

## Community Development Department

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

### NOTICE OF DECISION

523 S Wynooski Street PARTITION – PAR20-0001

April 2, 2020

MacKenzie Davis  
Del Boca Vista  
500 E Hancock Street  
Newberg, OR 97132

The Newberg Community Development Director has approved the proposed tentative plan PAR20-0001 for a two-lot partition at 523 S Wynooski Street, Tax Lot R3220BD 04100, subject to the conditions listed in the attached report. The decision will become final on April 16, 2020 unless an appeal is filed.

All persons entitled to notice or anyone providing written comments within 14 calendar days prior to the date of the decision may appeal this decision to the Newberg Planning Commission 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 \$981.75 to the Planning Division within 14 days of the date of this decision.

**The deadline for filing an appeal is 4:30 pm on April 15, 2020.**

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

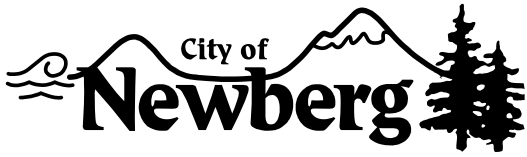
In order to fully complete the partition process, the applicant must meet all conditions of tentative plan approval and file a final partition application with the Planning Division. The final partition must be recorded within two years of the effective date noted above. If you are approaching the expiration date, please contact the Planning Division regarding extension opportunities.

If you have any questions, please contact me at 503-537-1212 or [doug.rux@newbergoregon.gov](mailto:doug.rux@newbergoregon.gov).

Sincerely,

Doug Rux  
Community Development Director

cc: File PAR20-0001



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### DECISION AND FINDINGS

#### 523 S Wynooski Street PARTITION – PRELIMINARY PLAT

FILE NO: PAR20-0001

REQUEST: Partition one lot into two lots

LOCATION: 523 S Wynooski Street

TAX LOT: R3220BD 04100

APPLICANT: Del Boca Vista, LLC

OWNER: South Park, LLC

ZONE: R-2

PLAN DISTRICT: MDR (Medium Density Residential)

OVERLAYS: Airport Overlay (Airport Inner Horizontal Surface)

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#### **CONTENTS:**

Section I: Application Information

Section II: Findings

Section III: Conditions

Attachments:

1. Tentative Plat
2. Application
3. Agency Comments
4. Public Comments

## Section I: Application Information

**A. DESCRIPTION OF APPLICATION:** Tentative plat approval for a partition that would divide one lot into two lots. Lot 1 will be 3,137 square feet and Lot 2 will be 3,039 square feet. The subject site is located within the South Park Newberg Subdivision, is zoned R-2, and is surrounded by existing R-2 uses. The applicant is proposing to build single-family dwellings on each lot, following final plat approval of the proposed partition. The applicant is also proposing the use of a shared driveway off S Wynooski Street to serve the future dwelling units on each lot.

**B. SITE INFORMATION:**

1. **LOCATION:**



**C. SITE INFORMATION:**

1. Location: 523 S Wynooski Street
2. Size: 6,176 square feet
3. Topography: Flat
4. Current Land Uses: The subject site is located within the South Park Newberg subdivision and is zoned R-2. The site currently has one house under construction.
5. Natural Features: None
6. Adjacent Land Uses:
  - a. North: Single family residence (R-2 zone)
  - b. East: S Wynooski Street and single family residence
  - c. South: Harding School Apartments and Harding School Subdivision(R-2 zone)

- d. West: Single family residence (R-2 zone)
- 7. Access and Transportation: The applicant is proposing a 2-lot partition. Both Lot 1 and Lot 2 will take access from a shared driveway on S Wynooski Street.
- 8. Utilities: The parcels will be served by existing utilities that currently serve the existing South Park Newberg subdivision.
  - a. Water: There is an existing 18-inch water line documented in the City's GIS system on S Wynooski Street.
  - b. Wastewater: There is an existing 10-inch public wastewater line documented in the City's GIS system on S Wynooski Street.
  - c. Stormwater: There is an existing 10-inch public stormwater line documented in the City's GIS system on S Wynooski Street.
  - d. Overhead Lines: There are no overhead utility lines adjacent to the subject property. New or modified service connections are required to be undergrounded.

**D. 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 makes a decision 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:

3/3/2020: The Community Development Director deemed the application complete.

3/18/2020: The applicant mailed notice to the property owners within 500 feet of the site.

3/23/2020: The applicant posted notice on the site.

4/1/2020: The 14-day public comment period ended.

3/17/2020: The Director issued a decision on the application.

**E. 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:

Public Works Maintenance: Reviewed; no conflict

Police Department: Reviewed; no conflict

Frontier: Reviewed; no conflict

Tualatin Valley Fire & Rescue: Reviewed; comments included in Attachment 3.

- F. PUBLIC COMMENTS:** As of the writing of this report two public comments have been received. Summarizing the Ernie and Norma Yoder comments they pertain to the dense nature of the development, lack of open space, air flow, heat buildup, suggestion on shade trees and landscaping, and inadequate parking. The full comments are in Attachment 4.

The Newberg Municipal Code (NMC) has criteria for lot size minimum in the R-2 Zoning District which are addressed in the findings of this report. At the partition stage there are no applicable criteria related to open space other than building setback requirements which will be reviewed at the time of submittal of a building permit, air flow, heat buildup or landscaping. Parking requirements for future homes will be reviewed at the time of building permit submittal to ensure that compliance occurs with NMC 15.440.030 Parking spaces required.

Matthew Ross provided comments regarding parking and providing adequate spaces, the size of garage space to meet requirements, providing additional on-site parking spaces such as a parking lot, not approving additional variances, and adhering to the original number of lots proposed in the subdivision. The full comments are in Attachment 4.

Parking requirements for future homes will be reviewed at the time of building permit submittal to ensure that compliance occurs with NMC 15.440.030 Parking spaces required. As part of that review the garage dimensions will be reviewed for compliance with NMC 15.05.030 Definitions for "Garage, single-car". No variance has been requested by the applicant. An adjustment for lot width has been applied for and is contained in ADJC20-0001. In regards to the number of lots, the findings for this decision address the minimum lot dimensions required for lots within the R-2 Zoning District.

- G. ANALYSIS:** The property is zoned R-2, which requires 3,000 square foot minimum lot sizes. The proposed partition would create two lots that meet the minimum lot size requirement and other standards for lot dimensions and coverage. Lot 1 will be 3,137 square feet and Lot 2 will be 3,039 square feet, including the existing Public Utility Easement.

**Section II: Findings –File PAR20-0001  
523 S Wynooski Street Partition Tentative Plan**

**A. Applicable Partition Criteria – Newberg Development Code, 15.235.050**

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

**Finding:** The partition tentative plan application included all of the required submittal elements, and followed the Type II process and public notice requirements for a partition.

- 2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;**
- 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 NMC Division 15.500, Public Improvement Standards;**

Access to the existing lot is taken from S Wynooski Street. Upon approval of the partition, access for Lot 1 and Lot 2 will be taken from S Wynooski Street through a shared driveway. S Wynooski Street is classified as a major collector. There is an existing 18-inch water line documented in the City's GIS system on S Wynooski Street. There is an existing 10-inch public wastewater line documented in the City's GIS system on S Wynooski Street. There is an existing 10-inch public stormwater line documented in the City's GIS system on S Wynooski Street. There are no overhead utility lines adjacent to the subject property. New or modified service connections are required to be undergrounded. Streets and utilities are addressed in more detail under applicable standards of Section 15.505.

**NDC 15.405.010 Lot area – Lot areas per dwelling unit**

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

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

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

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

**C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or**

*historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.*

*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:** The site is zoned R-2. Lot 1 will be 3,137 square feet and Lot 2 will be 3,039 square feet, including the proposed Public Utility Easement. Both lots are over 3,000 square feet and meet the minimum lot size requirement for the R-2 zone. Streets were not included in the calculation and lot size averaging is not proposed, as this is not a subdivision. The applicant's proposal conforms to the requirements of NDC 15.405.010.

***NDC 15.405.030 Lot Dimensions and Frontage***

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

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

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

***D. Frontage.***

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

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

***c. 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.***

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

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

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

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

**Finding:** Lot 1 has 22.50 feet of frontage and Lot 2 has 22.58 feet of frontage. Both lots have frontage on S Wynooski Street, a public street. The existing parcel is a legally created lot of record and both proposed lots are over 3,000 square feet in area. Lot 1 has a width of 22.50 feet and Lot 2 has a width of 22.58 feet at the front building line. A 10 percent reduction in the frontage of the proposed parcels was approved under a Code Adjustment application submitted by the applicant (ADJP20-0001) and the lot depth to width ratio does not apply because the lots are less than 15,000 square feet. The proposal as submitted conforms to the requirements of NDC 15.405.030. All lots meet minimum width, depth, and area requirements for the R-2 zone and the approved frontage reduction does not exceed the 10 percent maximum of 15.210.A.1.d.

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

#### ***B.1. Maximum Lot Coverage.***

*a. R-2: 40 percent or 50 percent if all structures on the lot are one-story.*

***2. Maximum Parking Coverage. R-2: 30 percent.***

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

*a. R-2: 60 percent.*

**Finding:** The R-2 zone limits lot coverage (the percent of a lot covered by structures) to 40% if all structures are one-story or to 50% if structures are two-stories. Parking coverage on a site in the R-2 is limited to 30%. This application proposes to divide one existing lot in to 2 lots and does propose development at this time. Any future development at the subject site will be reviewed for compliance with all applicable lot and parking coverage requirements at the time of building permit submittal.

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

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

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

***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:** Future development of the proposed lots requires a minimum front yard setback of 15-feet and a minimum garage setback of 20 feet. The partition proposed under this application does not permit the construction of dwellings on the subject property. Any proposals for development will be reviewed for setback compliance at the time of building permit submittal.

**NDC 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:** Future development of the proposed lots requires a minimum interior yard setback of 5-feet. The partition proposed under this application does not approve the construction of dwellings on the subject property. Any proposals for development will be reviewed for setback compliance at the time of building permit submittal.

**NDC 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:** The applicant's narrative indicates that all utilities needed for the proposed partition are existing and available to both proposed lots. This requirement is met.

**Public Improvements**

**NDC 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.]*

***NDC 15.505.020 Applicability.***

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

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

***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 applicant's preliminary plans show the existing frontage improvements along S Wyooski Street meet the City's standards. The applicant is proposing to remove some curb, sidewalk, and landscaping to install a shared driveway for proposed Lot 1 and Lot 2. This criterion will be met if all improvements necessary to serve the development meet City standards and are completed, see conditions in Section 15.505.030.

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

**Finding:** Preliminary plans show existing water meter services for proposed Lot 1 and Lot 2. This criterion will be met if all improvements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.040(D).

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

**Finding:** Preliminary plans show existing wastewater services for proposed Lot 1 and Lot 2. This criterion will be met if all wastewater improvements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.040(E).

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

**Finding:** The applicant's narrative indicates that they are not increasing the impervious surface area beyond what was existing prior to the development of the 14 total lots (South Park Newberg Subdivision), which is inclusive of the proposed Lot 1 and Lot 2. This criterion will be met if all stormwater improvements

necessary to service the development meet City standards and are completed, see conditions in Section 15.505.050.

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

**Finding:** The applicant's preliminary plans show a 10-foot public utility easement along the S Wynooski Street property frontage and various other storm and sanitary sewer easements. This criterion will be met if all easements necessary to service the development meet City standards and are completed, see conditions in Section 15.505.040(F).

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

***15.505.030 Street standards.***

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

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

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

- 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.***
- 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.***
- 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.***

**4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.**

**5. Developments outside the city that tie into or take access from city streets.**

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

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

**1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and**

**2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.**

**Applicability.**

**The provisions of this section apply to:**

**E. Improvements to Existing Streets.**

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

**Finding:** S Wynooski Street adjacent to the subject property is classified as a major collector street. Per the Transportation System Plan and the Public Works Design and Construction Standards, major collector streets require a minimum of 60-feet of right-of-way and are comprised of the following:

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

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

The applicant's narrative indicates that 30-feet of right-of-way exists adjacent to the property to the roadway center line, and based on submitted materials it appears that adequate right-of-way exists. This requirement is met.

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

**Finding:** Existing frontage improvements along S Wyooski Street match the City's cross-section for a major collector street per the Transportation System Plan. A major collector street require a minimum of 60-feet of right-of-way and are comprised of the following:

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

As noted in the applicant's narrative and preliminary plans they are meeting the current cross-sectional standards for a major collector street. The applicant is proposing to remove curb, sidewalk, and landscaping to install a shared driveway approach to serve proposed Lot 1 and Lot 2. This requirement is met.

***3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost***

*estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.*

**Finding:** The applicant's property is not located on a street scheduled for near-term future reconstruction and therefore a fee in lieu for improvements is not applicable. This criteria does not apply.

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

**Finding:** There are no improvements relating to impacts identified as part of this proposed action. This criterion does not apply.

**G. Street Width and Design Standards.**

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

**Table 15.505.030(G) Street Design Standards**

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

**Table 15.505.030(G) Street Design Standards**

<b>Type of Street</b>	<b>Right-of-Way Width</b>	<b>Curb-to-Curb Pavement Width</b>	<b>Motor Vehicle Travel Lanes</b>	<b>Median Type</b>	<b>Striped Bike Lane (Both Sides)</b>	<b>On-Street Parking</b>
	<i>feet</i>					
<b>Minor</b>	<b>61 – 65 feet</b>	<b>40 feet</b>	<b>2 lanes</b>	<b>None*</b>	<b>Yes*</b>	<b>Yes*</b>
<b>Local Streets</b>						
<b>Local residential</b>	<b>54 – 60 feet</b>	<b>32 feet</b>	<b>2 lanes</b>	<b>None</b>	<b>No</b>	<b>Yes</b>
<b>Limited residential, parking both sides</b>	<b>44 – 50 feet</b>	<b>28 feet</b>	<b>2 lanes</b>	<b>None</b>	<b>No</b>	<b>Yes</b>
<b>Limited residential, parking one side</b>	<b>40 – 46 feet</b>	<b>26 feet</b>	<b>2 lanes</b>	<b>None</b>	<b>No</b>	<b>One side</b>
<b>Local commercial/ industrial</b>	<b>55 – 65 feet</b>	<b>34 feet</b>	<b>2 lanes</b>	<b>None*</b>	<b>No*</b>	<b>Yes*</b>

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

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

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

**Finding:** S Wynooski Street is classified as a major collector street and the southbound travel lane is 12-feet wide. This criterion is met.

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

**Finding:** S Wynooski Street is classified as a major collector street and the southbound bike lane is 6-feet wide. This criterion is met.

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

**Finding:** S Wyooski Street is classified as a major collector street and the cross-section does not include on-street parking. This criterion does not apply.

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

**Finding:** S Wyooski Street is classified as a major collector street and the cross-section does not include center turn lanes. This criterion does not apply.

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

*a. The requirements of the fire chief shall be followed.*

*b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.*

*c. Use for through streets or looped streets is preferred over cul-de-sac streets.*

*d. Use for short blocks (under 400 feet) is preferred over longer blocks.*

*e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.*

*f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.*

**Finding:** There are no limited residential streets proposed as part of this project. This criterion does not apply.

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

**Finding:** The submitted plans show an existing 5-foot sidewalk along S Wyooski Street. This criterion is met.

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

*a. Additional reinforcement is done to the sidewalk section at corners.*

*b. Sidewalk width is six feet.*



**Finding:** The submitted plans show an existing planter strip between the sidewalk and the curb line along S Wynooski Street. This criterion is met.

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

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

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

**Finding:** The applicant is not proposing modifications to the curb-to-curb width along S Wynooski Street. This criterion does not apply.

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

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

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

**1. The modification is necessary to provide design flexibility in instances where:**

**a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or**

**b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or**

**c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or**

**d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.**

**2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.**

**Finding:** The applicant is not proposing modifications to the street right-of-way or improvement width. This criterion does not apply.

