

TYPE II APPLICATION (LAND USE) -- 2019

File #: PAR19-0006

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): Jacqueline Goodwin PHONE: _____
 ADDRESS: _____
 ENGINEER/SURVEYOR: Westlake Consultants PHONE: 503 684 0552
 ADDRESS: 1515 SW Parkway, Ste. 150; Tigard OR 97224

GENERAL INFORMATION:

PROJECT NAME: 5th and Dayton PROJECT LOCATION: 113 E 5th Street
 PROJECT VALUATION: _____
 PROJECT DESCRIPTION/USE: Partition 1 Lot into 2 Lots
 MAP/TAX LOT NO. (i.e. 3200AB-400): R19AC 02201 ZONE: R-1 SITE SIZE: .32 SQ. FT. ACRE
 COMP PLAN DESIGNATION: _____ TOPOGRAPHY: Fairly Flat
 CURRENT USE: Single Family Dwelling
 SURROUNDING USES:
 NORTH: R-1 Single Family Residence SOUTH: R-1 Single Family Residence
 EAST: R-1 Single Family Residence WEST: R-1 Single Family Residence

RECEIVED
DEC 19 2019
Intake

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 Reviewp. 12
Partition Tentative Platp. 14
Subdivision Tentative Platp. 17
Variance Checklistp. 20

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

 Applicant Signature Date
 Marc Willcuts member of Jackson & Co, member of DBV
 Print Name

 Owner Signature Date
 Jacqueline Goodwin
 Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists



Cash Register Receipt
City of Newberg

Receipt Number
R6118

DESCRIPTION	ACCOUNT	QTY	PAID
ProjectTRAK			\$1,378.73
PAR19-0006 Address: 113 E FIFTH ST APN: R3219AC 02201			\$1,378.73
ADDITIONAL ENGINEERING DEPT LAND USE REVIEW FEES			\$284.08
SUBDIVISION, PARTITION & PUD REVIEW	36-8675-3090001	2	\$284.08
TECHNOLOGY FEE			\$65.65
TECHNOLOGY FEE	01-0000-341006	0	\$65.65
TYPE II			\$1,029.00
PARTITION PRELIMINARY PLAT	01-0000-341003	2	\$1,029.00
TOTAL FEES PAID BY RECEIPT:R6118			\$1,378.73

Date Paid: Thursday, December 19, 2019

Paid By: Sigmund Holdings LLC

Cashier: ST

Pay Method: CHECK 3585





5th & Dayton

2-Parcel Partition Application

113 E 5th Street Newberg, OR 97132

December 19, 2019

RECEIVED

DEC 19 2019

Initial: _____

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EXHIBITS

- A** Land Use Application Form
- B** Tax Map
- C** Deed (Proof of Ownership)
- D** Preliminary Engineering
- E** Stormwater Memo
- F** Draft Public Notice
- G** Property Owner Information (500' Radius)

SUBJECT PROPERTY & PROJECT SUMMARY

Property Ownership	
Property Owner	Sigmund Holdings LLC PO Box 3189 Newberg, OR 97132
Applicant	Del Boca Vista LLC PO Box 3189 Newberg, OR 97132
Tax Assessment Details	
Tax Map & Tax Lot	R3219AC/02201
Address	113 E 5th St. Newberg, OR 97132
Subject Property Size	14,507 SF
Political Boundaries	
City	Newberg
County	Yamhill
Planning Designations	
Zoning Designation	R-1 – Low Density Residential
Comprehensive Plan Designation	LDR – Low Density Residential
Environmental Findings	
Stream Corridor	No
Flood Plain (FEMA 100 yr.)	No
Service Providers	
Fire Protection	Tualatin Valley Fire & Rescue
School District	Newberg School District
Sewer	City of Newberg
Water	City of Newberg
Stormwater	City of Newberg
Sanitary Hauler	Waste Management
Park & Recreation District	Chehalem Park and Recreation District
Proposal	
Proposal	2-Parcel Partition
Future Development	1 existing single-family detached dwelling to remain on Parcel 2; 1 future single-family detached dwelling to be constructed on Parcel 1.

PROJECT DESCRIPTION

INTRODUCTION

The Applicant, Del Boca Vista LLC, proposes a 2-Parcel Partition of a 0.33-acre existing legal lot within the City of Newberg. The subject property is located at 113 E 5th Street. Newberg, OR 97132 (R3219AC/02201), to the north of 5th St. and to the east and southeast of Dayton Avenue.

