

## 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  
DR121-0002 – 608 N Hulet Avenue –  
Horning ADU

April 16, 2021

William Horning  
608 N Hulet Avenue  
Newberg, OR 97132

Dear Mr. Horning,

The Community Development Director has approved the design review application DR121-0001 for an Accessory Dwelling Unit (ADU). This decision will become effective on May 1, 2021, unless an appeal is filed.

You may appeal this decision to the Newberg Planning Commission within 14 calendar days of this decision in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. If you wish to appeal, you must submit the written appeal form together with the required fee of \$550.20 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 30, 2021.**

Design review approval is only valid for one year from the effective date above. If building or construction permits are not issued within this time period, then design review approval becomes null and void and no construction may take place. If design review approval on your project is approaching its expiration date, contact the Planning Division regarding extension opportunities. Please note that it is the responsibility of the applicant to monitor the time of expiration of this approval and to initiate any necessary extension requests.

If you have any questions, please contact me at 503-537-1215 or [keith.leonard@newbergoregon.gov](mailto:keith.leonard@newbergoregon.gov).

Sincerely,

Keith Leonard, AICP  
Associate Planner  
City of Newberg

**STAFF REPORT**  
DR121-0001 – 608 N Hulet Avenue –  
Horning ADU

FILE NO: DR121-0001

REQUEST: Approval of a new detached ADU

LOCATION: 608 N Hulet Avenue

TAX LOT: R3217DC 01500

APPLICANT/

OWNER: William Horning

ZONE: R-3 (High Density Residential)

OVERLAYS: Airport Overlay (Airport Inner Horizontal Surface)

---

**A. Location and Site Description:**

The subject property is located at 608 N Hulet Avenue and is zoned R-3 (High Density Residential). The property is currently accessed from a gravel driveway from N Hulet Avenue. There is an existing detached garage that will be removed and replaced with a new detached accessory structure where the ADU will be located above a garage. The existing dwelling is 816 square feet with the proposed ADU being 308 square feet. The subject property does not contain any natural features or steep slopes and on-site topography is generally flat.

**B. Site Information**

Access and Transportation: Access to the subject property is provided via a driveway from N Hulet Avenue, which is a local residential street in the City's Transportation System Plan (TSP).

Utilities:

Water: There is an existing 6-inch public water line documented in the City's Geographic Information System (GIS) in N Hulet Avenue.

Wastewater: There is an existing 8-inch public wastewater line documented in the City's GIS in N Hulet Avenue.

Stormwater: There are no stormwater facilities adjacent to the subject property.

Overhead Lines: There are existing overhead utility lines along the property frontage on N Hulet Avenue. New or modified service connections are required to be undergrounded.

## FINDINGS

---

### Newberg Development Code

#### **15.220.050 Criteria for design review (Type II process).**

**A. Type I. The following criteria are required to be met in order to approve a Type I design review request:**

**1. Parking. Parking areas shall meet the requirements of NMC 15.440.010.**

**Finding:** The applicant indicates the existing detached garage will be removed and a new garage will be constructed with the ADU located above the garage parking area. ADUs do not require parking. However, NMC 15.440.030 requires two off-street parking spaces for the existing single-family dwelling. Section 15.440.010 (A) states that “the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve.” Furthermore, NMC 15.410.020(A)(3) requires a front yard setback of not less than 20 feet to a garage. The proposed garage will be located behind the existing single-family dwelling well out of the required 20 foot setback. NMC 15.440.060(G)(1) states “(G) parking areas for residential uses shall not be located in a required front yard, except as follows: (1) Attached or detached single-family or two-family: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.” The existing driveway is not compliant with NMC 15.440.060(A), which requires “all parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas.” Because a gravel driveway is used to access the subject property, the applicant will be required to install a driveway approach and driveway leading to the new garage and ADU using construction material in compliance with NMC 15.440.060(A) prior to an occupancy permit being issued. This criterion will be met with the adherence to the aforementioned condition of approval.