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

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

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

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

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

**Finding:** There are no possible future street extensions as part of this project. This criterion does not apply.

***L. Cul-de-Sacs.***

***1. Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.***

***a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.***

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

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

***d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.***

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

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

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

**Finding:** The applicant is not proposing a cul-de-sac. These criterion does not apply.

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

**Finding:** The applicant is not impacting street names or street signs. This criterion does not apply.

**N. Platting Standards for Alleys.**

**1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.**

**2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.**

**3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.**

**4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.**

**5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.**

**Finding:** The applicant is not proposing alleys. These criterion does not apply.

**O. Platting Standards for Blocks.**

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

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

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

**3. Exceptions.**

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

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

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

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

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

*f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.*

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

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

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

**Q. Traffic Calming.**

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

**a. Serpentine alignment.**

**b. Curb extensions.**

**c. Traffic diverters/circles.**

**d. Raised medians and landscaping.**

**e. Other methods shown effective through engineering studies.**

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

**Finding:** The applicant is not proposing traffic calming. This criterion does not apply.

**R. Vehicular Access Standards.**

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

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

**Table 15.505.R. Access Spacing Standards**

<b>Roadway Functional Classification</b>	<b>Area<sup>1</sup></b>	<b>Minimum Public Street Intersection Spacing (Feet)<sup>2</sup></b>	<b>Driveway Setback from Intersecting Street<sup>3</sup></b>
<b>Expressway</b>	<b>All</b>	<b>Refer to ODOT Access Spacing</b>	<b>NA</b>

**Table 15.505.R. Access Spacing Standards**

<b>Roadway Functional Classification</b>	<b>Area<sup>1</sup></b>	<b>Minimum Public Street Intersection Spacing (Feet)<sup>2</sup></b>	<b>Driveway Setback from Intersecting Street<sup>3</sup></b>
		<b>Standards</b>	
<b>Major arterial</b>	<b>Urban CBD</b>	<b>Refer to ODOT Access Spacing Standards</b>	
<b>Minor arterial</b>	<b>Urban CBD</b>	<b>500 200</b>	<b>150 100</b>
<b>Major collector</b>	<b>All</b>	<b>400</b>	<b>150</b>
<b>Minor collector</b>	<b>All</b>	<b>300</b>	<b>100</b>

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

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

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

<sup>2</sup> ***Measured centerline to centerline.***

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

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

**Finding:** Proposed Lot 1 and Lot 2 do not take access from more than one street. This criterion does not apply.

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

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

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

*a. The review body finds that creating a public street frontage is not feasible.*

*b. The alley access is for no more than six dwellings and no more than six lots.*

*c. The alley has through access to streets on both ends.*

*d. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.*

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

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

**Finding:** The applicant is not proposing closure of existing access. This criterion does not apply.

**7. Shared Driveways.**

*a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*

*b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.*

*c. No more than four lots may access one shared driveway.*

*d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.*

*e. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.*

**Finding:** The applicant's preliminary plans show proposed Lot 1 and Lot 2 taking access from a shared driveway on S Wyooski Street which is classified as a major collector. Because a recorded maintenance agreement doesn't exist for the proposed shared driveway, the applicant will be required to obtain and record a shared maintenance agreement that covers responsibilities for the driveway on private property and for the shared driveway curb-curb cut on S Wyooski Street.

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

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

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

**Finding:** The applicant's project is not located proximate to ODOT or Yamhill County right-of-way. This criterion is not applicable.

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

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

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

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

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

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

#### **S. Public Walkways.**

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



*destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.*

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

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

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

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

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

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

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

**Finding:** The applicant is not proposing public walkways. These criteria are not applicable.

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

**Finding:** The applicant has shown one street tree along the S Wynooski Street frontage on the plans. The one street tree proposed meets the requirement.

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

**Finding:** The South Park subdivision was conditioned to provide street lighting along with S Wynooski Street property frontage. A street lighting analysis was conducted and street lighting was installed to meet City standards. The proposed partition is occurring along the same property frontage that was evaluated as part of the original subdivision, and as such, no additional street lighting analysis or additional street lighting is required. This requirement is met.

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

***1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, “reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.***

***2. A transit passenger landing pad accessible to disabled persons.***

***3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.***

***4. Lighting at the transit facility. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 19), 9-16-13; Ord. 2736 § 1 (Exh. A §§ 1, 3, 4), 3-21-11; Ord. 2619, 5-16-05; Ord. 2513, 8-2-99; Ord. 2507, 3-1-99; Ord. 2494, 4-6-98; Ord. 2451, 12-2-96. Code 2001 §§ 151.681, 151.683, 151.684 – 151.686, 151.689 – 151.692, 151.694, 151.695, 151.701 – 151.703, 151.705.]***

**Finding:** The applicant is not proposing transit improvements and the site is not adjacent to existing or planned transit facilities. These criteria do not apply.

***NDC 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 applicant's narrative and plans indicate that an existing water service exists for proposed Lot 1 and Lot 2. This requirement is met.

***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 applicant's narrative and plans indicate that an existing wastewater service exists for proposed Lot 1 and Lot 2. These requirements are met.

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

**Finding:** The applicant has submitted a preliminary partition plat which shows both existing and proposed easements. Because the applicant has not recorded all utility easements, the applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

- 1) 10-foot utility easements along proposed Lot 1 and Lot 2 on S Wyooski Street (existing easement).
- 2) 5-foot private wastewater easement on proposed Lot 2 (existing easement).
- 3) 10-foot public wastewater easement on proposed Lot 2 (existing easement).
- 4) 10-foot public stormwater easement on proposed Lot 1 (existing easement).
- 5) 10-foot private stormwater easement on proposed Lot 1 and Lot 2 (existing easement).
- 6) 5-foot private wastewater easement on proposed Lot 2 to benefit Lot 1 (proposed easement).

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

***NDC 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.***

***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.***

***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:** The applicant's narrative indicates that they are not increasing the impervious surface area beyond what was existing prior to the development of the 14 total lots as part of the South Park Newberg subdivision, which is inclusive of proposed Lot 1 and Lot 2 of this partition. Prior to development the South Park Newberg subdivision the property had 43,084 square feet of existing impervious surface area. Using the City's single-family lot assumption of 2,877 square feet per dwelling the total new impervious surface area after development of the 14-lots will be 40,278 square feet (14-dwellings x 2,877 square feet). The development has reduced the amount of impervious surface on the original lot and therefore meets existing stormwater requirements. This requirement is met.

**B. CONCLUSION:** The proposed partition satisfies City standards and approval criteria and is approved subject to the attached conditions.

**Section III: Conditions – File PAR20-0001  
523 S Wynooski Street Partition Tentative Plan**

**A. The applicant must complete the following prior to applying for final plat approval:**

1. **Construction Plans must be submitted for all infrastructure per the requirements below.**

**General Requirements for engineering permit:**

The Public Works Design & Construction Standards require that the applicant submit engineered construction plans for review and approval of all utilities and public street improvements. Please note that additional Engineering Department plan review application and fees apply for review of plans. Submit any required easements for review and approval, and record approved easements. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved and all necessary permits have been obtained.

**The plans must note the following:**

**15.505. Public Improvement Standards.**

1. Driveway Standards:

- a. The applicant will be required to obtain and record a shared maintenance agreement that covers responsibilities for the driveway on private property and for the shared driveway curb-curb cut on S Wynooski Street.

**15.505.040 Public utility standards.**

1. Easements:

- a. The applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:
  - 10-foot utility easements along proposed Lot 1 and Lot 2 on S Wynooski Street (existing easement).
  - 5-foot private wastewater easement on proposed Lot 2 (existing easement).
  - 10-foot public wastewater easement on proposed Lot 2 (existing easement).
  - 10-foot public stormwater easement on proposed Lot 1 (existing easement).
  - 10-foot private stormwater easement on proposed Lot 1 and Lot 2 (existing easement).
  - 5-foot private wastewater easement on proposed Lot 2 to benefit Lot 1 (proposed easement).

**B. Final plat submission requirements and approval criteria: In accordance with NDC 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, or as otherwise provided for in NMC 15.235.070. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

- a. Type I application form (found either at City Hall or on the website – [www.newbergoregon.gov](http://www.newbergoregon.gov) in the Planning Forms section) with the appropriate fees.
- b. Two preliminary paper copies of the plat are acceptable for review at the time of final plat application.
- c. Write response to any conditions of approval assigned to the land division.
- d. A title report for the property, current within six months of the final plat application date.
- e. Copies of any required dedications, easements, or other documents.
- f. Copies of all homeowner’s agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner’s association, including but not limited to a draft homeowner’s association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
- g. Copies of any required maintenance agreements for common property.
- h. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.
- i. Any other item required by the city to meet the conditions of approval assigned to the land division.

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.

**C. 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. 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.
2. According to NDC 15.235.180, approval of a final plat must be acknowledged and signed by the following:
  - a. Community Development Director
  - b. The County Assessor
  - c. The County Surveyor

- d. The City Recorder
- 3. 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.
- 4. Proof of Recording. Upon final recording with the county, Return an electronic copy of the recorded plat to the Director to complete the plat process. The land division will not be considered final until the copy is returned to the Director. No permits will be issued for any development on the property after the plat is signed until the copy is returned.
- 5. 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.

**D. Development Notes:**

- 1. **Addresses:** The Planning Division will assign addresses for the new partition. Planning Division staff will send out notice of the new addresses after they receive a recorded copy of the final partition plat.
- 2. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
- 3. **Frontier:** The developer must coordinate trench/conduit requirements with Frontier. Contact the Engineering Division, Frontier, at 541-269-3375.
- 4. **Comcast:** The developer must coordinate trench/conduit requirements with Comcast. 971-777-0933.
- 5. **Tualatin Valley Fire & Rescue:** The developer shall coordinate with TVF&R on requirements noted in Attachment 3.





## Attachment 2: Application



# 523 S. Wynooski St. (South Park Lot 13)

2-Parcel Partition Application

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523 S. Wynooski St. Newberg, OR 97132

January 9, 2020

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## EXHIBITS

- A Land Use Application Form
- B Tax Map
- C Deed (Proof of Ownership)
- D Record of Survey (Filed following Property Line Adjustment – ADJP19-0006)
- E Preliminary Engineering
- F Stormwater Memo
- G Draft Public Notice
- H Property Owner Information (500’ Radius)

## SUBJECT PROPERTY & PROJECT SUMMARY

<b>Property Ownership</b>	
Property Owner	South Park LLC PO Box 3189 Newberg, OR 97132
Applicant	Del Boca Vista LLC PO Box 3189 Newberg, OR 97132
<b>Tax Assessment Details</b>	
Tax Map & Tax Lot	R3220BD/04100
Address	523 S. Wynooski St. Newberg, OR 97132
Subject Property Size	6,176 SF
<b>Political Boundaries</b>	
City	Newberg
County	Yamhill
<b>Planning Designations</b>	
Zoning Designation	R-2 – Medium Density Residential
Comprehensive Plan Designation	MDR – Medium Density Residential
<b>Environmental Findings</b>	
Stream Corridor	No
Flood Plain (FEMA 100 yr.)	No
<b>Service Providers</b>	
Fire Protection	Tualatin Valley Fire & Rescue
School District	Newberg School District
Sewer	City of Newberg
Water	City of Newberg
Stormwater	City of Newberg
Sanitary Hauler	Waste Management
Park & Recreation District	Chehalem Park and Recreation District
<b>Proposal</b>	
Proposal	2-Parcel Partition of 1 existing legal lot.
Future Development	Each parcel to site single-family detached dwelling in future.

## PROJECT DESCRIPTION

### INTRODUCTION

The Applicant, Del Boca Vista LLC, proposes a 2-Parcel Partition of a 6,176 SF existing legal lot within the City of Newberg. The subject property is located at 523 S. Wynooski St. Newberg, OR 97132 (R3220BD/04100), to the west of S. Wynooski St., south of E. 5<sup>th</sup> St., and north of E. 7<sup>th</sup> St.

The subject property is located within the R-2 Zoning District, and is surrounded by existing low and medium density residential development in the R-2 Zoning District. Following approval of the proposed partition, new single-family detached dwellings will be built on each respective parcel.

As per *Section 15.100.030* of the City of Newberg *Community Development Code*, the proposed Partition shall be reviewed via Type II review procedure. This written narrative, together with other documentation included in the application materials, establishes that the application is in compliance with all applicable approval criteria. This documentation represents substantial evidence and provides the basis for approval.

### EXISTING CONDITIONS

The subject property is fairly flat, sloping generally from west to east at less than 2%. There are no significant natural resources identified on the subject property.



*Figure 1: Subject Property Aerial*



Figure 2: City of Newberg Zoning Map

**ADJACENT PARCELS**

As depicted by *Figure 1: Subject Property Aerial* and *Figure 2: City of Newberg Zoning Map*, the subject property is surrounded by existing low and medium density residential development located in the R-1 Zoning District. Regarding *Figure 1: Subject Property Aerial*, it is of note that lots adjacent to the southwest, west and north of the subject property have now been developed with single-family detached dwellings. Unfortunately, an up-to-date aerial photo of the subject property is not available at this time.

**TRANSPORTATION AND ACCESS**

The subject property has frontage on S. Wynooski St. along its eastern boundary. As per the *City’s Transportation System Plan*, S. Wynooski St. has a functional classification of Major Collector. As per *Table 15.505.030.(G) Street Design Standards* of the *City’s Community Development Code*, Major Collectors shall have a minimum ROW of width of 57-ft. S. Wynooski St. currently includes 50-ft of ROW (including 30-ft from the S. Wynooski St. centerline to the subject property’s frontage on S. Wynooski St.). As such, when the adjacent property to the east of S. Wynooski St. develops an additional 10-ft will be dedicated by said property owner to match the subject property’s existing ROW dedication. Accordingly, right-of-way dedications are not warranted or proposed by this Application.

**PUBLIC UTILITIES, SERVICES AND AMENITIES**

As depicted by the Preliminary Engineering provided as Exhibit E, the subject property has existing water services from S. Wynooski St., and existing sanitary services located within a private easement along the subject property’s western boundary. Existing utility services are adequate to serve the proposed partition. As such, this Application does not propose the removal or relocation of said utilities.



Furthermore, following approval of this Land Use Action, adequate franchise utilities, including electricity, gas, and communication services, will be provided to serve the future development on the subject property.

#### **FIRE**

The subject property is served by Tualatin Valley Fire & Rescue. Tualatin Valley Fire Station No. 20 is located at 414 E. 2<sup>nd</sup> St. Newberg, OR 97132 approximately 0.7-miles to the northwest of the subject property.

#### **POLICE**

The Newberg Police Department at 401 E. 3rd St, Newberg, OR 97132 is located approximately 0.6-miles to the northwest of the subject property.

#### **SCHOOL**

The subject property is currently located within the attendance boundaries of Edwards Elementary School, Mountain View Middle School, and the Newberg High School. Edwards Elementary School at 715 E. 8<sup>th</sup> St. Newberg, OR 97132 is located 0.6-miles from the subject property. Mountainview Middle School at 2015 N Emery Dr. Newberg, OR 97132 is located 2.1-miles from the subject property. Newberg High School at 2400 Douglas Ave, Newberg, OR 97132 is located 2.1-miles from the subject property.

#### **TRANSIT**

The Yamhill County Transit Area (YCTA) Newberg Route 5 has a stop at E. 6<sup>th</sup> St. and S. Blaine St. 0.7-miles walking distance west of the subject property.

#### **PARKS**

The Herbert Hoover Park at 114 S. River St. Newberg, OR 97132 is located 0.3-miles walking distance to the northwest of the subject property. Herbert Hoover Park includes amenities such as walking paths, benches, picnic tables, play equipment, public restrooms, and a disc golf course.

The Scott Leavitt Park at 1310 E. 10th St. Newberg, OR 97132 is located 0.4-miles walking distance to the southwest of the subject property. The Scott Leavitt Park includes amenities such as play equipment, picnic tables, and a basketball court.

## LAND USE APPLICATION REQUEST – 2 PARCEL PARTITION

This Land Use Application requests a 2-Parcel Partition of the 6,176 SF subject property identified as Tax Lot 04100 of Tax Map R3220BD.

As per *Section 15.100.030* of the City of Newberg *Community Development Code*, the proposed Partition shall be reviewed via Type II review procedure.

Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.210 Mailed Notice*, and *Section 15.100.220 Additional Notice Procedures for Type II Development Applications*. A draft public notice is provided as Exhibit G, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit H.