The subject property is located within the R-1 Zoning District, and is surrounded by existing low-density residential development in the R-1 Zoning District. There is an existing dwelling on the subject property which will remain on proposed Parcel 2. The existing detached garage on the subject property will be demolished. Following approval of the proposed partition, a new single-family detached dwelling will be built on proposed Parcel 1.

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 NE to SW at less than 2%. There are no significant natural resources identified on the subject property. There is an existing single-family detached dwelling that will remain on the subject property, and an existing garage which will be demolished prior to future development.



Figure 1: Subject Property Aerial

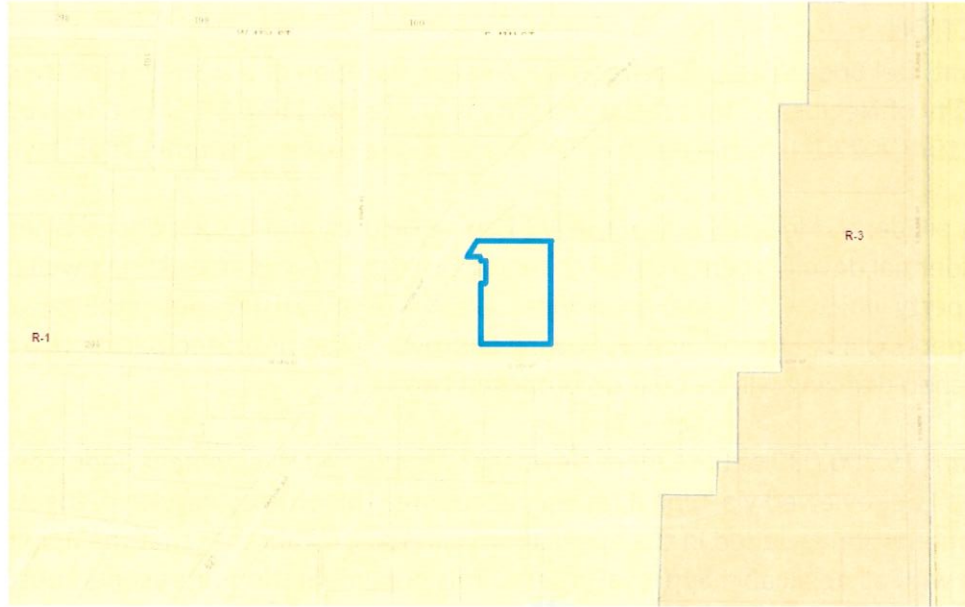


Figure 2: City of Newberg Zoning Map

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 density residential development located in the R-1 Zoning District.

TRANSPORTATION AND ACCESS

The subject property has frontage on 5th St. along its southern boundary, and Dayton Ave. along its northwesterly boundary. As per the City's *Transportation System Plan*, 5th St. has a functional classification of Local Road, and Dayton Ave. has a functional classification of Major Collector. As per *table 15.505.030.(G) Street Design Standards* of the City's *Community Development Code*, Local Roads shall have a minimum ROW width of 54-feet, and Major Collectors shall have a minimum ROW of width of 57-ft. Both 5th St. and Dayton Ave. have existing right-of-way widths of 60-feet. This Application does not warrant or propose right-of-way dedications.

PUBLIC UTILITIES, SERVICES AND AMENITIES

The existing dwelling on the subject property has existing utility services from 5th St. This Application does not propose the removal or relocation of said utilities. As depicted by the Preliminary Engineering provided as Exhibit D, following approval of the proposed partition, a future dwelling to be sited on Parcel 1 of the development will be provided utilities, including water and sanitary sewer services from Dayton Ave. There is an existing 6" ductile iron water main, and 12-inch PVC sanitary main located within the Dayton Ave. public right-of-way which is adequate to serve the future development of the subject property.

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. 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.

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

FIRE

The subject property is served by Tualatin Valley Fire & Rescue. Tualatin Valley Fire Station No. 20 is located at 414 E. 2nd St. Newberg, OR 97132 approximately 0.3-miles from the subject property.

POLICE

The Newberg Police Department at 401 E. 3rd St, Newberg, OR 97132 is located approximately 0.3-mile from the subject property.

