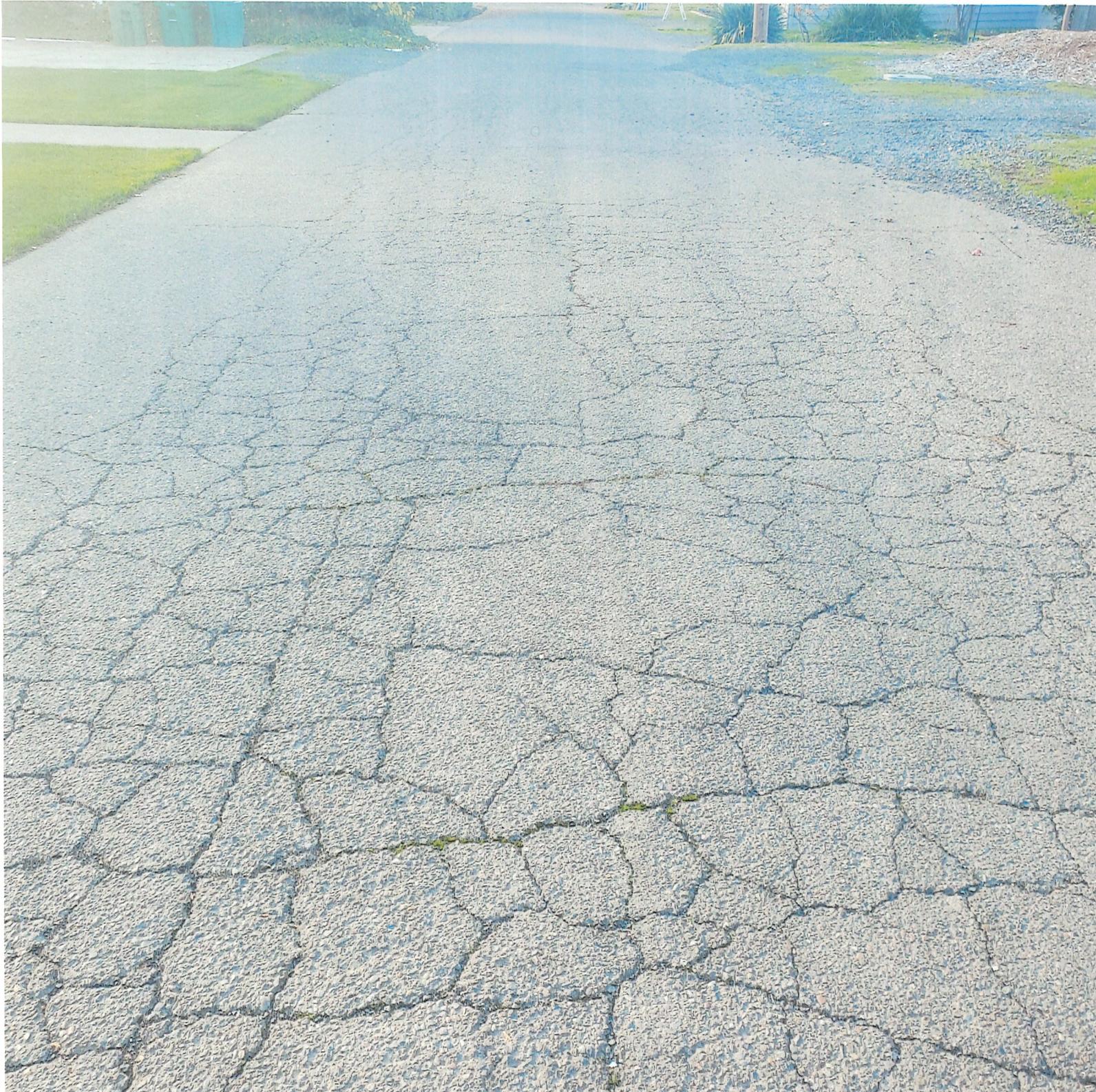
This proposed development will significantly impact this neighborhood in a negative manner, does not meet city codes and creates some potential safety issues. Since it is not your typical neighborhood with normal streets and infrastructure the impact of this development will be greater and needs to be considered more carefully than it would for a typical neighborhood. Not only will it impact traffic and road conditions significantly, the proposed development is not up to city standards, will create some safety concerns and is too large for the available space. It will create a huge disruption in the lives of those living on Orchard including difficulty getting in and out of their property during construction as there is no other way in or out, significantly decrease the property values as well and create increased costs for the maintenance of the drive. Anyone involved in making this decision needs to drive on Orchard Drive in order to fully understand the impact and understand that they are proposing a more narrow area of asphalt in front of the development. Imaging two-way traffic, parking, emergency and service vehicle use on your driveway for about 20 homes. That is the reality of Orchard Drive. This proposed development does not fit the needs of the neighborhood which middle housing is supposed to do. Quite the contrary actually. Even if required to do certain improvements and make certain adjustments, it still will not solve all the issues that this development will create.

I understand you are mandated to allow for middle housing developments but you are not required to approve every middle housing application that comes to you. They should be located in areas with the infrastructure to support them, in an area where the traffic flow increase can occur without negatively impacting the area, where they fit into the available space, where street improvements needed can be made, where they meet city codes and where it will not create safety issue. This proposed development does none of those and should be denied in its current form.

Judy Durkee  
1911 Carol Ave.  
503-554-1516







**From:** Beverly Haller <bdhaller1@gmail.com>  
**Sent:** Wednesday, November 12, 2025 2:57 PM  
**To:** Planning  
**Subject:** PLNG-25-42 Orchard Drive Comments

We are writing to express our objection to this proposed middle housing land division of 9 total lots for 3 triplexes development on Orchard Lane which currently is an older housing development of single family homes on large lots with a narrow private drive. The majority of homes in this neighborhood are owner occupied. The people who live in this area chose this type of low-density neighborhood for their quality of life. We don't want to live in a high-density housing area. This project would cram 9 units onto a lot which was intended for one, maybe two homes and would stand out like **a giant eyesore** in the neighborhood.

This type of infill project will cause our homes to become less valuable over time. While they may start out as owner occupied units, they are bound to become rental units because of the **extremely small size, lack of amenities**, no yard and very limited parking. The two home owners living directly behind this development would have people looking down on their back yard as these units will be multiple stories high. Nobody wants that. Having lived next to a rental home for the last 16 years, I can tell you we have had a parade of frequently changing neighbors in that one house over time. Several have been less than stellar with frequent police visits at night to fighting couples or people who stack up garbage bags outside the home instead of signing up for garbage service. Imagine multiplying those types of problems times nine.

There is no room for street parking so anyone living there would be limited in how many cars they could have, and any guests would have to park on Villa or around the corner on Carol and walk. The road is a narrow, private lane which was not meant for **literally doubling the number of cars using it**. Traffic on Villa Road is already very congested between the college traffic and the apartment complex built down the road by the railroad tracks. There is another large project going it at the end of Villa Road on Mountainview Road which will also increase traffic exponentially when complete as it will have something like 400 high and medium density units.

The sewer and water infrastructure would need to be upgraded to handle the increased number of units. These projects can take a long time to complete and would be a disruption to lives of the people who already live on Orchard Lane as they tear up and repave the road. The construction vehicles will also be a disruption in and out. There is no room for large vehicles to turn around at the end of the street where the project is located. This can also impact the ability of fire trucks to get in there for emergencies.

At this time, **there is no need for an infill project such as this in Newberg**. There is plenty of space for development around town and multiple developments going on now. As previously stated, not even a mile from this location, there is a 400 unit high and medium density development already under construction. The remainder of the Springbrook master plan has

even more houses slated to be built in that area. Crestview Green and Crestview Crossing are also adding around 300 plus more units between them. Again, already under construction.

We don't have a problem with multifamily housing units such as apartments and townhouses, but they should be in newer developments that are designed and zoned that way from the beginning, not injected into older, well-established low-density neighborhoods. This should be something that is done as a last resort when there is no more area to build on. **Infill projects destroy the character of the neighborhood.** It doesn't seem right that builder can develop a project designed for maximum profit, push the limits of accepted density, and not have to live with the consequences of the impact on the other home owners living there. The city has a duty to look out for the interests of the local residents as well.

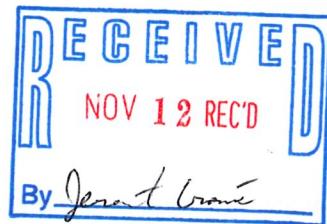
We are aware that HB 2138 signed into law this summer is a measure that was intended to accelerate middle housing and as such, it seems to negate any previous zoning laws that were a barrier to such developments. It strips private deed and HOA restrictions, limits local governments ability to reduce density allowances and exempts land use decisions from public hearings or delays. In other words it strips away our rights. There is no urgency to do this infill project now as many aspects of the law won't be fully implemented until 2027. Perhaps the city should take a step back and really think about how to best implement the new law on the local level with the least amount of impact on the citizens of our town. Just because you can increase the density anywhere there is an oversized or vacant lot doesn't mean you should.

Most of the problems the building industry has in producing affordable homes comes from years government regulation in the first place which made the costs exorbitant to develop the property.

If the owner of the lot wanted to come back with a smaller development of one or two single family homes, I would be open to that, but this project is ridiculous in its current form.

Thank you for your time and consideration.

Beverly Aydelotte and James Judy



# COMMUNITY PETITION AND LETTER OF OPPOSITION

## Re: Proposed Partition and Middle Housing Land Division (0.46-acre site)

**From:** Orchard Street & North Carol Avenue Neighborhood Residents

**To:** Community Planning Department  
City of Newberg  
414 E. First Street  
Newberg, OR 97132

**Date:** November 10, 2025

### Purpose of This Petition

By signing below, residents of the **Orchard Street and North Carol Avenue** neighborhoods affirm our strong opposition to the proposed plan to divide a 0.46-acre parcel into three separate lots for triplex housing, creating nine individual homes. This petition and accompanying letter will be submitted to the **City of Newberg Community Development Department** before the public comment deadline on **November 13, 2025**.

### Our Unified Statement

We, the undersigned residents, are united in our belief that this proposed project is **unsafe, incompatible, and inconsistent with Newberg's own development standards**.

The access point to this proposed development is not a street — it is a **driveway**. Referring to it as a “street” is inaccurate and misleading. It lacks sidewalks, curbs, and the width necessary for safe two-way traffic. This narrow driveway cannot accommodate the volume, type, or frequency of vehicles that would result from three triplexes. Garbage collection, emergency response, and routine residential traffic already strain this limited access.

Approving this project under the pretense that this driveway functions as a public street would be a **serious safety and planning error** with long-term consequences for the City and its residents.

Although a **traffic trip analysis** was conducted, it did not reach the 40-trip threshold that automatically requires a full traffic study under **NMC 15.235.040**. However, this is an exceptional situation. The City has full discretion to require a study where the **site's unique physical conditions** — including limited access, no secondary outlet, and constrained geometry —

clearly warrant it. We respectfully ask the City to **require a full traffic impact study** that accurately reflects the realities of this site.

We acknowledge that **water and stormwater testing** has been completed, and that the findings claim the systems can handle the added load. However, runoff, pooling, and surface drainage continue to affect nearby homes, especially after heavy rains and on all sides of this development. Increased pavement and vehicle use will worsen these conditions. These practical, real-world impacts must be given serious consideration.

The **density** of this proposal is incompatible with the surrounding neighborhood. Three triplexes on less than half an acre are out of scale with nearby homes and infrastructure. It would increase traffic, noise, and overflow parking, and eliminate backyard privacy for all neighbors, fundamentally changing the character of this residential area.

In addition, should this project move forward, we **strongly oppose any plan for trees, shrubs, or other vegetation** as the only buffer between this proposed development and the existing homes on North Carol Avenue. Plantings are temporary and rely on future homeowners for maintenance. Instead, we request that the City **require a permanent solid barrier**, such as a **paver or masonry wall**, between any proposed development and existing properties. Especially with only a five-foot setback, this will assist with long-term privacy, noise reduction, and property line integrity.

Finally, we remind the City that a prior proposal for **four duplexes** on this same property was withdrawn for similar reasons. The issues have not changed — only the name of the application. The driveway is still too narrow, access too limited, and the site too small for this level of development.

## Our Requests to the City of Newberg

We respectfully request that the City:

- **Deny this proposal** as currently designed.
- **Require a full traffic impact study** addressing the limitations of the single-driveway access.
- **Mandate the construction of a solid paver or masonry wall** between the proposed development and Carol Street properties.
- **Reevaluate stormwater and drainage impacts** in the context of real neighborhood conditions.
- **Ensure compliance** with all safety, access, and infrastructure standards under **NMC 15.505**.

This is not opposition to housing or progress — it is a collective plea for **responsible, safe, and lawful development** that respects existing neighborhoods, residents, and city standards. It is the collective neighborhood consensus that development of more than four (small) homes on

this property would be stretching it absolutely beyond any capacity of the existing road and neighborhood capacities.

## Signatures

Name	Address	Signature
Stephanie A. Cyr	1912 Carol Ave	Stephanie A. Cyr
KATHLEEN STEIN	1900 N CAROL	Kathleen Stein
Judy Durkee	1911 Carol Ave.	Judy Durkee
Barbara Stock	1813 Carol Ave	Barbara Stock
Russell St. Cyr	1912 N. Carol Ave	Russell St. Cyr
Sharon Gstettenbauer	1907 N. Carol Ave	Sharon Gstettenbauer
Linda D Lewis	1908 N Carol Ave	Linda D Lewis
Jim Judy	1920 CAROL AV	Jim Judy
Anne Beals	1930 N Carol	Anne Beals
BRAD BEALS	1930 N CAROL	Bradley Beals
Janelle Nordyke	2000 N. Carol	Janelle Nordyke
Beverly Aydelotte	1920 N Carol Ave	Beverly Aydelotte
Ryan Adamik	1910 E. Orchard	Ryan Adamik
Heather Adovich	1910 E. Orchard	Heather Adovich
Matt Weybright	1930 E orchard	Matt Weybright
Andrea Weybright	1930 E Orchard	Andrea Weybright
Peggy Nava	2 Orchard	Peggy Nava
Linda Hansen	1808 Carol Ave	Linda Hansen
Keith Hansen	1790 orchard Dr.	Keith Hansen
Chris Goldsmith	1916 N. CAROL AVE	Chris Goldsmith

Name	Address	Signature
<u>Valerie Taylor</u>	<u>1901 N Carol Ave</u>	<u>Valerie Taylor</u>

**Contact for Correspondence:**

Orchard Street & North College Street Neighborhood Representatives

Stephanie St. Cyr, 831-252-1350, and [stephstcyr@gmail.com](mailto:stephstcyr@gmail.com)

**From:** navapnava@aim.com  
**Sent:** Wednesday, November 12, 2025 3:54 PM  
**To:** Planning  
**Subject:** PLNG-25-42 Orchard Drive

Re: Orchard Drive PLNG-25-42  
To Jeremiah or Whom It May Concern:

Dean Hurford would like to build three triplexes at the east end of Orchard Drive, similar to the ten townhouses he wanted to build a short time ago. I live right across from the property he would like to build on. While I respect everyone's right to do as they wish with their own property, the number and height of these buildings would adversely affect our neighborhood, being 1) incongruous and a 2) traffic hazard not only to the other drivers and our old pavement, but to the neighborhood children. The objections outlined in a previous letter written about the ten townhouses are the same that would apply to the three triplexes. The only acceptable number of houses in our neighborhood on that less than half an acre would be four or preferably less.

The road: Our "road," or Private Drive as the street sign indicates, is not a street. As an access to our own homes our joined easements are not meant to be a busy street, and the original design of the neighborhood and easement was for what R1 housing was forty years ago. This means there was *no intention of making our easements into access for the intense density of three triplexes*. There was no intention of making the pavement bear the weight of such traffic as that. Individual homeowners have come and gone over the years, and often there are spans of years with literally troops of children wandering our Orchard Drive. The dead end status would apparently make it safe for children to know the neighborhood and not be in danger of too many cars zipping through, but with every added home there are more cars to watch out for, both for drivers and children. In my previous letter I pointed out that most homes have two wage-earners who need to get to work daily, and nine more homes would create rush hour traffic on Orchard Drive trying to get out of the nineteen-foot-wide opening onto Villa. Getting onto and off of Villa might require a left-hand turn lane in the center of Villa for safety, especially considering the hill and curve immediately on Villa.

Our neighborhood: Our neighborhood has always been one of single-family homes with yard space. This includes Carol as well as our area of Haworth. *The lot in question is a property already embedded within our local community*. What is incongruous is anything that doesn't have at least a double-wide driveway on a single-family dwelling, anything that is three-story, anything that doesn't have enough yard space to avoid the need for rain gardens. This is not a new neighborhood on a wide road, nor on a planned housing development with a city road. This is an already established neighborhood, not on a street. Common wall duplexes and triplexes are not in the trim style of our neighborhood. I respectfully suggest that the *maximum* number of homes to keep in character with our neighborhood would be four homes.

Added note: Please don't forget my driveway is the one at the end of Orchard Drive. Fed Ex, UPS, Amazon, people's food deliveries, all sorts of lost souls who come for the holidays, utility trucks, cable companies—all turn around in my driveway. I cannot imagine doubling the traffic, plus the construction traffic, in my driveway. I will have to put a gate up to protect my driveway with all the added traffic. This is very inconvenient.

Margaret Nava 1954 Orchard Drive Newberg, OR 97132

**From:** Rusty St. Cyr <rstcyr@georgefox.edu>  
**Sent:** Thursday, November 13, 2025 5:29 PM  
**To:** Planning  
**Subject:** Fwd: Please send this to planning@newbergoregon.gov

**To:** Community Development Department

City of Newberg  
414 E First Street, Newberg, OR 97132

**Subject:** Public Comment – Partition and Middle Housing Land Division Proposal (0.46 acre site / proposed 9 lots)

**Date:** November 13th , 2025

Dear Community Development Director,

I'm writing as a neighbor who cares deeply about the safety, livability, and long-term health of our community. I'm grateful for the opportunity to offer feedback on the proposal to partition a single 0.46-acre parcel into three lots—each slated for a triplex—and then further divide those into a total of nine smaller lots.

While I fully support responsible growth and the need for a diverse range of housing options, I have significant concerns that this proposal does not meet the standards outlined in Newberg's Development Code and that it may create practical challenges with real consequences for residents.

### **1. Street Width and Traffic Safety**

The roadway serving this property is already extremely narrow, with regular congestion, limited sightlines, and heavy on-street parking. Adding nine new homes—likely bringing an additional 18–27 vehicles—will only intensify those issues.

NMC 15.505 requires adequate street width, sidewalks, and right-of-way improvements for any land division. At this point, the proposal does not demonstrate how those requirements will be met, or whether they are even feasible given the physical limits of the existing street. Without improvements, emergency access, garbage service, and pedestrian safety could all be compromised.

Given the code's clear requirement for "necessary public facility improvements," I ask that the proposal be denied or conditioned until a full, workable plan for road widening, sidewalk installation, and storm drainage is provided.

### **2. Street Connectivity and Access**

Under NMC 15.235.050(A) and NMC 15.505.030, partitions must meet minimum street

connectivity standards. This area already functions as a dead-end with just one way in and out. Increasing density without adding access or adequate turnaround space presents real safety concerns for residents, school buses, and first responders.

The City's own Code Maintenance Amendment notes that when a land division fails to meet connectivity standards, it may require a higher level of review. I encourage the City to follow that guidance—or to deny the application unless an additional access point that meets city standards is provided.

### **3. Traffic Study Requirement**

Based on the number of units proposed, this project would likely exceed the 40 PM-peak-hour trip threshold outlined in NMC 15.235.040, which would require a traffic analysis. None has been submitted. Moving forward without verified data on turning movements, sight distance, and existing street capacity would be premature and pose unnecessary risks.

### **4. Infrastructure and Utilities**

There has been no public demonstration that the current water, sewer, or storm drainage systems can support the additional load from nine new lots. If these systems are already at or near capacity, approving this project could lead to future flooding, water-pressure issues, or maintenance burdens placed on residents and the City. NMC 15.505.020 requires that adequate infrastructure be proven before approval, not after.

### **5. Density and Compatibility**

Nine lots—each roughly 2,200 square feet—on less than half an acre is far denser than the surrounding neighborhood. Even with allowances for middle housing, the scale of this proposal does not align with the character or rhythm of the existing area and would dramatically change it.

It's also hard to overlook that a previous application for ten townhomes on this same site was withdrawn, likely because the site could not support that level of density or infrastructure. This proposal raises very similar concerns and appears to do so through a two-step process that avoids the more rigorous safeguards of subdivision review.

### **6. Emergency and Public Safety**

With only one narrow access road, this level of increased density poses clear challenges for fire, medical, and emergency response. In an evacuation scenario or urgent event, this bottleneck could have serious implications. Public safety should remain a priority in any development decision.

### **7. Request for Action**

In light of these concerns, I respectfully ask that the City:

**Deny the application** unless and until the applicant provides clear, code-compliant plans for street improvements, adequate access, and proven infrastructure capacity;

**Or**, if the City chooses to move forward, condition any approval on:

- A full traffic and safety analysis;
- Roadway and sidewalk improvements that meet City standards;
- Demonstrated utility and stormwater capacity;
- Compliance with minimum lot size and connectivity standards;
- Confirmation that the resulting lots are compatible with the goals of the Newberg Comprehensive Plan.

## 8. Conclusion

Our neighborhood is already feeling the strain of increased density on infrastructure that was never designed for it. Thoughtful development can strengthen a community, but pushing density beyond what streets and utilities can safely support undermines the very qualities that make a neighborhood livable. I urge the City to ensure that this project meets both the letter and the spirit of the Newberg Development Code before it moves forward.

Thank you for your attention to these concerns and for including residents in this process. Please keep me informed as decisions are made or additional steps are taken on this proposal.

Sincerely,



**Rusty St. Cyr** (he/him), [MA](#), [CSD](#), [MCMHC](#)

University Pastor for Service & Soul Care

Office for Spiritual Life | George Fox University  
Let's [find a time](#) to meet!



[503-554-2319](#)

[rstcyr@georgefox.edu](mailto:rstcyr@georgefox.edu)

[spirituallife.georgefox.edu](mailto:spirituallife.georgefox.edu)

414 N Meridian, Newberg, OR 97132

**From:** Ryan Adovnik <ryanadovnik@gmail.com>  
**Sent:** Thursday, November 13, 2025 4:13 PM  
**To:** Planning  
**Subject:** PLNG-25-42 Orchard Drive

To: Community Planning Department

City of Newberg

414 E. First Street

Newberg, OR 97132

Date: November 13, 2025

#### Purpose of This Letter

I am writing to express my strong opposition to the proposed plan to divide a 0.46-acre parcel into three separate lots for triplex housing (nine total units) near Orchard Street and North Carol Avenue. I will be submitting this letter before the public comment deadline on November 13, 2025.

#### My Concerns

The proposed access point is not a proper street. It is a narrow driveway without sidewalks, curbs, or adequate width for safe two-way traffic. It already struggles to handle existing use, and adding three triplexes would create serious safety and access issues for residents, visitors, and emergency services. Referring to it as a “street” is inaccurate and misleading.

Additionally, this access is a private drive maintained entirely by the residents who live on it. Because the responsibility for upkeep, repair, and liability falls on the homeowners—and not the City—we believe we must have meaningful input before any action is approved that would effectively double the traffic using this drive. The drive does not meet public-road standards, nor is it designed to support public-level vehicle volume. There is not

enough physical space to add sidewalks or widening without forcing private homeowners to pay for improvements that are neither feasible nor appropriate for a private road.

### Emergency Access and Safety Risks

The single narrow access point also creates significant emergency-service concerns. The limited width, lack of turn-around space, and absence of a secondary outlet conflict with standard fire-access expectations for residential development of this scale. Increased traffic will create more frequent blockages, reducing the ability of fire, medical, and police vehicles to enter and exit quickly. This is a predictable and preventable public-safety issue.

While the traffic trip analysis did not meet the 40-trip threshold that automatically triggers a full traffic study (under NMC 15.235.040), this site clearly warrants one. Limited access, no secondary outlet, and poor geometry make it an exceptional case. I ask the City to require a complete traffic impact study that reflects the real conditions at this location.

Although testing indicates that water and stormwater systems can handle added load, flooding and runoff continue to affect nearby homes during heavy rains. More pavement and vehicle use will worsen these issues. The City should reevaluate drainage impacts based on actual neighborhood conditions.

The proposed density of three triplexes on less than half an acre is not compatible with the surrounding neighborhood. It would increase noise, traffic, and parking overflow while eliminating backyard privacy for existing homes.

If the project proceeds, I strongly oppose using only landscaping as a buffer between the new development and North Carol Avenue properties. Plantings are temporary and depend on maintenance. The City should instead require a permanent solid barrier, such as a masonry or paver wall, especially with only a five-foot setback. This would protect privacy, reduce noise, and define property lines.

A previous proposal for four duplexes on this same property was withdrawn for similar reasons. The site remains too small and access too limited for this scale of development.