## COMPLIANCE WITH THE CITY OF NEWBERG MUNICIPAL CODE

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

### CHAPTER 15.100 LAND USE PROCESSES AND PROCEDURES

- 15.100.030 Type II procedure
- 15.100.090 Development permit application.
- 15.100.200 Compliance required.
- 15.100.210 Mailed notice.
- 15.100.220 Additional notice procedures for Type II development applications.
- 15.100.260 Procedure for posted notice for Type II and III procedures.

### CHAPTER 15.235 LAND DIVISIONS

- 15.235.020 General Requirements
- 15.235.030 Preliminary plat approval process.
- 15.235.040 Preliminary plat submission requirements.
- 15.235.050 Preliminary plat approval criteria.

### CHAPTER 15.210 CODE ADJUSTMENTS

- 15.210.020 Type I Adjustments and Approval Criteria

### CHAPTER 15.305 ZONING USE TABLE

- 15.305.020 Zoning Use Table – Use Districts

### CHAPTER 15.405 LOT REQUIREMENTS

- 15.405.010 Lot area – Lot areas per dwelling unit.
- 15.405.030 Lot dimensions and frontage.
- 15.405.040 Lot coverage and parking coverage requirements.

### CHAPTER 15.410 YARD SETBACK REQUIREMENTS

- 15.410.020 Front yard setback.
- 15.410.030 Interior yard setback.
- 15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

### CHAPTER 15.415 BUILDING AND SITE DESIGN STANDARDS

- 15.415.020 Building height limitation.
- 15.415.040 Public access required.

### CHAPTER 15.430 UNDERGROUND UTILITY INSTALLATION

- 15.430.010 Underground utility installation.

### CHAPTER 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS

- 15.440.010 Required off-street parking.
- 15.440.030 Parking Spaces Required

### CHAPTER 15.505 PUBLIC IMPROVEMENTS STANDARDS

- 15.505.030 Street Standards

## CITY OF NEWBERG MUNICIPAL CODE

### Title 15 Development Code

#### CHAPTER 15.100 LAND USE PROCESSES AND PROCEDURES

##### 15.100.030 Type II procedure

- A. *Type II development actions shall be decided by the director.*
- B. *Type II actions include, but are not limited to:*
  - 4. *Partitions.*

**RESPONSE:** As per *Section 15.100.030.B.4*, the proposed Partition shall be processed through Type II review procedure. This Application acknowledges the applicable provisions of *Section 15.100.030.C* through *Section 15.100.030.H* regarding Type II review procedure. This criterion is satisfied.

##### 15.100.090 Development permit application.

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

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

##### 15.100.200 Compliance required.

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

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

##### 15.100.210 Mailed notice.

*Mailed notice shall be provided as follows:*

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

**RESPONSE:** Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.210 Mailed Notice*. A draft public notice is provided as Exhibit G, and neighboring property owners' contact information (within

500-feet of subject property) is provided as Exhibit H. This Application acknowledges the applicable provisions of *Section 15.100.210.C. through Section 15.100.210.J.* regarding noticing requirements. This criterion is satisfied.

**15.100.220 Additional notice procedures for Type II development applications.**

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

- A. Provide a 14-day period from the date of mailing for the submission of written comments prior to the decision;*
- B. State that issues that may provide a basis for appeal must be raised in writing during the comment period;*
- C. State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;*
- D. State the place, date and time that comments are due;*
- E. State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (A) of this section;*
- F. Briefly summarize the local decision-making process.*
- G. Type II notice for subdivisions shall also include a description of how an interested party may request a public hearing before the planning commission. [Ord. 2451, 12-2-96. Code 2001 § 151.072.]*

**RESPONSE:** Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.220 Additional Notice Procedures for Type II Development Applications.* A draft public notice is provided as Exhibit G, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit H. This criterion is satisfied.

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

*[Detailed Provisions Omitted for Brevity]*

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

**CHAPTER 15.210 CODE ADJUSTMENTS**

**15.210.020 Type I Adjustments and Approval Criteria**

*The director may authorize adjustments from the following requirements through a Type I procedure subject to the following:*

- A. Yard Setback Dimensions, Lot Area, Percentage of Lot Coverage, Lot Dimensions.*
  - 1. The director may approve adjustments to:*
    - d. Lot Dimensions. Maximum of 10 percent of the required lot dimensions or frontages.*

**RESPONSE:** As per *Section 15.405.030.D.1.*, lots must have a minimum of 25-ft of frontage. As per *Section 15.210.020.A.1.d.*, the Director may authorize a 10% reduction in the required lot frontage standard. This Application requests a 10% reduction in the required lot frontage standard, so as to permit lots with 22.5-ft of frontage. As depicted by the enclosed Preliminary Engineering provided as Exhibit E, Parcel 1 has 22.50-ft of frontage and Parcel 2 has 22.58-ft of frontage. This criterion is satisfied.

2. *Approval Criteria. Approval of an adjustment shall be based on written findings. The director shall find that approval will result in:*

- a. *More efficient use of the site.*
- b. *Preservation of natural features, where appropriate.*
- c. *Adequate provisions of light, air and privacy to adjoining properties.*
- d. *Adequate emergency access.*
- e. *The adjustment is consistent with the setbacks, lot area, and/or coverage of buildings or structures previously existing in the immediate vicinity.*

**RESPONSE:** As per *Section 15.405.030.D.1.*, lots must have a minimum of 25-ft of frontage. As per *Section 15.210.020.A.1.d.*, the Director may authorize a 10% reduction in the required lot frontage standard. This Application requests a 10% reduction in the required lot frontage standard, so as to permit lots with 22.5-ft of frontage. As depicted by the enclosed Preliminary Engineering provided as Exhibit E, Parcel 1 has 22.50-ft of frontage and Parcel 2 has 22.58-ft of frontage.

The subject property is located within the South Park Newberg Subdivision, an existing single-family detached development designed with relatively narrow lots (the majority of lots being 25-ft wide). The proposed 10% reduction in frontage will not have any impact of the preservation of natural features, light, air, privacy, or emergency access. Furthermore, in conjunction with the proposed frontage reduction, this Application proposes the use of a shared driveway serve the two future dwellings on the subject property, so as to permit the most efficient use of the site. This criterion is satisfied.

## **CHAPTER 15.235 LAND DIVISIONS**

### **15.235.020 General Requirements**

*A. Subdivision and Partition Approval through a Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:*

1. *The preliminary plat must be approved before the final plat can be submitted for approval consideration; and*
2. *The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.*

**RESPONSE:** This Application request Preliminary Partition Plat approval. Following approval of the proposed Preliminary Plat, the Applicant will undergo Type I Final Plat Approval. This criterion is satisfied.

*C. Compliance with ORS Chapter 92. All subdivision and partition proposals shall conform to state regulations in ORS Chapter 92, Subdivisions and Partitions.*

**RESPONSE:** The proposed partition satisfies all applicable provisions of *ORS Chapter 92*. This criterion is satisfied.

*D. Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as streets, water, wastewater, gas, and electrical systems, pursuant to Chapters 15.430 and 15.505 NMC.*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed partition is provided adequate public utilities, including access, water, and wastewater. Franchise utilities, including electricity, gas, and communication services, will be provided to serve the future development on the subject property. Furthermore, all public and private

utilities warranted by the future development of the subject property will be financed by the developer at the time of future development. This criterion is satisfied.

*E. Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to NMC 15.505.050.*

**RESPONSE:** This Application proposes a 2-Parcel Partition of Lot 13 of the South Park Newberg Subdivision (SUB217-0004). As addressed via the South Park Newberg Subdivision Land Use submittal, prior to the development of the subject property there was 43,084 SF of existing impervious area located on the subject property. As per *Section 4.6.1.II* of the City's *Design & Construction Standards*, impervious area associated with single-family lots may be estimated at a rate of 2,877 SF of impervious area per dwelling. Following approval of the proposed partition, the South Park Newberg Subdivision will include a total of 14 single-family detached dwellings. Therefore, the total impervious area created by the South Park Newberg Subdivision will be 40,278 SF (14-dwellings x 2,877 SF).

Furthermore, as per *Section 4.6.1.II* "stormwater quality and quantity facilities shall be sized for all net impervious area created by the subdivision". As per *Section 1.6* net impervious area is defined as "The increase in impervious area on a property after a project is completed." As the proposed improvements to due not constitute more than 43,084 SF (the existing impervious area on the subject property prior to development), there will be no increase in impervious area on the subject property following completion of development, thereby no stormwater quality or quantity facilities are warranted or proposed. This criterion is satisfied.

*F. Adequate Access. All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Chapter 15.440 NMC and NMC 15.505.030. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]*

**RESPONSE:** As depicted by the Preliminary Engineering Plan Set provided as Exhibit E, the proposed partition is provided adequate vehicle access and parking, as required by *Chapter 15.440* and *Section 15.505.030*. This criterion is satisfied.

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

*A. Review of Preliminary Plat. All preliminary plats are subject to the approval criteria in NMC 15.235.050. Preliminary plats shall be processed using the Type II procedure under Chapter 15.100 NMC, except that subdivisions with any of the following conditions present shall be processed using the Type III procedure under Chapter 15.100 NMC:*

- 1. The land is not fully within the city limits or urban growth boundary;*
- 2. The land contains Goal 5 resources which are mapped and designated in the comprehensive plan and land use regulations. These resources include but are not limited to open spaces, scenic and historic areas and natural resources;*
- 3. The proposed land division does not comply with the minimum street connectivity standards identified in NMC 15.505.030;*
- 4. The proposed land division does not provide enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted in the zoning designation for the site;*
- 5. The applicant requests, in writing and at the time of application, that the proposal be referred to the planning commission for a decision; or*

6. A written request for the application to be heard by the planning commission is submitted by a member of the public during the 14-day public comment period provided for in NMC 15.100.200 et seq.

**RESPONSE:** The subject property is located within the City limits. There are no Goal 5 resources identified on the subject property. As documented by this narrative and supporting Exhibits, the proposed partition complies with the minimum street connectivity standards of *Section 15.505.030*. The proposed development satisfies applicable density requirements of the R-2 Zoning District. Accordingly, as per *Section 15.235.030.A*, the proposed partition shall be processed via Type II review procedure. This criterion is satisfied.

**15.235.040 Preliminary plat submission requirements.**

*Applications for preliminary plat approval shall contain all of the following information:*

*A. General Submission Requirements.*

*1. Information required for a Type II application.*

**RESPONSE:** In satisfaction of *Section 15.235.040.A.1.*, this Application and supporting Exhibits document compliance with all information required by Type II review procedure. This criterion is satisfied.

*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.*

**RESPONSE:** Following approval of the proposed partition, a total of 2 dwelling units (1 per parcel) will be sited on the subject property. Based on the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition*, the proposed development will generate 2 new PM peak hour trip (2 dwelling units generating 2 trips per unit during the PM peak hour). Thus, as per the standards noted by this Section, a Traffic Study is not applicable to the proposed development as the project does not meet the threshold requirement of generating at least 40 new vehicular trips during the PM peak hour. Applicable provisions of this Section are satisfied.

*3. Public Utilities Analysis. The public facilities analysis shall be scoped with the city, and shall address the impact of the proposed development on the public wastewater and water systems. The analysis shall identify any mitigation or improvements necessary to the public facilities to adequately serve the development per city standards under adopted ordinances and master plans.*

**RESPONSE:** In satisfaction of *Section 15.235.040.A.3*, this narrative and supporting documentation analyze the adequacy of existing utility system in the vicinity of the subject property. This Application does not identify any mitigation warranted by the proposed development. A Preliminary Composite Utility Plan is provided as Sheet No. C3.0 of Exhibit E. This criterion is satisfied.

*4. Stormwater Analysis. The stormwater analysis shall address the criteria listed in Chapter 13.25 NMC.*

**RESPONSE:** A Stormwater Memo is provided as Exhibit F. This Application proposes a 2-Parcel Partition of Lot 13 of the South Park Newberg Subdivision (SUB217-0004). As addressed via the South Park Newberg Subdivision Land Use submittal, prior to the development of the subject property there was 43,084 SF of existing impervious area located on the subject property. As per *Section 4.6.1.II* of the City's *Design & Construction Standards*, impervious area associated with single-family lots may be estimated at a rate of 2,877 SF of impervious area per dwelling. Following approval of the proposed partition, the South Park Newberg Subdivision will include a total of 14 single-family detached dwellings. Therefore, the total impervious area created by the South Park Newberg Subdivision will be 40,278 SF (14-dwellings x 2,877 SF).

Furthermore, as per *Section 4.6.1.II* "stormwater quality and quantity facilities shall be sized for all net impervious area created by the subdivision". As per *Section 1.6* net impervious area is defined as "The increase in impervious area on a property after a project is completed." As the proposed improvements to due not constitute more than 43,084 SF (the existing impervious area on the subject property prior to development), there will be no increase in impervious area on the subject property following completion of development, thereby no stormwater quality or quantity facilities are warranted or proposed.

*5. Wetland Delineation Approved by the Department of State Lands (DSL). An approved wetland delineation shall be submitted for any property listed in the National Wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.*

**RESPONSE:** The provisions of *Section 15.235.040.A.5.* are not applicable to this Application as there are no wetlands identified on the subject property.

*6. Future Streets Concept Plan. The future streets concept shall show all existing subdivisions, streets, and unsubdivided land surrounding the subject property and show how proposed streets may be extended to connect with existing streets. At a minimum, the plan shall depict future street connections for land within 400 feet of the subject property.*

**RESPONSE:** The subject property has frontage on S. Wynooski St. to the east. The remaining boundaries of the subject property are adjacent to existing low and medium density residential development. As such, the provisions of *Section 15.235.040.A.6.* regulating future streets concept plans are not applicable to this Application.

*B. Preliminary Plat Information. In addition to the general information described in subsection (A) of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities required by the director:*

*1. General Information.*

- a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in Yamhill County;*
- b. Date, north arrow, and scale of drawing;*
- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;*
- d. Zoning of tract to be divided, including any overlay zones;*
- e. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and*



*f. Identification of the drawing as a “preliminary plat.”*

**RESPONSE:** The provisions of Section 15.235.040.B.1.a through Section 15.235.040.B.1.f are satisfied by this narrative and supporting documentation, including the Preliminary Engineering Plan Set provided as Exhibit E.

*2. Existing Conditions. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on existing conditions of the site:*

- a. Streets. Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;*
- b. Easements. Width, location and purpose of all existing easements of record on and abutting the site;*
- c. Public Utilities. Location and identity of all public utilities on and abutting the site. If water mains, stormwater mains, and wastewater mains are not on or abutting the site, indicate the direction and distance to the nearest utility line and show how utilities will be brought to standard;*
- d. Private Utilities. Location and identity of all private utilities serving the site, and whether the utilities are above or underground;*
- e. Existing Structures. Show all structures on the project site and adjacent abutting properties;*
- f. Ground elevations shown by contour lines at a minimum two-foot vertical interval for slopes up to 10 percent and five feet for slopes over 10 percent. Show elevations for the subject property and within 100 feet of the subject property. Such ground elevations shall be related to some established benchmark or other datum approved by the county surveyor; the city engineer may waive this standard for partitions when grades, on average, are less than six percent;*
- g. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);*
- h. Wetlands and stream corridors;*
- i. The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;*
- j. North arrow and scale; and*
- k. Other information, as deemed necessary by the director for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.*

**RESPONSE:** An Existing Conditions Survey prepared by C1.0 is provided within the Preliminary Engineering in Exhibit E. Said Survey documents existing conditions on the subject property in satisfaction of all applicable provisions of Section 15.235.040.B.2.a through Section 15.235.040.B.2.k.

*3. Proposed Development. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:*

- a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;*
- b. Easements. Location, width and purpose of all proposed easements;*
- c. Lots and private tracts (e.g., private open space, common area, or street) with approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;*

- d. Proposed uses of the property, including all existing structures to remain, areas proposed to be dedicated as public right-of-way or preserved as open space for the purpose of stormwater management, recreation, or other use;*
- e. Proposed grading;*
- f. Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;*
- g. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;*
- h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;*
- i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;*
- j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;*
- k. Evidence of compliance with applicable overlay zones; and*
- l. Evidence of contact with the applicable road authority for proposed new street connections. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]*

**RESPONSE:** The provisions of *Section 15.235.040.B.3.* are satisfied by this narrative and supporting documentation, including the Preliminary Engineering Plat Set provided as Exhibit E.