SCHOOL

The subject property is currently located within the attendance boundaries of Edwards Elementary School, and Chehalem Valley Middle School, and the Newberg High School. Edwards Elementary School at 715 E. 8th St. Newberg, OR 97132 is located 0.5-miles from the subject property. Chehalem Valley Middle School at 403 W Foothills Dr, Newberg, OR 97132 is located 2.2-miles from the subject property. Newberg High School at 2400 Douglas Ave, Newberg, OR 97132 is located 2.5-miles from the subject property.

TRANSIT

The Yamhill County Transit Area (YCTA) Newberg Route 5 has a stop at 1st St. and Main St. 0.3-miles walking distance to the northwest of the subject property, and a stop at 9th St. & Blaine St. 0.4-miles walking distance to the southeast of the subject property.

PARKS

The Memorial Park at 411 S Howard St, Newberg, OR 97132 is located 0.2-miles walking distance to the northeast of the subject property. The Memorial Park includes amenities such as walking paths, benches, picnic tables, a picnic shelter, and public restrooms.

The Ewing Young Park at 1201 S Blaine St, Newberg, OR 97132 is located 0.6-miles walking distance to the northwest of the subject property. The Ewing Young Park includes amenities such as a skate park, BMX track, walking and jogging trails, covered shelters, restrooms, playground equipment, picnic tables, a disc golf course.

LAND USE APPLICATION REQUEST – 2 PARCEL PARTITION

This Land Use Application requests a 2-Parcel Partition of the 0.33-acre subject property identified as Tax Lot 02201 of Tax Map R3219AC.

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 F, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit G.

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 15.305 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
- 15.505.040 Public Utility Standards
- 15.505.050 Stormwater System Standards

5th & Dayton

2-Parcel Partition Application
113 E 5th St. Newberg, OR 97132

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 F, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit G. 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 F, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit G. 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 15.235 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.*

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 D, the proposed partition is provided adequate public utilities, including access, water, and wastewater. Following approval of the proposed Land Use Request, the proposed development will under the Public Improvement Permit review and approval process to ensure compliance is maintained with all applicable City standards and regulations. 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: As per Section 4.6.1. of the City's Design & Construction Standards, "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 detailed by the enclosed Stormwater Memo provided as Exhibit E, there is 2,835 SF of existing impervious area on the subject property which this Application proposes to remove. Following approval of this Partition Application, the future improvements including a dwelling to be sited on Parcel 1 and the driveway to serve said dwelling will not constitute more than 2,835 SF of impervious area. Therefore, there will be no increase in impervious area on the property following completion of development, thereby no stormwater quality or quantity facilities are proposed.

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 D, 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-1 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 existing single-family detached dwelling, and 1 future single-family detached dwelling) will be sited on the subject property. As one of the single-family dwellings is an existing use on the subject property, this is a net addition of 1-dwelling unit. Based on the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition*, the proposed development will generate 1 new PM peak hour trip (1 dwelling unit generating 1 trip 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, and identify any mitigation warranted by the proposed development. A Preliminary Composite Utility Plan is provided as Sheet No. C3.0 of Exhibit D.

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. As per *Section 4.6.1.* of the City's *Design & Construction Standards*, "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 detailed by the enclosed Stormwater Memo provided as Exhibit E, there is 2,835 SF of existing impervious area on the subject property which this Application proposes to remove. Following approval of this Partition Application, the future improvements including a dwelling to be sited on Parcel 1 and the driveway to serve said dwelling will not constitute more than 2,835 SF of impervious area. Therefore, there will be no increase in impervious area on the property following completion of development, thereby no stormwater quality or quantity facilities are 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 5th St. to the south, and Dayton Ave. to the northwest. The remaining boundaries of the subject property are adjacent to existing low-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 D.

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 TerraCalc Land Surveyors is provided within the Preliminary Engineering in Exhibit D. 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 D.

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 (Exh. 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 15.405.010(B)
Def.	Dwelling, two-family (duplex)	P(2)	P	P	C	P		C(4)	P(8)/C(5)								P				Subject to density limits of NMC 15.405.010(B)

RESPONSE: As per the *Zoning Use Table* of *Section 15.305.020* detached single-family dwellings are a permitted use in the R-1 zoning district Subject to density limits of *Section 15.405.010(B)*. *Callout No. 2* of the *Zoning Use Table* states the following “(2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of *NMC 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:

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

B. Lot or Development Site Area per Dwelling Unit.

1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit.