### My Requests to the City of Newberg

I respectfully ask that the City:

- Deny this proposal as currently designed.
- Require a full traffic impact study addressing the driveway access limitations.
- Mandate a permanent solid wall as a buffer to neighboring properties.
- Reevaluate stormwater and drainage impacts.
- Ensure compliance with all safety, access, and infrastructure standards under NMC 15.505.

I support responsible housing growth, but this project is not responsible or safe as proposed. Approving this development in its current form will create long-term safety, maintenance, and enforcement challenges for the City, especially given the use of a privately maintained drive as the primary access for nine new homes. The property cannot support nine units without compromising safety, infrastructure, and the character of the neighborhood.

Sincerely,

Ryan Adovnik

A resident of Orchard Drive for 16 Years and a resident of Newberg for most of my life

--

Ryan Adovnik  
1910 E. Orchard Drive  
Newberg, OR 97132  
971-281-1284

Community Development Department  
City of Newberg  
414 E. First Street  
Newberg, OR 97132

Strong Opposition to Proposed Partition and Middle Housing Land Division (0.46-acre site)

November 5, 2025

Dear Community Development Director,

I am writing to state, as clearly as possible, my **firm opposition** to the proposed partition and middle housing land division that would divide a 0.46-acre property into nine total lots for triplex housing. This project should not move forward under the Newberg Development Code or basic standards of public safety, infrastructure capacity, and responsible planning.

This proposal would place **nine homes on less than half an acre**—on a road that is already narrow, congested, and unsafe. The idea that this street could sustain that level of traffic, parking, and service access is unrealistic and dangerous. The road in question **does not meet the minimum requirements of NMC 15.505**, which clearly mandates adequate street width, sidewalks, and right-of-way improvements for any land division. There are no sidewalks, minimal shoulder space, and nowhere for emergency vehicles or delivery trucks to safely pass.

Approving this project would create a **public safety hazard**. Fire and emergency responders would struggle to reach residents. Garbage and service vehicles would have no safe turnaround. Children and pedestrians would be forced into the street. These are not minor inconveniences—they are life-safety issues.

The proposal also fails to meet **NMC 15.235.050(A)** and **15.505.030** concerning access and connectivity. The site sits on a dead-end road with no alternate route or secondary outlet. That violates both the intent and the letter of the city's code. The city's own code amendments recognize that developments which cannot meet these standards must undergo more intensive review—and this one clearly should.

In addition, no **traffic study** has been provided, even though the development would generate far more than the 40 peak-hour trips that trigger that requirement under **NMC 15.235.040**. Without a professional analysis, there's no credible way to assess whether the local network can handle the added traffic—or whether it will worsen existing congestion and safety problems. Proceeding without that data would be an irresponsible and unlawful decision.

Infrastructure is another serious concern. It is doubtful that existing water, sewer, and stormwater systems can support nine additional homes on such a small parcel. These systems were not designed for that kind of density. The city's code requires proof of adequate public facilities before approval. None has been provided. Without clear evidence, this proposal cannot legally or practically move forward.

This project also flies in the face of the neighborhood's established character and livability. The proposed lot sizes—roughly 2,200 square feet each—bear no resemblance to the surrounding properties and would introduce a level of density completely incompatible with the area. Even under Oregon's middle housing laws, the city retains the duty to ensure that developments meet safety and infrastructure standards. That duty cannot be ignored.

It is also worth recalling that a nearly identical application for **ten townhouse lots on this same site was previously withdrawn**. That withdrawal suggests the site's physical limitations—narrow street, single access point, inadequate utilities—are already well known. Attempting the same density through a partition-plus-middle-housing process is a clear attempt to bypass the city's normal subdivision review standards. The city should not reward that approach.

If approved, this project would set a dangerous precedent—signaling that any property owner can ignore access and safety constraints simply by repackaging a high-density plan under a different label. That would undermine the credibility of Newberg's entire planning process.

For these reasons, I am asking—firmly and unequivocally—that this application be **denied**. If the city considers any form of approval, it must first require:

- A full traffic impact analysis, reviewed and verified by a professional engineer;
- Street widening, sidewalk installation, and infrastructure improvements consistent with NMC 15.505;
- Demonstrated capacity for water, sewer, and stormwater systems;
- Verification of compliance with minimum lot standards; and
- A design review to ensure compatibility with the neighborhood and the Newberg Comprehensive Plan.

But as proposed, this plan fails on every essential measure of safety, infrastructure, and livability. It is not compatible with the surrounding community, and it does not meet the city's own codes.

This neighborhood cannot safely absorb this scale of development. I urge the City to reject the proposal outright and to uphold the standards that protect both current residents and future ones.

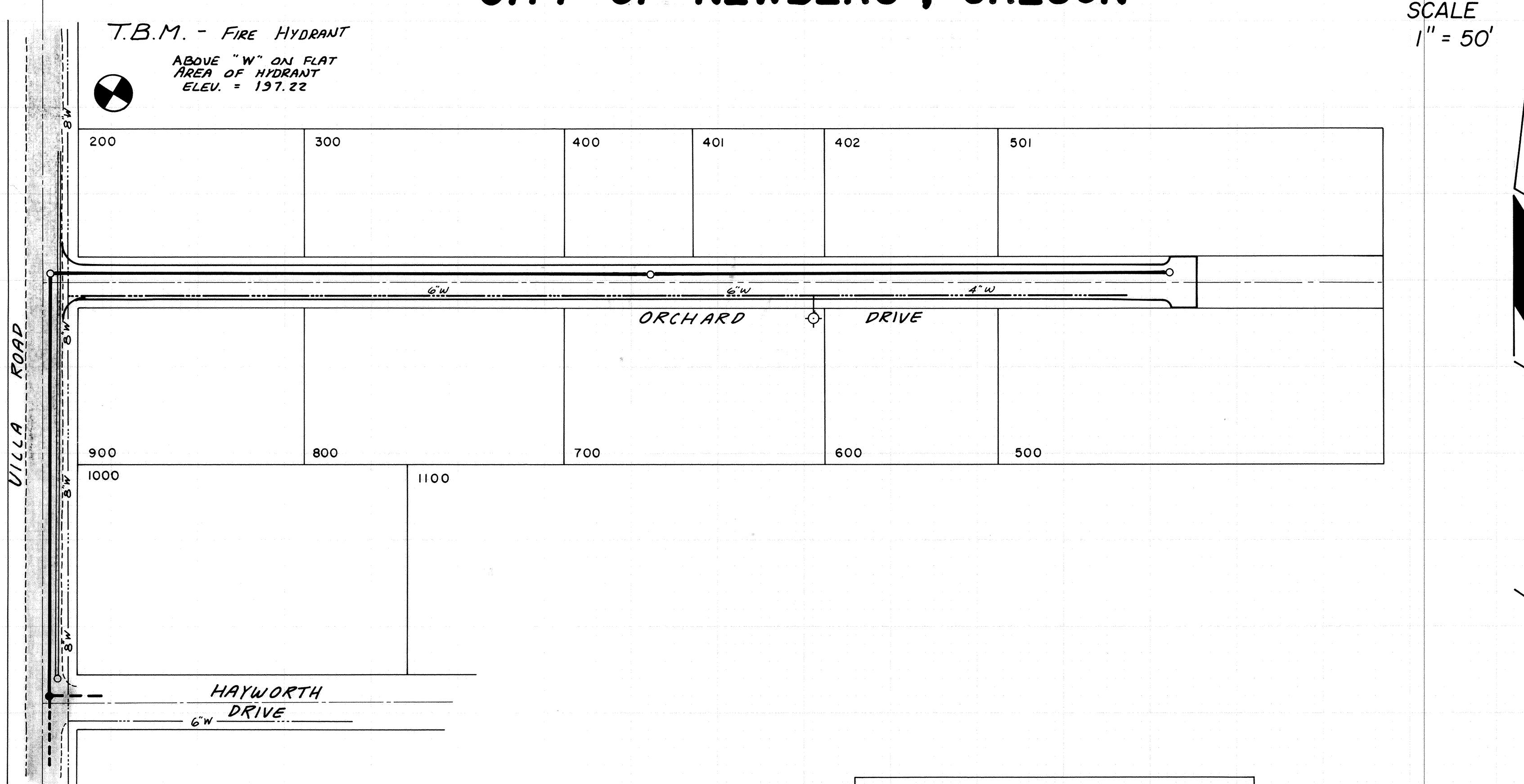
Thank you for your attention to this matter, and for ensuring that Newberg's growth remains responsible, safe, and consistent with its own development code. Please include these comments in the official record and notify me of any decision made on this application.

Sincerely,  
**John & Kathleen Stein**  
1900 Carol Ave.  
Newberg, OR 97132

[jandkstein@frontier.com](mailto:jandkstein@frontier.com)

**Attachment 6. 1980 Local Improvement District (Turnaround)**

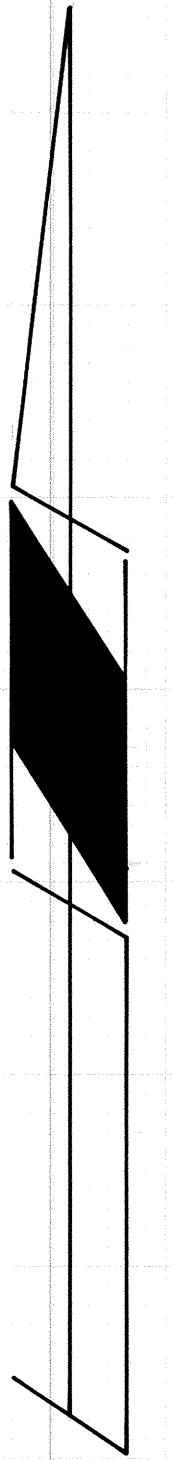
ORCHARD DRIVE  
LOCAL IMPROVEMENT DISTRICT  
CITY PROJECT # 225  
CITY OF NEWBERG, OREGON



NOTES

1. ALL WORK SHALL CONFORM TO CITY OF NEWBERG STANDARD SPECIFICATIONS.
2. SAN. SWR. PIPE SHALL BE CLASS 2, NON-REINFORCED CONCRETE, B+S RUBBER JOINT.
3. SAN. SWR. SERVICE LATERALS SHALL BE 6" CLASS 2 CONFORMING TO NOTE 2.
4. ALL ENDS OF SAN. SWR. SERVICE LATERALS SHALL BE MARKED WITH A 2"x4" THAT EXTENDS TO A MINIMUM OF 2 FEET ABOVE THE GROUND. DEPTH OF PIPE SHALL BE INDICATED ON 2"x4".
5. CULVERT PIPE SHALL BE B+S OR T&G NON-REINFORCED CONCRETE PIPE CONFORMING TO ASTM C-14 SPECIFICATIONS (EXTRA STRENGTH).
6. ALL MANHOLES SHALL BE 48" DIAMETER WITH OFFSET CONE WITH STEPS AT 12" ON CENTERS.
7. MANHOLES SHALL BE ADJUSTED PRIOR TO PAVING BY STREET CONTRACTOR.
8. WATER SERVICES SHALL BE COPPER PIPE (TYPE K).
9. WATER MAIN SHALL BE CLASS-52 DUCTILE IRON PIPE.
10. ALL WATER MAINS SHALL BE TESTED IN ACCORDANCE WITH AWWA STANDARD C-603.
11. ALL WATER MAIN CONSTRUCTION SHALL BE DISINFECTED IN ACCORDANCE WITH AWWA STANDARD C-601.
12. ALL SAN. SWR. MAINS AND SERVICE LATERALS SHALL MEET OR EXCEED MINIMUM CLEARANCE REQUIREMENTS TO WATERLINE AS SPECIFIED BY THE D.E.Q. ALL SANITARY SEWER LINES LOCATED WITHIN THESE MINIMUMS SHALL BE CONSTRUCTED TO WATERLINE STANDARDS USING DUCTILE IRON PIPE.
13. ALL EXCESS EXCAVATION MATERIAL IS TO BE DISPOSED OF BY CONTRACTOR. (OFFSITE)

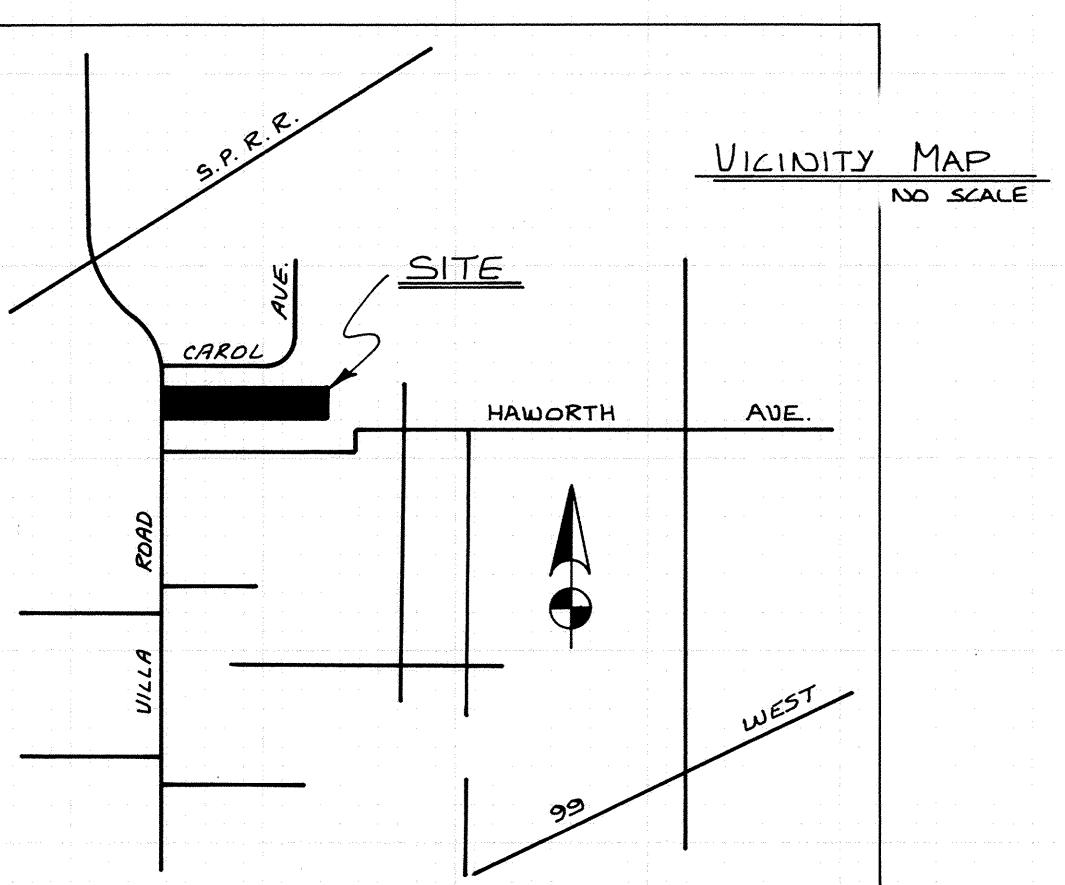
SCALE  
1" = 50'



INDEX TO DRAWINGS

sheet	contents
1	COVER SHEET
2	STREET DESIGN
3	SAN. SWR. & WATER

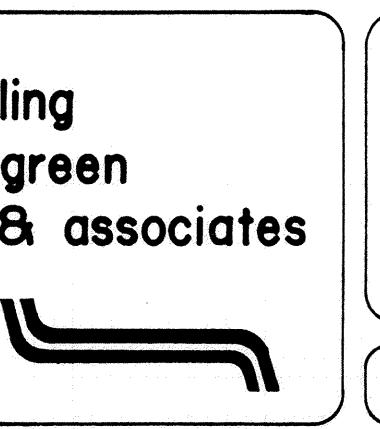
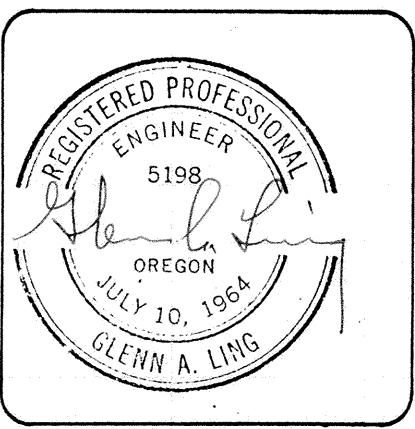
LEGEND



EXISTING A.C.	
PROPOSED A.C.	
EXISTING SAN. SWR.	
PROPOSED SAN. SWR.	
EXISTING WATER	
PROPOSED WATER	
EXISTING ST. DR.	
PROPOSED CULVERT	

ABO-0010A

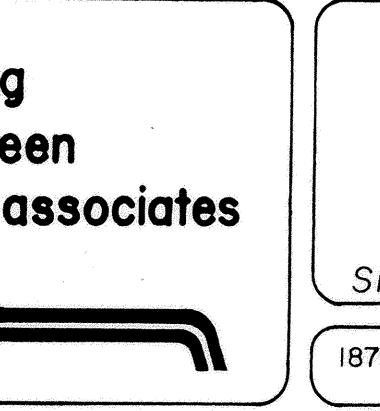
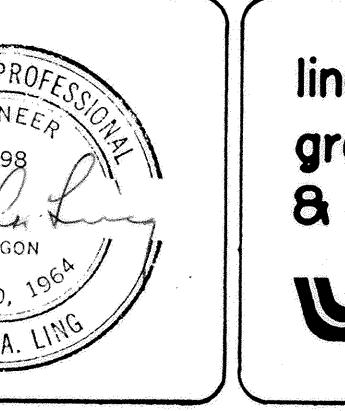
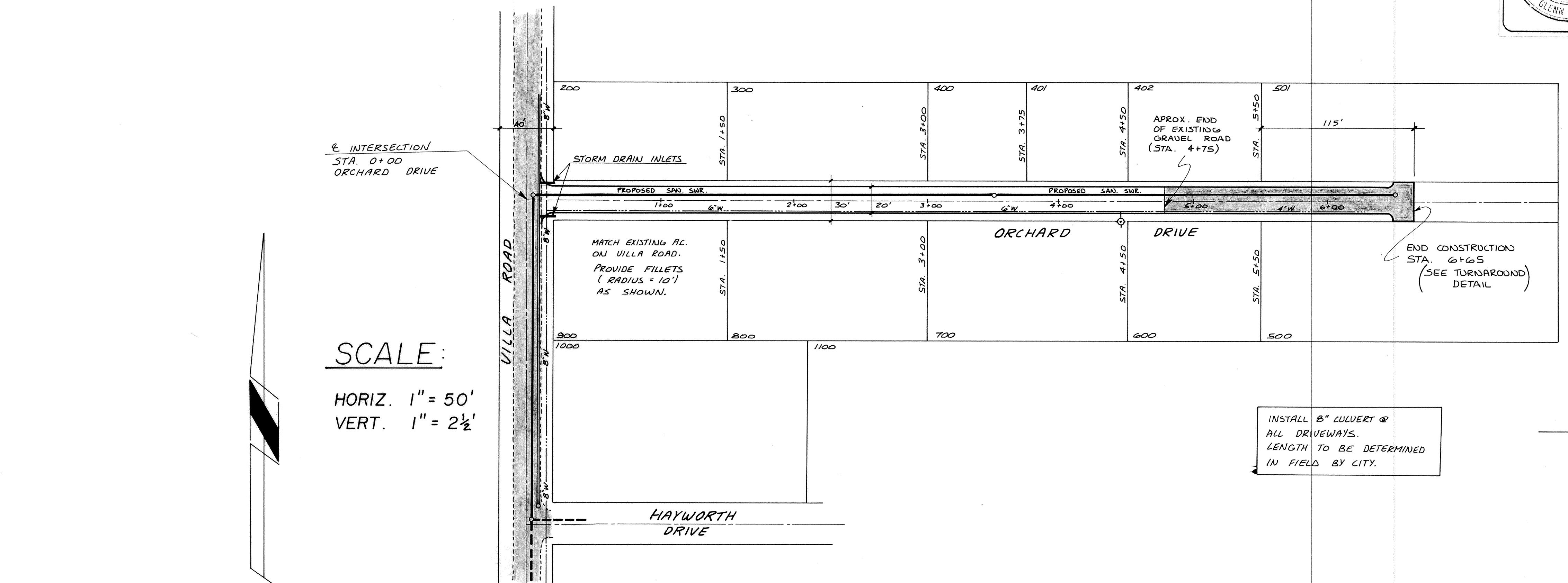
5108



ORCHARD DRIVE - LOCAL IMPROVEMENT  
COVER SHEET  
DES. GAL  
DRWN. TM  
SHEET 1 OF 3  
SCALE: AS SHOWN  
DATE: AUG 79  
JOB NO. 79-104  
1879 NW NINTH ST. (503) 757-8771 CORVALLIS, OREGON  
"AS CONST" - JULY 1980

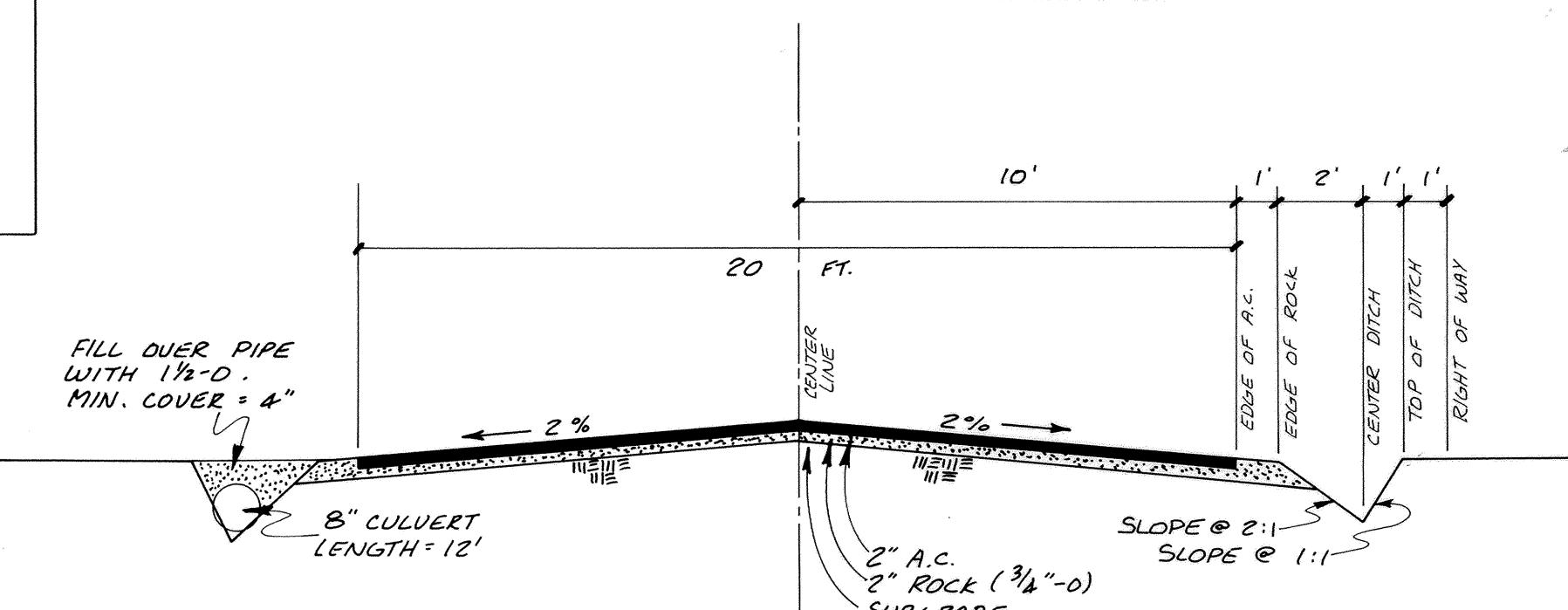
PLAN  
SHEETED  
NOTE BOOK  
RECORDED  
No. \_\_\_\_\_  
BY \_\_\_\_\_  
DATE \_\_\_\_\_

PROFILE  
SHEETED  
RECORDED  
B.M. NOTED  
STRUCTURE NOTATIONS CHECKED  
No. \_\_\_\_\_  
BY \_\_\_\_\_  
DATE \_\_\_\_\_