**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;*

**RESPONSE:** In satisfaction of *Section 15.235.050.A.1,* and as further addressed via this narrative and supporting documentation, the proposed partition satisfies all applicable provisions of *Chapter 15.235.*

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

**RESPONSE:** In satisfaction of *Section 15.235.050.A.2,* and as further addressed via this narrative and supporting documentation, the proposed partition satisfies all applicable provisions of *Chapter 15.400.*

- 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 NMC Division 15.500, Public Improvement Standards;*

**RESPONSE:** In satisfaction of *Section 15.235.050.A.3,* and as further addressed via this narrative and supporting documentation, the proposed partition satisfies all applicable provisions of *Chapter 15.500.*

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

**RESPONSE:** The provisions of *Section 15.235.050.A.4* are not applicable as this Application requests approval of a Preliminary Partition Plat, not a Subdivision Plat.

*5. The proposed streets, utilities, and stormwater facilities conform to 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;*

**RESPONSE:** In satisfaction of *Section 15.235.050.A.5*, proposed improvements conform to the adopted master plans and applicable Newberg *Public Works Design and Construction Standards*.

*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;*

**RESPONSE:** The provisions of *Section 15.235.050.A.6* are not applicable as this Application does not propose any private common areas or improvements.

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

**RESPONSE:** The proposed development does not warrant State or Federal permits. As such, the provisions of *Section 15.235.050.A.7* are not applicable to this Application.

*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.*

**RESPONSE:** The proposed development is designed in satisfaction of all applicable standards and regulations. As such, in satisfaction of *Section 15.235.050.A.8*, this narrative and supporting documentation serve as evidence that Conditions of Approval can be satisfied.

*B. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations. [Ord. 2813 § 1 (Ex. A § 7), 9-5-17.]*

**RESPONSE:** This Application acknowledges the provisions of *Section 15.235.050.B*.

## CHAPTER 15.305 ZONING USE TABLE

### 15.305.020 Zoning Use Table – Use Districts

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
200	RESIDENTIAL USES																				
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)								P	P(6)			Subject to density limits of NMC <a href="#">15.405.010(B)</a>
Def.	Dwelling, two-family (duplex)	P(2)	P	P	C	P		C(4)	P(8)/C(5)								P				Subject to density limits of NMC <a href="#">15.405.010(B)</a>

**RESPONSE:** As per the *Zoning Use Table* of *Section 15.305.020* detached single-family dwellings are a permitted use in the R-2 zoning district subject to density limits of *Section 15.405.010(B)*.

The proposed partition's compliance with *Section 15.405.010(B)* is further addressed via this narrative. This criterion is satisfied.

## CHAPTER 15.405 LOT REQUIREMENTS

### 15.405.010 Lot area – Lot areas per dwelling unit.

- A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:*
- 2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.*
- B. Lot or Development Site Area per Dwelling Unit.*
- 2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.*

**RESPONSE:** The subject property is located within the R-2 Zoning District. As per *Section 15.405.010.A.2* parcels located within the R-2 Zoning District must have a minimum lot area of 3,000 SF. As per *Section 15.405.010.B.2* dwellings located within the R-2 Zoning District must have a minimum lot area of 3,000 SF per dwelling. As depicted by the Preliminary Partition Plat on C2.0 of the Preliminary Engineering provided as Exhibit E, Parcel 1 is 3,137 SF in area and Parcel 2 is 3,039 SF in area. Applicable provisions of this Section have been satisfied.

### 15.405.030 Lot dimensions and frontage.

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

**RESPONSE:** As addressed further via this narrative, proposed parcels satisfy all applicable width requirements.

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

**RESPONSE:** As the proposed parcels are less than 15,000 SF in area the depth to width ratio requirements of *Section 15.405.030.B.* are not applicable to this application.

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

**RESPONSE:** The subject property is located within the R-2 Zoning District. As per *Section 15.405.010.A.2.* parcels located within the R-1 Zoning District must have a minimum lot area of 3,000 SF. As per *Section 15.405.010.B.2.* dwellings located within the R-2 Zoning District must have a minimum lot area of 3,000 SF per dwelling. As depicted by the Preliminary Partition Plat on C2.0 of the Preliminary Engineering provided as Exhibit E, Parcel 1 is 3,137 SF in area and Parcel 2 is 3,039 SF in area. Lot area calculations due not include land contained within public or private streets. This criterion is satisfied.

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

*a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).*

**RESPONSE:** The subject property has 45.03-feet of existing frontage on S. Wyooski St. As permitted by *Section 15.210.020.A.1.d.*, this application requests a 10% reduction in the frontage of the proposed parcels. Approval of the requested code adjustment would permit lots to have 22.5-feet of frontage (10% reduction of 25-ft requirement). As depicted by the enclosed Preliminary Engineering provided as Exhibit E, Parcel 1 has 22.50-ft of frontage and Parcel 2 has 22.58-ft of frontage.

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

**RESPONSE:** In satisfaction of *Section 15.405.030.D.1.b.*, all proposed lots have at least 25-feet of width measured at the front building line.

#### **15.405.040 Lot coverage and parking coverage requirements.**

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

*1. Maximum Lot Coverage.*

*b. R-2 and RP: 50 percent.*

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

*3. Combined Maximum Lot and Parking Coverage.*

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

**RESPONSE:** As per *Section 15.405.040.B.1.b.*, future development of proposed lots requires a maximum of 50% lot coverage. As per *Section 15.405.040.B.2.*, future development of proposed lots requires a maximum parking coverage of 30%. As per *Section 15.405.040.B.3.a.*, future development of proposed lots requires a maximum combined lot and parking coverage of 60%. This Application proposes the division of the subject property. Approval of said partition does not permit the construction of dwellings on the subject property. The future dwellings to be sited on the subject property will be reviewed for compliance with all applicable lot coverage standards during the Building Permit review and approval process. Applicable provisions of this Section are satisfied.

## **CHAPTER 15.410 YARD SETBACK REQUIREMENTS**

### **15.410.020 Front yard setback.**

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

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

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

**RESPONSE:** As per *Section 15.405.020.A.1.*, future development of proposed lots requires a minimum front yard setback of 15-feet. As per *Section 15.405.020.A.3.*, future development of proposed lots requires a minimum front yard garage setback of 20-feet. This Application proposes the division of the subject property. Approval of said partition does not permit the

construction of dwellings on the subject property. The future dwellings to be sited on the subject property will be reviewed for compliance with all applicable lot coverage standards during the Building Permit review and approval process. Applicable provisions of this Section are satisfied.

#### **15.410.030 Interior yard setback.**

##### *A. Residential.*

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

**RESPONSE:** As per *Section 410.030.A.1.*, future development of proposed lots requires minimum interior setbacks of 5-feet. This Application proposes the division of the subject property. Approval of said partition does not permit the construction of dwellings on the subject property. The future dwellings to be sited on the subject property will be reviewed for compliance with all applicable lot coverage standards during the Building Permit review and approval process. Applicable provisions of this Section are satisfied.

#### **15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.**

*[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** This Application acknowledges the provisions of this Section. Applicable provisions of this Section will be further addressed during the Building Permit review and approval process.

### **CHAPTER 15.415 BUILDING AND SITE DESIGN STANDARDS**

#### **15.415.020 Building height limitation.**

*1. In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:*  
*a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.*

**RESPONSE:** As per *Section 15.415.020.1.a.*, future dwellings to be sited on the subject property will be no greater than 30-feet in height. Applicable provisions of this Section will be further addressed during the Building Permit review and approval process.

#### **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. [Ord. 2720 § 1(11), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.538.]*

**RESPONSE:** All proposed lots have access to a public right-of-way. Applicable provisions of this Section will be further reviewed during the Building Permit process.

### **CHAPTER 15.430 UNDERGROUND UTILITY INSTALLATION**

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

*A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.*

**RESPONSE:** As addressed further via this narrative, there are existing utilities stubbed to the subject property which are adequate to serve the proposed developed. Existing utilities were designed in accordance with all applicable provisions of the City of Newberg *Public Works Design and Construction Standards*. This Application does not warrant or propose the relocation of any existing utilities on the subject property.

**CHAPTER 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS**

**15.440.010 Required off-street parking.**

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

**RESPONSE:** As addressed further via this narrative, the future dwellings on the subject property will be provided off-street parking on their respective Lots in garages and on driveways.

**15.440.030 Parking Spaces Required**

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

**RESPONSE:** As per the *Minimum Parking Spaces Required Table of Section 15.440.030*, the proposed development requires 2 off-street parking spaces per unit on a single lot. As addressed further via this narrative, the future dwellings on the subject property will be provided off-street parking on their respective Lots in garages and on driveways. Off-street parking associated with future dwellings will be further reviewed for compliance with the provisions of this Section, and any mandated Conditions of Approval during the Building Permit review and approval process.

**CHAPTER 15.505 PUBLIC IMPROVEMENTS STANDARDS**

**15.505.030 Street Standards**

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

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

**RESPONSE:** This Application does not propose or warrant the construction of a new right-of-way. As such the provisions of *Section 15.505.030.D.* are not applicable to the proposed development.

*E. Improvements to Existing Streets.*



1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.
  2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.
- G. *Street Width and Design Standards.*

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

**Table 15.505.030(G) Street Design Standards**

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

**RESPONSE:** The subject property has frontage on S. Wynooski St. along its eastern boundary. As per the City’s *Transportation System Plan*, S. Wynooski St. has a functional classification of Major Collector As per *Table 15.505.030.(G) Street Design Standards* of the City’s *Community Development Code*, Major Collectors shall have a minimum ROW of width of 57-ft. S. Wynooski St. currently includes 50-ft of ROW (including 30-ft from the S. Wynooski St. centerline to the subject property’s frontage on S. Wynooski St.). As such, when the adjacent property to the east of S. Wynooski St. develops an additional 10-ft will be dedicated by said property owner to match the subject property’s existing ROW dedication. As such, this Application does not warrant or propose right-of-way dedications. Accordingly, the provisions of *Section 15.410.050.E.* and *Section 15.410.050.G.* are not applicable to the proposed development.

R. *Vehicular Access Standards.*

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



Table 15.505.R. Access Spacing Standards

<u>Roadway Functional Classification</u>	<u>Area<sup>1</sup></u>	<u>Minimum Public Street Intersection Spacing (Feet)<sup>2</sup></u>	<u>Driveway Setback from Intersecting Street<sup>3</sup></u>
<u>Expressway</u>	All	Refer to <u>ODOT</u> Access Spacing Standards	NA
<u>Major arterial</u>	Urban CBD	Refer to <u>ODOT</u> Access Spacing Standards	
<u>Minor arterial</u>	Urban CBD	500 200	150 100
<u>Major collector</u>	All	400	150
<u>Minor collector</u>	All	300	100

**RESPONSE:**

As per the City’s *Transportation System Plan*, S. Wyooski St. has a functional classification of Major Collector. As per *Table 15.505.R. Access Spacing Standards*, driveways on Major Collectors shall be a minimum of 150-ft from intersecting streets.

This Application proposes the installation of a new shared driveway on S. Wyooski St. to serve both parcels within the proposed partition. The closest intersection to the subject property is the intersection of S. Wyooski St. and Lilly Ct., which is approximately 195-ft south of the subject property. This criterion is satisfied.

*7. Shared Driveways.*

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

**RESPONSE:** In regard to *Section 15.505.030.R.7.a.*, the subject property does not take access onto an Arterial Street. In regard to *Section 15.505.030.R.7.b.*, this Application proposes the use of a shared drive to serve future dwellings on the subject property. As required by *Section 15.505.030.R.7.b.*, a shared Maintenance Agreement will be recorded at the time of Final Partition Plat recordation.

In satisfaction of *Section 15.505.030.R.7.c.*, this Application proposes 2 parcels (less than 5 parcels) utilize said shared driveway. This Application acknowledges the provisions of *Section 15.505.030.R.7.d.*

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

**RESPONSE:** As depicted by Sheet C2.0 of the Preliminary Engineering in Exhibit E, the subject property has 45.08-feet of existing frontage on S. Wynooski St. As depicted by Sheet C3.0 of the Preliminary Engineering in Exhibit E, this Application proposes one new street tree along the subject property's frontage on S. Wynooski St.

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

**RESPONSE:** There is an existing streetlight located on the frontage of Lot 10 of the South Park Newberg Subdivision (515 S. Wynooski St.), approximately 98-ft north of the subject property. Furthermore, there is an existing streetlight located at the intersection of S. Wynooski St. and Lilly Ct., approximately 250-ft north of the subject property. As such, this Application does not warrant or propose the installation of additional streetlights.

#### **15.505.040 Public Utility Standards**

##### *C. General Standards.*

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

**RESPONSE:** In satisfaction of *Section 15.505.040.C.1*, existing utilities were designed in conformance with all applicable provisions of the City of Newberg's *Public Works Design and Construction Standards*. This Application does not warrant or propose the relocation of any existing utilities on the subject property. Furthermore, as per *Section 15.505.040.C.2.*, existing utilities were designed to minimize the disturbance of soil and existing conditions to the greatest extent feasible.

*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.*

**RESPONSE:** In satisfaction of *Section 15.505.040.D.1.*, there are existing utilities on the subject property which are adequate to serve the proposed development. Following approval of the proposed partition, future dwellings to be sited on the subject property will be provided water services in compliance with all applicable City standards. A preliminary water design is provided as Sheet C3.0 of the Preliminary Engineering plan set provided as Exhibit E.

*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.*

**RESPONSE:** This Application acknowledges the provisions of *Section 15.505.040.D.2.*

*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.*

**RESPONSE:** The subject property has frontage on S. Wynooski St. to the east. The remaining boundaries of the subject property are adjacent to existing low-density residential development. As such, the provisions of *Section 15.505.040.D.3.* are not applicable to the proposed development.

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

**RESPONSE:** This Application acknowledges the provisions of *Section 15.505.040.D.4.*

*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.*

**RESPONSE:** There are no existing septic tanks or on-site sewage systems on the subject property. As such, the provisions of *Section 15.505.040.E.1.* are not applicable to the proposed development.

*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.*

**RESPONSE:** In satisfaction of *Section 15.505.040.E.2* and *Section 15.505.040.E.3.*, there are existing utilities on the subject property which are adequate to serve the proposed development. Following approval of the proposed partition, future dwellings to be sited on the subject property will be provided gravity sanitary services in compliance with all applicable City standards. A preliminary sanitary design is provided as Sheet C3.0 of the Preliminary Engineering plan set provided as Exhibit E.

*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.*

**RESPONSE:** This Application acknowledges the provisions of *Section 15.505.040.E.4.*

*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.*

**RESPONSE:** This Application does not propose temporary wastewater service facilities. As such the provisions of *Section 15.505.040.E.5.* are not applicable to the proposed development.

*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.*

**RESPONSE:** The subject property has frontage on S. Wynooski St. to the east. The remaining boundaries of the subject property are adjacent to existing low-density residential development. As such, the provisions of *Section 15.505.040.E.6.* are not applicable to the proposed development.

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

**RESPONSE:** This Application acknowledges the provisions of *Section 15.505.040.E.7.*

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

**RESPONSE:** In satisfaction of *Section 15.505.040.F.*, as depicted by the Record of Survey provided as Exhibit D, there is an existing 10-ft public utility easement along the subject property's frontage on S. Wynooski St.

#### **15.505.050 Stormwater System Standards**

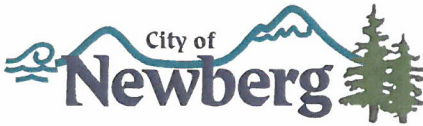
*[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** This Application proposes a 2-Parcel Partition of Lot 13 of the South Park Newberg Subdivision (SUB217-0004). As addressed via the South Park Newberg Subdivision Land Use submittal, prior to the development of the subject property there was 43,084 SF of existing impervious area located on the subject property. As per *Section 4.6.1.II* of the City's *Design & Construction Standards*, impervious area associated with single-family lots may be estimated at a rate of 2,877 SF of impervious area per dwelling. Following approval of the proposed partition, the South Park Newberg Subdivision will include a total of 14 single-family detached dwellings. Therefore, the total impervious area created by the South Park Newberg Subdivision will be 40,278 SF (14-dwellings x 2,877 SF).