**2. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.**

**15.415.010 Main buildings and uses as accessory buildings.**

**A. Hereinafter, any building which is the only building on a lot is a main building.**

**B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.**

**C. In any residential district, there shall be no more than two accessory buildings on any lot or development site.**

**Finding:** The detached ADU will be located in the back yard behind the main building. The applicants’ site plan illustrates the ADU interior setback as being no less than 21 feet 10 inches from the north property line with the other interior setbacks of greater distances. The ADU will be setback behind the existing dwelling in excess of the required 12 feet setback to buildings and 20 feet setback to garages. The applicants’ site plan shows the proposed garage/ADU setback 6 feet from the existing dwelling. All ADU setbacks will be checked for compliance during the building permit review process. As previously

conditioned, the applicant will be required to construct a driveway in compliance with NMC 15.440.060(A). The applicant's plan set illustrates existing total impervious surface of 1,080 square feet with an increase to a total of 1,344 square feet. Parking and lot coverage calculations (impervious surface calculations) will be checked during the building permit review process. Both the ADU and single-family dwelling are considered residential uses. A home occupation is not being proposed for either the ADU or main building. ADUs are allowed within the R-3 Zoning District as a permitted use that must meet special use and design review criteria. Residential districts allow two detached accessory building per lot, the ADU will count as one detached accessory building. These criteria are met.

***15.415.020 Building height limitation.***

***A. Residential.***

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

***a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.***

**Finding:** The applicants' narrative states that the ADU and garage located in a detached accessory building will be 22 feet 6 inches in height, which is less than the maximum height of 24 feet for 800 square feet of an accessory building. No height modifications are being proposed for the existing dwelling nor are any needed. This criterion is met.

***15.415.040 Public access required.***

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

**Finding:** This criterion is met because the subject property has direct access to N Hulet Avenue, which is an existing local public street.

***15.415.050 Rules and exceptions governing single-family attached dwellings.***

***In all residential districts, single-family attached dwelling units may be permitted, provided:***

***A. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot which includes existing lots of record.***

***B. The dwelling units shall have a common wall at the zero lot line.***

***C. The combined area of lots shall not be less than the lot area required in the residential district.***

***D. The lot or development site area requirement per dwelling unit listed in this code shall apply to each individual lot.***

*E. The setback requirements will apply to each dwelling unit independently, except that the setback for the zero lot line shall be waived.*

*F. Each dwelling unit shall have independent services which include, but are not limited to, wastewater, water and electricity.*

*G. Authorization of single-family attached dwelling units does not waive any requirement specified within the current edition of the Oregon Residential Specialty Code or other applicable requirements.*

*H. Maximum lot coverage requirements specified in this code shall apply to each individual lot.*

*I. A site plan is approved by the director prior to issuance of a building permit. In approving a site plan, the director may attach any conditions necessary to fulfill the purpose of this code.*

**Finding:** The applicant is proposing an ADU and not a single-family attached dwelling. ADUs are defined separately within the NMC and do not fall under the definition of single-family attached dwellings. These criteria are not applicable.

***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.*

**Finding:** According to the City of Newberg’s GIS, the subject property is approximately 11,272 square feet in area, which exceeds the 3,000 square foot minimum lot area. Additionally, the subject property is an existing lot of record. The applicant is not proposing a subdivision. This criterion is met because the subject property is a pre-existing tax lot that meets the minimum R-3 lot size of 3,000 square feet.

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

*3. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit. 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 2,500 square feet lot area.*

**Finding:** Although the terms “dwelling unit” are included in ADU or Accessory Dwelling Unit, lot or development site minimum square footage per dwelling unit is not applicable to ADUs for density calculations. ADUs are accessory to the main use or the existing single-family dwelling located on the subject property. Lot or development site area per dwelling unit requirements are only applicable to the main use or single-family dwelling unit. This criterion is not applicable because the ADU is accessory to the existing single-family dwelling and not considered a standalone dwelling unit for the purpose of calculating maximum density.

**15.405.030 Lot dimensions and frontage.**

**D. Frontage.**

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

**Finding:** These criteria are not applicable because the applicant is not proposing to create a new tax lot.

**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.**
  - c. AR and R-3: 50 percent.**
- 2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.**
- 3. Combined Maximum Lot and Parking Coverage.**
  - b. R-3: 70 percent.**

**Finding:** The subject property is zoned R-3, which allows a maximum lot coverage of 50%. Maximum allowable parking coverage is 30% and a combined lot and parking coverage of up to 70% is permitted. The application material did not provide the existing and proposed lot and parking coverage calculations as defined in the NMC. On sheet 3 of the plan set the applicant states that the existing impervious surface area is 1,080 square feet with the proposed construction increasing the impervious surface to 1,344 square feet but it does not differentiate between lot and parking coverage. The applicant shall provide lot and parking coverage calculations as defined in NMC 15.05.030 that meet the requirements of NMC 15.405.040 with the building permit application submittal because the applicant did not provide this information. These criteria will be met with the adherence to the aforementioned condition of approval.