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.

RESPONSE: The subject property is located within the R-1 Zoning District. As per *Section 15.405.010.A.1* parcels located within the R-1 Zoning District must have a minimum lot area of 5,000 SF. As per *Section 15.405.010.B.1* dwellings located within the R-1 Zoning District must have a minimum lot area of 5,000 SF per dwelling. As depicted by the Preliminary Partition Plat on C2.0 of the Preliminary Engineering provided as Exhibit D, Parcel 1 is 6,106 SF in area and Parcel 2 is 8,400 SF in area. In regard to *Section 15.405.010.C.*, there are no stream corridors, land reserved for public parks or open spaces, common buildings, land for the 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. The criteria has 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-1 Zoning District. As per *Section 15.405.010.A.* parcels located within the R-1 Zoning District must have a minimum lot area of 5,000 SF. As per *Section 15.405.010.B.1* dwellings located within the R-1 Zoning District must have a minimum lot area of 5,000 SF per dwelling. As depicted by the Preliminary Partition Plat on C2.0 of the Preliminary Engineering provided as Exhibit D, Parcel 1 is 6,106 SF in area and Parcel 2 is 8,400 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: In satisfaction of *Section 15.405.030.D.1.a*, all proposed lots have at least 25-feet of frontage on a public street.

c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.

RESPONSE: In satisfaction of *Section 15.405.030.D.1.c*, all proposed lots have at least 35-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.

a. R-1: 40 percent, or 50 percent if all structures on the lot are one story.

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.a.*, future development of proposed lots requires a maximum of 40% 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%. As depicted by the Existing Conditions Survey provided in Exhibit D, the existing dwelling footprint on Parcel 2 is 1,250 SF. The front patio (155 SF) and back porch (120 SF) total 275 SF. Existing walkways which will remain on Parcel 2 total 305 SF. The Applicant plans to install two gravel parking spaces (480 SF), however, gravel is not an impervious material, and is thereby not included in these calculations. Together these existing impervious areas to remain on Parcel 2 total 1,830 SF. The proposed Parcel 2 lot area is 8,400 SF. Based on the above analysis, the future Parcel 2 building coverage (dwelling, porches, and pathways - 1,830 SF) would constitute 22% lot coverage, there would be 0% parking coverage, and a combined building and parking coverage (1,830 SF) of 22%.

The future dwelling to be sited on Parcel 1 will be reviewed for compliance with all applicable lot coverage standards during the Building Permit review and approval process. These criterion 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: In satisfaction of per *Section 410.020.A.1.*, and as depicted by C2.0 of the Preliminary Engineering Plan Set provided as Exhibit D, the existing dwelling on proposed Parcel 2 has a front yard setback of 24-feet. The future dwelling to be sited on Parcel 1 will be reviewed for compliance with all applicable setback standards during the Building Permit review and approval process.

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: In satisfaction of per *Section 410.030.A.1.*, and as depicted by C2.0 of the Preliminary Engineering Plan Set provided as Exhibit D, the existing dwelling on proposed Parcel 2 has interior yard setbacks of 20-feet (to the west), 23-feet (to the north), and 45-feet (to the east). The future dwelling to be sited on Parcel 1 will be reviewed for compliance with all applicable setback standards during the Building Permit review and approval process.

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.*, the future dwelling 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: This Application does not propose relocation of any existing utilities on the subject property. Proposed utilities are designed in accordance with all applicable provisions of the City of Newberg *Public Works Design and Construction Standards*. Following approval of the proposed development, and the future approval of a Public Improvement Permit, proposed utilities will be installed in accordance with all applicable provisions of this Section.

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 depicted by the Preliminary Engineering Plan Set provided as Exhibit D, and as addressed further via this narrative, the existing and future dwelling on the subject property will be provided off-street parking on their respective Lots.