Furthermore, as per *Section 4.6.1.II* "stormwater quality and quantity facilities shall be sized for all net impervious area created by the subdivision". As per *Section 1.6* net impervious area is defined as "The increase in impervious area on a property after a project is completed." As the proposed improvements to due not constitute more than 43,084 SF (the existing impervious area on the subject property prior to development), there will be no increase in impervious area on the subject property following completion of development, thereby no stormwater quality or quantity facilities are warranted or proposed.

## CONCLUSION

This narrative and supporting documentation demonstrate compliance with all applicable provisions of the *City of Newberg Community Development Code*. The Applicant thereby respectfully requests approval of this 2-Parcel Partition as proposed.



# TYPE II APPLICATION (LAND USE) -- 2019

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

**TYPES – PLEASE CHECK ONE:**

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

**APPLICANT INFORMATION:**

APPLICANT: Del Boca Vista LLC

ADDRESS: PO Box 3189, Newberg, OR 97132

EMAIL ADDRESS: mackenzie@dbvcorp.com; teresa@dbvcorp.com

PHONE: 971-706-2058 MOBILE: 503-550-1932 FAX: \_\_\_\_\_

OWNER (if different from above): South Park LLC PHONE: Same

ADDRESS: Same

ENGINEER/SURVEYOR: Cardno PHONE: 503-419-2500

ADDRESS: 6720 SW Macadam Ave., Ste. 200 Portland, OR 97219

**GENERAL INFORMATION:**

PROJECT NAME: South Park Lot 13 Partition PROJECT LOCATION: 523 S. Wynooski Street

PROJECT VALUATION: \_\_\_\_\_

PROJECT DESCRIPTION/USE: Partition 1 lot into 2 lots

MAP/TAX LOT NO. (i.e. 3200AB-400): R3220BD-4501 ZONE: R-2 SITE SIZE: 6,176 SQ. FT.  ACRE

COMP PLAN DESIGNATION: MDR TOPOGRAPHY: Less than 1% west to east

CURRENT USE: Vacant

SURROUNDING USES:

NORTH: R-2 Single Family Residence SOUTH: Multifamily Development (under construction); R-2

EAST: R-2 Single Family Residence WEST: R-2 Single Family Residence

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

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

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

Design Review .....p. 12

Partition Tentative Plat .....p. 14

Subdivision Tentative Plat .....p. 17

Variance Checklist .....p. 20

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

Mackenzie Davis 1/7/20  
 Applicant Signature Date

Marc Willcuts 1/7/20  
 Owner Signature Date

Mackenzie Davis, Land Acquisition & Development Manager

Marc Willcuts, member of Jackson & Co member of South Park LLC

Print Name

Print Name

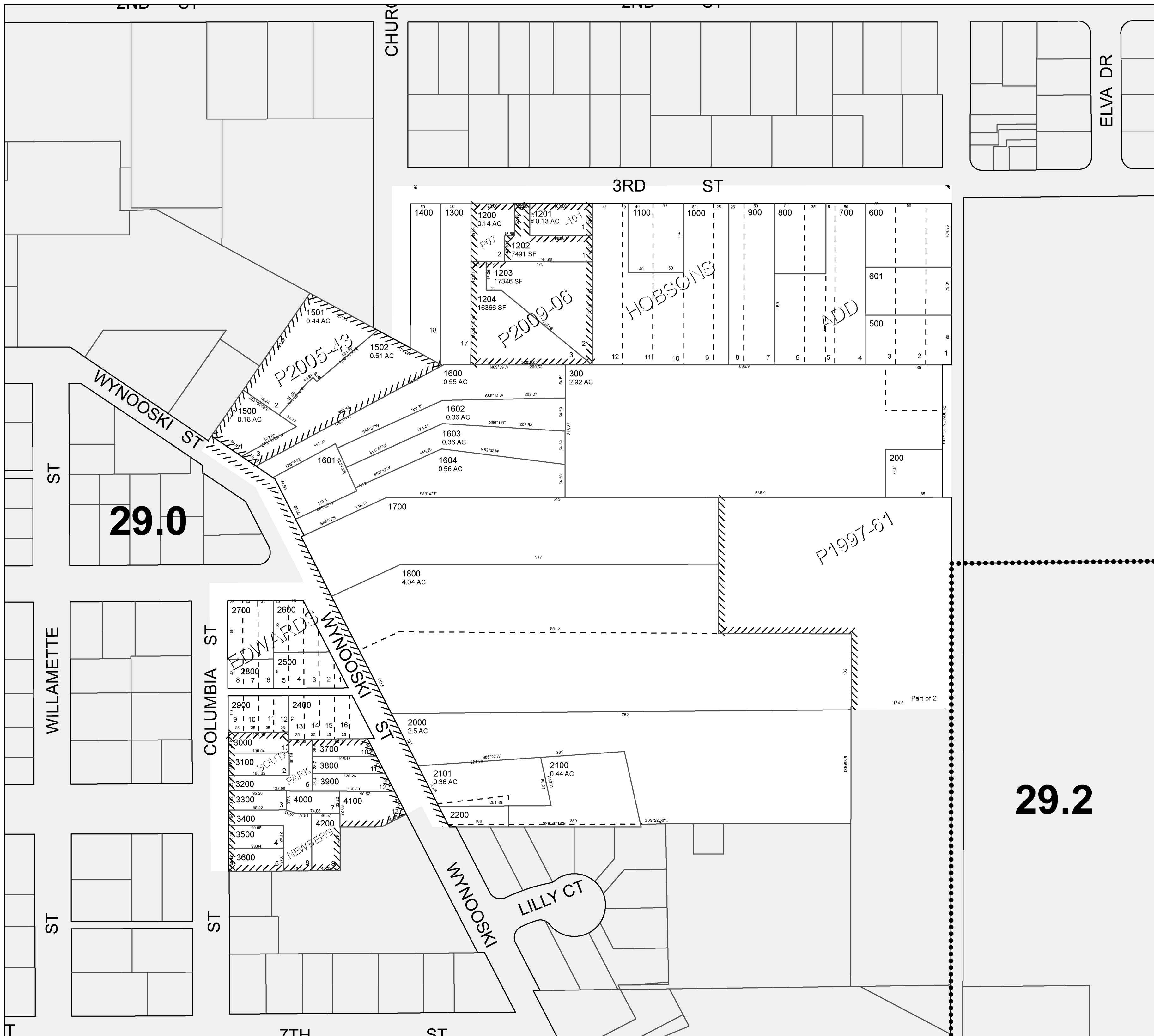
Attachments: General Information, Fee Schedule, Criteria, Checklists





ASSESSMENT & TAX  
CARTOGRAPHY

S.E. 1/4 N.W. 1/4 SEC. 20 T. 3S. R. 2W. W.M.  
YAMHILL COUNTY OREGON  
1" = 100'



CANCELLED TAXLOTS:  
2201  
1900  
801  
400  
2300

DATE PRINTED: 5/2/2019

This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.



**First American**

**First American Title Insurance Company**

825 NE Evans Street  
McMinnville, OR 97128  
Phn - (503)376-7363  
Fax - (866)800-7294

**PUBLIC RECORD REPORT  
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Del Boca Vista LLC  
500 E. Hancock  
Newberg, OR 97132  
Phone: (971)706-2058  
Fax:

Date Prepared : January 07, 2020  
Effective Date : 8:00 A.M on January 03, 2020  
Order No. : 1039-3377368  
Subdivision : SOUTH PARK NEWBERG Lot 13 Partition

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

**REPORT**

- A. The Land referred to in this report is located in the County of YAMHILL, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.



**EXHIBIT "A"**  
**(Land Description Map Tax and Account)**

A tract of land located in the Southwest 1/4 of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, being a portion of Lots 7, 9 and 12 and all of Lot 13 of the SOUTH PARK NEWBERG subdivision, the perimeter of which being more particularly described as follows:

Beginning at an iron rod marking the southwest corner of said Lot 13; thence North 89°50'40" East 68.35 feet to an iron rod; thence North 62°56'11" East 46.26 feet to an iron rod on the west margin of Wynoski Street; thence along said west margin North 27°04'31" West 45.03 feet to an iron rod; thence leaving said west margin South 88°43'10" West 89.17 feet to an iron rod marking the northwest corner of said Lot 13; thence North 89°34'14" West 5.50 feet to an iron rod on the north line of Lot 7; thence South 00°07'17" East 36.37 feet to an iron rod on the south line of said Lot Lot 7; thence South 89°42'43" West 3.10 feet to an iron rod on the north line of Lot 9; thence South 00°07'17" East 23.06 feet to an iron rod set in CS-13550; thence South 89°50'40" East 8.60 feet to the POINT OF BEGINNING.

Map No.:

Tax Account No.: 711898

**EXHIBIT "B"**  
**(Vesting)**

South Park LLC, an Oregon limited liability company

**EXHIBIT "C"**  
**(Liens and Encumbrances)**

1. Taxes for the year 2019-2020  
Tax Amount                                   \$           1,521.89  
Unpaid Balance:                           \$           1,521.89, plus interest and penalties, if any  
Code No.:                                   29.0  
Map & Tax Lot No.:                       R3220BD 04100  
Property ID No.:                         711898  
(Affects Lot 13)
  
2. Taxes for the year 2019-2020  
Tax Amount                                   \$           1,277.97  
Unpaid Balance:                           \$           1,277.97, plus interest and penalties, if any.  
Code No.:                                   29.0  
Map & Tax Lot No.:                       R3220BD 04000  
Property ID No.:                         711896  
(Affects Lot 7)
  
3. Taxes for the year 2019-2020  
Tax Amount                                   \$           1,337.61  
Unpaid Balance:                           \$           1,337.61, plus interest and penalties, if any.  
Code No.:                                   29.0  
Map & Tax Lot No.:                       R3220BD 03900  
Property ID No.:                         711894  
(Affects Lot 12)
  
4. City liens, if any, of the City of NEWBERG.
  
5. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
  
6. Easement as shown on the recorded plat/partition  
For:   Public utilities  
Affects:                                      Easterly 10 feet
  
7. Easement as shown on the recorded plat/partition  
For:   Storm Drain  
Affects:                                      See plat for exact location
  
8. Easement as shown on the recorded plat/partition  
For:   private 10' wide storm drain  
Affects:                                      Lot 7
  
9. Easement as shown on the recorded plat/partition  
For:   10' wide sanitary sewer to benefit City of Newberg  
Affects:                                      See plat for exact location

10. Easement as shown on the recorded plat/partition  
For: 5' wide private sanitary sewer  
Affects: Lot 9
11. Access and Utilities Easement and Maintenance Agreement, including terms and provisions thereof.  
Recorded: January 7, 2019 as Instrument No. 201900227, Deed and  
Mortgage Records  
(Affects Lot 9)
12. Access and Utilities Easement and Maintenance Agreement, including terms and provisions thereof.  
Recorded: January 7, 2019 as Instrument No. 201900228, Deed and  
Mortgage Records  
(Affects Lot 7)
13. Deed of Trust and the terms and conditions thereof.  
Grantor/Trustor: South Park LLC, an Oregon limited liability company  
Grantee/Beneficiary: Joseph Casey  
Trustee: First American Title  
Amount: \$100,000.00  
Dated: January 30, 2019  
Recorded: February 8, 2019  
Recording Information: Instrument No. 201901658, Deed and Mortgage Records  
(Affects Lot 13)
14. Deed of Trust and the terms and conditions thereof.  
Grantor/Trustor: South Park LLC, an Oregon limited liability company  
Grantee/Beneficiary: IRA Services CFBO James Feller IRA  
Trustee: First American Title  
Amount: \$300,000.00  
Dated: January 7, 2019  
Recorded: February 20, 2019  
Recording Information: Instrument No. 201902102, Deed and Mortgage Records  
(Affects Lot 7)
15. Deed of Trust and the terms and conditions thereof.  
Grantor/Trustor: South Park LLC, an Oregon limited liability company  
Grantee/Beneficiary: Stella5 Investments LLC, an Oregon limited liability company  
Trustee: First American Title  
Amount: \$301,511.00  
Recorded: March 19, 2019  
Recording Information: Instrument No. 201903306, Deed and Mortgage Records  
(Affects Lot 12)
16. Deed of Trust and the terms and conditions thereof.  
Grantor/Trustor: South Park LLC, an Oregon limited liability company  
Grantee/Beneficiary: Matthew Willcuts  
Trustee: First American Title  
Amount: \$100,000.00  
Dated: October 23, 2019  
Recorded: October 24, 2019  
Recording Information: Instrument No. 201915457, Deed and Mortgage Records  
(Affects Lot 13)

17. Easement, including terms and provisions contained therein:  
Recording Information: December 27, 2019 as Instrument No. 201918803, Deed  
and Mortgage Records  
For: variable width exclusive use easement
  
18. Any conveyance or encumbrance by South Park LLC should be executed pursuant to their Operating Agreement , a copy of which should be submitted to this office for inspection.

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$1,409.51
Map No.:	R3220BD 04200
Property ID:	711900
Tax Code No.:	29.0

(Affects Lot 9)

## DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
  
2. **Liability of the Company.**
  - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
  - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
  - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
    - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
    - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
    - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
    - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
    - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
    - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
    - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
  
3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

# Record of Survey for : South Park LLC

Location: SE 1/4 of NW 1/4 of Section 20 T. 3 S., R. 2 W., WM.,  
Being a portion of the Joseph B. Rogers D.L.C. #55  
In a portion of Lots 12 and 13 of SOUTH PARK NEWBERG Subdivision Plat  
City of Newberg, Yamhill County, OR

Tax Lot: 3220BD - 3900 & 4100

Date: 8 NOVEMBER 2019

City of Newberg Planning Docket No. ADJP19-0006

TAX LOT: 3220BD-3800  
SOUTH PARK LLC  
INST. NO. 201901659  
LOT 11 OF SOUTH PARK NEWBERG  
3,716 Sq. FEET

TAX LOT: 3220BD-3900  
SOUTH PARK LLC  
LOT 12 OF SOUTH PARK NEWBERG  
3,716 Sq. FEET BEFORE ADJUSTMENT  
3,596 Sq. FEET AFTER ADJUSTMENT

TAX LOT: 3220BD - 4100  
SOUTH PARK LLC  
INST. NO. 201912947  
Lot 13 OF SOUTH PARK NEWBERG  
6,056 Sq. FEET BEFORE ADJUSTMENT  
6,176 Sq. FEET AFTER ADJUSTMENT