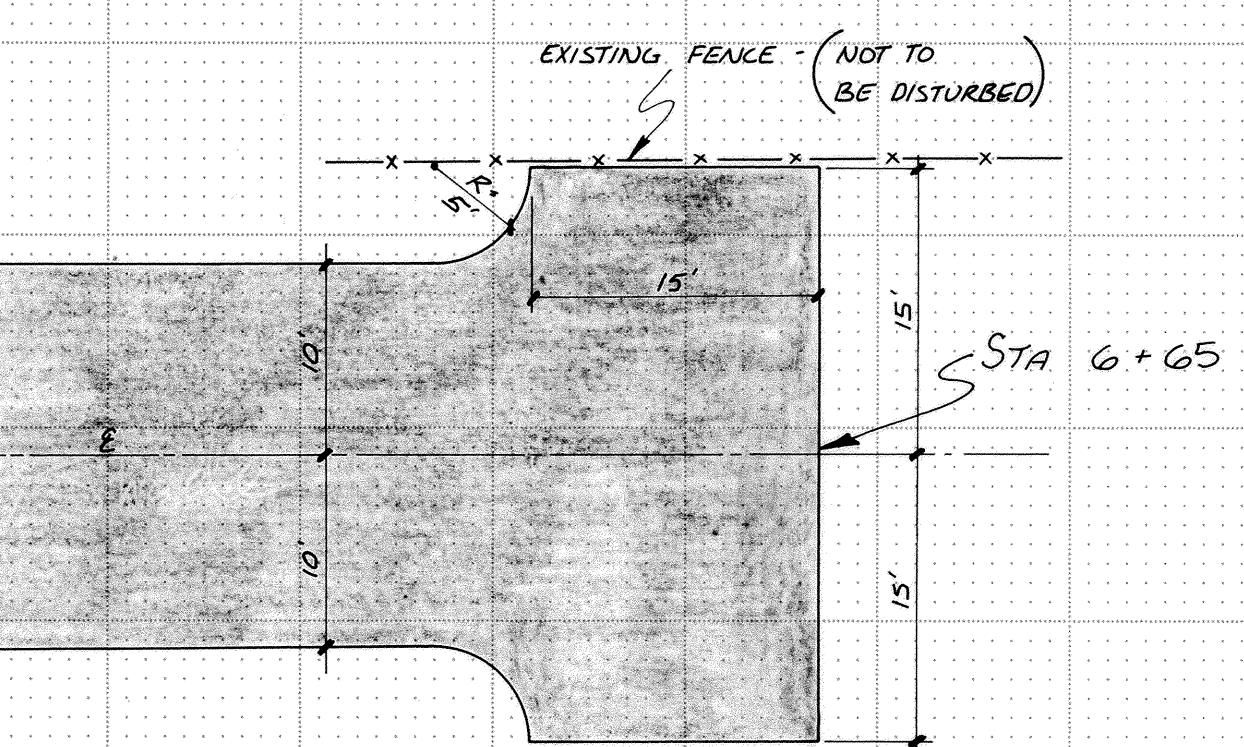
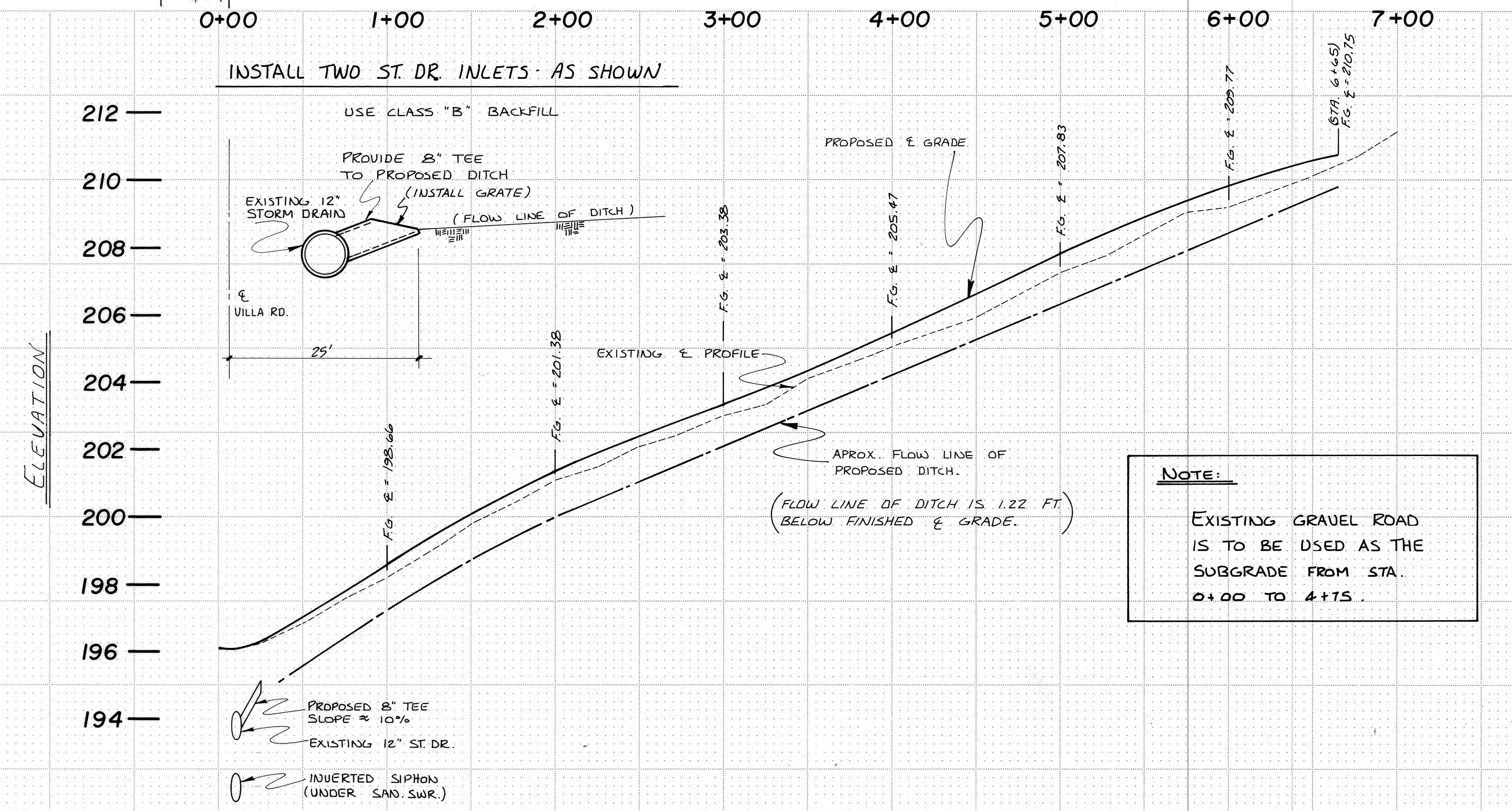


ORCHARD DRIVE - LOCAL IMPROVEMENT  
STREET DESIGN  
DES. GAL DRWN. TM  
SHEET 2 OF 3  
1879 NW NINTH ST (503) 757-8771 CORVALLIS, OREGON  
SCALE: AS SHOWN  
DATE: AUG. 79  
JOB NO. 79-104  
"AS CONST" - JULY 1980

**NOTE:** (STA. 4+75 to STA. 6+65)  
ON SHADeD AREA PROVIDE 8" OF ROCK  
BASE AND 2" A.C. PAVING.



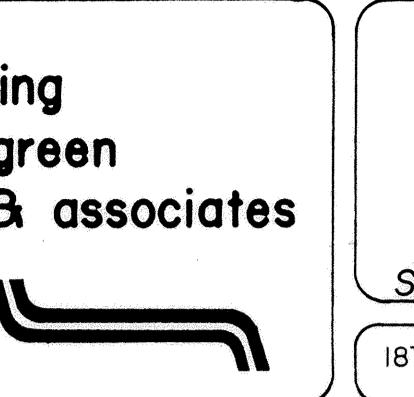
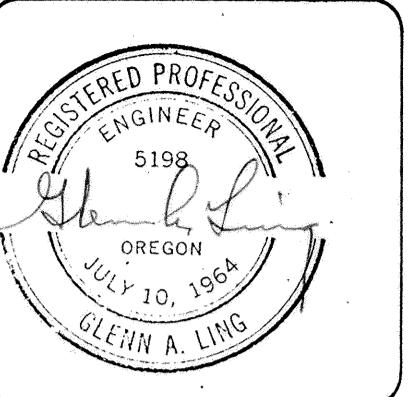
**TYPICAL SECTION**  
NO. SCALE



**TURNAROUND DETAIL**  
NO SCALE

ORCHARD DRIVE — LOCAL IMPROVEMENT  
SAN. SWR., WATER  
DES GAL DRWN TM  
SHEET 3 OF 3  
1879 NW NINTH ST. (503) 757-8771 CORVALLIS, OREGON

SCALE AS SHOWN  
DATE AUG 79  
JOB NO 79-104

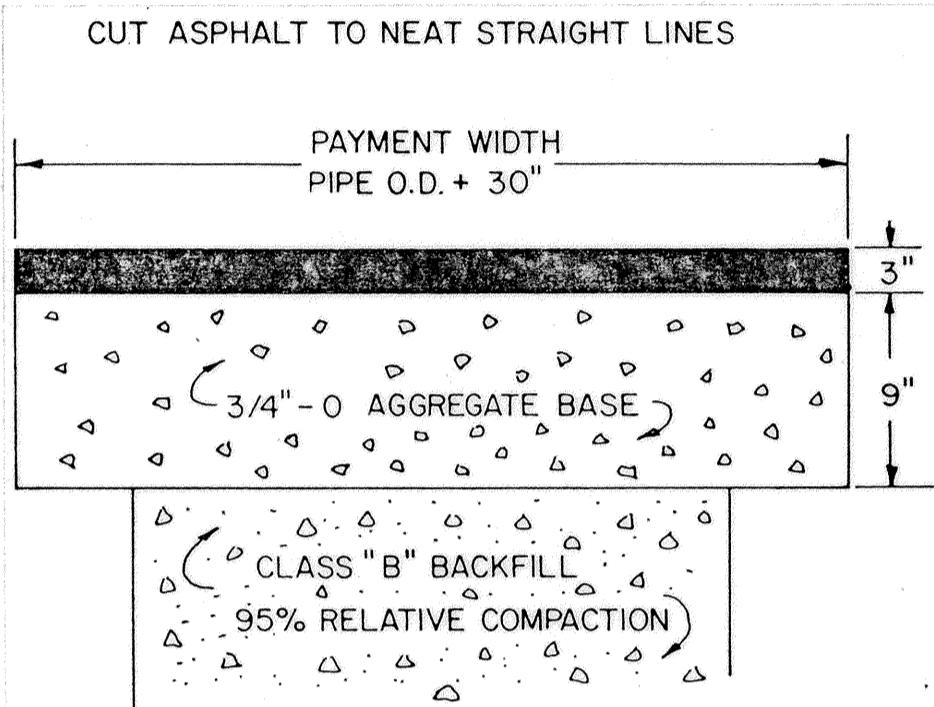


"AS CONST" — JULY 1980

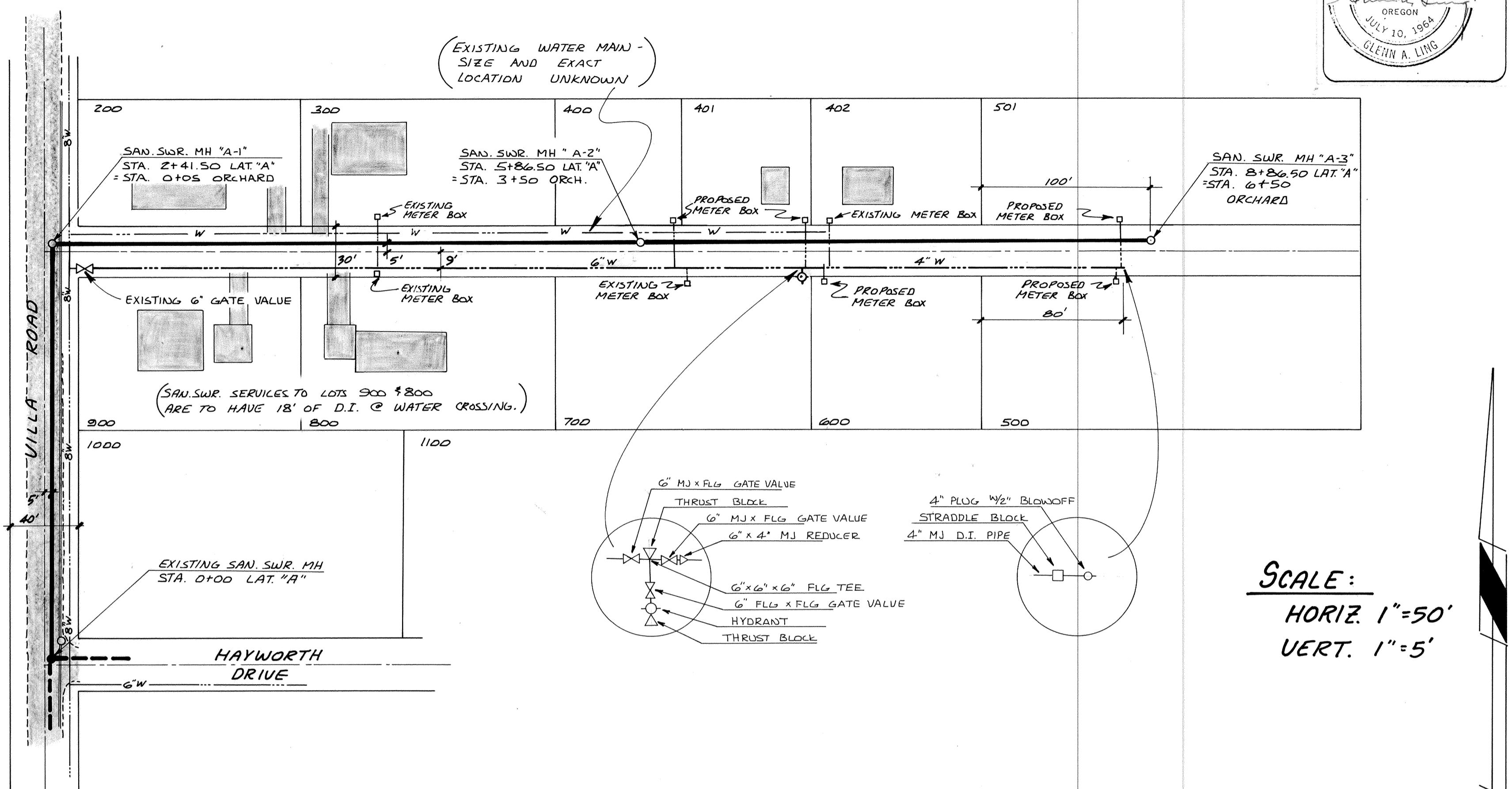
PLAN	DATE
SURVEYED	
NOTE BOOK	
GRADE CHECKED	
B. & M. NOTED	
STRUCTURE STATIONS CHECKED	

PROFILE	DATE
SURVEYED	
NOTE BOOK	
GRADE CHECKED	
B. & M. NOTED	
STRUCTURE STATIONS CHECKED	

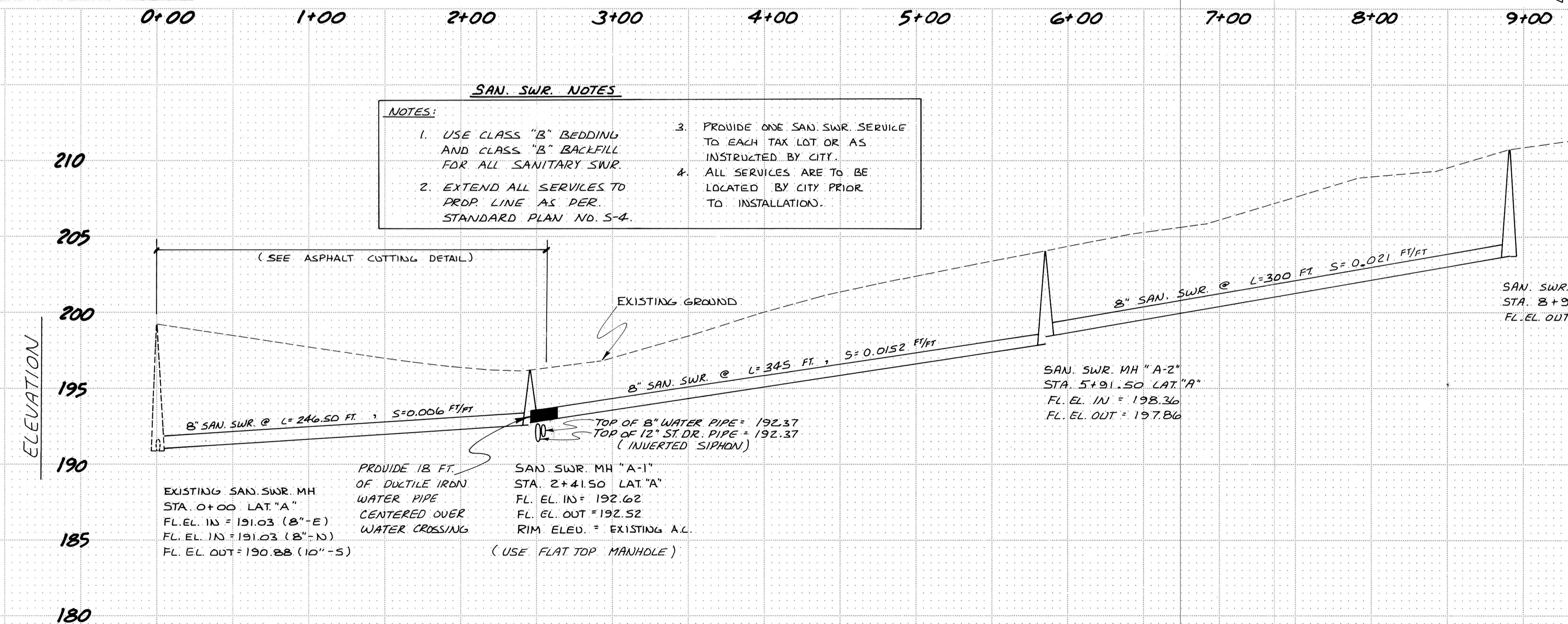
NOTE:  
AN INVERTED SIPHON  
ALONG 12" STDR. IS  
TO BE PROVIDED BY  
OTHERS. TOP OF PIPE  
= 192.37 (S.S. X-INL)



PAYMENT FOR TRENCH PAVING SHALL BE BY THE LINEAL FOOT. THIS ITEM SHALL INCLUDE THE CUTTING OF EXISTING PAVEMENT, THE REMOVAL OF EXISTING PAVEMENT, THE FURNISHING, PLACING AND COMPACTING OF 9 INCHES OF 3/4" O AGGREGATE BASE AND THE FURNISHING, PLACING AND COMPACTING OF 3 INCHES OF CLASS "B" ASPHALTIC CONCRETE.



WATER NOTES  
NOTE:  
1. MINIMUM COVER FOR WATER  
TO BE 36".  
2. THRUST BLOCKING AS PER  
STANDARD PLAN NO. W-1.  
3. WATER SERVICES AS PER  
STANDARD PLAN NO. W-2.  
4. ALL BACKFILL TO BE CLASS "B".  
5. EXTEND NEW SERVICES TO  
METER BOXES AND INSTALL  
CURB STOP. DO NOT  
CONNECT TO EXISTING  
METERS.



SAN. SWR. NOTES

NOTES:  
1. USE CLASS "B" BEDDING  
AND CLASS "B" BACKFILL  
FOR ALL SANITARY SWR.  
2. EXTEND ALL SERVICES TO  
PRED. LINE AS PER  
STANDARD PLAN NO. S-4.  
3. PROVIDE ONE SAN. SWR. SERVICE  
TO EACH TAX LOT OR AS  
INSTRUCTED BY CITY.  
4. ALL SERVICES ARE TO BE  
LOCATED BY CITY PRIOR  
TO INSTALLATION.

**Exhibit “B” to Planning Commission Order 2026-01  
Ryan Adovnik Statement of Interest and Appeal Application of PLNG-25-42**

# Ryan Adovnik – Statement of Interest

My name is Ryan Adovnik. Beyond the calculations and code requirements in the appeal, this case is about the real-world impact of this decision on the families who live on Orchard Drive. Our town's motto is "A Great Place to Grow." We believe that must also mean "A Safe Place to Grow" and "A Sustainable Place to Grow." As approved, this project meets neither standard.

Orchard Drive is not a typical residential street. It functions as a long, shared driveway. There are no sidewalks, no on-street parking, and the roadway is barely wide enough for two cars to pass. Garbage trucks must back out the entire length. Neighbors coordinate with one another just to move safely along the road. This is our daily reality.

The intersection at Villa Road is a constant source of anxiety. I often walk with my young son to the nearby park, and that corner is genuinely frightening. Because of the landscaping and geometry, we cannot see cars preparing to turn right from Villa onto Orchard. To consciously channel 90 more car trips a day into a known blind spot suggests that the safety of our residents, including my own child, is a secondary concern. The well-being of this community should not be a negotiable part of the equation.

The scale of the proposed buildings, including a non-compliant three-story height, is dramatically out of character with the surrounding neighborhood of one and two-story homes. It would loom over adjacent properties, erode privacy, and fundamentally alter the low-density character that defines our street.

We are a community of residents, not just homeowners. We bought our homes knowing we were responsible for maintaining our private road, but we never imagined the City would approve a doubling of the homes on it without considering the financial burden placed on us. This approval effectively socializes the developer's costs while privatizing the profit.

We respect the property owner's right to develop their land. That right does not supersede the Planning Commission's responsibility to safeguard the health, safety, and welfare of the community. This is not an attempt to stop growth. It is a call for responsible growth that acknowledges the clear physical, operational, and safety limitations of this site.

The overwhelming neighborhood opposition reflects a shared concern for safety, fairness, and the long-term health of our community. As the data in the appeal demonstrates, nine units on this constrained, private, dead-end road is simply too many. Four units is the only density that respects the fire code, the physical limitations of the land, and the safety of the people who live here.

We respectfully ask you to reverse this approval, not as a procedural exercise, but as a matter of real-world impact on real people. We urge you to prioritize community stewardship and remand this project with the directive that it conform to the demonstrated physical and safety realities of the site, which limit it to a maximum of four units.

# APPEAL OF APPROVAL: FILE NO. PLNG-25-42 (1929 E ORCHARD DR)

**APPELLANT:** Ryan Adovnik

## EXECUTIVE SUMMARY

This appeal demonstrates that the approved nine-unit middle-housing land division at 1929 E Orchard Drive cannot be accommodated within the physical, safety, and operational limits of the site. When mandatory fire-access standards, R-1 setbacks, circulation requirements, and parking obligations are applied to the property's actual dimensions and reasonable safety considerations are weighed, the proposal exceeds the site's capacity well before reaching nine units.

The approval also conflicts with state and local safety codes, relies on unverified infrastructure capacity, and was issued following a procedurally compromised public notice process. For these reasons, the appellant respectfully requests reversal and remand with direction that any future proposal must conform to the site's demonstrated maximum safe capacity of four units.

## GROUND 1: FAILURE TO MEET FIRE / EMERGENCY ACCESS REQUIREMENTS

### A. Required Fire Turnaround Not Provided (Oregon Fire Code 503.2.5)

Orchard Drive is a long, narrow, privately maintained dead-end road exceeding 150 feet. Under Oregon Fire Code 503.2.5, any dead-end fire apparatus access road longer than 150 feet must include an approved turnaround.

- **URL:** <https://codes.iccsafe.org/s/ORFC2025P1/chapter-5-fire-service-features/ORFC2025P1-Pt03-Ch05-Sec503.2.5>
- **Reference:** 2025 Oregon Fire Code / CHAPTER 5 / 503.2 / 503.2.5"
- **Verbiage:** " 503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus."

The approved plan does not provide this required turnaround. Sprinklers do not replace or waive this requirement.

### B. Fire Flow Not Verified (NMC 15.505.020)

The approval was issued without a certified fire-flow test on the 4-inch water main serving the site. Condition C.1.a acknowledges that a hydrant and larger main may still be required, meaning the project was approved before confirming that the fire suppression system can function.

URL: <https://www.codepublishing.com/OR/Newberg/html/Newberg15/Newberg15505.html>

The approval violates the foundational principle of NMC 15.505.020, which mandates that the adequacy of public facilities be established as a prerequisite *before* a project can be approved. The city failed to adhere to this principle, and the evidence is contained within their own approval document.

- The Prerequisite: NMC 15.505.020 requires proof that infrastructure, including water for fire suppression, is adequate to serve the development. This proof must precede the approval.
- The Failure: The city approved the project based on an unverified developer's memo regarding the 4-inch water main, without requiring a certified fire flow test.

- The Admission: The city staff's uncertainty is captured in Condition C.1.a, which states that an "additional fire hydrant...and an 8-inch line meeting city standards" may still be required during a future permitting process.
- The Conclusion: This condition is a direct acknowledgment that the city granted its approval *before* the required proof of adequacy was provided. By deferring the final decision on essential safety infrastructure, the city approved an incomplete and unverified plan, which is a direct violation of the process established in NMC 15.505.020.

## GROUND 2: FRONTAGE-BASED OPERATIONAL FEASIBILITY

### A. Defining the Minimum Required Operational Frontage: From Assumption to Verifiable Fact

A functional street requires dedicated space for legally mandated and physically present obstructions. The numbers used in this analysis are derived from the verifiable public sources cited below.