15.440.030 Parking Spaces Required

Use	Minimum Parking Spaces Required
Residential Types	
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 depicted by the Preliminary Engineering Plan Set provided as Exhibit D, the existing dwelling to remain on the subject property will be provided two off-street gravel parking spaces adjacent to the west of the existing dwelling. Off-street parking associated with the future dwelling to be sited on Parcel

1 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*
Collectors						
Major	57 – 80 feet	36 feet	2 lanes	None*	Yes	No*
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
Local Streets						
Local residential	54 – 60 feet	32 feet	2 lanes	None	No	Yes

RESPONSE: The subject property has frontage on 5th St. along its southern boundary, and Dayton Ave. along its northwesterly boundary. As per the City’s *Transportation System Plan*, 5th St. has a functional classification of Local Road, and Dayton Ave. has a functional classification of Major Collector. As per *table 15.505.030.(G) Street Design Standards* of the City’s *Community Development Code*, Local Roads shall have a minimum ROW width of 54-feet, and Major Collectors shall have a minimum ROW of width of 57-ft. Both 5th St. and Dayton Ave. have existing right-of-way widths of 60-feet. 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.

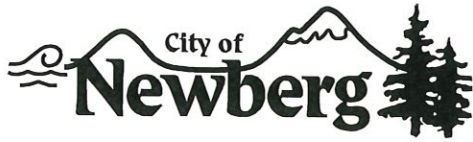
2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

Table 15.505.R. Access Spacing Standards

Roadway Functional Classification	Area¹	Minimum Public Street Intersection Spacing (Feet)²	Driveway Setback from Intersecting Street³
<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 *Table 15.505.R. Access Spacing Standards*, driveways on Major Collectors shall be a minimum of 150-ft from intersecting streets. As per *Table 15.505.R. Access Spacing Standards*, there is no driveway spacing standard for Local Roads. This Application proposes the installation of a new driveway 5th St. to serve the existing dwelling on proposed Parcel 2. As per the City’s *Transportation System Plan*, 5th St. has a functional classification of Local Road. Thereby, there are no driveway spacing standards applicable to the proposed driveway on 5th St. That being said, the proposed driveway on 5th St. is approximately 135-feet east of the intersection of 5th St. and Dayton Ave. This Application proposes to utilize the subject property’s existing driveway on Dayton Ave. to provide access to a future dwelling on proposed Parcel 1. In satisfaction of *Table 15.505.R. Access Spacing Standards*, the subject property’s existing driveway is approximately 175-feet north of the intersection of 5th St. and Dayton Ave. This criterion is satisfied.

7. Shared Driveways.



Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

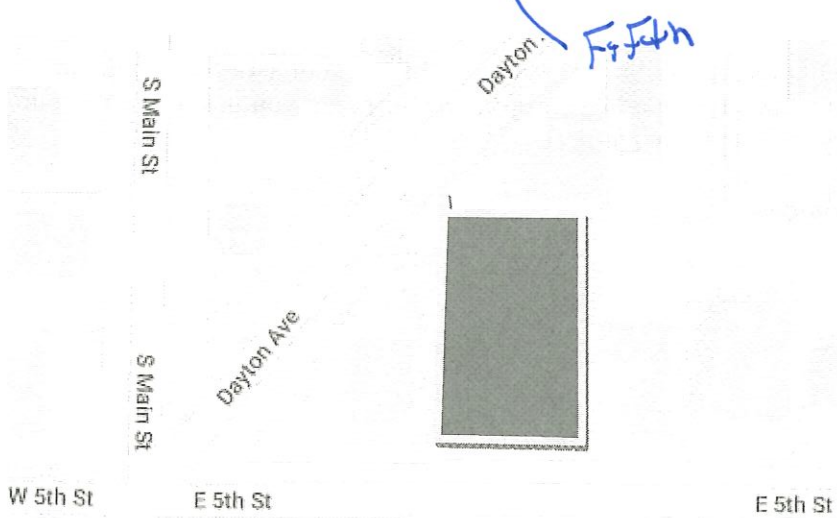
WE WANT YOUR COMMENTS ON A PROPOSED NEW DEVELOPMENT IN YOUR NEIGHBORHOOD

A property owner in your neighborhood submitted an application to the City of Newberg to subdivide a parcel of land from **1 lot into 2** 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* parcels: Parcel 1 will be 6,106 SF and Parcel 2 will be 8,400 SF. The existing dwelling on Parcel 2 will take access from *E 5th St.*, and the future dwelling on Parcel 1 will take access from Dayton Ave. ~~There is no proposed construction or demolition.~~

The existing detached garage on both subject property will be demolished and the existing house on Parcel 2 will remain.