TAX LOT: 3220BD - 4000  
SOUTH PARK LLC  
INST. NO. 201902101  
Lot 7 OF SOUTH PARK NEWBERG  
3,003 Sq. FEET

TAX LOT: 3220BD - 04200  
SOUTH PARK LLC  
INST. NO. 201900668  
Lot 9 OF SOUTH PARK NEWBERG  
4,209 Sq. FEET

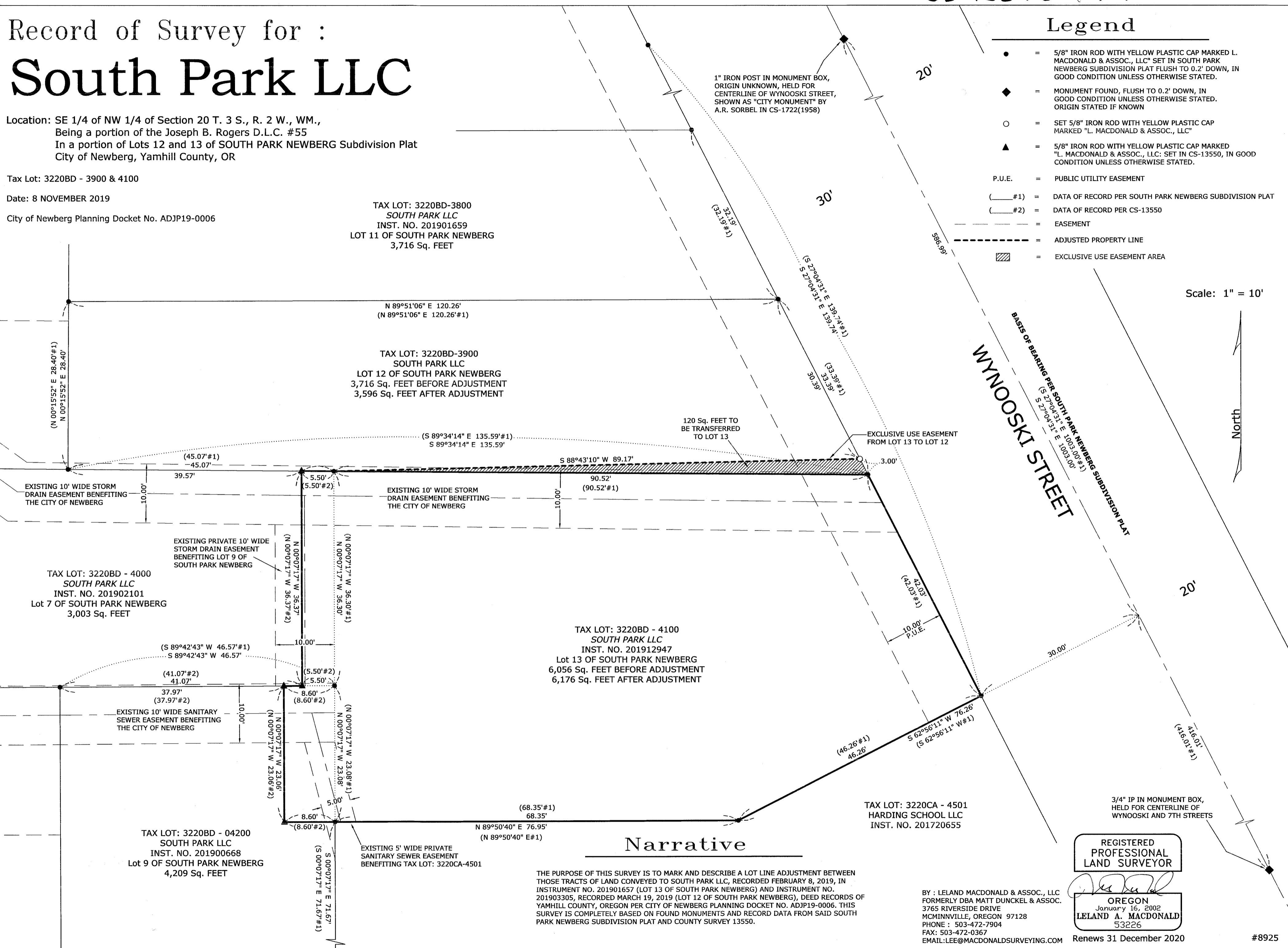
TAX LOT: 3220CA - 4501  
HARDING SCHOOL LLC  
INST. NO. 201720655

## Legend

- = 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED L. MACDONALD & ASSOC., LLC SET IN SOUTH PARK NEWBERG SUBDIVISION PLAT FLUSH TO 0.2" DOWN, IN GOOD CONDITION UNLESS OTHERWISE STATED.
- ◆ = MONUMENT FOUND, FLUSH TO 0.2" DOWN, IN GOOD CONDITION UNLESS OTHERWISE STATED. ORIGIN STATED IF KNOWN
- = SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "L. MACDONALD & ASSOC., LLC"
- ▲ = 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "L. MACDONALD & ASSOC., LLC; SET IN CS-13550, IN GOOD CONDITION UNLESS OTHERWISE STATED.
- P.U.E. = PUBLIC UTILITY EASEMENT
- (#1) = DATA OF RECORD PER SOUTH PARK NEWBERG SUBDIVISION PLAT
- (#2) = DATA OF RECORD PER CS-13550
- - - = EASEMENT
- - - - - = ADJUSTED PROPERTY LINE
- ▨ = EXCLUSIVE USE EASEMENT AREA

Scale: 1" = 10'

North



## Narrative

THE PURPOSE OF THIS SURVEY IS TO MARK AND DESCRIBE A LOT LINE ADJUSTMENT BETWEEN THOSE TRACTS OF LAND CONVEYED TO SOUTH PARK LLC, RECORDED FEBRUARY 8, 2019, IN INSTRUMENT NO. 201901657 (LOT 13 OF SOUTH PARK NEWBERG) AND INSTRUMENT NO. 201903305, RECORDED MARCH 19, 2019 (LOT 12 OF SOUTH PARK NEWBERG), DEED RECORDS OF YAMHILL COUNTY, OREGON PER CITY OF NEWBERG PLANNING DOCKET NO. ADJP19-0006. THIS SURVEY IS COMPLETELY BASED ON FOUND MONUMENTS AND RECORD DATA FROM SAID SOUTH PARK NEWBERG SUBDIVISION PLAT AND COUNTY SURVEY 13550.

BY : LELAND MACDONALD & ASSOC., LLC  
FORMERLY DBA MATT DUNCKEL & ASSOC.  
3765 RIVERSIDE DRIVE  
MCMINNVILLE, OREGON 97128  
PHONE : 503-472-7904  
FAX: 503-472-0367  
EMAIL: LEE@MACDONALDSURVEYING.COM

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
January 15, 2002  
LELAND A. MACDONALD  
53226

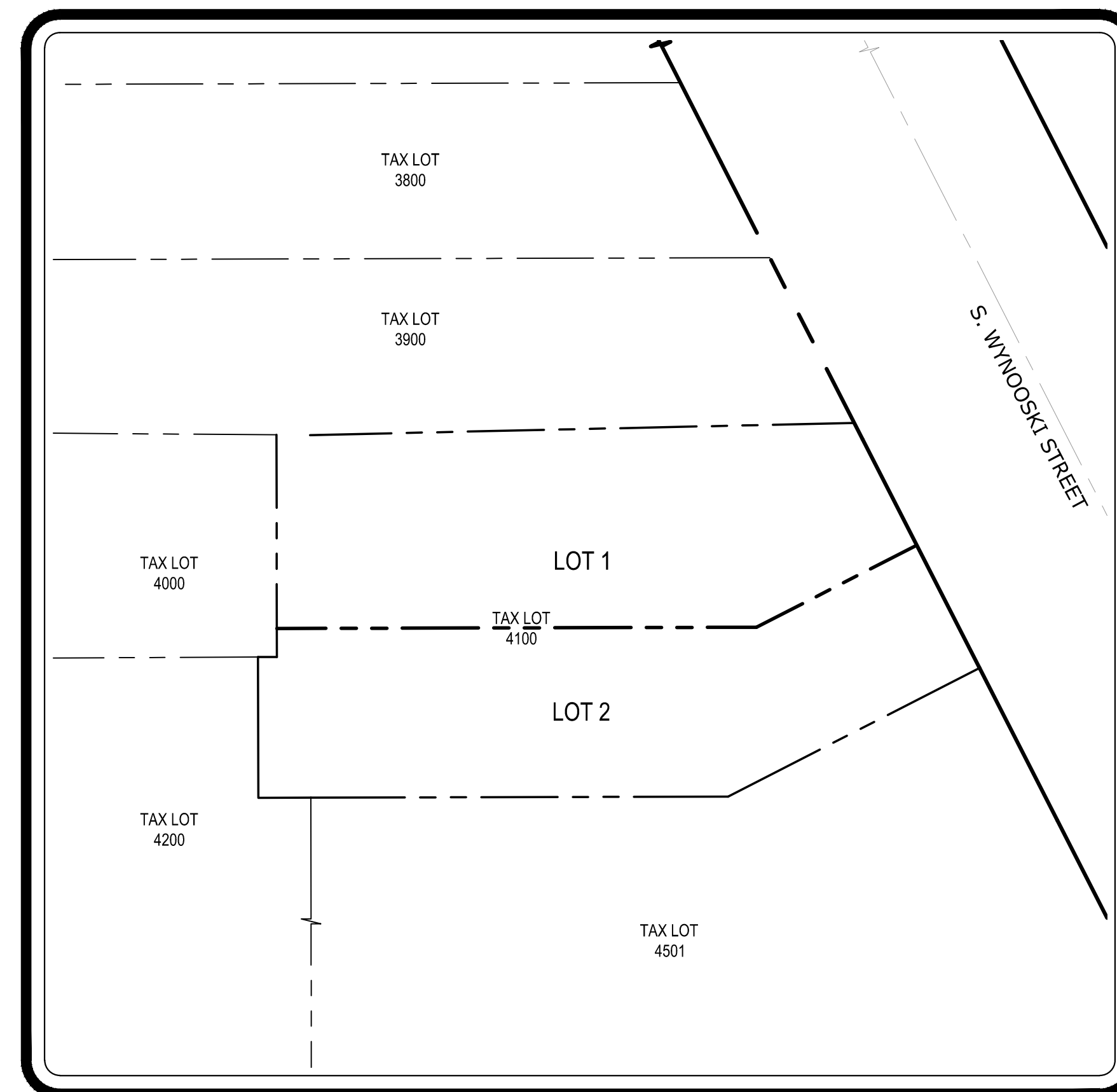
Renews 31 December 2020

# 523 S. WYNOOSKI STREET PARTITION

PREPARED FOR:  
SOUTH PARK LLC.  
NEWBERG, OREGON



VICINITY MAP  
SCALE: NTS



SITE MAP  
SCALE: NTS

### SITE INFORMATION

LOCATED AT 523 WYNOOSKI STREET

ZONE = R-2

LOT SIZE = 6,176 SF

### PROJECT TEAM

#### DEVELOPER / PLANNER

SOUTH PARK LLC  
ATTN: MACKENZIE DAVIS  
PO BOX 3189  
NEWBERG, OR 97132  
PHONE: 913-544-4812

#### CIVIL ENGINEER

CARDNO  
ATTN: JEFF VANDERDASSON, P.E.  
6720 SW MACADAM AVE. SUITE 200  
PORTLAND, OR 97219  
PHONE: 503-419-2500  
FAX: 503-419-2600

### SHEET INDEX

C0.0 - COVER SHEET  
C1.0 - EXISTING CONDITIONS AND DEMO PLAN  
C2.0 - PRELIMINARY PARTITION PLAT  
C3.0 - SITE AND UTILITY PLAN

#	DATE	DESCRIPTION	BY

DATE	02/05/2020
DRAWN	MAW
DESIGNED	MAW
CHECKED	JAV
PROJECT #	

SHEET TITLE  
**COVER SHEET**  
SHEET NUMBER

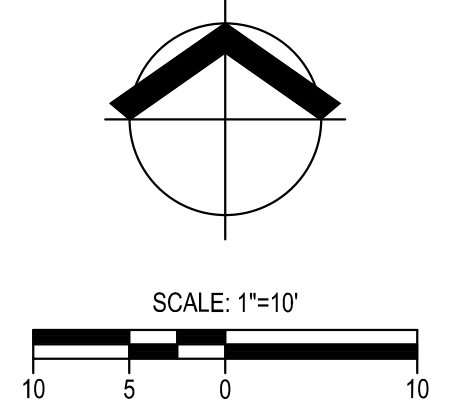
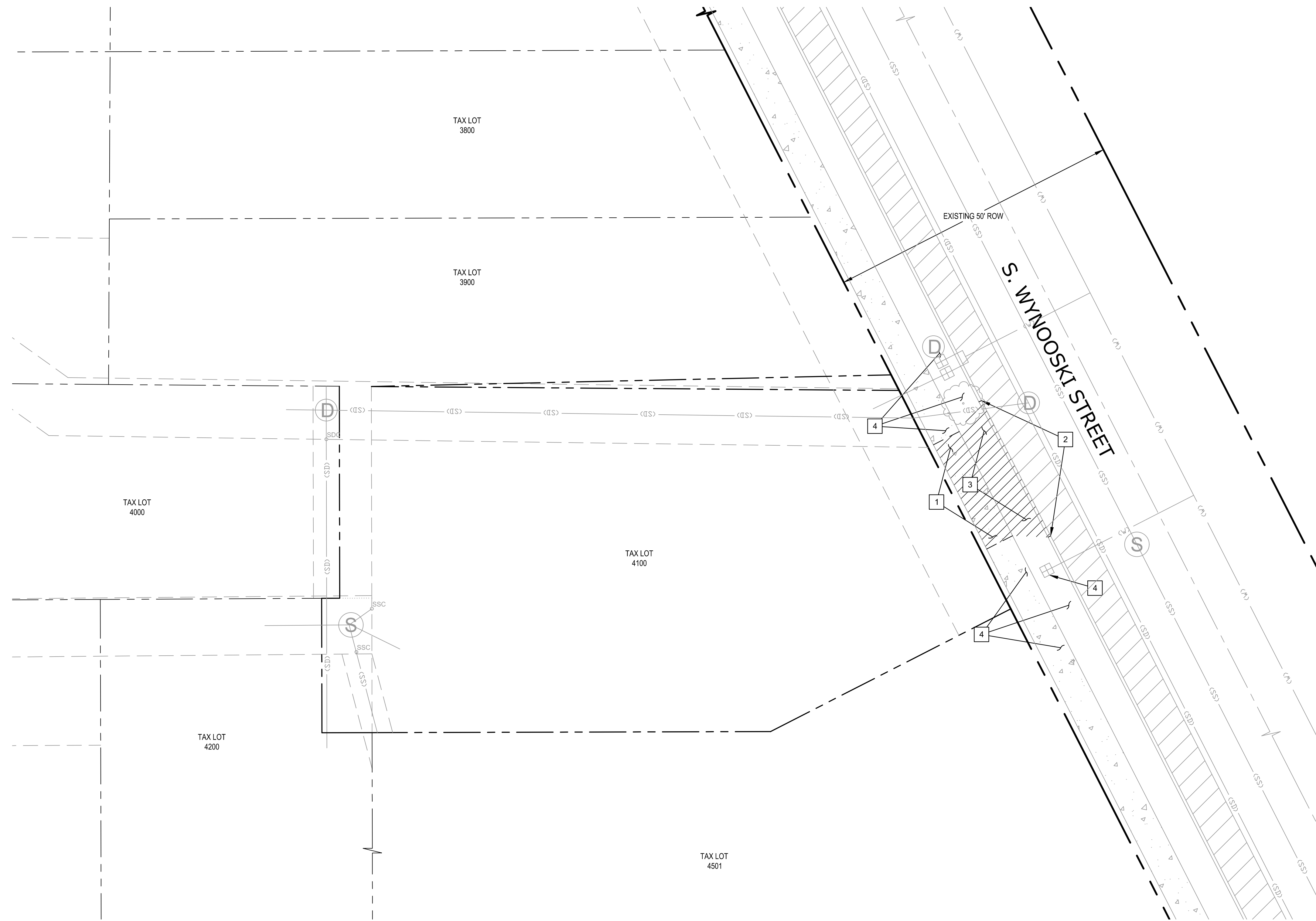
**C0.0**

LAND USE #

COVER SHEET  
**523 S. WYNOOSKI ST PARTITION**  
SOUTH PARK LLC  
NEWBERG, OR







**EXISTING LEGEND**

- RIGHT OF WAY LINE
- ADJACENT LOT LINE
- LOT LINE OF SUBJECT PROPERTY
- EASEMENT LINE
- CURB
- CENTER LINE
- STORM DRAIN LINE - LOCATION ASSUMED
- SANITARY SEWER LINE - LOCATION ASSUMED
- WATER LINE - LOCATION ASSUMED
- CONCRETE
- BIKE LANE
- AREA TO BE DEMOLISHED
- SANITARY MANHOLE
- STORM MANHOLE
- WATER METER
- SANITARY CLEANOUT
- STORM CLEANOUT
- STREET TREE