- 1. Mandatory Fire Safety & Access Clearances
  - 60-foot Fire Apparatus Turnaround: This is a physical dimension mandated by the relevant local fire authority, Tualatin Valley Fire & Rescue (TVF&R), in their official Design and Construction Standards (Page 22). This space must be kept clear at all times.
    - Source: TVF&R Design and Construction Standards
    - URL: <https://www.tvfr.com/DocumentCenter/View/2193/Design-and-Construction-Sta ndards-PDF>
  - 10-foot "No Parking" Fire Hydrant Zone: The City of Newberg's own Police Department provides public guidance explicitly prohibiting parking within 10 feet of a fire hydrant, creating a permanent, legally mandated "No-Go Zone."
    - Source: Newberg-Dundee Police Department, "Parking Information" Handout.
    - URL: <https://www.newbergoregon.gov/Documents/Department/Police/Traffic%20Safet y%20Tips/Newberg%20Dundee%20Parking%20handout%20-%20NEW.pdf>
- 2. Existing and Essential Utility Obstructions
  - 10-foot Utility Obstruction Buffer: This is a conservative deduction to account for the cumulative frontage rendered unusable by existing, fixed utility hardware. This includes the physical footprint and necessary working clearance around objects such as power poles, guy wire anchors, and ground-level service pedestals, which cannot be moved or obstructed by bins or vehicles.
  - 30-foot Mail Delivery Zone: This is a combination of two federally-regulated requirements: a pad for the "Cluster Box Unit" (CBU) that must provide a 48-inch by 30-inch clear ground space for wheelchair access per the Americans with Disabilities Act (ADA), plus a 20-foot zone for the mail truck to pull over.
    - Source: United States Access Board, "Chapter 3: Clear Floor or Ground Space and Turning Space."
    - URL: <https://www.access-board.gov/ada/guides/chapter-3-clear-floor-or-ground-s pace-and-turning-space/>
  - 25-foot Commercial Delivery Zone: This is the minimum length required to park a standard commercial delivery vehicle. The custom-built Rivian vans used for Amazon deliveries have an official overall length of 23.17 feet. A 25-foot zone is a conservative minimum for such a vehicle to park.
    - Source: Green Car Journal, "Amazon's Electric Delivery Van From Rivian is a Look Into the Future."
    - URL: <https://greencarjournal.com/commercial-vehicles/amazons-electric-delivery -van/>

- Waste Bin Staging Requirement: A continuous, unobstructed zone is required for curbside waste and recycling collection, based on the physical dimensions of the equipment. This is not a buffer; it is a hard requirement for a basic weekly function.
  - Calculation for 9 units (as proposed): 18 bins (9 units x 2 bins) at 2 ft wide = 36 feet.
    - 17 gaps at 3 ft wide = 51 feet.
    - Total required for 9 units = 87 feet.
  - Calculation for 5 units (the mathematical failure point):
    - 10 bins (5 units x 2 bins) at 2 ft wide = 20 feet.
    - 9 gaps at 3 ft wide = 27 feet.
    - Total required for 5 units = 47 feet.
  - Calculation for 4 units (the maximum viable density):
    - 8 bins (4 units x 2 bins) at 2 ft wide = 16 feet.
    - 7 gaps at 3 ft wide = 21 feet.
    - Total required for 4 units = 37 feet.

#### B. The Final Verdict: A Scenario-Based Feasibility Table

The following table calculates the final "Contingency Buffer" space left for all other daily functions after these sourced and verified requirements are met.

Density Scenario	A. Total Frontage	B. Less: Fire/Hydrant (Fixed)	C. Less: Utilities (Fixed)	D. Less: Driveways (10 ft/unit)	E. Net Remaining Curb (A-B-C-D)	F. Less: Logistical Zones (Bins + Mail + Delivery)	FINAL BUFFER (E - F)
4 Units	224 ft	-70 ft	-10 ft	-40 ft	104 ft	-92 ft (37+30+25)	+12 feet
5 Units	224 ft	-70 ft	-10 ft	-50 ft	94 ft	-102 ft (47+30+25)	-8 feet
9 Units	224 ft	-70 ft	-10 ft	-90 ft	54 ft	-142 ft (87+30+25)	-88 feet

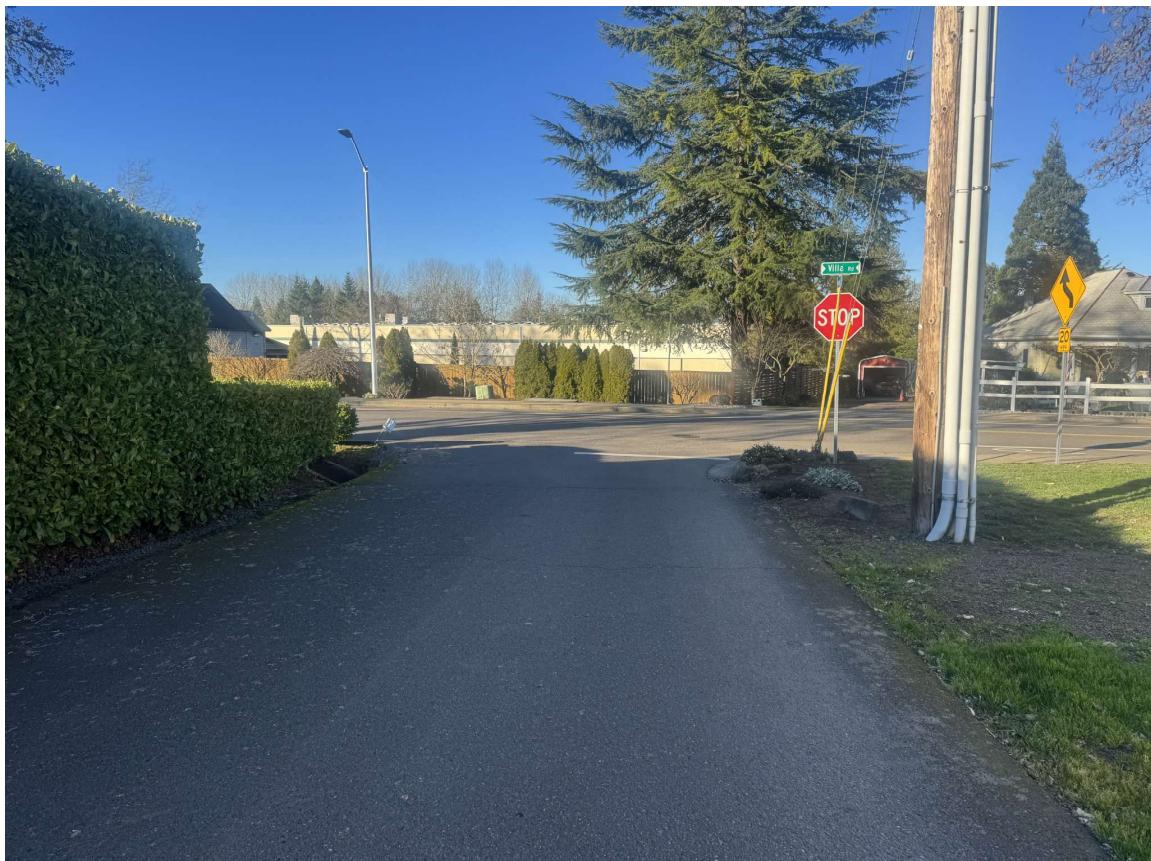
#### C. Conclusion of Mathematical Analysis

The data, based on verifiable local codes, federal law, and official vehicle specifications, is unequivocal:

- The nine-unit plan has a staggering -88-foot deficit of required operational space.
- The project becomes mathematically impossible at five units, which results in a -8-foot deficit. This is not a "tight fit"; it is a physical contradiction.
- Four units is therefore confirmed as the absolute maximum viable safe density, with a razor-thin +12-foot buffer. This is the entire contingency space available for all other real-world activities, such as visitors or service vehicles, proving it is the upper limit of what the site can handle.

### GROUND 3: TRAFFIC SAFETY AND SIGHT-DISTANCE DEFICIENCIES

- A. A Flawed Traffic Analysis Based on Selectively Omitted Data (NMC 15.235.040): The staff report justifies its decision to waive a full traffic impact study based on an incomplete and misleading summary of the data provided to them.
- 1. The City's Claim: The staff report states the project "would generate only 9 peak hour trips," and on this basis, finds that a more detailed analysis is not warranted.
- 2. The Applicant's Own Data: However, the developer's own Traffic Generation Memorandum, which was submitted to the city, explicitly states: "This will translate to 86 average daily trips, but only 9 trips during each peak hour time."
- 3. The Analytical Failure: The city staff had direct, written evidence from the applicant's own expert that the project would generate 86 total daily trips. Their expert did not elaborate on the reasons behind their calculations or show any of the specific references to their stated source document in a memo barely half a page long. In addition, the city chose to ignore 86 daily trips and reported only the much smaller "peak hour" figure. The hazardous, "double-blind" intersection at Orchard and Villa Road is a known deficiency that exists 24 hours a day. The city's decision to use a cherry-picked, one-hour metric to assess an all-day safety problem, while in possession of data showing a much larger impact, constitutes a failure of due diligence and a negligent application of its duties under NMC 15.235.040.
- 4. Failure to Assess Cumulative Impact: This flawed analysis is compounded by the failure to consider the foreseeable cumulative impact of a similar high-density development on the adjacent lot, which would add even more "average daily trips" to the known hazard.
- Source: Newberg Municipal Code (NMC) 15.235.040
- URL: <https://www.codepublishing.com/OR/Newberg/html/Newberg15/Newberg15235.html>
  - "2. Traffic Analysis. A traffic analysis shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. A traffic analysis may be required for projects below the 40 trips per p.m. peak hour threshold when the development's location **or traffic characteristics could affect traffic safety, access management, street capacity or a known traffic problem or deficiency. The traffic analysis shall be scoped in conjunction with the city and any other applicable roadway authority.**"
- Preparing to turn left from Orchard onto Villa



- On Villa, before attempting to turn right onto Orchard



## **GROUND 4: FAILURE TO DEMONSTRATE ADEQUATE PUBLIC FACILITIES (NMC 15.505.020)**

The approval is in direct conflict with the foundational principle of NMC 15.505.020, which requires that a developer provide definitive proof that public facilities are adequate to serve the project *prior* to that project being approved. The city approved this plan based on incomplete and non-compliant utility designs, deferring critical safety and capacity questions to a later date.

**This failure is evident across three separate utility systems:**

### **A. Water System: A Cascade of Unverified Safety Assumptions**

The approval creates a dangerous "cascade failure" loop based on unverified assumptions about the water supply.

1. The Premise: The city waived the mandatory fire turnaround (Ground 2.A) based on the developer's promise to install fire sprinklers.
2. The Unproven Dependency: The effectiveness of these sprinklers—and any firefighting effort—is entirely dependent on an adequate water supply from the 4-inch main.
3. The Failure to Verify: The city approved the plan without requiring a certified fire-flow test to prove the 4-inch main could support the combined load of nine new homes and a multi-unit fire suppression system. Instead, it relied on an unverified developer's memo.
4. The Admission of Failure: The city's uncertainty is captured in Condition C.1.a of the approval, which acknowledges that a new on-site hydrant and an upgraded 8-inch main may still be required.

This condition is a direct admission that the city granted its approval before the required proof of adequacy was provided, in direct violation of the prerequisite established in NMC 15.505.020.

### **B. Sanitary Sewer: Non-Compliance with City Design Standards**

The submitted sewer plans contain direct conflicts with the city's mandatory technical specifications.

- The plans propose using cleanouts at changes in alignment and junctions. This is in direct conflict with Section 2.5 of the Newberg Design and Construction Standards, which explicitly requires manholes in these locations.
- The plans do not clearly demonstrate separate sewer connections for each lot, a requirement of Section 2.7 of the same standards.

These are not minor details; they are fundamental design requirements to ensure the long-term functionality and serviceability of the public sewer system.

### **C. Stormwater Management: Unsubstantiated and Incomplete Design**

The stormwater plan fails to demonstrate how it will avoid negative impacts on adjacent properties.

- The design for "Basin 1" identifies "mechanical treatment" but fails to show a clear outfall location, piping, or equipment details.
- It does not provide any calculations or proof that the existing roadside ditches have the capacity to handle the increased runoff from over 14,000 square feet of new impervious surface.

This creates a foreseeable and unmitigated risk of downstream flooding and erosion, again failing the requirement to prove adequacy before approval. Collectively, these deficiencies demonstrate a pattern of approving an incomplete and non-compliant plan in violation of NMC 15.505.020.

- Source for all Newberg Municipal Code (NMC) sections:
  - URL: <https://www.codepublishing.com/OR/Newberg/html/Newberg15/Newberg15505.html>  
(This links directly to Chapter 15.505)
- Source for Design Standards: The "Newberg Design and Construction Standards" are a separate technical document that provides the specific requirements referenced in the Municipal Code. The city must ensure compliance with both.

## GROUND 5: THE SITE CANNOT ACCOMMODATE THE APPROVED DENSITY

### The Plan is Illegal as Submitted

The developer's plan is non-compliant with the city's mandatory, un-waivable lot coverage rule. State law does not waive this requirement.

The Governing Rule: NMC 15.405.040 (Staff Report, p. 20) limits the building footprint to 40% of the lot area for a multi-story building.

The Applicant's Violation: The applicant's own conceptual plan proposes buildings that are far larger than what is legally allowed.

Lot	Net Lot Area (p. 17)	Maximum Allowed Footprint (40%)	Applicant's Proposed Footprint (p. 20)	% Over Legal Limit	Verdict
1	5,550 sq. ft.	2,220 sq. ft.	3,355 sq. ft.	+51.1%	NON-COMPLIANT
2	5,475 sq. ft.	2,190 sq. ft.	3,410 sq. ft.	+55.7%	NON-COMPLIANT
3	5,803 sq. ft.	2,321 sq. ft.	3,410 sq. ft.	+46.9%	NON-COMPLIANT

Conclusion: The developer's own plan requires buildings that are between 46% and 55% larger than the code permits. To become compliant, the units would need to be shrunk so drastically they would be unlivable. The ~1,275 sq. ft. figure is based on an illegal design.

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### Fatal Flaw #2: The Plan is Functionally Unsafe

A nine-unit plan consumes 100% of the legally allowed hard-surface area, creating a "Zero-Buffer" site with no margin for safety or essential services.

- Max Hard Surface Budget (60% Rule): 10,097 sq. ft. (p. 20)
- Less: Pavement for Parking & Circulation: - 3,458 sq. ft.
- Less: Building Footprint to achieve 9 units: - 6,639 sq. ft.
- Remaining "Functional Buffer": 0 sq. ft.

Conclusion: A buffer of zero is not a design choice; it is a safety failure. It guarantees that daily activities—like a UPS delivery or the weekly staging of up to 27 garbage bins (p. 11)—will obstruct the designated emergency fire lane.

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### Fatal Flaw #3: The Plan Fails the Parking Reality Test

The plan provides only the absolute legal minimum of one parking space per unit (the garage), as noted on p. 50 of the staff report.

- The Mismatch: A 1,275 sq. ft. home can have 2 or 3 bedrooms. It is unrealistic to assume households in new homes will own only one car.
- The Inevitable Result: The lack of a reliable second parking space forces residents' and guests' vehicles into the only available space: the private drive, which is the fire lane. The developer solves a math problem on paper by creating a safety problem in the real world.

### E. VIOLATION OF FRONT YARD SETBACK AND PARKING STANDARDS (NMC 15.410.010(C))

The developer's conceptual site plan, upon which the city's approval is based, depicts required parking stalls located within the mandatory 15-foot front yard setback. This is a direct and unambiguous violation of Newberg Municipal Code 15.410.010(C), which explicitly states:

*"No front yards provided around any building... shall be used for public or private parking areas or garages..."*

While a limited exception (NMC 15.440.060(G)) allows a driveway to *pass through* the front yard to access a compliant parking area located elsewhere (e.g., a garage behind the setback line), it does not permit the required parking stalls themselves to be situated within that setback. The front yard must be maintained as open space.

This violation is not a minor detail; it creates a critical planning dilemma and exposes a fundamental flaw in the site's capacity analysis:

1. **Parking Plan Invalidity:** If these illegally placed stalls are discounted, as they must be under the code, then the developer's plan fails to provide the minimum required number of parking spaces for nine units. The plan is therefore non-compliant on its face.
2. **Elimination of All Operational Space:** The only way for the developer to correct this violation would be to move the parking stalls out of the 15-foot setback and place them further into the property. This action would consume the *only available land* that could have possibly been used for the frontage-dependent activities calculated in Ground 1 (waste bins, mail delivery, commercial drop-offs).

This creates an inescapable contradiction. The developer is attempting to use the same piece of land for two mutually exclusive purposes: as both the required "open space" of the front yard setback *and* as the paved area for required parking. This is not possible.

The developer's reliance on illegally placed parking is the ultimate proof that the site is too constrained to meet the basic requirements of the proposed density. The city's approval of a plan with such a clear and fundamental code violation is invalid.

- Source: Newberg Municipal Code (NMC) 15.410.010, General yard regulations.
  - URL: <https://www.codepublishing.com/OR/Newberg/html/Newberg15/Newberg15410.html>

## **F. Building Height, Neighborhood Scale, NON-COMPLIANCE WITH LOCAL ZONING CODE AND STATE LAW (NMC 15.415.020 and 15.308.010)**

The project's proposed scale is impermissible under local code, and contrary to the developer's likely assertions, state law does not grant immunity from these local standards.

- A. Direct Violation of R-1 Zoning Code (NMC 15.415.020 & 15.308.010): The project violates the R-1 code on two levels. First, the developer's application proposes a 35-foot height, which is in direct conflict with NMC 15.415.020, as the code explicitly limits triplexes to 30 feet. Second, a three-story building is fundamentally incompatible with the stated purpose of the R-1 zone (NMC 15.308.010), which is to maintain "spacious residential neighborhoods of single-family homes." The scale of this project shatters the established character of the one and two-story neighborhood.

**URL: <https://www.codepublishing.com/OR/Newberg/html/Newberg15/Newberg15415.html>**

Reference: 15.415.020 Building height limitation. A. Residential.

Verbiage: "1. In the R-1 district, no main building shall exceed 30 feet in height, except that townhouse dwellings shall not exceed 35 feet in height."

- B. The Invalidity of any "Townhouse" Reclassification Argument: In the event the developer attempts to circumvent the 30-foot height limit by arguing these buildings are "townhomes," that argument is invalid. The public record is incontrovertible: the developer applied for, and the city approved, a triplex development. Furthermore, any such reclassification would render the project illegal under NMC 15.405.030(D)(2)(a), which requires townhomes to have frontage on a public street. Orchard Drive is a private street. The developer cannot claim the favorable height of the townhouse code while ignoring the public street requirement that comes with it.
- C. State Law Does Not Override Local Siting and Design Standards: Any argument that state law (HB 2001) compels the city to approve this specific project is a misinterpretation of the statute. The state law itself, Oregon Revised Statute (ORS) 197A.420 (5), explicitly allows a local government to apply "reasonable local regulations...relating to the siting and design" of middle housing. The purpose of the state law is to legalize the use (a triplex is allowed), not to abolish all local codes governing the form (how tall, dense, and safe that triplex must be). The multiple code violations detailed in this appeal—including height limits, fire access turnarounds, traffic safety, and the physical space for logistics—are all permissible "siting and design" standards that the city has a duty to enforce.
  - Source: Oregon Revised Statute 197A.420, Middle housing in urban growth boundaries.
  - URL: [https://www.oregonlegislature.gov/bills\\_laws/ors/ors197A.html](https://www.oregonlegislature.gov/bills_laws/ors/ors197A.html) (Navigate to 197A.420)



#### **GROUND 6: FAILURE TO ADDRESS PRECEDENT AND CUMULATIVE IMPACTS (NMC 15.235.040)**

1. Failure to Assess Cumulative Impact: The staff report's description of the site as the "last undeveloped lot" is materially incomplete. An adjacent, similarly-sized parcel exists on the street. The approval of nine units here creates a direct and foreseeable economic precedent for a similar high-density development on that lot. The city's analysis is myopic as it fails to consider the cumulative impact of this second foreseeable development on the street's already limited capacity and the hazardous intersection.

This failure to conduct a holistic safety analysis violates the intent and discretionary responsibility outlined in NMC 15.235.040.

- Source: Newberg Municipal Code (NMC) 15.235.040
  - URL: <https://www.codepublishing.com/OR/Newberg/html/Newberg15/Newberg15235.html>

**GROUND 7: The Approval Imposes an Unmitigated and Disproportionate Financial Burden, Constituting an Unfair Externalization of Development Costs**

The City's approval of this dense development is legally deficient because it fails to address the direct, foreseeable, and unmitigated financial damage it will inflict on private infrastructure owned by existing residents.

**A. The Legal Status of Orchard Drive: A Private Liability**

Orchard Drive is not a public asset. As confirmed by the staff report's discussion of its status (Staff Report, pp. 28-29, 32), it is a private street. Its maintenance, repair, and eventual full reconstruction are the exclusive financial responsibility of the homeowners governed by the terms of its establishing easement and any associated private road maintenance agreements. The City has no obligation to maintain or repair this road.

**B. The Foreseeable Damage from Construction and Densification**

The approval sanctions two distinct phases of damage to this private infrastructure:

1. **Construction-Phase Damage:** The project will require months of heavy vehicle traffic, including concrete mixers, excavation equipment, and fully-loaded material delivery trucks. These vehicles impose high Equivalent Single Axle Loads (ESALs)—the standard engineering measure of pavement damage—far exceeding what a private residential road is designed to withstand. This will catastrophically shorten the road's engineered service life and likely cause subgrade and surface failures.
2. **Operational-Phase Damage:** Post-construction, the project will permanently double the number of households using the street. This will, at a minimum, double the Average Daily Trips (ADT). This sustained, high-frequency use will accelerate the pavement's degradation, ensuring its premature failure and forcing a full, costly reconstruction years earlier than would otherwise be required.

**C. The City's Failure to Impose Standard Mitigation Measures**

The staff report acknowledges the street is private but is silent on the foreseeable damage. A prudent approval process for a project of this scale and impact would have included standard Conditions of Approval to protect existing residents. The City's failure to impose any of the following constitutes a negligent omission:

- A Pre-Construction Video Survey and Pavement Condition Report to establish a baseline of the road's current condition.
- A Bonding Requirement or Financial Guarantee posted by the developer, to be held in escrow to pay for the repair of any damage caused during construction.
- A Developer-Funded Pavement Life-Cycle Analysis to quantify the long-term impact of the increased ADT and establish a fair contribution to a road maintenance fund.
- A Formalized Road Maintenance Agreement as a condition of approval, requiring the new units to buy into the shared maintenance obligation at a level commensurate with their impact.

By failing to impose any of these standard mitigation tools, the City has prioritized the developer's profit over the financial well-being of existing residents.

**D. The Inequitable Financial Outcome: Externalizing Development Costs**

This approval creates a textbook case of inequitable cost externalization. A for-profit developer is granted the right to develop a dense project, from which they will derive all financial benefit. However, the primary infrastructure cost of that development—the accelerated destruction of Orchard Drive—is transferred entirely onto private citizens who have no financial stake in the project.

This is an unacceptable public policy outcome. Either existing residents are forced to subsidize a private developer's profits through future road repair bills, or the developer is unjustly enriched by being absolved of responsibility for the damage they will cause.

## E. The Only Equitable Remedy

If the City is to grant an approval that it knows will lead to the premature failure of private infrastructure, it cannot abdicate responsibility for that outcome. The financial burden must be placed on the party creating it: the developer.

Therefore, should this approval be upheld, the only equitable remedy is for the City to require the developer, as a Condition of Approval, to upgrade Orchard Drive to current public street standards and dedicate it to the City for public ownership and maintenance. This is the only way to ensure that the long-term infrastructure costs generated by this high-density project are not unfairly borne by private individuals.

## GROUND 8: A DEFICIENT PUBLIC NOTICE PROCESS ROOTED IN BAD FAITH

This approval is built upon a foundation of a compromised public notice process that, while perhaps technically fulfilling the bare minimum procedural requirement, was executed in a manner that demonstrates a profound lack of good faith and subverted the entire legal purpose of the notice itself.

### A. The Legal Purpose of Public Notice vs. The Applicant's Actions

The legal requirement to provide notice to affected property owners (NMC 15.203.020) is a cornerstone of due process. Its purpose is not simply to send a letter; it is to provide a meaningful and effective opportunity for the community to be heard.

The applicant in this case took an action that had the predictable and foreseeable consequence of defeating this very purpose. The official legal notice, a document of significant public importance, was mailed in envelopes with "76 Express Lube" printed in the return address area. This is especially concerning in light of the fact that Mr. Hurford has experience in the building community and should have therefore known better.

- This experience is documented here, which lists him as the Treasurer for Rebuild Oregon, a action committee committie : <https://secure.sos.state.or.us/orestar/sooDetail.do?sooRsn=80897>

This action disguised a critical legal notification as unsolicited commercial advertising. It is a universally understood behavior for residents to discard such "junk mail" unopened. Therefore, this method of delivery was not designed to inform; it was, by its very nature, designed to be ignored.