APPLICANT: *the new* **Del Boca Vista LLC**
TELEPHONE: **971-706-2058**
PROPERTY OWNER: **Sigmund Holdings LLC**
LOCATION: **113 E 5th Street**
TAX LOT NUMBER: **Yamhill County Tax Map and Lot Number R3219AC02201**



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:

don't think this belongs here.
only applies to subdivisions & not partitions

Written Comments: File No. **PAR19-0006**
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, we will send you information about any decision made by the City relating to this project.

Date Mailed: (date notice is mailed)

POSTED NOTICE

Land Use Notice

FILE # PAR19-0006

PROPOSAL: Partition 113 E ^{F. 5th} 5th 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.

- 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: The subject property does not take access onto an Arterial Street. Furthermore, this Application does not propose the use of shared driveways. As such, the provisions of *Section 15.505.030.R.7.* are not applicable to the proposed development.

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 *Figure 1: Subject Property Aerial* provided on Page 5 of this narrative, there are 4 existing street trees along the subject property's frontage on 5th St. As depicted by the Existing Conditions Survey provided as Sheet 2 of the Preliminary Engineering in Exhibit D, the subject property has 29.39-feet of frontage on Dayton Ave. As depicted by Sheet C3.0 of the Preliminary Engineering in Exhibit D, the Applicant is proposing a new driveway with a 20-foot throat and 3-foot wings, totaling 26-ft in width. The applicant is also proposing the installation of water and sanitary services to serve the future dwelling on proposed Parcel 1. As such, based on existing conditions on the subject property there is inadequate space to plant additional street trees along the subject property's frontage on Dayton Ave.

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 south side of 5th St. directly opposite the subject property's frontage on 5th St. Furthermore, there is an existing streetlight located on approximately 40-ft north of the subject property's frontage (existing driveway) on Dayton Ave. 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, proposed utilities are designed in conformance with all applicable provisions of the City of Newberg's *Public Works Design and Construction Standards*. This Application acknowledges that future development will require a Public Improvement Permit. Furthermore, as per Section 15.505.040.C.2., proposed utilities are 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., both the existing dwelling to remain on the subject property, and the proposed dwelling to be constructed on the subject property will be provided direct public water hookups. The existing dwelling on the subject property already has water service via an existing main in the 5th St. public right-of-way. The future dwelling to be sited on Parcel 1 will be provided water service from the existing 6" ductile iron water main located within the Dayton Ave. public right-of-way. Furthermore, following approval of this Land Use Action, the Public Improvement Permit review and approval process will ensure adequate services are available to serve the future development on the subject property in compliance with all applicable City standards and regulations. A preliminary water design for the future dwelling on Parcel 1 is provided as Sheet C3.0 of the Preliminary Engineering plan set provided as Exhibit D.

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 5th St. to the south, and Dayton Ave. to the northwest. 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.*, both the existing dwelling to remain on the subject property, and the proposed dwelling to be constructed on the subject property will be provided gravity service to the City's wastewater system. The existing dwelling on the subject property already has sanitary service via an existing sanitary main in the 5th St. public right-of-way. The future dwelling to be sited on Parcel 1 will be provided sanitary service from the existing 12-inch PVC sanitary main located within the Dayton Ave. public right-of-way. Furthermore, following approval of this Land Use Action, the Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations. A preliminary sanitary design for the future dwelling on Parcel 1 is provided as Sheet C3.0 of the Preliminary Engineering plan set provided as Exhibit D.

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 5th St. to the south, and Dayton Ave. to the northwest. 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,* public utility easements 10-feet in width are proposed along the frontage of each parcel within the proposed development.

15.505.050 Stormwater System Standards

[Detailed Provisions Omitted for Brevity]

RESPONSE: As per *Section 4.6.1.* of the City's *Design & Construction Standards,* "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 detailed by the enclosed Stormwater Memo provided as Exhibit E, there is 2,835 SF of existing impervious area on the subject property which this Application proposes to remove. Following approval of this Partition Application, future improvements including a dwelling to be sited on Parcel 1 and the driveway to serve said dwelling will not constitute more than 2,835 SF of impervious area. Therefore, there will be no increase in impervious area on the property following completion of development, thereby no stormwater quality or quantity facilities are 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.