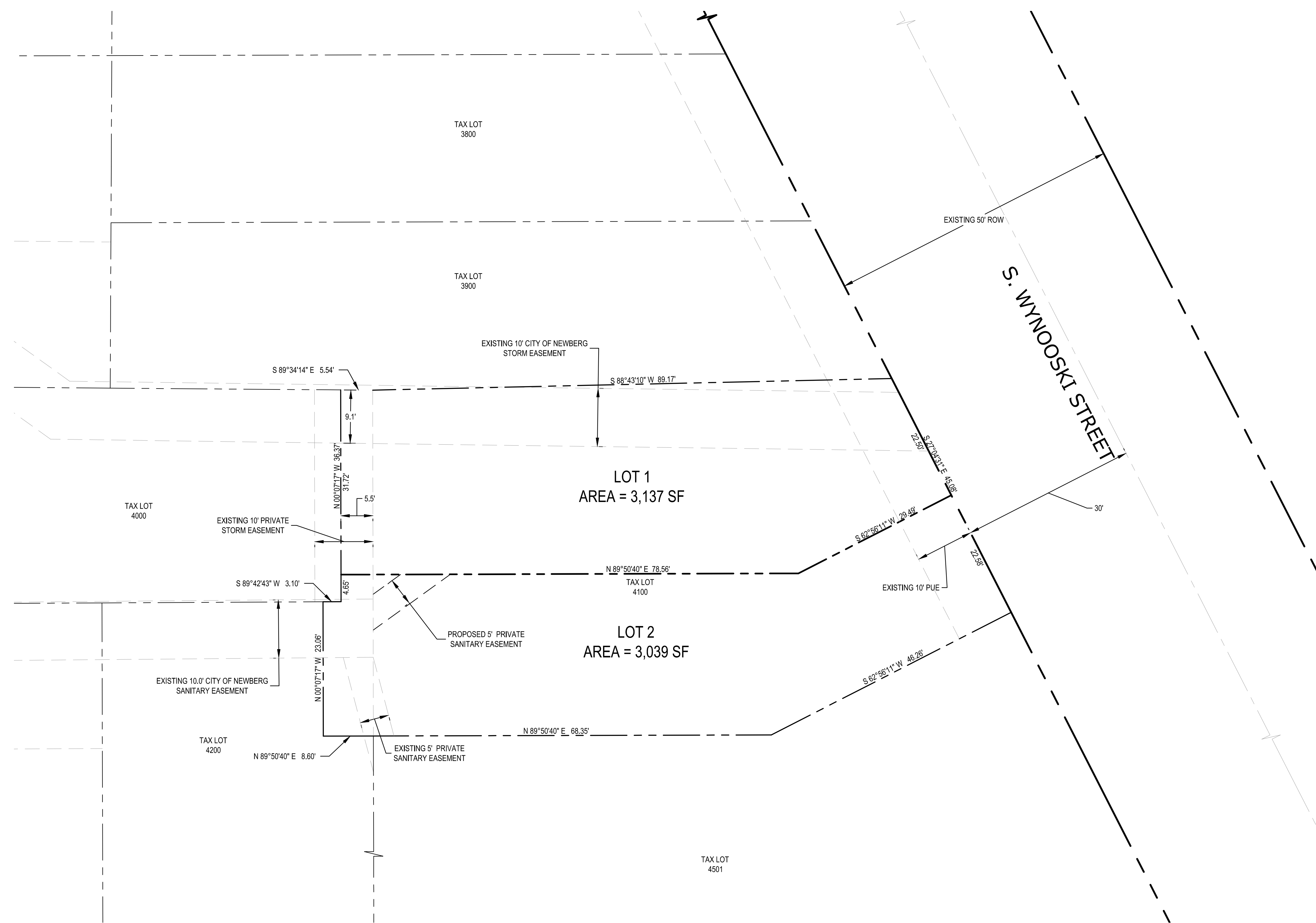
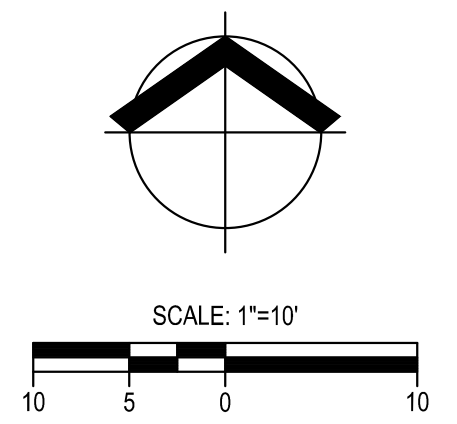
**DEMOLITION NOTES**

- 1** SAWCUT AND REMOVE EXISTING SIDEWALK.
- 2** SAWCUT AND REMOVE EXISTING CURB.
- 3** REMOVE EXISTING LANDSCAPING.
- 4** PRESERVE AND PROTECT EXISTING SIDEWALK, UTILITIES, TREES AND LANDSCAPING.

**EXISTING CONDITIONS AND DEMO PLAN**  
**523 S. WYNOOSKI ST PARTITION**  
 SOUTH PARK LLC  
 NEWBERG, OR

#	DATE	DESCRIPTION	BY

DATE	02/05/2020
DRAWN	MAW
DESIGNED	MAW
CHECKED	JAV
PROJECT #	
SHEET TITLE	
EXCOND & DEMO PLAN	
SHEET NUMBER	
<b>C1.0</b>	
LAND USE #	



- EXISTING LEGEND**
- RIGHT OF WAY LINE
  - ADJACENT LOT LINE
  - LOT LINE OF SUBJECT PROPERTY
  - EASEMENT LINE
  - CENTER LINE
- PROPOSED LEGEND**
- LOT LINE

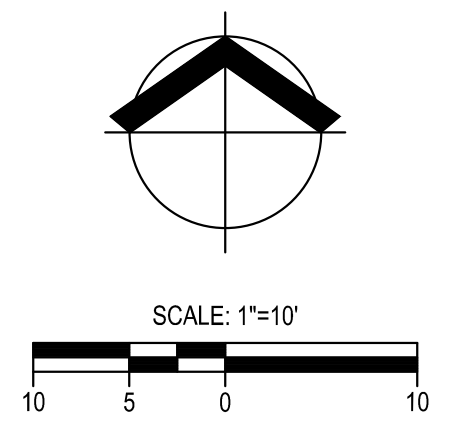
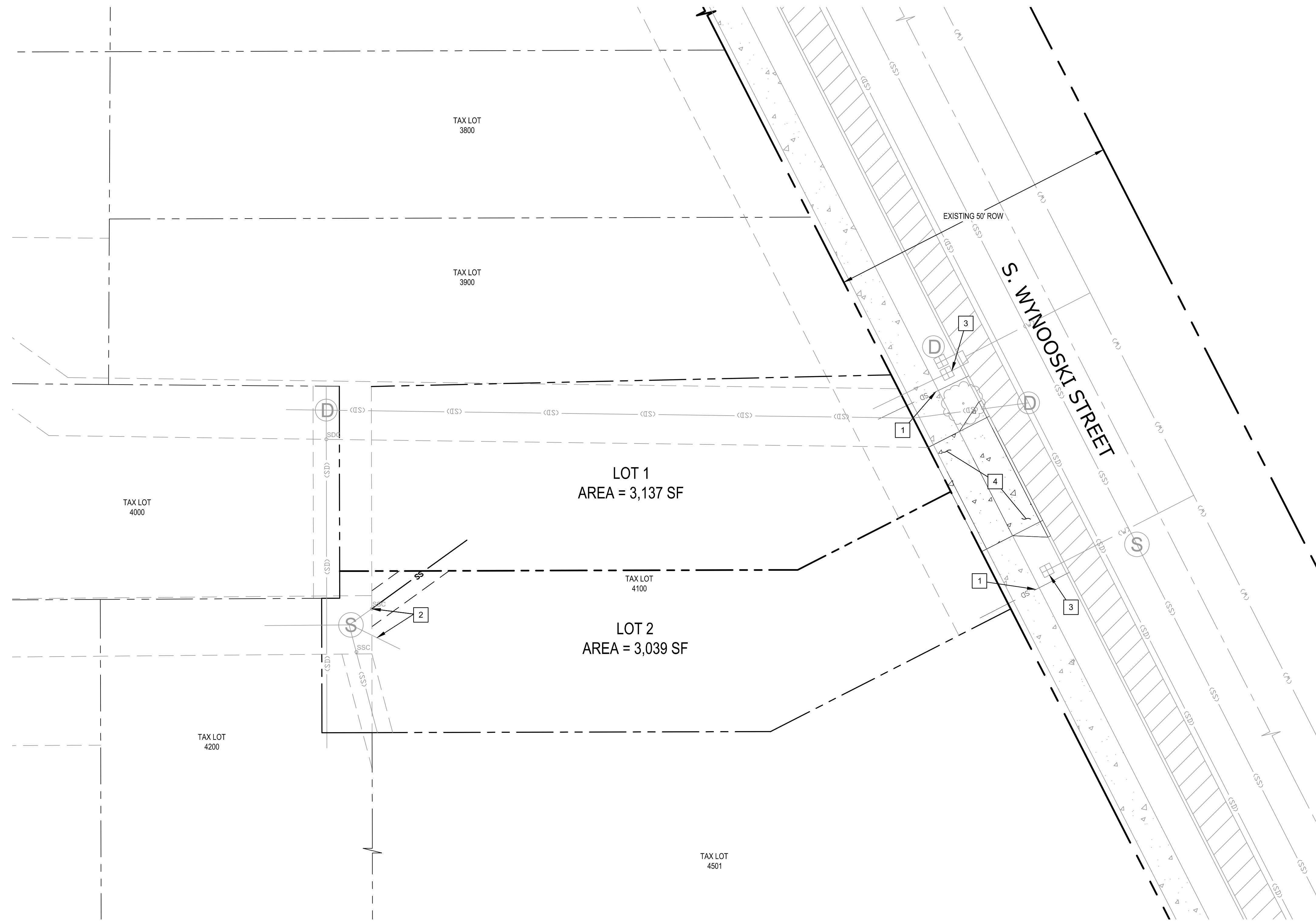
**SETBACK TABLE**

ZONE R-2	
MIN. LOT SIZE	3,000 SF
MIN. FRONT YARD	15 FT
MIN. FRONT YARD TO GARAGE	20 FT
MIN. INTERIOR SIDE YARD	5 FT
MIN. REAR YARD	5 FT

**PRELIMINARY PARTITION PLAT**  
**523 S. WYNOOSKI ST PARTITION**  
**SOUTH PARK LLC**  
**NEWBERG, OR**

#	DATE	DESCRIPTION	BY

DATE	02/05/2020
DRAWN	MAW
DESIGNED	MAW
CHECKED	JAV
PROJECT #	
SHEET TITLE	PRELIM. PARTITION PLAT
SHEET NUMBER	C2.0
LAND USE #	



**EXISTING LEGEND**

- RIGHT OF WAY LINE
- ADJACENT LOT LINE
- LOT LINE OF SUBJECT PROPERTY
- EASEMENT LINE
- CURB
- CENTER LINE
- (SD) - STORM DRAIN LINE - LOCATION ASSUMED
- (SS) - SANITARY SEWER LINE - LOCATION ASSUMED
- (W) - WATER LINE - LOCATION ASSUMED
- CONCRETE
- BIKE LANE
- (S) - SANITARY MANHOLE
- (D) - STORM MANHOLE
- (M) - WATER METER
- (SC) - SANITARY CLEANOUT
- (SC) - STORM CLEANOUT
- (T) - STREET TREE

**PROPOSED LEGEND**

- LOT LINE
- FACE OF CURB
- SD - STORM DRAIN LINE
- SS - SANITARY SEWER LINE
- CONCRETE

**PROPOSED SITE NOTES**

- 1 PROPOSED 4" STORM LATERAL (FACE OF CURB DRAIN).
- 2 CONNECT TO EXISTING SANITARY SEWER LATERAL.
- 3 EXISTING WATER METER SERVICES.
- 4 PROPOSED 20' SHARED DRIVEWAY WITH 3' WINGS.

**SITE AND UTILITY PLAN**

**523 S. WYNOOSKI ST PARTITION**  
**SOUTH PARK LLC**  
**NEWBERG, OR**

#	DATE	DESCRIPTION	BY

DATE	02/05/2020
DRAWN	MAW
DESIGNED	MAW
CHECKED	JAV
PROJECT #	
SHEET TITLE	
SITE & UTILITY PLAN	
SHEET NUMBER	
C3.0	
LAND USE #	

**MEMORANDUM**



**To:** City of Newberg  
Planning Department

**From:** Jeff Vanderdasson  
Principal

**Date:** January 6, 2020

**Project:** South Park Lot 13 Partition

**Re:** Impervious Area Analysis

6720 SW Macadam Ave.  
Suite 200  
Portland, OR 97219

**Phone** (503) 419-2500  
**Fax** (503) 419-2600

[www.cardno.com](http://www.cardno.com)

This Application proposes a 2-Parcel Partition of Lot 13 of the South Park Newberg Subdivision (SUB217-0004). As addressed via the South Park Newberg Subdivision Land Use submittal, prior to the development of the subject property there was 43,084 SF of existing impervious area located on the subject property. As per *Section 4.6.1.II* of the City's *Design & Construction Standards*, impervious area associated with single-family lots may be estimated at a rate of 2,877 SF of impervious area per dwelling. Following approval of the proposed partition, the South Park Newberg Subdivision will include a total of 14 single-family detached dwellings. Therefore, the total impervious area created by the South Park Newberg Subdivision will be 40,278 SF (14-dwellings x 2,877 SF).

Furthermore, as per *Section 4.6.1.II* "stormwater quality and quantity facilities shall be sized for all net impervious area created by the subdivision". As per *Section 1.6* net impervious area is defined as "The increase in impervious area on a property after a project is completed." As the proposed improvements to due not constitute more than 43,084 SF (the existing impervious area on the subject property prior to development), there will be no increase in impervious area on the subject property following completion of development, thereby no stormwater quality or quantity facilities are warranted or proposed.



Renews 6/30/20



## Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132

503-537-1240. Fax 503-537-1272 [www.newbergoregon.gov](http://www.newbergoregon.gov)

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

A property owner in your neighborhood submitted an application to the City of Newberg to subdivide a parcel of land from *one lot into two lots* separate lots. You are invited to take part in the City's review of this project by sending in your written comments. You also may request that the Planning Commission hold a hearing on the application. The applicable criteria used to make a decision on this application for preliminary subdivision plan approval are found in Newberg Development Code 15.235.050(A). For more details about giving comments, please see the back of this sheet.

The application would create *two* lots: Parcel 1 will be 3,137 SF, and Parcel 2 will be 3,039 SF. Both proposed lots will take access off of S. Wynooski St. There is no proposed construction or demolition associated with this Land Use Application.

APPLICANT: *Del Boca Vista LLC*  
TELEPHONE: *971-706-2058*

PROPERTY OWNER: *South Park LLC*  
LOCATION: *523 S Wynooski Street*

TAX LOT NUMBER: *R3220BD/04100*



*Working Together For A Better Community-Serious About Service"*

N:\ACTIVE PROJECTS\South Park\Land Development\1 - Entitlements\Land Use Applications\Partition Lot 13\Notices\Notice Mailer.doc

We are mailing you information about this project because you own land within 500 feet of the proposed new project. We invite you to send any written comments for or against the proposal within 14 days from the date this notice is mailed. You also may request that the Newberg Planning Commission hold a hearing on the application by sending a written request during this 14-day period and identifying the issues you would like the Planning Commission to address. If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No. **XXXXXX**  
City of Newberg  
Community Development Department  
PO Box 970  
Newberg, OR 97132

All written comments must be turned in by 4:30 p.m. on **enter date two weeks from date you mailed notice**. Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the City in writing before this date. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for preliminary subdivision plan approval are found in Newberg Development Code 15.235.050(A).

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240. The Community Development Director will make a decision at the end of a 14-day comment period. If you send in written comments about this project, you will be sent information about any decision made by the City relating to this project.