### B. The Implication of Bad Faith

This was not a clerical error. It was a conscious choice. The decision to use such an envelope can only be interpreted as an act of bad faith intended to minimize public awareness, limit scrutiny, and suppress community response to the proposed development. It demonstrates a foundational lack of respect for the public process and for the residents whose lives and property values would be directly impacted.

This initial act of bad faith is not an isolated incident; it is a lens through which this entire project must be viewed. It establishes a troubling pattern of behavior and calls into question the developer's credibility on every other aspect of this proposal.

- How can the residents of Orchard Drive, or this Commission, be expected to trust the developer's unverified claims about water capacity?
- How can we be expected to believe they will be a responsible partner in mitigating the extreme traffic and safety impacts on our street?
- Most critically, how can we possibly trust them to be accountable for the significant financial damage their project will inflict on our private road?

The answer is that we cannot. When a developer's very first interaction with the community is designed to mislead, there can be no reasonable expectation of future accountability or good faith. The public process was tainted from the outset by this profoundly cynical action, and any approval that stems from it is inherently flawed.

## **B. Approval Issued Before Safety Verification**

The City approved the project before confirming fire flow, fire access, or stormwater capacity, contrary to the intent of NMC 15.505.020.

### **CONCLUSION AND REQUESTED REMEDY**

The approval also grants the developer broad latitude to advance a nine-unit plan without first demonstrating that such a configuration can physically or safely fit on the site. This creates the appearance of a viable path forward when, in reality, the dimensional, operational, and safety constraints documented throughout this appeal show that a nine-unit layout cannot be constructed on this lot under any code-compliant scenario. The approval therefore authorizes a level of development that is not achievable once mandatory fire-access requirements, frontage clearances, circulation needs, and buildable-area limitations are properly applied.

The approval of File No. PLNG-25-42:

- exceeds the site's physical capacity
- fails to meet essential life-safety requirements
- conflicts with state and local codes
- relies on incomplete and unverified infrastructure information
- imposes uncompensated financial burdens on existing residents
- was issued through a procedurally flawed process

**The only remedy that respects the Development Code, the Oregon Fire Code, and the physical limits of Orchard Drive is to:**

***Reverse the approval and remand the application with direction that the site's maximum safe capacity is four units.***

**Exhibit “C” to Planning Commission Order 2026-01  
Written Testimony from Applicant and Applicant Proponents**

[None submitted by staff report publication February 5, 2026]

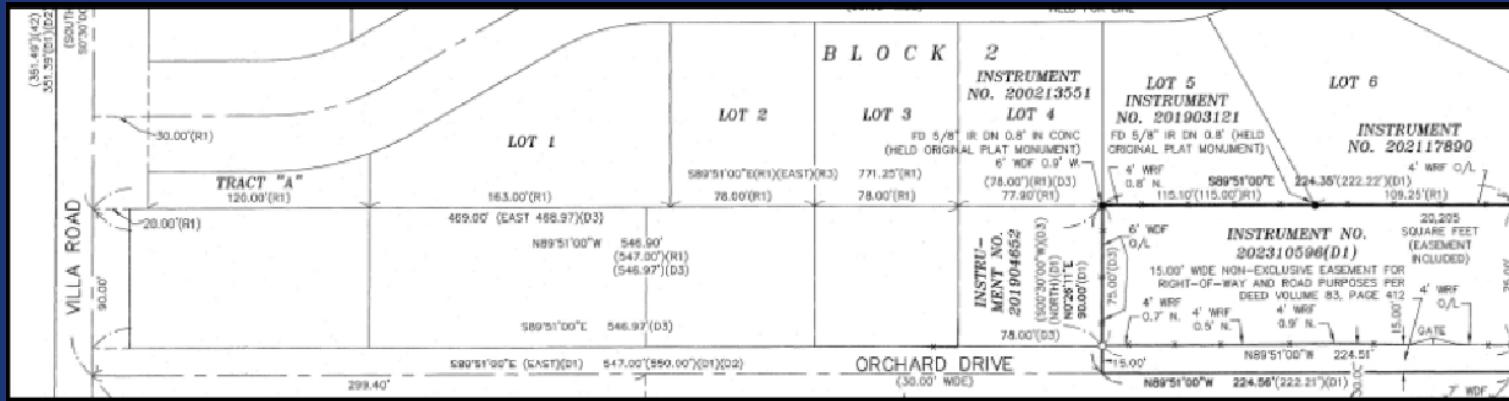
**Exhibit “D” to Planning Commission Order 2026-01**  
**Written Testimony by Appeal Proponents**

# Getting Orchard Drive Right the First Time: Why the proposed density is Unworkable

An Appeal Regarding File No. PLNG-25-42

Presented by: Ryan Adovnik

February 12th, 2026



# Why We Are Here: A Collaborative Review



First, we want to acknowledge that for the most part, the city's review was rather thorough and accurate.

Our point isn't to criticize the city staff. As laymen who knew little about this process before beginning our research, our goal is simply to highlight a few key details that may have been overlooked.

We are here not only to convince the city that a lower density is more appropriate for this site, but to convince Mr. Hurford of that as well.

# What Does 'A Great Place to Grow' Mean?

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## A Safe Place to Grow

A community where every resident feels secure and protected.



## A Sustainable Place to Grow

Development that balances growth with environmental responsibility.

# The Tour Begins: A Blind Turn onto Our “street”

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Pedestrians on the beginning of Orchard Drive are practically invisible to drivers until it is almost too late



# The Tour Continues: A Treacherous Turn Off Our Street



# The Destination: A Private Drive, Not a Public Street

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# Roadmap for Tonight



## 1. Immediate Life-Safety Concerns

Addressing urgent risks to public safety and well-being.



## 2. Operational Feasibility & Physical Constraints

Examining site limitations, infrastructure, and practical challenges.



## 3. Lack of Code & Neighborhood Compliance

Identifying violations of regulations and community standards.



## 4. Unfair Burden & Flawed Public Process

Highlighting inequitable costs and procedural deficiencies.

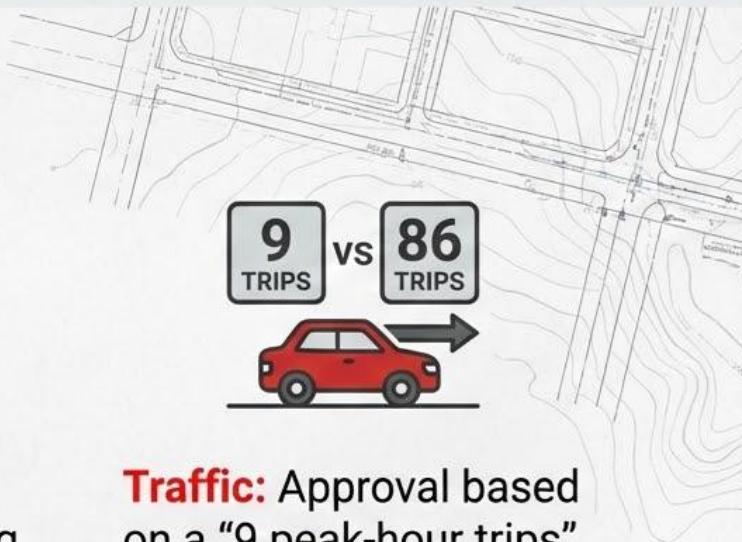
# A Failure of Basic Safety



**Fire Access:** No approved turnaround for a 150ft+ dead-end road, a direct violation.



**Fire Flow:** Approval granted *before* verifying the water main can support firefighting.



**Traffic:** Approval based on a "9 peak-hour trips" metric while ignoring the developer's own "86 daily trips" memo.

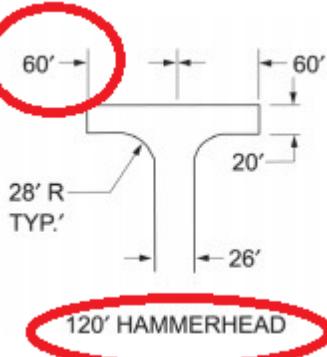
# The Fatal Flaw: A Baseline Failure of the Frontage Requirement

## 1. The Frontage & Turnaround Failure

The Rule: A dead-end road 151-500 feet long requires a specific, approved turnaround. The standard "Hammerhead" design shown in the code requires 60 feet of dedicated frontage.

Governing Code: OFC Table D103.4 *"For dead-end roads 151-500 feet in length, a 120-foot Hammerhead... in accordance with Figure D103.1 is required."*

The Verdict: FAIL. The plan completely lacks the carve-out for the 60 feet of frontage required, a point we will prove with math momentarily.



## 2. The Aerial Access Width Failure

The Rule: Any building over 30' tall requires a 26-foot wide access road for aerial fire trucks.

Governing Code: OFC D105.2 *"...aerial fire apparatus access roads... shall have a minimum unobstructed width of 26 feet..."*

The Verdict: FAIL. The plan does not provide a 26-foot road, nor did the city list this as a condition of approval.

### *Reality Check: "Are These Rules Optional?"*

#### **TVF&R Fire Code Application Guidelines Source: Page 7 Section: FIRE APPARATUS ACCESS ROADS**

*"The requirements for fire apparatus access may be modified by the fire code official where it has been determined that access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades, or other similar conditions that have not been created by the applicant."*

# The Reality: Orchard Dr. is a dead-end street well over 500 feet long

This is not a 150-foot road; it is a deep penetration requiring the highest level of scrutiny.

The Consequence: This triggers a more severe rule in the exact same code table.

- Governing Code: OFC Table D103.4, Footnote b

*"For dead end fire apparatus access road lengths of more than 500 feet... provisions for turning around of fire apparatus and special policing of the area shall be provided as required by the fire code official."*

The Critical Implication:

A 500+ foot dead-end is inherently more dangerous. It gives the Fire Code Official the authority to demand more than the minimum. They could easily determine a simple hammerhead is insufficient and require a 96-foot diameter cul-de-sac instead, which would consume even more of the lot's frontage.

The Final Verdict: The developer's plan doesn't even meet the absolute minimum 60-foot frontage requirement for a *lesser* risk. It completely ignores the heightened safety standards mandated for a high-risk, 500+ foot dead-end.

# Life-Safety Risk to Emergency Crews

- Without the required 60-foot hammerhead, the ladder truck is trapped. It would have to reverse over 500 feet—nearly two football fields—blindly down a narrow lane to exit.”
  - “OAR 660-046-0010 (3)(c) Goal 7: Areas Subject to Natural Hazards ...protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy...”



# Frontage Feasibility Analysis: The Subject Property

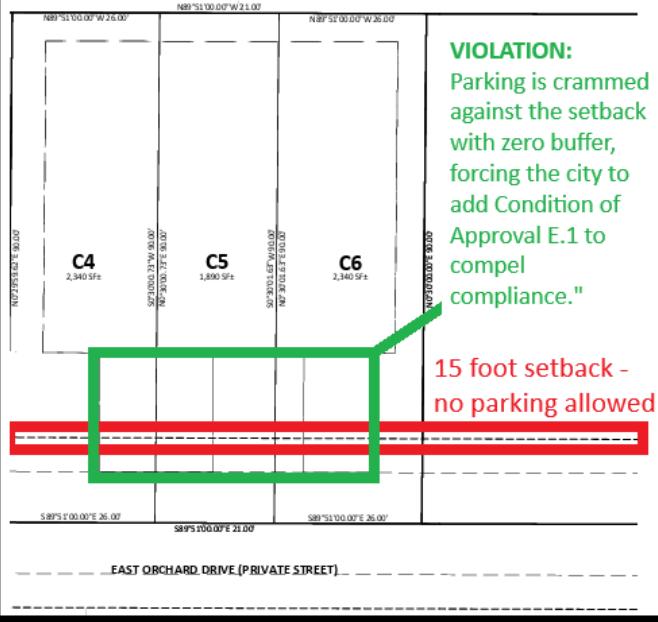


# A Paradox of Code Compliance

- **Lot Coverage:** Proposes 61% coverage where code allows only 40%.
- **Parking Setback:** Plan places required parking inside the mandatory front yard setback.

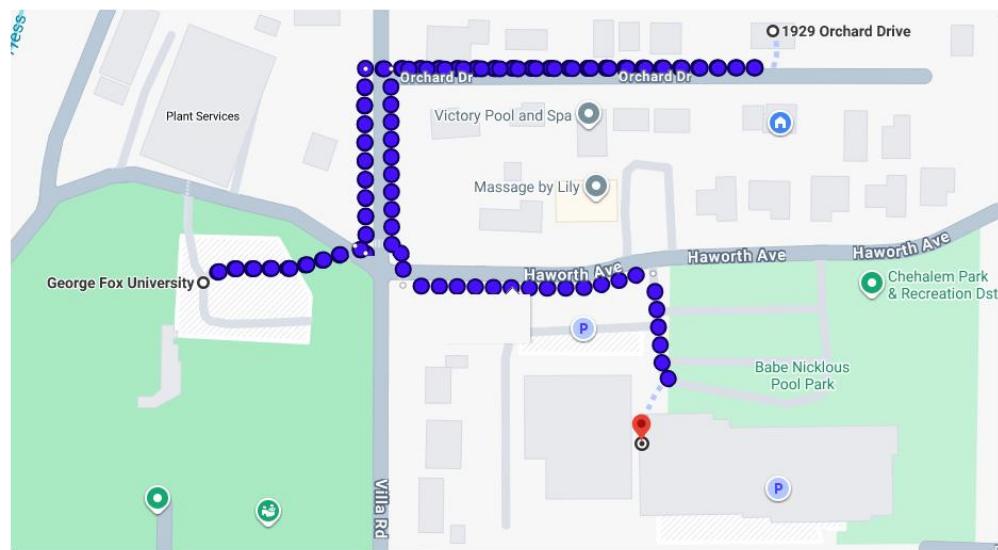
C5 LAND USE SUMMARY		
LOT USE	AREA (SF)	LOT COVERAGE (%)
GROSS	1,890 SF	-
DISTURBED	1,355 SF	-
IMPERVIOUS	1,355 SF	-
PERVIOUS	335 SF	-
BUILDING	1,155 SF	61%
DRIVeway	211 SF	11%
LANDSCAPING	335 SF	18%
ROADWAY (E ORCHARD DRIVE)	189 SF	10%

61%



**Source:** E. Orchard Drive Triplexes  
Site Plan, Sheet 3.2 (Sep. 18, 2025).

# Concern 2: The spillover effect



# Operational Feasibility: The Frontage Deficit

		# of Units						
Notes / Source	Description	9	8	7	6	5	4	3
Site Plan, Sheet C2.0	Total Lot Frontage (ft)	224	224	224	224	224	224	224
TVF&R Req.t / Site Plan	Fire Apparatus Turnaround (ft)	-60	-60	-60	-60	-60	-60	-60
USPS Reg. / Site Plan	Mailbox Clear Zone (ft)	-30	-30	-30	-30	-30	-30	-30
10 ft/unit [NMC 15.415.050(B)(5)]	Driveway Entrances (ft)	-90	-80	-70	-60	-50	-40	-30
Remaining frontage before fire hydrant trash collection, Delivery Vehicles and Utilities		44	54	64	74	84	94	104
11.5 ft / unit Waste Management Guidelines	Existing Neighbors' Bins (ft)	-23	-23	-23	-23	-23	-23	-23
	New Development Bins (ft)	-104	-92	-81	-69	-58	-46	-34
Remaining frontage after Trash Collection but before Utilities, Delivery Trucks etc.		-83	-61	-40	-18	3	25	46
Average delivery vehicle length	Delivery Vehicle	-25	-25	-25	-25	-25	-25	-25
Guy wires, transformers, etc.	Buffer for Utilities	-10	-10	-10	-10	-10	-10	-10
Total remaining frontage WITHOUT a fire hydrant		-118	-96	-75	-53	-32	-10	11
10 feet in each direction	Fire Hydrant No-Parking Zone (ft)	-20	-20	-20	-20	-20	-20	-20
Total remaining frontage WITH a fire hydrant		-138	-116	-95	-73	-52	-30	-9

# Visualizing the Total Impact: Ground-Level and Vertical



# Unfair Burden & A Flawed Public Process

## Unfair Burden:



For-profit development will damage a private road, leaving private citizens with the bill.

## Flawed Process



Critical legal notice was disguised as junk mail, undermining the public's ability to engage.



# This is Not a Safe or Sustainable Plan



Exceeds the site's physical capacity.



Fails to meet essential life-safety requirements.



Conflicts with state and local codes.



Relies on incomplete infrastructure information.



Imposes uncompensated financial burdens.



Was issued through a flawed, bad-faith process.

# “Let the Cards Fall Where They May”

The applicant said he would “let the cards fall wherever they may.”



We are here to ask you to ensure the cards fall on the side of **safety**, **data**, and **responsible growth**.



# This Project Will Fail. Let's Get it Right the First Time

## Primary Request:

-DENY the 3-lot partition as proposed  
-INSTRUCT the applicant to return with a realistic 2-lot plan (e.g., two duplexes) that complies with all fire code and lot coverage requirements.

## Alternative Request

(If Approved):

- Add a Condition of Approval for Mr. Hurford to fund and execute a full structural repair and repaving of the entire private access road to safely accommodate the increased traffic.
- Add a Condition of Approval for the applicant to install a 6-foot-tall, sight-obscuring privacy fence along affected property lines.

City of Newberg, OR

\*Planning Application

PLNG-25-42

Applicant: Alison Baker      Location: 1929 E ORCHARD DR, Newberg, OR 97132  
[View location details](#)

Created: Jul 28, 2025      Status: **Active**      Expires: Dec 14, 2025

[Details](#)      [Files \(26\)](#)

Status of Application: **APPEALED**

**DENIED**



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# Thank you



I would be happy to answer any questions

Ryan Adovnik

[RyanAdovnik@Gmail.com](mailto:RyanAdovnik@Gmail.com)

9712811284

**Exhibit “E” to Planning Commission Order 2026-01  
Written Testimony by these Neither in Support or Opposed to Appeal**

[None submitted by staff report publication February 5, 2026]



## MEMORANDUM

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TO: Newberg Planning Commission  
FROM: Fé Bates, Community Development Administrative Assistant  
Scot Siegel, Community Development Director  
SUBJECT: CONTINUATION-New City Council, Board, Committee & Commission  
Guidelines  
DATE: February 4, 2025

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The City Council adopted new Council, Board, Committee & Commission (CBCC) Guidelines on October 20, 2025. These guidelines establish standardized rules for the City Council as well as all boards, committees, and commissions. As a result, they supersede the Planning Commission Participation Guidelines (PCPG) adopted on April 14, 2022.

At the December 11 Planning Commission meeting, Rachel Thomas, City Recorder, and Fé Bates of Community Development reviewed the CBCC with you.

The Planning Commission tabled the discussion on if the Planning Commission should consider whether to direct staff to amend, replace or abandon the PCPG until the next meeting to allow for more time to review the materials.

This memo summarizes the sections where the CBCC Guidelines override or replace the existing PCPG, as well as sections where the PCPG remains applicable. The Planning Commission may choose to retain portions of the PCPG that are not addressed in the new CBCC Guidelines and when they complement the new standing rules. The Commission may also maintain its own public hearing "script" as recommended by staff, provided the script complies with state land use and public meeting laws.

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## **Chapter 1-General Governance**

Chapter 1 adds detail to and supersedes portions of PCPG (Section 2-General Rules 2.1-2.6 & Section 4-Presiding Officer-4.1 to 4.3)

**Comment:** The procedures that are unique to the Planning Commission and do not conflict with the CBCC are to be followed as written in the PCPG.

**CBCC (1.- V.A.B.E.F.) Agendas** - provides additional detail and supersedes portion of **PCPG (6.1-6.7) Agendas & Additional Items for Consideration**

**Comment:** The procedures that are unique to the Planning Commission and do not conflict with the CBCC are to be followed as written in the PCPG.

**Below are the items from the CBCC that take precedence over PCPG:**

- **CBCC (1.V.B)Agendas:** (Supersedes)Agendas and informational material for meetings shall be distributed to the council at least 7 days preceding the meeting. Supplemental items will be distributed at least 2 days prior to the meeting. Agendas and informational materials for standing committees should be distributed at least 7 days prior to the meeting and are required to be distributed more than 48 hours in advance of the meeting.
- **PCPG(6.5)Agenda Availability:** Planning commission agendas and the accompanying documents are available at the city planning division office and are posted on the city website normally eight days prior to the planning commission meeting. Interested persons are encouraged to read the agenda along with supporting material, and address questions to the community development director or city staff prior to the meeting. The community development director and planning commission value public input. In order to efficiently conduct city business, those who have concerns are encouraged to address these issues prior to the planning commission meeting
- **CBCC (1.V.E) Adds timeline to action:** (Supersede 6.1) - A member of a standing committee who wishes to have an item placed on the agenda shall advise their staff liaison and get the approval of the chair at least 10 days prior to the meeting.
- **CBCC (1.V.F.):** (Supersedes 6.2) -If a request to include an agenda item is denied, written explanation shall be provided by the presiding officer to the requesting council member at least seven days prior to the meeting. If denied, the requesting council member may request, during the meeting and in open session, that the item be placed on the agenda. If the requesting council member obtains the support of at least one other council member, the item will be included on the agenda.
- **PCPG (6.1) Preparation of Agenda:** The community development director with the advice and consent of the chair will prepare the agenda along with appropriate documentation for planning commission meetings. Any member of the planning commission may request, through the chair, for a matter to be placed upon the agenda.

Such request is subject to the advice of the community development director. Each meeting agenda's format will be prepared as prescribed in the rules. If there is no item to be considered under a section of the agenda, that section will be omitted from the agenda and the agenda will be renumbered accordingly. The final authority on the agenda matters is the planning commission.

- **PCPG (6.2) Non-Agenda Items:** Prior to the meeting, the community development director may send out additions to the agenda with the appropriate documentation. The planning commission may consider the items which are not listed on the published agenda. The planning commission must, by a majority, place the item on the agenda. Action may then be taken on the item

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## **Chapter 2 - Meeting Time, Location & Frequency**

CBCC (2. II. Board, Commission, & Committee Meetings) gives a general outline; PCPG (Section 5-Planning Commission Meetings) **Comment:** *These provisions are to be followed as they are unique to the Planning Commission and does not conflict with the CBCC guidelines.*

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## **Chapter 3 - Ordinances & Resolutions**

### **CBCC (3-II. Resolutions)**

**Comment:** This section provides detail to Passing a Resolution that is not captured in PCPG Rules.

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## **Chapter 4- Land Use Hearings**

### **CBCC (4. I.A-I.) General Conduct of Hearings**

**Comment:** This section adds requirements and provides additional guidance to the requirements of written testimony and evidence presented at a hearing, expediting hearings and conducting testimony.

**Below are the items that take precedence over and provide additional guidance to the PCPG:**

- **CBCC (Chapter 4-I. B.):** copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. The party must also bring 10 copies of the written testimony for the council/commission and staff.
- **CBCC (Chapter 4-I.C):** If a party desires to make its testimony or evidence available as part of the meeting's agenda packet, it must be submitted to the city recorder or designated staff by noon the Friday before the meeting for council meetings, or 2 days

ahead for all other meetings. If the testimony or evidence is not submitted to the city recorder or designated staff by this deadline, it still may be submitted to the city recorder or designated staff at the time of the hearing and included in the record, but it shall not be included in the meeting's agenda packet.

#### **CBCC (4. II.A-E & III.A.1-7.) Quasi-Judicial Land Use Matters & Legislative Land Use Matters**

Comment: These sections outline the Hearing Procedures process and provides more detail and direction to PCPG (7.1-7.9) Procedures at meetings.

**Below are the items that take precedence over and provide additional guidance to the PCPG:**

- **CBCC (4-II.B.2) Ex parte Recusal- for a Quasi-Judicial hearing City wide ethics rules take priority; PCPG(7.14) Voting and Abstaining from Voting ethics still apply as supplemental (PC rules can be stricter than CBCC)**

Comment: It is not a legal requirement that persons leave the room, but it is best practice to maintain public trust and an impartial hearing body, Planning Commission can choose to continue to follow:

PCPC(7.14): Commissioners who abstain from participating in a matter due to a conflict of interest shall retire to the lobby during the time the matter is under consideration. A commissioner in the lobby will continue to be counted in the quorum. Commissioners may not provide testimony before the commission on any matter from which they abstain, but may designate a representative to speak to their interests.

- **CBCC (4 -II.D.4) Presentation of the Case** gives more detail and Supersedes PCPG(7.7) Time Limits for testimony:
  - CBCC (Chapter 4-II.D.4): (Supersedes)
  - 4. Presentation of the Case
    - a. Proponent's case. Twenty minutes total.
    - b. Persons in favor. Five minutes per person.
    - c. Persons opposed. Five minutes per person.
    - d. Other interested persons. Five minutes per person.
    - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
  - PCPG ( 7.7) Time Limits for Testimony  
The principal applicant for a proposal will be allotted 15 minutes for an initial presentation. Prior to the meeting the applicant may petition the community development director for additional time for the initial presentation, not to exceed 30 minutes.

**Commented [RT1]:** This is a bit tricky as generally this would not count as part of a quorum. Roberts Rules provides for this in some ways. Not sure what the best way to proceed would be, but I wanted to call this to your attention.

**Commented [GU2R1]:** Lets call it out for the PC and ask for their input, and let them know that this may need revision. (Scot)

A principal opponent, if any, will be allotted time in the same manner as the principal applicant.

All other speakers will be given the opportunity to speak for up to five minutes.

Speakers may share their time at the discretion of the chair.

The chair has the discretion to extend these time limits.

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### **Chapter 5 Motions, Debate, Public Comment and Voting**

**CDCC (5. I-IV.)** Outlines in detail the process for all motions, debates and Public comments and **supersedes PCPG (7.10 – 7.16).**

**Below are the items that take precedence over and provide additional guidance to the PCPG:**

- **CBCC (5-I.A.2.) Motions:** (*Supersedes*) If a motion does not receive a second, it dies.
- **PCPG(7.13) Motions, Seconds, and Decisions by Unanimous Consent:** Generally, no motion will be considered unless it has been seconded. However, routine motions that have the general consent of the planning commission do not require a second, unless requested by any member of the planning commission. Motions brought forth by the chair, which receive no seconds, but also no objections, will be passed by unanimous consent
- **CBCC (5-III.A.1.)Public Comment (Adds clarification of non-Agenda Item Comments):** Because of the limited role, purpose, and authority of standing committees and ad hoc committees, and in order to promote efficiency and maintain order, standing committees will only receive public comment related to the subject of the committee or topics at that meeting, while ad hoc committees will receive public comment only to the extent it is specifically included in their directives.

**CBCC (5-III.E.3.)Written Materials:** (*Supersedes*) *Written comments will not be read into the record* (Reading written comments out loud at meetings will no longer be done unless an ADA accommodation is specifically requested.)

- **PCPG(7.8) Written Testimony:** In order to be considered at a hearing, written testimony must be received at the Community Development Department by noon on the third Business day (typically Monday) prior to any meeting. Written testimony received after that date will be read out loud at the meeting, subject to time limits for speakers, and will be included in the record if there are future proceedings

## **Chapter 6- Minutes**

### **CBCC Chapter 6**

Comment: Provides uniform minute-taking standards not outlined in PCPG.

## **Reviewing & Approving of Minutes**

Comment: Many of city commission/committees no longer review and approve past minutes due to the fact that both minutes and a recording are available. The Commission may consider whether it wishes to discontinue formal approval of minutes, as some committees already do.

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## **Chapter 7 - Appointments**

### **CBCC (7. II.): Appointments of Members to Boards, Commissions and Committees**

Comment: Provides appointment procedures not covered in PCPG Rules.

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## **Chapter 8 - Ethics, Decorum, Outside Statements**

### **CBCC Chapter 8**

Comment: Provides clearer standards on commissioner conduct, decorum, and external statements.; *(Supersedes)* PCPG (2.7).

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## **Chapter 9- Interactions with Staff & City Attorney**

### **CBCC Chapter 9**

Comment: Provides guidelines and expectations not addressed in the PCPG rules.

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## **Chapter 10 - Censure**

### **CBCC Chapter 10**

Comment: Outlines procedures for addressing rule violations—content not included in PCPG

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## **Chapter 11 - Amendment & Repeal**

### **CBCC Chapter 11**

Comment: Provides guidelines on how amend and repeal the rules outlined in the 2025 City Council, Board, Committee & Commission Guidelines.

## **ORDER OF BUSINESS**

The order of business for all regular Planning Commission meetings shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting at the Chair's discretion.

### **1. CALL MEETING TO ORDER**

*Presiding officer shall call all meetings of the Planning Commission to order.*

### **2. ROLL CALL**

*Staff liaison shall conduct a roll call to determine which members of the body are present and which are absent and determine if a Quorum is present. The attendance shall be properly reflected in the minutes.*

### **3. ELECTION OF CHAIR & VICE CHAIR (Yearly)**

*At the first meeting of each year, or upon vacancy of the current chair or vice chair, the commission shall elect a chair and vice chair for the remainder of the calendar year. The commission's policy is to rotate the positions by seniority in such a fashion that each member has the opportunity to serve first as vice-chair, and then the following year as chair*

### **4. PUBLIC COMMENTS**

*Persons speaking to the planning commission concerning items not on the agenda or items that are on the consent calendar would speak under the public comment period. Those persons will be given the opportunity to speak for up to five minutes. Speakers may share their time at the discretion of the chair. The maximum time allowed for public comment, including all speakers, is 30 minutes*

### **5. CONSENT CALENDAR**

*To expedite the Commissions business, routine agenda items shall be placed on the consent agenda.*

*1. All items on the consent agenda shall be approved by a single motion, unless*

*an item is pulled for further consideration.*

*2. Any item on the consent agenda may be removed for separate consideration by any member.*

*3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the request for Commission action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member must declare a conflict of interest.*

### **6. PUBLIC HEARINGS**

#### **a. Quasi-judicial Public Hearings**

*The planning commission's quasi-judicial authority is usually exercised by adoption of an Order when the commission is the final decision maker, and by adoption of a Resolution when the commission is a recommending body only.*

#### **b. Legislative Public Hearings**

*The planning commission's legislative authority is usually exercised by the adoption of a Resolution*

## **7. CONTINUED BUSINESS**

*This section of the agenda will include items that are being returned to council after Previous introduction, work session, or consideration at a recent meeting.*

## **8. NEW BUSINESS**

*This section of the agenda will include items that are being considered for the first time that is not a Public Hearing.*

## **9. ITEMS FROM STAFF**

*The Community Development Director will give an update on Community Development related projects ranging from current projects and long-range projects. The commission may ask questions from the Community Development Director upon conclusion of the information being given. The Community Development Director may call upon staff to assist in answering questions.*

## **10. ITEMS FROM COMMISSIONERS**

*Commissioners are invited to bring up Community Development related concerns and requests of staff during this section of the agenda.*

## **11. ADJOURNMENT**

*Meetings will be adjourned by the Presiding Officer*



# Newberg City Council, Board, Committee & Commission Guidelines 2025

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# **CHAPTER 1 – General Governance**

## **I. Rules of Procedure**

- A. These rules are intended to govern City Council and all boards, committees, and commissions (hereafter referred to as standing committees) of the city.
- B. Unless otherwise provided by charter or ordinance, Council meetings, and the meetings of any board, commission, or committee of city council, shall be guided by Robert's Rules of Order for Small Boards.<sup>1</sup> These rules are adopted according to NMC, Charter, Ch III, Section 11.
- C. Members of the council or governing body are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- D. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

## **II. Quorum**

- A. A quorum is required to conduct official city business.<sup>2</sup>
- B. The members of the council are the city councilors and mayor. The members of a standing committee are as defined at their creation. Fifty percent plus one of the members of the council or a standing committee shall constitute a quorum. Vacancies in office do not count towards determining a quorum.
- C. In the event a quorum is not present, the members of the governing body present shall adjourn the meeting, or a smaller number may meet and compel attendance of absent members as outlined in Rule II D.
- D. When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any member may move for a call of the house.
  1. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent members at the meeting. The presiding officer is authorized to recess the meeting to a

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<sup>1</sup> Robert's Rules of Order Newly Revised, 12th edition, section 49:21.

<sup>2</sup> NMC Charter, CH 3, Section 13.

certain time while attendance is being compelled.

### **III. Presiding Officer**

#### **A. City Council:**

1. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.<sup>3</sup>
2. If the mayor is absent or otherwise unable to preside, the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.<sup>4</sup>
3. If both the mayor and the president of the council are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
  - a. The city recorder shall call the council to order and call the roll of the members.
  - b. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
  - c. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
  - d. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.
  - e. This process may be used to elect a presiding officer for a portion of a meeting if the mayor or council president is unable to preside over a single item.

#### **B. Standing and Ad-Hoc Committees:**

1. The chair shall preside over all meetings.
2. In the chair's absence the vice chair shall preside over the meeting.
3. If both the chair and vice chair are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
  - a. The staff liaison shall call the meeting to order and call the roll of the

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<sup>3</sup> (NMC, Charter, Ch III, Section 9)

<sup>4</sup> (NMC, Charter, Ch III, Section 10).

members.

- b. Those members present shall elect, by majority vote, a temporary presiding officer for the meeting.
- c. Should either the chair or vice chair arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
- d. The presiding officer shall retain all rights and privileges of a member when acting in this capacity.
- e. This process may be used to elect a presiding officer for a portion of a meeting if the chair or vice chair is unable to preside over a single item.

#### **IV. Other Elected and Appointed Officers**

- A. City Manager. The city manager is required to attend all meetings of the council, unless excused by council, and is permitted to participate in any discussion; however, the city manager has no authority to cast a vote on any decision rendered by the council.<sup>5</sup>
- B. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion on legal questions, either written or oral.
- C. City Recorder. The city recorder or designee shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.

#### **V. Agendas**

- A. The city recorder or designee shall prepare an agenda for every regular meeting, and for every special meeting. Staff liaisons serve as the designee for all standing committee meetings.
- B. Agendas and informational material for meetings shall be distributed to the council at least 7 days preceding the meeting. Supplemental items will be distributed at least 2 days prior to the meeting. Agendas and informational materials for standing committees should be distributed at least 7 days prior to the meeting and are required to be distributed more than 48 hours in advance of the meeting.<sup>6</sup>
- C. The mayor's approval shall be required for the publication of an agenda of any council meeting.
- D. With the consent of the mayor, the city manager may remove any items on the council agenda at any time prior to a meeting convening. The presiding officer

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<sup>5</sup> (NMC, Charter, Ch VIII, Section 34, e, 1.)

<sup>6</sup> Note: Some actions taken by council and or standing committees may require even more notice. All legal requirements for notice shall be followed.

shall announce such removal under announcements/proclamations.

- E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager and get the approval of the mayor at least 10 days prior to the meeting. A member of a standing committee who wishes to have an item placed on the agenda shall advise their staff liaison and get the approval of the chair at least 10 days prior to the meeting.
- F. If a request to include an agenda item is denied, written explanation shall be provided by the presiding officer to the requesting council member at least seven days prior to the meeting. If denied, the requesting council member may request, during the meeting and in open session, that the item be placed on the agenda. If the requesting council member obtains the support of at least one other council member, the item will be included on the agenda.
- G. Notwithstanding anything to the contrary above, the council may consider items which are not listed on a published agenda.
- H. Written Communications to Council
  - 1. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
  - 2. The city manager may, under their discretion, bring any matter raised by unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report which sets forth the reason the matter should be considered by the council, and making a recommendation for council action.
- I. All items submitted to the council packet will require an executive summary of the decision before the council, and items over 100 pages in length will require an index, or hyperlinks, to the specific sections and attachments.
- J. Items that are legislative in nature, or that are deemed complex, will have a work session before the hearing, resolution, or main decision point is brought before the council. This may be waived by a majority of council.

## **VI. Order of Business**

The order of business for all regular meetings of City Council shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting with the approval of the mayor. Agendas for special meetings may follow this order or be adjusted according to the purpose of the meeting. Committees may follow this order or set their own agenda order as desired.

- A. Call to order
- B. Roll call

- C. **Pledge of Allegiance**
  - D. **Announcements**
  - E. **Proclamations and Awards**
  - F. **City Manager's Report**
  - G. **Public comment on items not on the agenda**
  - H. **Consent Agenda**
  - I. **Continued Business**
  - J. **New Business**
  - K. **Council Business**
  - L. **Adjournment**
- A. **Call to Order.** The presiding officer shall call all meetings of the council to order.
  - B. **Roll Call.** The city recorder or staff liaison shall conduct a roll call to determine which members of the body are present and which are absent.
    1. The attendance shall be properly reflected in the minutes.
    2. If roll call determines that a quorum is not present, this shall be addressed by Rule II.
  - C. **Pledge of Allegiance** This will be led by the presiding officer.
  - D. **Announcements.** Announcements are intended to be procedural in nature, such as an item being removed from the agenda, motions to reorder, insert or change agenda items. This also includes motions to remove items from the consent calendar.
  - E. **Proclamations and Awards.** Proclamations are awards or recognition of individuals by the council.
  - F. **City Manager's Report.** The City Manager will give a report at each regular council meeting with updates from all departments of the city. The first report of each month will include narrative information, the second report of each month will include statistical information. The council may ask questions of the city manager upon conclusion of the report being given. The city manager may call upon his staff to assist in answering questions.
  - G. **Public Comment - See Chapter 5, Section III.**
  - H. **Consent Agenda.** To expedite the council's business, routine agenda items shall be placed on the consent agenda.
    1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.

2. Any item on the consent agenda may be removed for separate consideration by any member.
  3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the request for council action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member must declare a conflict of interest.
- I. Continued Business. This section of the agenda will include items that are being returned to council after previous introduction, work session, or consideration at a recent meeting.
  - J. New Business. This section of the agenda will include items that are being considered for the first time. This may include topics freshly presented to council after a period of more than six months.
  - K. Council Business. To include appointments, reports from councilors on standing committees, nominations and similar council business.
  - L. Adjournment. Meetings will be adjourned by the presiding officer.

## **CHAPTER 2 – Meeting Time, Location and Frequency**

### **I. City Council**

#### **A. Regular meetings**

1. The council shall meet every first and third Monday evening of each month, except for meetings falling on designated holidays, which will be held on the next business day. Regular meetings shall begin at 6 p.m. Should there be a lack of business, lack of quorum, or other conflict, the meeting may be cancelled, with consent of the mayor, providing at least one meeting occurs in the given month.<sup>7</sup> Regular meetings will be limited to 4 hours and will be adjourned by 10pm except by majority vote of the body.

#### **B. Special meetings**

1. Special meetings may be called by the presiding officer or by request of three members.
2. Notice of a special meeting of council shall be given to all members of the council and the city manager via email. Should the meeting occur within 72 hours of the notice, all attempts will be made to reach the council and city manager by telephone.
3. Special meetings shall be noticed in accordance with Oregon's public

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<sup>7</sup> NMC, Charter, Chapter 3, Section 12

meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice of the special meeting shall be given to each member, the city manager or staff liaison, and each local newspaper, radio, and television station which has requested notice of special meetings.

C. Emergency meetings

1. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
2. Emergency meetings may be called by the mayor by the request of three members of council, or by the city manager.
3. Emergency meetings may only be held by City Council.
4. Notice of the emergency meeting shall be given to each member of the council, the city manager, and all reasonable attempts will be made to inform each local newspaper, radio, and television station which has requested notice of meetings.
5. Notice of the emergency meeting shall be given to all members of council and the city manager via telephone and email.
6. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions.

1. Executive sessions may only be held by City Council. Executive sessions may be called by the presiding officer, at the request of three members of council, by the city manager, or by the city attorney.
2. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Generally, the city recorder will be present to take minutes, if excused, another minute taker will be identified.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation, and the news media is a party to the litigation.
4. Cameras, tape recorders, and other recording devices may not be used in executive sessions, except for any official executive session recording made by city staff.
5. All executive sessions will be held in person only, without a virtual attendance option, unless a virtual option is approved by a majority vote in open session.

E. Work Sessions

1. Work sessions are permitted to present information in preparation for regular or special meetings.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the council or committee is not permitted to take formal or final action on any matter at a work session.
4. Work sessions may be called by the presiding officer, at the request of three members of Council, by the city manager, or by the city attorney.
5. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

## **II. Board, Commission, and Committee Meetings**

- A. Shall meet according to the schedule produced by the city recorder's office each year. This will be developed in accordance with the code, resolution, law, and necessity. Committees may add additional meetings or reschedule meetings if necessary.
- B. Must be properly noticed in accordance with Oregon Public Meetings Law.
- C. Meetings may be canceled due to lack of quorum or lack of business by the presiding officer.

## **III. Location**

- A. Council meetings shall be held in the Denise Bacon Room in the Public Safety Building and simultaneously through Zoom or other virtual meeting platforms. Board, commission, and committee meetings will be held in various locations as appropriate, as noticed on the meeting agenda, and simultaneously through Zoom or another virtual meeting platform.
- B. In the event the regular meeting room is not available for a meeting, the meeting shall occur at a venue open to the public which is located within the jurisdictional limits of the city. All meeting locations shall meet the requirements of Oregon's Public Meeting Law.
- C. At the direction of the presiding officer, the meeting may also move to a fully virtual format. (For example: In the case of inclement weather.)
- D. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
- E. Interjurisdictional meetings may be held outside of the city's jurisdictional limits but

should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

#### **IV. Notice**

- A. The city recorder or designee shall provide notice of all meetings in accordance with Oregon's public meeting law.

#### **V. Attendance**

- A. Members of council or committees shall advise the presiding officer and city manager/city recorder/staff liaison if they will be unable to attend any meetings.
- B. Under Article VII, Section 32 of the charter, a council position becomes vacant upon declaration of the council if the member of council is absent from the city for 30 days or more without council consent, or from all meetings of the council within a 60-day period without council consent.
- C. Committee members may be excused from their position if they are not present for at least 75% of meetings in a year in accordance with Title II, Chapter 2.15.005 (D.) of the Newberg Municipal Code.
- D. Members may attend meetings in person or virtually by phone or video conferencing.

### **CHAPTER 3 – Ordinances and Resolutions**

#### **I. Ordinances**

- A. All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein. Sections 16 and 17 of city charter provide that the council exercises its legislative authority by adoption of ordinances.
- B. Except as authorized by subsection (C), adoption of an ordinance shall, before being put upon its final passage, be fully and distinctly read in open council meeting.
- C. The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- D. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts that ordinance.
- E. Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.
- F. After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the city recorder's name and title.

- G. A script for the adoption of an ordinance will be followed to ensure compliance with these rules. See attachments.
- H. Effective Date: An ordinance shall take effect 30 days after adoption or at a later date to be specified in the ordinance.
  - 1. The following shall take effect immediately upon its passage:
    - a. Ordinances making appropriations and the annual tax levy; and
    - b. Emergency ordinances.

## **II. Resolutions**

- A. Resolutions considered by and voted upon by the council or committee shall adhere to the rules outlined here.
- B. An affirmative vote of a majority of the council or committee present shall be necessary to pass a resolution.
- C. When a resolution is rejected, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered for a period of not less than three months, unless at least three members petition for early consideration. Resolutions containing substantial amendments may return for consideration within the 3 month window.
- D. Reconsideration
  - 1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
  - 2. No motion shall be made more than once.
  - 3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.
- E. Effective date. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

## **CHAPTER 4 – Land Use Hearings**

### **I. General Conduct of Hearings**

- A. Any party may speak in person or through their attorney.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. The party must also bring 10 copies of the written testimony for the council/commission and staff.

- C. If a party desires to make its testimony or evidence available as part of the meeting's agenda packet, it must be submitted to the city recorder or designated staff by noon the Friday before the meeting for council meetings, or 2 days ahead for all other meetings.<sup>8</sup> If the testimony or evidence is not submitted to the city recorder or designated staff by this deadline, it still may be submitted to the city recorder or designated staff at the time of the hearing and included in the record, but it shall not be included in the meeting's agenda packet.
- D. No person may speak more than once without obtaining permission from the presiding officer.
- E. Upon being recognized by the presiding officer, any member may question any person who testifies.
- F. As directed by the presiding officer, staff may question any person who testifies.
- G. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- H. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder or staff liaison shall note the numbers of such persons for the record in the minutes. Persons testifying are asked to avoid repeating testimony already entered into the record and instead indicate support if they are in agreement with such testimony.
- I. The presiding officer may reduce time limits for testimony equally based on the number of people signed up to speak, respectively, "in favor" or "opposed", to ensure all parties have an opportunity to speak and to ensure compliance with statutory shot clocks for land use decision making.<sup>9</sup>

## **II. Quasi-Judicial Land Use Matters**

### **A. Scope of Review**

- 1. All appeals of quasi-judicial land use proceedings shall be conducted pursuant to NMC 15.100.160 through 5.100.190, Appeals.

### **B. Conflicts of Interest, Abstention, Recusal, Ex Parte Communications**

- 1. A member of the council or commission shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
  - a. The member has an actual conflict of interest, as defined by the Oregon Revised Statutes or the city charter/rules and must recuse from participation. The disclosure and recusal must be noted in the minutes.

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<sup>8</sup> (see Chapter 5, Section 3

<sup>9</sup> (See also, Part II, Quasi-Judicial Land Use Matters - Hearing Procedures)

- b. The member was not present during the public hearing and must abstain from participation. However, the member may participate if they reviewed. The evidence, including recordings of the hearing, and declared such fact for the record.
  - c. The member has a bias, as determined by applicable law, that prevents them from considering evidence and applying applicable criteria in making an impartial decision on the application.
2. Members shall disclose all ex parte contacts regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If the disclosed ex parte communication results in bias and/or a conflict of interest, the member shall recuse from participation as stated in (II)(B)(1)(a) and (c) above.
  1. “Ex parte contact” means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view.

C. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision shall be based on the applicable standards and criteria as set forth in the city’s municipal code, including if applicable the city’s comprehensive plan and any other land use standards imposed by state law or administrative rule.
3. Proponents, any opponents, and those who are neutral on the proposal may submit written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
4. City staff may submit supplemental written findings in response to testimony and as requested by the hearing body to address questions raised during the hearing.

D. Hearing Procedures

The order of hearings in quasi-judicial land use matters shall be:

1. *Land Use Hearing Disclosure Statement*

The city attorney, presiding officer, or their designee, shall read the land use hearing disclosure statement, which shall include:

- a. A list of the applicable criteria;
- b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use

- regulation which the person believes to apply to the decision;
- c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council or other hearing body and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. *Call for ex-part contacts*
    - a. The presiding officer shall inquire whether any member has had ex-part contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact.
    - b. “Ex parte contact” means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view. Ex parte contact can also be access to evidence or information that is not available to the public or the hearing body, which may include visiting the site of a land use application.
  2. *Call for recusals*
    - a. The presiding officer shall inquire whether any member must recuse from participating in the hearing due to a conflict of interest.
    - b. Actual Conflict of Interest: If a member announces an actual conflict of interest, as outlined by Oregon Revised Statutes or the city charter/rules, that member must recuse themselves and leave the hearing. The recusal is recorded in the minutes.
    - c. Potential Conflict of Interest: If a member has a potential conflict of interest, they can declare the potential conflict and continue participation in the matter. The declared potential conflict is recorded in the minutes.
    - d. Any member announcing a conflict of interest shall state the nature of the conflict, and if the conflict requires recusal, shall not participate in the proceeding unless the person’s vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
  3. *Staff summary*
    - a. Planning staff shall present a summary and recommendation concerning the proposal.
  4. *Presentation of the Case*
    - a. Proponent’s case. Twenty minutes total.

- b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
5. *Close of hearing*
    - a. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
  6. *Deliberations*
    - a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.

7. *Findings and Order*
  - a. The body may approve or reject the proposal.
  - b. The body shall adopt findings to support its decision.
  - c. The body may incorporate findings proposed by the proponent, the opponent or staff in its decision.

B. Continuances

1. A party can request either a hearing continuance or an open record period as provided by Oregon Revised Statutes. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances.
- d. There is a 120-day time limitation for the city to make a final land use decision, imposed by the Oregon Revised Statutes, and this 120-day period is not extended unless the applicant requested the continuance or if the applicant otherwise agrees to the extension of the time limitation.<sup>10</sup>

### III. Legislative Land Use Matters

- A. Hearings Procedures
  1. The order of procedures for hearings on legislative land use matters shall be:
  2. *Call for abstentions*
    - a. Inquire whether any member wishes to abstain from participation in the

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<sup>10</sup> See ORS 227.178.

hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings. The City Recorder or designated staff shall record the abstention in the minutes.

3. *Staff summary*
  - a. Staff shall present a summary of the proposal, statement of the applicable criteria, and recommendations concerning the proposal.
4. *Presentation of the Case*
  - a. Staff Presentation or Proponent's case. As approved by the presiding officer.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
5. *Close of hearing*
  - a. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
6. *Deliberations*
  - a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.
7. *Reopening Hearing*
  - a. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the body, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## **CHAPTER 5 – Motions, Debate, Public Comment and Voting**

### **I. Motions**

#### **A. The following rules shall apply to motions:**

1. All motions shall be distinctly worded using plain language.
2. If a motion does not receive a second, it dies.
3. The body will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. Any motion shall be reduced to writing if requested by a member.
5. A motion to amend can be made to a motion that is on the floor and has been seconded.
6. Amendments are voted on first, then the main motion if voted on as amended.

7. No motion shall be received when a question is under debate except for the following:
  - a. To lay the matter on the table; (Put the issue on indefinite hold.)
  - b. To call for the previous question; (End debate and immediately vote.)
  - c. To postpone; (Delay until a specified time.)
  - d. To refer; or (Send the matter to another committee or person for more information or a recommendation.)
  - e. To amend. (To change the motion on the table.)
8. A motion may be withdrawn by the mover at any time without the consent of the body.
9. A member may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
10. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
  - a. A call for the question fails without a majority vote.
  - b. Debate on the main subject resumes if the motion fails.
11. A motion that receives a tie vote fails.
12. The presiding officer shall cause the motion to be stated before the vote.
13. A motion to adjourn cannot be amended.