Date Mailed: **XXXX**

**POSTED NOTICE**

**Land Use Notice**

**FILE #**

**PROPOSAL:** Partition 523 S. Wynooski St. Into Two Lots

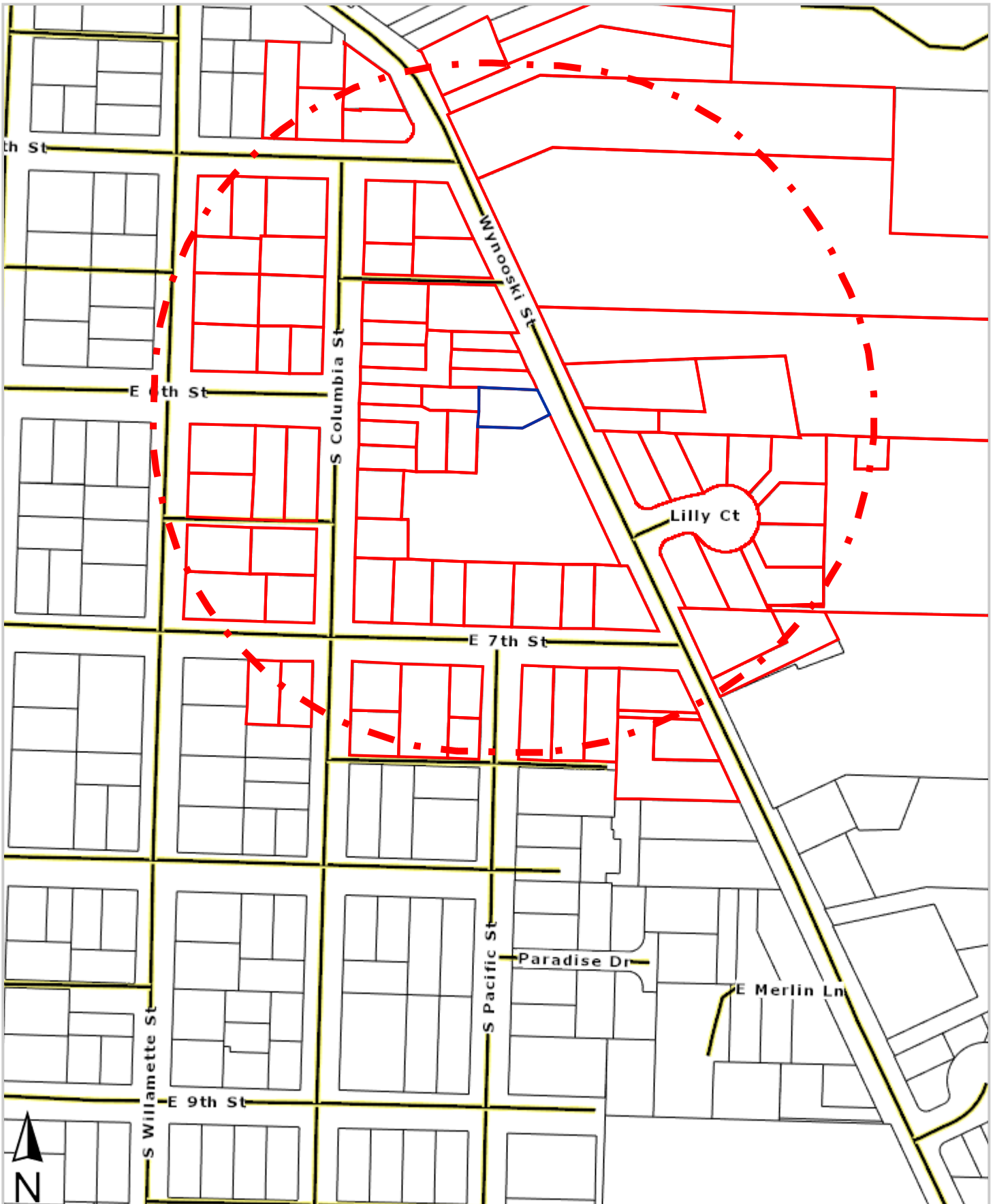
**FOR FURTHER INFORMATION, CONTACT:**

City of Newberg  
Community Development Department  
414 E First Street  
Phone: 503-537-1240

3'

2'

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



**First American Title™**

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



FRANK ROBINSON  
434 WYNOOSKI ST  
NEWBERG OR 97132

KAREN MOORE  
520 WYNOOSKI ST  
NEWBERG OR 97132

JANICE ALEXANDER  
1401 E 5TH ST  
NEWBERG OR 97132

LAN W KEUSINK  
436 S WYNOOSKI ST  
NEWBERG OR 97132

THERESA PFAFFLE-THOMPSON  
438 WYNOOSKI ST  
NEWBERG OR 97132

GRIJALVA FAMILY TRUST  
857 CLAY ST  
ASHLAND OR 97520

DANIEL ROACH  
PO BOX 21413  
KEIZER OR 97307

ROBERT COLLINS  
1308 E 5TH ST  
NEWBERG OR 97132

MARK TOMPKINS  
1607 LILLY CT  
NEWBERG OR 97132

ZACHARY ROBERTS  
1615 LILLY CT  
NEWBERG OR 97132

KATHERINE HEINECKE  
1621 LILLY CT  
NEWBERG OR 97132

DINNY GRONICH  
1627 LILLY CT  
NEWBERG OR 97132

SUSAN O'DONNELL  
1630 LILLY CT  
NEWBERG OR 97132

ERICA LEBLANC  
1624 LILLY CT  
NEWBERG OR 97132

DANIEL CARPENTER  
1616 LILLY CT  
NEWBERG OR 97132

ALFREDO CAMACHO  
1608 LILLY CT  
NEWBERG OR 97132

KEVIN SANDS  
1600 LILLY CT  
NEWBERG OR 97132

HARDING SCHOOL LLC  
2201 NE CHEHALEM DR  
NEWBERG OR 97132

MADILYN BANUG  
608 S COLUMBIA ST  
NEWBERG OR 97132

GREGORY THOMPSON  
614 S COLUMBIA ST  
NEWBERG OR 97132

MALLOY JODI M & SEAN A  
TRUSTEES FOR  
PO BOX 895  
SISTERS OR 97759

FREDERICK LABONTE  
1514 E 7TH ST  
NEWBERG OR 97132

NEWBERG CITY OF  
401 E 3RD ST  
NEWBERG OR 97132

ALITA OSTAPKOVICH  
701 S PACIFIC ST  
NEWBERG OR 97132

NEWBERG CITY OF  
535 NE 5TH ST  
MCMINNVILLE OR 97128

STEPHEN ROSENBERGER  
712 WYNOOSKI ST  
NEWBERG OR 97132

MATTHEW ROSS  
1601 LILLY CT  
NEWBERG OR 97132

TOMAS MCCOMB  
700 WYNOOSKI ST  
NEWBERG OR 97132

GERALD BALES  
PO BOX 752  
NEWBERG OR 97132

JOHN MAIDHOF  
1307 E 5TH ST  
NEWBERG OR 97132

MICHAEL MALONE  
1315 E 5TH ST  
NEWBERG OR 97132

RICHARD PHILLIPS  
435 WYNOOSKI ST  
NEWBERG OR 97132

ANDREW JOHNSON  
1314 E 5TH ST  
NEWBERG OR 97132

BRANDON CASE  
511 S COLUMBIA ST  
NEWBERG OR 97132

STEVE WILSON  
1315 E 6TH ST  
NEWBERG OR 97132

ALVIN MCKAY  
26103 STARLITE WAY  
SAN ANTONIO TX 78260

TIMOTHY WILLIAMSON  
520 S WILLAMETTE ST  
NEWBERG OR 97132

CHARLES CELESTINE  
514 S WILLAMETTE ST  
NEWBERG OR 97132

JOHN HEADRICK  
1300 E 5TH ST  
NEWBERG OR 97132

BUCKHOLTZ KIMBERLEE  
561 SE MAPLE ST  
DUNDEE OR 97115

ANGELA SINGLETON  
707 WYNOOSKI ST  
NEWBERG OR 97132

FREDERICK LABONTE  
1514 E 7TH ST  
NEWBERG OR 97132

JOSEPH SEDAGHATY  
1508 E 7TH ST  
NEWBERG OR 97132

COLLING NEWBERG PROPERTIES  
13835 SW HALL BLVD  
TIGARD OR 97223

NICHOLAS MIRAMONTES  
700 S PACIFIC ST  
NEWBERG OR 97132

COLTON SORENSEN  
704 S COLUMBIA ST  
NEWBERG OR 97132

NABOR PEREDA  
615 N MERIDIAN ST  
NEWBERG OR 97132

BONIFACIO GOMEZ  
1408 E 7TH ST  
NEWBERG OR 97132

MELVIN DEPUY  
1414 3 7TH ST  
NEWBERG OR 97132

GARY TANDY  
1401 E 7TH ST  
NEWBERG OR 97132

RANDALL STEPHENSON  
1413 E 7TH ST  
NEWBERG OR 97132

RAYMOND QUINTANA  
1415 E 7TH ST  
NEWBERG OR 97132

ELLIOTT CIOTA  
1501 E 7TH ST  
NEWBERG OR 97132

JOHN MORRIS  
1507 E 7TH ST  
NEWBERG OR 97132

ERNEST YODER  
619 WYNOOSKI ST  
NEWBERG OR 97132

GLORIA LAWRENCE  
1310 E 6TH ST  
NEWBERG OR 97132

EDWARD BUCK  
444 WYNOOSKI ST  
NEWBERG OR 97132

RICHARD BELLISARIO  
500 WYNOOSKI ST  
NEWBERG OR 97132

PAUL MCCOLM  
1314 E 6TH ST  
NEWBERG OR 97132

JAY HOLBOKE  
518 WYNOOSKI ST  
NEWBERG OR 97132

JASON DELP  
611 S COLUMBIA ST  
NEWBERG OR 97132

DANIEL SCHNEIDER  
600 WYNOOSKI ST  
NEWBERG OR 97132

ELISABETH HANEY  
621 S COLUMBIA ST  
NEWBERG OR 97132

DAVID HEIKKINEN  
513 WYNOOSKI ST  
NEWBERG OR 97132

DONN WETMORE  
620 S WILLAMETTE ST  
NEWBERG OR 97132

AMY FERGUSON  
507 WYNOOSKI ST  
NEWBERG OR 97132

FIDEL MONTOYA  
614 S WILLAMETTE ST  
NEWBERG OR 97132

PAUL ROTH  
500 WYNOOSKI ST  
NEWBERG OR 97132

BRETT ANDERSON  
610 S WILLAMETTE ST  
NEWBERG OR 97132

MARY SHROLL  
1402 E 5TH ST  
NEWBERG OR 97132

SELENA TABSCOTT  
600 S WILLAMETTE ST  
NEWBERG OR 97132

STEVEN HARDGROVE  
510 S COLUMBIA ST  
NEWBERG OR 97132

KRISTJANA ALEXANDER  
512 S COLUMBIA ST  
NEWBERG OR 97132

LILLIAN LITFIN  
1314 E 7TH ST  
NEWBERG OR 97132

MARK TROLLINGER  
1306 E 7TH ST  
NEWBERG OR 97132

KYLE F WHITE  
602 S COLUMBIA ST  
NEWBERG OR 97132

MEHRIANNA NICHOLSON  
604 S COLUMBIA ST  
NEWBERG OR 97132

## Attachment 3: Agency Comments



March 20, 2020

City of Newberg  
Doug Rux  
414 E. First St.  
Newberg, OR 97132

**Re: PAR20-0001, 523 S. Wynooski, Newberg, OR 97132**

Dear Doug,

Thank you for the opportunity to review the proposed site plan surrounding the above-named development project. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval:

1. **FIREFIGHTING WATER SUPPLY FOR INDIVIDUAL ONE- AND TWO-FAMILY DWELLINGS:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)
2. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)
3. **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where the most remote portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)

If you have questions or need further clarification or would like to discuss any alternate methods and/or materials, please feel free to contact me at **(503)259-1409**.

Sincerely,

Ty Darby  
Deputy Fire Marshal II

**Attachment 4: Public Comments**

RECEIVED

MAR 30 2020

Initial: \_\_\_\_\_

March 29, 2020

Subject: Tax lot R3220BD/04100

Dear Planning Commission Representatives,

We are opposed to allowing for another structure on the subject property. The open area is needed for air flow through the dense construction. Shading trees and landscaping would be favorable use as the area is better suited to form a small common area for the developments residents to share.

Perhaps you saw the article published in the Oregonian last summer. A national study revealed how dense housing and no green space created neighborhoods with summer temperatures as much as ten degrees warmer than nearby neighborhoods with lawns, trees, and landscaping. The dense construction of this development has the homes positioned so close together that they will act as a large heat sink during the summer months. Please don't add to the problem.

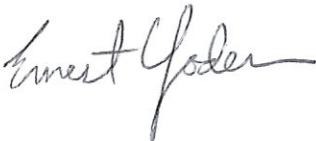
The other issue the neighborhood now faces is inadequate parking accommodations. People are parking across sidewalks or in random ways that do not properly use the available space. Perhaps parking space markings should be considered for the immediate area.

Ernie & Norma Yoder

619 Wynooski Street.

Newberg, OR 97132

503 547 4026



**Doug Rux**

---

**From:** Michele C. Faber  
**Sent:** Monday, March 30, 2020 4:15 PM  
**To:** PLANNING  
**Subject:** FW: In lieu of written letter Opposition to File# PAR20-0001 and AJD20-0001 "The partition of 523 S Wynooski Street into two lots."  
**Attachments:** 0809181049\_HDR.jpg; 20200326\_153938.jpg

Please see below for a partition written comments.

Thank you,

*Michele Faber*

Administrative Assistant

414 E First Street / P.O. Box 970, Newberg, OR 97132

Direct

(503) 554-1371 City Hall (503) 537-1240 Fax (503) 537-1272



[www.newbergoregon.gov](http://www.newbergoregon.gov)

**From:** Matthew Ross [mailto:uthpastorskippy1994@gmail.com]  
**Sent:** Monday, March 30, 2020 3:40 PM  
**To:** Permit Submittals  
**Subject:** In lieu of written letter Opposition to File# PAR20-0001 and AJD20-0001 "The partition of 523 S Wynooski Street into two lots."

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir or Madam,

I am writing to you today in my opposition to File# PAR20-0001 and AJD20-0001 "The partition of 523 S Wynooski Street into two lots." As a homeowner adjacent to this property I am concerned at the continued development of this property with no consideration of the reality of parking in our neighborhood. When initially submitted this development had only 12 lots. At some point, at which I am not aware because I was not notified, it was increased to 13 lots. Now they are looking at 14 lots. Where is everyone supposed to park?

The four homes in this area of the development should have two parking spaces onsite per city code for R-2 zoning for three bedroom homes. There is no on street parking due to a bike lane so a credit for street parking is not available. As a result the parking spaces need to be provided onsite which they are not. I shall explain why in the following:

**15.440.030 Parking spaces required.**

<u>Dwelling, multifamily and multiple single-family dwellings on a single lot</u>
---



Studio or one-bedroom unit  
Two-bedroom unit  
Three- and four-bedroom unit  
Five- or more bedroom unit

1 per dwelling unit  
1.5 per dwelling unit  
2 per dwelling unit  
0.75 spaces per bedroom

These homes, because of their placing and design plan do not have a garage space that legally fits the definition of a garage as per the definition of a single car garage by city code:

15.05.030 Definitions. "**Garage, single-car**" means a covered parking space enclosed on all four sides designed for the parking of one motor vehicle. A single-car garage shall have a minimum inside width of 10 feet by 20 feet.

All of these homes in this area are built off of the *Rosemont Floor Plan* which lists an internal unfinished dimension of the garage width as less than 10 feet at, I believe, 9 foot 10 inches. When measured with a tape, they do measure at 9 foot 10 inches in the rough, but can be assumed as losing two more inches in width when drywalled taking them to 9 foot 8 inches. With a non-compliant garage, these homes can no longer count the garage as a parking space and thus should be required to provide an additional onsite exterior parking space that does not block the sidewalk.

Long story short, I believe that the applicant should not be allowed to create an additional non-compliant home. Instead, the builder should be required to create an onsite parking lot to provide required parking for the development as per city code. No further variances should be granted for this development as significant variances have already been given. This should serve as a lesson to the developer to abide by city code as it is written. I have included the original plan that was filed with these documents showing only three lots. If these initial plans had been followed, it would have allowed for two onsite parking spaces and there would be no issue. Changing the game this far on is uncalled for.

Included attachments.

1. Photo of original plans showing only three homes.
2. Photo of current parking options where homeowners are parking vehicles in driveways one behind the other and block sidewalk. No street parking is available here as a bike lane is on this side of the street.

-Matthew Ross  
1601 Lilly Ct.  
Newberg, Oregon 97132  
503-537-3051