B. Motion to Reconsider

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. No motion shall be made more than once.
3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.

## **II. Debate**

- A. The following rules shall govern the debate of any item being discussed by the council or committee:
1. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
  2. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

## **III. Public Comment**

A. Public Comment

1. Public comment may be received at regular council meetings, standing committee meetings, and certain ad hoc committee meetings. The public shall have the right to comment at City Council meetings on all items that require a vote by the City Council, and the City Council will accept public comment unrelated to agenda items. Because of the limited role, purpose, and authority of standing committees and ad hoc committees, and in order to promote efficiency and maintain order, standing committees will only receive public comment related to the subject of the committee or topics at that meeting, while ad hoc committees will receive public comment only to the extent it is specifically included in their directives. .
2. When an interested person addresses the council or gives oral comments, that person should state their name and indicate if they are a resident of the city.
3. Public comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the council or city staff.

B. Public Comment Registration

1. Those giving public comment are required to register on the city website (by noon on the day of the meeting) or in person at the public meeting before making comments and/or providing input at the meeting.
2. Registration is due before the meeting is called to order, except in the case of public hearings. An interested person shall register separately for each subject under which they wish to provide comment.
  - a. For public hearings, public comment registration will close when the public testimony portion of the hearing is closed.
  - b. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request.
  - c. A form complying with this rule will be available at all meetings. The city recorder is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.
3. Those desiring to give public comment over the phone or through the virtual meeting option (Zoom or other virtual meeting platforms) are required to register by noon the day of the meeting.
  - a. Should the meeting take place before 3pm, registration will be required by noon the day before the meeting, should this registration deadline fall on a weekend, registration will be due the Friday prior to the meeting. No Zoom

or other virtual meeting platforms or phone comments will be received without prior registration.

C. Non-Agenda Items and Consent Calendar

1. Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar will speak under general public comments. Those people will be given the opportunity to speak for no more than five 5 minutes. Speakers may share their time at the discretion of the mayor.
2. The maximum time allowed for public comments, including all speakers, is thirty 30 minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

D. Agenda Item other than Consent Calendar

1. Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes following the introduction of the item. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

E. Written Materials

1. Comments including any attachments (written comment, images, etc.), can be emailed to the City Recorder or dropped off at City Hall by 12:00 p.m. (noon) the Friday before the meeting. Materials more than 10 pages long should be submitted as early as possible to ensure sufficient time for council review. Written comment must be accompanied by a public comment registration form.
2. If written comment cannot be provided prior to the deadline, members of the public are to bring 10 printed copies of the item to the meeting and provide one copy to the City Recorder or staff member taking public comment registrations.
3. Written comments will not be read into the record.

F. Electronic Materials

1. Speakers may submit electronic audio or visual material to be played during the time permitted for their comment.
2. Speakers must provide the materials in a format compatible with city software to the City Recorder on the Friday prior to the council meeting by 12:00 p.m. so that it may be installed on the city's equipment to avoid delays or disruption of the meeting. All items will be virus screened and will not be used should a threat be detected.

G. Multiple Speakers

1. Should there be more speakers than can be heard during the 30 minutes allowed for public comment, the presiding officer may reduce the time allotted to each speaker or may extend the comment period.

H. Council or Member Inquiries

1. Councilors or committee members may, upon recognition by the presiding officer, ask questions of speakers during public comment. Members shall use restraint when exercising this option and shall limit questions to no more than three minutes. The presiding officer may intervene if a member is violating the spirit of this guideline.

## **IV. Voting**

The following rules shall apply to voting on matters before the council. The express approval of a majority of a quorum of the council is necessary for any council decision, except as otherwise set forth in these rules or when the charter requires approval by a majority of the council. For standing committees, the express approval of a majority of the quorum is necessary for any decision.

A. Consent Agenda

A majority of quorum present is required to approve the matters on a consent agenda.

B. Resolutions

A majority of quorum present shall be required to pass a resolution.

C. An Ordinance

A majority of all council members is required to pass an ordinance.

D. Emergency Ordinance

An emergency ordinance shall require the majority of quorum present.

E. Budget

The budget shall require majority of quorum present to pass.

F. Suspension of Rules

A majority of quorum present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the city's charter shall not be suspended or rescinded.

G. All votes shall be recorded in the minutes and may not be by secret ballot.

H. Ties

Tie votes shall indicate a denial of the proposal. If the tie is a matter that has

been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.

## **CHAPTER 6 – Minutes**

### **I. Generally**

- A. All minutes shall be in written form, in addition, an electronic copy of the meeting recording will be maintained by the city recorder in accordance with the appropriate record retention schedule.
- B. The minutes shall be action minutes and contain the following information:
  1. The date, time and place of the meeting;
  2. The members present and absent;
  3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  4. The results of all votes and the vote of each member by name; and
  5. The substance of any discussion.

## **CHAPTER 7 – Appointments**

### **I. Appointments of City Staff**

- A. The council appoints and can remove those positions identified in the city's charter. This includes City Attorney and Municipal Judge.
- B. Appointments and Removals  
All appointments and removals require a majority vote of the entire council.
- C. Interference

If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge's exercise of judicial authority or discretion.

### **II. Appointments of Members to Boards, Commissions and Committees**

- A. Unless otherwise mandated by applicable law, the mayor shall appoint the members of any standing board, commission, or committee with the consent of the council in accordance with the code, resolution, or law that governs them.
  1. Standing boards, commissions or committees are those established by the municipal code, resolution, or state law, intended to be permanent or long-term, to fulfill an ongoing need of the city. (ex. Budget Committee, Historic Preservation Commission, Planning Commission)

B. Ad-Hoc Committees

1. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes and make recommendations to the council. Ad-hoc committees are intended to be temporary.
2. The mayor will establish the membership criteria for the ad-hoc committees. Residency does not have to be a required criterion. The mayor will appoint members of the ad-hoc committees, subject to council ratification.
3. The mayor may remove any member of the ad-hoc committee at any time. Members of the committee will be removed if the member fails to attend two consecutive meetings of the committee without being excused prior to the meeting.
4. The mayor has the authority to grant an excused absence, and in the mayor's absence, the committee chair has the authority.
5. The mayor will designate the chairperson and the vice chair. Members will continue to serve until their mission is accomplished, replacement or reappointment.
6. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad-hoc committee will have only the authority of recommendations to the council.
7. The meeting time and place of the committee will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet.
8. A majority of the committee may request a meeting. All meetings are public meetings and will be conducted in accordance with the OPML.
9. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee.
10. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

C. Removals

Except as otherwise required by applicable law, all appointed board, committee, or commission persons may be removed by the mayor with the consent of council.

## **CHAPTER 8 – Ethics, Decorum, Outside Statements**

### **I. Ethics**

- A. All members of the council and committees shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
  1. Disclosing confidential information.
  2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  3. Expressing an opinion contrary to the official position of the council or committee without so saying.
  4. Conducting themselves in a manner so as to bring discredit upon the government of the city.

### **II. Decorum**

- A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council or committee.
- B. Members shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
- C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members.

### **III. Statements to the Media and Other Organizations**

#### **A. Representing the City**

If a member of the council or committee, including the mayor, appears as a representative of the city before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council or committee.

#### **B. Personal Opinions**

If a member of the council or committee, including the mayor, appears in their personal capacity before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

C. Suggested Language

Councilors and committee members are encouraged to use statements such as "This is my personal opinion and not the official opinion of the Newberg City Council (or relevant body)."

## **CHAPTER 9 – Interactions with Staff & City Attorney**

### **I. Staff**

- A. All members of the council and committees shall respect the separation between their role and the city's manager's responsibility by:
1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
  2. Refraining from actions that would undermine the authority of the city manager or a department head.
  3. Refraining from contacting the City Manager or Department Heads from 6pm Friday- 6am Monday, except in the case of an emergency.
  4. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager.
    - a. Questions from individual members of the council requiring significant time or resources (2 hours or more) shall require the approval of the council.
    - b. Members of the council shall share any information obtained from staff with the entire council.
    - c. This section is not intended to apply to questions by members of the council acting in their individual capacity. Inquiries of a personal nature (i.e. utility billing issues, personal permits) shall be handled through the avenues available to all citizens.
    - d. This section is not intended to apply to questions regarding conflict of interest or similar issues particular to a member of the council.

### **II. City Attorney**

- A. Council members may make requests to the City Attorney for information and advice in relation to council business.
1. Council members should understand that the City Attorney must prioritize the city's legal issues and may not be able to respond immediately to Council requests.
  2. Requests for legal advice that require greater than two hours of attorney time

will require the concurrence of the majority of the Council.

## **CHAPTER 10 – Censure**

### **I. Rules Violations**

- A. The council may enforce these rules and ensure compliance with city ordinances, charter, and state laws applicable to governing bodies.
- B. If a member of council violates these rules, city ordinances, the city charter, or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member via:
  1. Public reprimand;
  2. Removal from committee assignments; and/or
  3. The removal from the position of council president.

### **II. Investigating Violations**

- A. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) in order to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws applicable to governing bodies has occurred.
- B. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

## **CHAPTER 11 – Amendment and Repeal**

### **I. Amendment**

- A. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
- B. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed and open for comment by the public.
- C. All amendments to these rules require a majority vote.
- D. Amended rules shall not go into effect until the meeting after the rule is approved.

## **II. Repeal**

- A. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
- B. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
- C. Any proposed repeal and replacement of these rules shall be done by resolution, noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
- D. Any repeal and replacement of these rules requires a majority of the full council vote.
- E. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved unless otherwise noted in the resolution.

# OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

## ► LEGISLATIVE HEARING ◀◀

### 1. CALL TO ORDER

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

### 2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	<b>Script</b>
	<b>Presiding Officer:</b> Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex parte contact?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### 3. STAFF REPORTS

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### 4. PUBLIC TESTIMONY

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. CLOSE OF PUBLIC TESTIMONY

	<b>Script</b>
	<b>Presiding Officer:</b> Public testimony is called to a close.

## 6. RECOMMENDATIONS FROM STAFF

	<b>Script</b>
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 7. COUNCIL DELIBERATION

<b>Councilors should seek acknowledgement and then speak on the issue</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 8. ORDINANCE DECISIONS

**Ordinances - Action usually requires passage of an ordinance; the relevant motions are listed in the Ordinance Action Guide.**

## ORDINACE ACTION GUIDE

### First action: Waive the second reading.

If this is the first meeting in which this ordinance is considered, council should waive the second reading through the following motion.	Script
	<b>Presiding Officer:</b> I move to waive the second reading of Ordinance [####].

### Second action can be one of 4 steps:

1. Motion for Approval	Script
	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title]
2. Motion to Read in Full	Script
	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title] and ask that it be read in full.
3. Motion to Approve Amended Ordinance	Script
Amended ordinance must be read in full if approved in the same meeting as amendments are made.	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title] with amendments and ask that amendments be read in full.
4. Motion to Table the Ordinance Motion:	Script
	<b>Presiding Officer:</b> I move to table this ordinance to be considered at our next meeting.

### Third Action: Roll Call Vote

#### Script

**Presiding Officer:** A motion has been made to (repeat the motion).

**Presiding Officer to the city recorder or meeting clerk:** Please take a roll call vote. (The city recorder or meeting clerk calls the roll and announces the number of ayes and nos.)

**Presiding officer:** The motion [passes or passes unanimously or fails]

### Majority of Entire Membership

**Ordinances require majority of the entire membership for passage, this means a majority of all of the councilors, not of the quorum present.**

7 members	4 votes required for passage
6 members	4 votes required for passage
5 members	3 votes required for passage
4 members	3 votes required for passage

# OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

## ► ADMINISTRATIVE HEARING ◀

### 1. CALL TO ORDER

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

### 2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	<b>Script</b>
	<b>Presiding Officer:</b> Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex parte contact?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### 3. STAFF REPORTS

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### 4. PUBLIC TESTIMONY

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. CLOSE OF PUBLIC TESTIMONY

	<b>Script</b>
	<b>Presiding Officer:</b> Public testimony is called to a close.

## 6. RECOMMENDATIONS FROM STAFF

	<b>Script</b>
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 7. COUNCIL DELIBERATION

<b>Councilors should seek acknowledgement and then speak on the issue.</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 8. DECISIONS

**Resolutions - Action usually requires passage of a resolution; the relevant motion should be:**

	<b>Script</b>
<b>Vote: voice vote is permitted</b>	<b>Motion:</b> I make a motion to approve Resolution [#####], [Title].  <b>Presiding Officer:</b> A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no. (Pause) The motion [passes unanimously or passes or fails.]
<b>Majority of Quorum</b>	
<b>Resolutions require majority of the quorum for passage.</b>	
<b>7 members present</b>	4 votes required for passage
<b>6 members present</b>	4 votes required for passage
<b>5 members present</b>	3 votes required for passage
<b>4 members present</b>	3 votes required for passage

# **OUTLINE FOR PUBLIC HEARINGS**

**Newberg City Council**

## **► QUASI-JUDICIAL LAND-USE & NON-LAND-USE ◀**

### **1. CALL TO ORDER**

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.

### **2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**

	<b>Script</b>
<b>City Attorney Legal Announcements: Read “quasi-judicial announcements” sheet</b>	<b>Presiding Officer:</b> Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex parte contact or an objection to the jurisdiction?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### **3. STAFF REPORTS**

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### **4. PUBLIC TESTIMONY**

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. At the end the principal proponent will have a chance to offer a rebuttal.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR

	Script
	<b>Presiding Officer:</b> Do any members of the council have questions for those who have given testimony?

## 6. PUBLIC AGENCY LETTERS OR COMMENTS

	Script
	<b>Presiding Officer:</b> Now we will receive testimony from any public agencies. Written testimony has been entered into the record and provided to members of the Council and staff.

## 7. CLOSE OF PUBLIC TESTIMONY

	Script
	<b>Presiding Officer:</b> Public testimony is called to a close.
	<b>City Attorney Legal Announcements</b>

## 8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	Script
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

Councilors should seek acknowledgement and then speak on the issue.	Script
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 10. ACTION BY THE COUNCIL

**Orders - Action usually requires passage of an order; the relevant motion should be:**

	<b>Script</b>
<b>Vote: voice vote is permitted</b>	<b>Motion:</b> I make a motion to approve Order [#####], [Title].  <b>Presiding officer:</b> A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no  <b>Presiding officer:</b> The motion [passes or passes unanimously or fails]
<b>Majority of Quorum</b>	
<b>Orders require majority of the quorum for passage.</b>	
<b>7 members present</b>	4 votes required for passage
<b>6 members present</b>	4 votes required for passage
<b>5 members present</b>	3 votes required for passage
<b>4 members present</b>	3 votes required for passage

# **OUTLINE FOR PUBLIC HEARINGS**

NEWBERG PLANNING COMMISSION

## **►QUASI-JUDICIAL LAND-USE◀**

### **1. CALL TO ORDER**

<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Script</b> <b>Presiding Officer:</b> This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.
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### **2. CALL FOR: DECLARATION OF CONFLICTS OF INTEREST, ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**

<b>This is the time for Commissioners to disclose any ex parte communication. If it results in bias- they are to excuse themselves from participating in the hearing and to exit the Chamber</b>	<b>Script</b> <b>Presiding Officer:</b> Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex parte contract or an objection to the jurisdiction?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)
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### **3. REQUEST FOR QUASI-JUDICIAL LEGAL ANNOUNCEMENT**

<b>ORS 197.797 requires certain statements to be made at the commencement of a public hearing. Student Commissioner or Staff is to read the Quasi-Judicial Legal Announcement</b>	<b>Script</b> <b>Presiding Officer:</b> Student Commissioner please read the Quasi-Judicial Legal Announcement.
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### **4. STAFF REPORTS**

<b>Staff will present the staff report summarizing the project, statement of the applicable criteria, and recommendation to the Commission verbally and with a slide presentation.</b>	<b>Script</b> <b>Presiding Officer:</b> Now we will hear a report from our staff on this item.  <i>Commissioners may ask brief questions for Clarification.</i>
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# OUTLINE FOR PUBLIC HEARINGS

NEWBERG PLANNING COMMISSION

## 5. CALL FOR PUBLIC TESTIMONY

	<b>Script</b> <b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the Commission and staff. We will hear from: <ul style="list-style-type: none"><li>• Applicant (principal proponent): 20 Min</li><li>• Those in favor(proponent): 5 Min each</li><li>• Those opposed (opponent): 5 Min Each</li><li>• Other interested parties who are undecided: 5 Min Each</li><li>• At the end the Applicant (principal proponent) will have a chance to offer a rebuttal: 10 Min</li></ul> Each person outside the applicant will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.
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## 6. QUESTIONS FROM THE COMMISSIONERS OF PROONENTS AND OPPONENTS FROM THE FLOOR

	<b>Script</b> <b>Presiding Officer:</b> Do any members of the Commission have questions for those who have given testimony?
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## 7. CLOSE OF HEARING/PUBLIC TESTIMONY

	<b>Script</b> <b>Presiding Officer:</b> Public testimony is called to a close. ( <i>A Hearing may be reopened to receive additional testimony, evidenced or argument upon majority vote of the body.</i> )
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## 8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	<b>Script</b> <b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?
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# **OUTLINE FOR PUBLIC HEARINGS**

NEWBERG PLANNING COMMISSION

## **9. PLANNING COMMISSION DELIBERATION; DISCUSSION OF CRITERIA WITH FINDINGS OF FACT**

<b>Councilors should seek acknowledgement and then speak on the issue.</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## **10. ACTION BY THE PLANNING COMMISSION**

**Orders - Action requires passage of an order; the relevant motion should be:**

	<b>Script</b>
<b>The body may approve or reject the proposal with adopted findings that support its decision.</b>	<b>Motion:</b> I make a motion to approve Order [#####], [Title].  <b>Presiding officer:</b> A motion has been made to (repeat motion). <ul style="list-style-type: none"><li>• Do I hear a Second to the Motion as it stands? (Pause for Second)</li><li>• Motion has been seconded- Is there any further discussion? (Pause for discussion.)</li><li>• Staff, please take a roll call vote on the motion to (repeat motion).</li></ul>
<b>Anyone can make a motion.</b>	<b>Presiding officer:</b> The motions [passes or passes unanimously or fails]
<b>Presiding Officer must restate Motion in full. (Officer May call on staff for assistance)</b>	<b>If Motion fails, Script</b> <b>Presiding officer:</b> Motion (repeat motion) has failed due to (state reason). Do we have another Motion or would anyone like to present an amendment to the motion? (Pause for discussion)
<b>All motions must receive a second or it dies.</b>	<b>New or Amended Motion:</b> I make a motion to approve Order [#####] with Amendments (State Amendments)
<b>Vote: Roll Call Vote</b>	<b>Presiding officer:</b> A motion with amendments has been made to (repeat motion). <ul style="list-style-type: none"><li>• Do I hear a Second to the Motion as it stands? (Pause for Second)</li><li>• Motion has been seconded- Is there any further discussion? (Pause for discussion.)</li><li>• Staff, please take a roll call vote on the motion (repeat motion) with amendments (repeat amendments)</li></ul>
<b>Amendments are voted on first then the Main Motion if voted on as amended</b>	<b>Presiding officer:</b> The motions [passes or passes unanimously or fails]

# **OUTLINE FOR PUBLIC HEARINGS**

NEWBERG PLANNING COMMISSION

## **Majority of Quorum**

**Orders require majority of the quorum for passage.**

***A Tie Vote Fails***

<b>7 members present</b>	4 votes required for passage
<b>6 members present</b>	4 votes required for passage
<b>5 members present</b>	3 votes required for passage
<b>4 members present</b>	3 votes required for passage

# **OUTLINE FOR PUBLIC HEARINGS**

NEWBERG PLANNING COMMISSION

## **►LEGISLATIVE PUBLIC HEARING◀**

### **1. CALL TO ORDER**

<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Script</b>
	<b>Presiding Officer:</b> This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

### **2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS**

<b>This is the time for Commissioners to disclose any ex parte communication. If it results in bias, they are to excuse themselves from participating in the hearing.</b>	<b>Script</b>
	<b>Presiding Officer:</b> Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex parte contact? <i>(If yes, a member should be acknowledged by the presiding officer and state their declaration.)</i>

### **3. STAFF REPORTS**

<b>Staff will present the staff report summarizing the project, statement of the applicable criteria, and recommendation to the Commission verbally and with a slide presentation.</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item. <i>Commissioners may ask brief questions for Clarification.</i>

# **OUTLINE FOR PUBLIC HEARINGS**

NEWBERG PLANNING COMMISSION

## **4. PUBLIC TESTIMONY**

	<b>Script</b>
<p><b>The presiding officer announces time limits</b></p> <p><b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be many testimonies.</b></p>	<p><b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the Commission and staff.</p> <p>We will hear from:</p> <ul style="list-style-type: none"><li>• Principal proponent (if not Staff): 20 Min</li><li>• Those in favor(proponent): 5 Min each</li><li>• Those opposed (opponent): 5 Min Each</li><li>• Other interested parties: 5 Min Each</li></ul> <p>Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.</p>

## **5. CLOSE OF PUBLIC TESTIMONY**

	<b>Script</b>
<p><b>No Further information shall be received after the close of the hearing except specific questions directed to Staff.</b></p>	<p><b>Presiding Officer:</b> Public testimony is called to a close.</p> <p><i>(A Hearing may be reopened to receive additional testimony, evidence or argument upon majority vote of the body.)</i></p>

## **6. RECOMMENDATIONS FROM STAFF**

	<b>Script</b>
	<p><b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?</p>

## **7. PLANNING COMMISSION DELIBERATION; DISCUSSION OF CRITERIA WITH FINDINGS OF FACT**

	<b>Script</b>
<p><b>Councilors should seek acknowledgement and then speak on the issue.</b></p>	<p><b>Presiding Officer:</b> Now I'll open the floor for the Commission to deliberation. Would anyone like to speak on this matter?</p>

# OUTLINE FOR PUBLIC HEARINGS

NEWBERG PLANNING COMMISSION

## 8. DECISIONS

**Resolutions - Action usually requires passage of a resolution; the relevant motion should be:**

	<b>Script</b>
<b>The body may approve or reject the proposal with adopted findings that support its decision.</b>	<b>Motion:</b> I make a motion to approve Resolution [#####], [Title].  <b>Presiding officer:</b> A motion has been made to (repeat motion). <ul style="list-style-type: none"><li>• Do I hear a Second to the Motion as it stands? (Pause for Second)</li><li>• Motion has been seconded- Is there any further discussion? (Pause for discussion.)</li><li>• Staff please take a roll call vote on the motion to (repeat motion).</li></ul>
<b>Anyone can make a motion.</b>	<b>Presiding officer:</b> The motions [passes or passes unanimously or fails]
<b>Presiding Officer must restate Motion in full. (Officer May call on staff for assistance)</b>	<b>If Motion fails, Script</b>  <b>Presiding officer:</b> Motion (repeat motion) has failed due to (state reason). Do we have another Motion or would anyone like to present an amendment to the motion? (Pause for discussion)
<b>All motions must receive a second or it dies.</b>	<b>New or Amended Motion:</b> I make a motion to approve Resolution [#####] with Amendments (State Amendments)
<b>Vote: Roll Call Vote</b>	<b>Presiding officer:</b> A motion with amendments has been made to (repeat motion). <ul style="list-style-type: none"><li>• Do I hear a Second to the Motion as it stands? (Pause for Second)</li><li>• Motion has been seconded- Is there any further discussion? (Pause for discussion.)</li><li>• Staff please take a roll call vote on the motion (repeat motion) with amendments (repeat amendments)</li></ul>
<b>Amendments are voted on first then the Main Motion if voted on as amended</b>	<b>Presiding officer:</b> The motions [passes or passes unanimously or fails]
<b>Majority of Quorum</b> Orders require majority of the quorum for passage. <b>A Tie Vote Fails</b>	
<b>7 members present</b>	4 votes required for passage
<b>6 members present</b>	4 votes required for passage
<b>5 members present</b>	3 votes required for passage
<b>4 members present</b>	3 votes required for passage

# **OUTLINE FOR PUBLIC HEARINGS**

NEWBERG PLANNING COMMISSION



## PLANNING COMMISSION RESOLUTION 2023-387

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### A RESOLUTION AMENDING THE CITY OF NEWBERG PLANNING COMMISSION PARTICIPATION GUIDELINES

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#### RECITALS

1. The City of Newberg Planning Commission Participation Guidelines were requested to be updated by the Planning Commission for two elements under SECTION 3 – PLANNING COMMISSION MEMBERS and SECTION 4 – PRESIDING OFFICER.
2. The Newberg Planning Commission finds that the amendments are in alignment with procedures for the Planning Commission.

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

1. Resolution No. 2023-387 is adopted amending the City of Newberg Planning Commission Participation Guidelines as contained in Exhibit “A”. Exhibit “A” is hereby adopted and by this reference incorporated.

**Adopted by the Newberg Planning Commission this 9<sup>th</sup> day of February 2023.**

ATTEST:

A handwritten signature in blue ink, appearing to read "J. L. B." or "J. L. B. &amp; R.".

---

Planning Commission Chair

A handwritten signature in blue ink, appearing to read "J. E. Bates".

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Planning Commission Secretary

#### List of Exhibits:

Exhibit “A”: City of Newberg Planning Commission Participation Guidelines

# **Exhibit A**

# **CITY OF NEWBERG PLANNING COMMISSION PARTICIPATION GUIDELINES**

**Adopted January 12, 2012**

**Amended June 9, 2016**

**Amended April 14, 2022**

**Amended February 9, 2023**

# **NEWBERG PLANNING COMMISSION PARTICIPATION GUIDELINES**

Newberg planning commission members will strive to:

- 1) Trust and respect the opinions of fellow commission members, staff, and the public and actively participate in the decisions of the planning commission.
- 2) Attend all planning commission meetings.
- 3) Notify the planning staff of an absence as soon as practical prior to the meeting time.
- 4) Make every attempt to resolve any personal conflict with a fellow planning commissioner prior to bringing the conflict to the attention of the planning commission.
- 5) Study material presented in a timely manner and be informed on the issues that come before the commission.
- 6) Follow the commission rules.

# **NEWBERG PLANNING COMMISSION MEETING EXPECTATIONS**

Newberg planning commission members will:

- 1) Be courteous and respectful of citizens and create a welcoming environment that actively involves citizens in the governmental process.
- 2) Communicate in clear, concise and audible verbal and written communications.
- 3) Use a friendly and sincere tone of voice.
- 4) Honor and act on all requests for action and/or information in a timely and courteous manner.
- 5) Discuss issues, but not personalities, with non-commission members.
- 6) After an issue has been voted on, commission members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the planning commission, even if their personal opinion differs from the planning commission's decision.
- 7) Vote on all motions before the commission, or explain the reasons for abstaining.

# **CITY OF NEWBERG**

## **PLANNING**

## **COMMISSION**

## **RULES**

**Adopted January 12, 2012**  
**Amended June 9, 2016**  
**Amended April 14, 2022**  
**February 9, 2023**

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# Newberg Planning Commission Rules

## SECTION 1 – AUTHORITY

### **Rule 1.1 Authority of Rules**

The planning commission will adopt commission rules by resolution to govern its meetings and proceedings. These rules will decide questions and give direction on debating, voting, membership, attendance, agendas, and other matters. The rules are intended to serve as a guide for the planning commission. One of the goals of the planning commission is to work with the residents of Newberg and provide a positive atmosphere at planning commission meetings. These rules provide the basic outline required to work together. The commission may need to vary from these rules from time to time to best serve the public interest.

### **Rule 1.2 Questions about these Rules**

All questions regarding these rules will be resolved by majority vote of the commission.

### **Rule 1.3 Presentation of Rules to Planning Commission Members**

These planning commission rules will be presented to all planning commission members at or before the time they take the oath of office.

### **Rule 1.4 Amendments to Planning Commission Rules**

Amendments to these planning commission rules will be made by resolution.

## SECTION 2 – GENERAL RULES

### **Rule 2.1 Public Meetings Law**

All planning commission meetings will be held in accordance with the Oregon Public Meetings Law (“OPML”). The meetings of the commission, including regular meetings, special meetings, work sessions and emergency meetings are open to the public. The meetings are considered a limited public forum at which planning commission business is conducted in accordance with the agenda and rules of the planning commission. The chair, along with the commission, has the authority to require discussion at the meetings be addressed to the matters that are appropriate to be considered, to limit the time for discussion, and to restrict input concerning the matters to be discussed. The planning commission has the right to require persons attending the meeting, addressing the commission or participating in the meeting to conform to the rules of the commission and directions of the chair.

### **Rule 2.2 Quorum**

Section 2.15.280 of city’s municipal code provides that a majority of the voting members of the planning commission constitutes a quorum to conduct business.

### **Rule 2.3 Lack of Quorum**

If there is a lack of quorum at any scheduled meeting, any hearings scheduled shall be continued to the next scheduled meeting of the commission by announcement to those present, or by posting notice of such continuance prominently at the meeting location.

**Rule 2.4      Rules of Order**

"Robert's Rules of Order, Newly Revised, Tenth Edition" or the latest editions published thereafter hereafter referred to as "Robert's Rules of Order" will govern all planning commission proceedings unless they conflict with these rules. The chair will have the authority to appoint a parliamentarian for the commission. If there is no person appointed as parliamentarian or that person is absent, the city attorney or community development director will advise the chair concerning parliamentarian matters.

**Rule 2.5      Enforcement of Rules**

The chair will enforce the planning commission rules. In addition, the chair has the authority to preserve decorum and will determine all points of order, subject to the right of any planning commissioner to appeal to the commission. The chair will enforce order, prevent attacks on personalities or the impugning of members' motives, and keep those in debate to the question under discussion.

**Rule 2.6      Suspension of Rules**

The vote to suspend commission rules, including Robert's Rules of Order, requires a majority vote of those members of the planning commission who are present. If the motion is carried, the rules will be suspended for that item only.

**Rule 2.7      Commissioners Duties to Uphold Rules and Decorum**

Commissioners will preserve order and decorum during planning commission meetings, and will not by conversation or other action delay or interrupt the proceedings or refuse to obey the orders of the chair and commission rules. Commissioners will, when addressing staff or commissioners, confine themselves to questions or issues that are under discussion, will not engage in personal attacks, will not impugn the motives of any speaker, and will at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of office. Commissioners will not attack the knowledge, skills, abilities and personalities or impugn city staff members' motives in commission or at any city meetings.

**Rule 2.8      Removal of Any Person for Violation of Rules**

Any persons making disruptive or threatening remarks or actions during a meeting will forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the commissioners present. The community development director or chair may summon the assistance of the police or other administrative staff to prevent further interruption by such person by any action necessary, including the removal of that individual. In case the community development director or chair should fail to act, any commissioner may obtain the floor and move to require enforcement of this rule, upon an affirmative vote of the majority of the commissioners present, the police or administrative staff will be authorized to remove the person(s) as the chair so directs.

**Rule 2.9      Records of Proceedings**

The Community Development Department will provide a secretary for the commission who will keep a record of commission proceedings. The records of the proceedings are to be known as "minutes." The minutes will be kept in accordance with the Oregon Public Records and Meetings Law.

## **SECTION 3 – PLANNING COMMISSION MEMBERS**

### **Rule 3.1 Attendance**

It is the duty of each commissioner to attend all meetings of the planning commission unless excused. Any member who fails to attend at least seventy-five percent of the regular meetings in any one year of their term shall be disqualified from serving on the commission unless absences are determined to be excused. Upon certification of such disqualification by the commission the commissioner will be replaced by the city council as is provided for the filling of vacancies.

### **Rule 3.2 Excused Absences**

When a commissioner cannot attend a meeting, the member is to notify the community development director prior to the meeting. Absences will be considered excused when such notice is given. An absence will be considered unexcused if there is no notification of the absence prior to the meeting, unless otherwise determined by vote of the commission.

### **Rule 3.3 Report of Absences**

The community development director will report to the commission chair any time a commissioner fails to attend at least seventy-five percent of the regular meetings in any one year of their term. The community development director also will report to the city council any time a commissioner fails to attend at least seventy-five percent of the regular meetings in any one year of their term. The purpose of this notice is to inform the council of the member's attendance, and to refill the commission seat as is provided for the filling of vacancies.

### **Rule 3.4 Mayor as Ex-Officio Member of the Planning Commission**

By code, the mayor serves as a non-voting ex-officio member of the planning commission. The mayor shall be invited to, but is not obligated to, attend all meetings and activities of the planning commission. When attending, the mayor shall sit with the commission.

When participating in legislative matters, the mayor shall be invited to participate in the discussion. The mayor shall recuse himself/herself from quasi-judicial matters that eventually may be before the council for decision. This is to avoid questions of ex parte contact or bias in the decision.

### **Rule 3.5 Student Planning Commissioner**

The student planning commissioner is a high school student or college student appointed in accordance with NMC 2.15.005 and is a voting member. The student planning commissioner is expected to attend all planning commission meetings. The student commissioner serves a one-year term and is allowed and encouraged to participate in all planning commission events and activities.

### **Rule 3.6 Planning Commissioner Training**

The City shall offer training to planning commissioners to educate them in their duties. It shall be the duty of any newly appointed planning commissioner to attend a basic training session from staff within 30 days of his or her appointment. It shall be the duty of any re-appointed planning commissioner to attend at least a one-hour training session from staff or offered by the city within 12 months of the beginning of that person's appointed term. Planning commissioners are strongly encouraged to attend training of some kind annually.

## SECTION 4 – PRESIDING OFFICER

### **Rule 4.1 Chair**

The chair will preside over and facilitate all planning commission meetings, preserve order, enforce commission rules, and determine the order of business pursuant to planning commission rules. The chair is a voting member of the commission and will sign all records of planning commission decisions.

### **Rule 4.2 Vice Chair**

In the absence of the chair, or if the chair is unable to perform the chair's duties, the vice chair will act as the presiding officer. Whenever in these rules the chair is mentioned, the vice chair acting as presiding officer can exercise the same authority as the chair. The vice chair also assists the chair in his/her duties, such as keeping time, maintaining order, and determining order of speakers.

### **Rule 4.3 Chair Pro Tem**

In the absence of the chair and vice chair at any meeting of the planning commission where a quorum is present, the planning commission members present shall appoint a chair pro tem who will act as presiding officer. The chair pro tem will exercise all the authority of the chair during that meeting.

### **Rule 4.4 Election of Chair and Vice Chair**

At the first meeting of each year, or upon vacancy of the current chair or vice chair, the commission shall elect a chair and vice chair for the remainder of the calendar year. The commission's policy is to rotate the positions by seniority in such a fashion that each member has the opportunity to serve first as vice-chair, and then the following year as chair. Newly appointed members will be placed at the bottom of the current rotation to allow them to serve at least one-year as commissioner then later as chair and vice chair. In case multiple members are appointed at the same time, the commission will decide seniority by vote. The policy does not compel any member to serve as chair who is unwilling, nor does it compel election when the majority determines the commission would be better served by election of different officers. The commission shall consent to the election of each chair and vice chair and absent such consent, shall elect positions by majority vote.

## SECTION 5 – PLANNING COMMISSION MEETINGS

### **Rule 5.1 Regular Meetings**

Section 2.15.280 of city's municipal code provides that the planning commission must meet at least once a month at a time and place designated by the planning commission. The planning commission designates through these rules that the regular meetings of the commission will be held on the second Thursday of each month, except on holidays in which event the commission will meet on the second Wednesday. The commission also will meet on the fourth Thursday if business so requires.

### **Rule 5.2 Meeting Times and Places**

The regular meetings of the commission will begin at 7:00 p.m. Regular planning commission meetings will take place in the Public Safety Building in the training room at 401 E Third St., unless specifically designated to occur at another location. Any other such location will be noted in the notice of the meeting. There will be no new items presented after 10:00 p.m. except by vote of the planning commission.

### **Rule 5.3 Notice of Meeting**

The notice of the regular meeting of the planning commission, including the agenda which

commission from taking up any matter brought before the commission in accordance with the OPML.

#### **Rule 5.4      Special Meetings**

The chair, upon the chair's own motion and after consulting the community development director, may, or at the request of three members of the commission, shall, by giving notice to the members of the commission, call a special meeting of the commission for a time not earlier than 24 hours after the notice is given. Notice of a special meeting shall be posted at City Hall and to the extent feasible, provided to interested persons and the local newspaper at least 24 hours prior to the meeting.

#### **Rule 5.5      Cancellation of Meeting**

Upon a majority vote of the planning commission members present, a meeting may be canceled when deemed appropriate. If there is no business to transact or a quorum of the planning commission cannot attend and there is no urgent necessity to have the meeting, the community development director with advice and consent of the chair may cancel the meeting. Planning commission members will be notified of the cancellation prior to notice being given to the public. Notice of cancellation will be given as soon as possible to the public in a manner aimed at giving adequate notice.

### **SECTION 6 – AGENDAS AND ADDITIONAL ITEMS FOR CONSIDERATION**

#### **Rule 6.1      Preparation of Agenda**

The community development director with the advice and consent of the chair will prepare the agenda along with appropriate documentation for planning commission meetings. Any member of the planning commission may request, through the chair, for a matter to be placed upon the agenda. Such request is subject to the advice of the community development director. Each meeting agenda's format will be prepared as prescribed in the rules. If there is no item to be considered under a section of the agenda, that section will be omitted from the agenda and the agenda will be renumbered accordingly. The final authority on the agenda matters is the planning commission.

#### **Rule 6.2      Non-Agenda Items**

Prior to the meeting, the community development director may send out additions to the agenda with the appropriate documentation. The planning commission may consider the items which are not listed on the published agenda. The planning commission must, by a majority, place the item on the agenda. Action may then be taken on the item.

#### **Rule 6.3      Time for Submission of Items**

Items for the planning commission agenda will be submitted in time to allow for sufficient research by staff.

#### **Rule 6.4      Staff Reports**

Normally the staff will send a report of each planning commission item to be considered by the planning commission at least eight days prior to the commission meeting.

#### **Rule 6.5      Agenda Availability**

Planning commission agendas and the accompanying documents are available at the city planning division office and are posted on the city website normally eight days prior to the planning commission meeting. Interested persons are encouraged to read the agenda along with supporting material, and address questions to the community development director or city staff prior to the meeting. The community development director and planning commission value public input. In order to efficiently conduct city business, those who have concerns are encouraged to address these issues prior to the

planning commission meeting.

### **Rule 6.6 Regular Meeting Agenda**

The regular meeting agenda will be as follows:

- I. Call Meeting to Order
- II. Administration of Oath of Office (if needed)
- III. Roll Call
- IV. Public Comment (30 minutes maximum which may be extended at the chair's discretion; an opportunity to speak for not more than five minutes per speaker allowed)
- V. Consent Calendar
- VI. Public Hearings
- VII. Continued Business
- VIII. New Business
- IX. Items from Staff
- X. Items from Commissioners
- XI. Adjournment

At the chair's discretion, the chair may change the order of the agenda and allow communications concerning items on the agenda or other commission business.

### **Rule 6.7 Consent Calendar**

The community development director will place items which have been previously reviewed by the planning commission or items which are routine in nature on the consent calendar. Items may be removed from the consent calendar by the chair or by request of a planning commission member. Public comments will be held prior to the approval of the consent calendar to allow the public to address items under consent calendar.

## **SECTION 7 – PROCEDURES AT MEETINGS**

### **Rule 7.1 Call to Order**

The chair will call the planning commission members to order at the hour designated for the meeting. The secretary will call roll. Should there not be a quorum within 15 minutes, the members present will adjourn until a quorum can be gathered or until the next scheduled meeting time established by the planning commission or to the next regular meeting time.

### **Rule 7.2 Public Comment on Non-Agenda Items**

Persons speaking to the planning commission concerning items not on the agenda or items that are on the consent calendar would speak under the public comment period. Those persons will be given the opportunity to speak for up to five minutes. Speakers may share their time at the discretion of the chair. The maximum time allowed for public comment, including all speakers, is 30 minutes. The chair has the discretion to extend these time limits. Speakers may address the planning commission for less than their allotted time. Speakers may also submit information at the meeting. The commission normally will not take immediate action on any request raised, but may consider acting on a request during items from commissioners.

### **Rule 7.3 Legislative Public Hearings**

For legislative hearings, the commission will follow the legislative hearing format shown in Exhibit "1". The planning commission's legislative authority is usually exercised by the adoption of a

resolution.

#### **Rule 7.4      Quasi-judicial Public Hearings**

For quasi-judicial hearing, the commission will follow the quasi-judicial hearing format shown in Exhibit "2". The planning commission's quasi-judicial authority is usually exercised by adoption of an order when the commission is the final decision maker, and by adoption of a resolution when the commission is a recommending body only.

#### **Rule 7.5      Public Comment Registration**

In order to properly notify persons who participate in the hearing and to be able to send them information, it is necessary for the interested person to register at the planning commission meeting before making oral comments and/or providing input at the meeting. The interested person shall register for each subject under which they wish to provide comment. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request. When the interested person addresses the commission or gives oral comments, that person should state their name, but does not need to state their mailing address, phone number, or email address. A form complying with this rule will be available at all meetings of the planning commission. The community development director may produce and revise the necessary form that complies with this rule.

#### **Rule 7.6      Public Testimony**

Each interested person addressing the commission should do so in a courteous and considerate manner. The person needs to register and follow other rules as provided in the commission rules. The public will be furnished guidelines and should comply with these guidelines for testifying before the planning commission.

#### **Rule 7.7      Time Limits for Testimony**

The principal applicant for a proposal will be allotted 15 minutes for an initial presentation. Prior to the meeting the applicant may petition the community development director for additional time for the initial presentation, not to exceed 30 minutes.

A principal opponent, if any, will be allotted time in the same manner as the principal applicant.

All other speakers will be given the opportunity to speak for up to five minutes. Speakers may share their time at the discretion of the chair.

The chair has the discretion to extend these time limits.

#### **Rule 7.8      Written Testimony**

In order to be considered at a hearing, written testimony must be received at the Community Development Department by noon on the third business day (typically Monday) prior to any meeting. Written testimony received after that date will be read out loud at the meeting, subject to time limits for speakers, and will be included in the record if there are future proceedings.

#### **Rule 7.9      Ex parte Contact**

Whenever the planning commission conducts a quasi-judicial public hearing, the planning commission must declare any ex parte contact. Rules concerning ex parte contact are set forth in state law.

Commissioners may visit a site individually prior to hearing an application, and shall declare the

substance of that visit as ex parte contact. Otherwise, planning commissioners should avoid ex parte contacts.

#### **Rule 7.10 Questions of Speakers**

Commissioners may ask questions of speakers following their testimony. Such questions should be directed to elicit information that will help the commission reach a decision. Commissioners should avoid debating or arguing with speakers.

#### **Rule 7.11 Order of Deliberation**

The commission's deliberation on an agenda item may begin with a formal motion, or an informal discussion. If the informal discussion is not leading toward a decision, the chair shall call for a formal motion.

The chair shall determine the order of speakers to a motion. Except as otherwise determined by the chair, the maker of the motion will speak first to the motion, followed by the second, and then by other commissioners in the order they request to speak.

#### **Rule 7.12 Speaking and Addressing the Chair**

When any commissioner is about to speak in debate or deliver any matter to the planning commission, that commissioner should respectfully address the chair, and be given the floor before speaking. The commissioner should confine the remarks to the question under consideration.

The commissioner should use electronic speaking equipment provided to insure his or her comments are recorded.

#### **Rule 7.13 Motions, Seconds, and Decisions by Unanimous Consent**

Generally, no motion will be considered unless it has been seconded. However, routine motions that have the general consent of the planning commission do not require a second, unless requested by any member of the planning commission. Motions brought forth by the chair, which receive no seconds, but also no objections, will be passed by unanimous consent.

#### **Rule 7.14 Voting and Abstaining from Voting**

Commissioners shall vote on each motion brought before the commission, or shall explain the reason for abstaining.

Commissioners who abstain from participating in a matter due to a conflict of interest shall retire to the lobby during the time the matter is under consideration. A commissioner in the lobby will continue to be counted in the quorum. Commissioners may not provide testimony before the commission on any matter from which they abstain, but may designate a representative to speak to their interests.

#### **Rule 7.15 Tabled Items**

Items that are tabled may be taken from table by majority vote any time during the calendar year, but no later. Items may be postponed to a time certain, including to a following year.

#### **Rule 7.16 Reconsideration**

When a question has been decided, it will be in order for a member who voted on the prevailing side to move for reconsideration at the same meeting or next meeting only. For quasi-judicial matters, a motion for reconsideration at the next meeting only may be made upon request of the applicant, having waived rights to the time limits for decisions, and only to correct any technical issue in a decision and not to reverse a decision or decide again any substantive issue.

## **SECTION 8 – ELECTRONIC MAIL AND ELECTRONIC COMMUNICATION**

### **Rule 8.1      Electronic Mail and Electronic Communication**

E-mail or other forms of electronic communication may be used to schedule meetings, send informative messages, or request information from other planning commissioners or the community development director, except as limited by these rules or other applicable law. E-mail or other electronic communication may not be used to discuss policy issues with a quorum of the planning commission at one time or a quorum of a standing advisory body in any manner which would be in violation of the OPML. All planning commission e-mail correspondence is subject to the Oregon Public Records and Meetings Laws and is subject to disclosure.

### **Rule 8.2      Electronic Mail and Electronic Communication Regarding Quasi-Judicial Items**

Commissioners shall refrain from sending electronic communication regarding the substance of any quasi-judicial item. If commissioners receive e-mail or electronic communication concerning the substance of any quasi-judicial item, they shall forward the communication to the community development director. As such information may be ex parte contact, commissioners shall avoid reading such communication outside the period the record is open for written comment. If reading such items is unavoidable, the commissioner shall declare the ex parte contact.

## **SECTION 9 - RELATIONSHIP WITH THE CITY COUNCIL**

### **Rule 9.1      Role of Planning Commission in Relation to the City Council**

Members of the planning commission are appointed by the mayor with consent of the city council. The mayor and council appoint them to provide study and perspective on issues beyond what the council can provide. Commissioners provide the highest value providing independent recommendations and not anticipating or mimicking what they feel the council's decision on a matter would be.

After the city council has voted on an issue that previously has been before the planning commission, commission members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the city council, even if their personal opinions or the commission's decisions differ from the city council's decision.

### **Rule 9.2      Joint Meetings with City Council or Other Boards**

The commission should periodically hold joint meetings with the city council to share directly information and perspectives regarding particular issues. The mayor shall preside at such joint meetings.

The commission also may have joint meetings with other boards or commissions, such as the traffic safety commission. The chairs of the boards shall determine the agenda and the manner of facilitating the meeting.

### **Rule 9.3      Planning Commission Presentations at City Council Work Sessions**

The city council has established a work session before council meetings, and has invited the planning commission to make presentations on any matter during that meeting. The commission may appear as a whole, the chair or vice-chair may represent the commission, or the commission may appoint one or more members to represent the commission to the council. The planning commission chair shall notify the mayor as far in advance as possible and at least one week in advance of the meeting if the commission wishes to make use of this time.

#### **Rule 9.4 Attendance at and Participation in City Council Meetings**

In legislative matters, after the planning commission has taken action on an item, the mayor or city manager may request that the chair or chair's designee attend a city council meeting to report the commission's recommendation. The planning commission also may appoint a representative to attend the city council meeting and convey the commission's recommendation.

On quasi-judicial items, the planning commission's report to the council consists of their written decision, findings and the record. Commission members do not speak at the council meeting unless requested by the city council or mayor.

Otherwise, planning commissioners may attend any meeting of the city council. They may speak to the council for themselves as a citizen on any item.

**Exhibit “1”**  
**To Planning Commission Rules**

**OUTLINE FOR LEGISLATIVE 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 AND OBJECTIONS TO JURISDICTION**
- 3. STAFF REPORT**  
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 4. 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) (IF ANY)
  - B. OTHER PROPONENTS
  - C. OPPONENTS AND UNDECIDED
  - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
  - E. APPLICANT (IF ANY) REBUTTAL
- 5. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 6. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 7. PLANNING COMMISSION DELIBERATION**
- 8. ACTION BY THE PLANNING COMMISSION**
  - A. RESOLUTION – Usually requires passage of resolution.
  - B. VOTE – Vote is done by roll call.
  - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.

**Exhibit “2”**  
**To Planning Commission Rules**

**OUTLINE FOR QUASI-JUDICIAL PUBLIC HEARING**

Newberg Planning Commission

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

# Planning Commission Schedule of Meetings 2026

2026 PLANNING COMMISSIONERS		DISTRIBUTE PACKET TO COMMISSION	MEETING DATE
Members	Terms	8 days prior to meeting (On Wednesday)	2nd Thursday (4th Thursday - Optional for Special Sessions)
Randy Rickert	1/1/26 - 12/31/28	December 31, 2025	January 8, 2026
Jason Dale	1/1/25 - 12/31/27	February 4, 2026	February 12, 2026
Mathew Mansfield	1/1/25 - 12/31/27	March 4, 2026	March 12, 2026
Kriss Wright	1/1/24 - 12/31/26	April 1, 2026	April 9, 2026
Linda Newton-Curtis	1/1/25 - 12/31/27	May 6, 2026	May 14, 2026
Jose Villalpando	1/1/24 - 12/31/26	June 3, 2026	June 11, 2026
Jordan Sandoval	1/1/26 - 12/31/28	July 1, 2026	July 9, 2026
Abby Seits(Student Commissioner)	1/1/26 - 12/31/26	August 5, 2026	August 13, 2026
		September 2, 2026	September 10, 2026
		September 30, 2026	October 8, 2026
		November 4, 2026	November 12, 2026
		December 2, 2026	December 10, 2026