**15.410.020 Front yard setback.**

**A. Residential**

- 2. R-3 and RP districts shall have a front yard of not less than 12 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:** The proposed detached accessory building will be located behind the existing dwelling at least 35 feet from the N Hulet Avenue right-of-way, well outside of the required 12 foot front yard setback to a building or 20 feet to a garage entrance. These criteria are met.

**15.410.030 Interior yard setback.**

**A. Residential.**

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

**Finding:** The applicants' site plan illustrates the ADU being setback 21 feet 10 inches from the closest interior property lines. Please be aware that all setbacks for the proposed detached ADU will be checked for compliance with NMC requirements during the building permit review process. The setbacks associated with the proposed detached ADU and garage will be verified for compliance with this section of the NMC during the building permit review process.

**15.220.050(A) Criteria for design review...continued**

**3. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.**

**Finding:** NMC 15.420.010 is not applicable to accessory dwelling units. This criterion is not applicable.

**15.220.050(A) Criteria for design review...continued**

**4. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.**

**Finding:** This criterion is not applicable because the applicant is not proposing any signs as part of this project.

**5. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.303 and 15.305.**

**Finding:** This criterion is met because single-family dwellings and ADUs are permitted by right within the R-3 District per Section 15.305.020 of the NMC.

**Chapter 15.445 Special Use Standards**

**15.445.060. The following criteria are required to be met in order to approve an Accessory Dwelling Unit request:**

**A. Location. Accessory dwelling units are outright permitted uses in the R-1, R-2, R-3, RP, I and AR zones. Accessory dwelling units are a conditional use in the C-2 and C-3 zones.**

**Finding:** The proposed ADU is located in the R-3 District and permitted by right. This criterion is met.

**B. Limitations. An accessory dwelling unit is permitted, providing there is compliance with all of the following standards:**

**1. An accessory dwelling unit may be created within the interior or as an addition to an attached or detached residential structure or as a freestanding accessory building.**

**Finding:** This criterion is met because the applicant is proposing an ADU in a freestanding accessory building.

**2. An accessory dwelling unit may not exceed 50 percent of the size of the primary unit, up to a maximum of 1,000 square feet.**

**Finding:** The applicants' plan set illustrates the existing house is 816 square feet. The proposed ADU will be 308 square feet. The ADU is 38% the size of the primary unit, this criterion is met.

**3. The number of residents permitted to inhabit the accessory dwelling unit is regulated by the current edition of the Oregon Residential Specialty Code.**

**Finding:** This criterion will be reviewed through the building permit review process, which will establish the maximum number of occupants for the ADU.

**4. The primary residence shall provide parking per NMC 15.440.030. The accessory dwelling unit does not require on-site parking.**

**Finding:** Two off-street parking spaces are required per NMC 15.440.030 for the primary residence or single-family dwelling. Given the length of the driveway and construction of a two car garage, the applicant should have no problem meeting parking requirements for the existing dwelling. This criterion is met.

**5. Owner occupancy of the primary unit or accessory dwelling unit is not required.**

**Finding:** The applicant noted that they live in the primary unit and acknowledged that the primary unit and ADU do not have to be owner occupied.

**6. An accessory dwelling unit cannot be partitioned or subdivided from the parcel of the primary unit if there are shared water and wastewater lines.**

**Finding:** There are no proposals for a partition or subdivision under this application and the ADU will be located in a freestanding accessory building. This criterion is met.

**7. There shall be compliance with all of the development standards established in the base zone.**

**Finding:** An ADU is permitted by right within the R-3 District, the drawings and narrative that the applicant has provided for review illustrate that the existing primary unit meets required yard setbacks, height, vision clearance standards and all other base zone requirements.

#### **15.505.030 Street standards.**

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

**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.**

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



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

**B. Planting Strip Landscaping.** All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).

2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4)

a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.

**15.420.010 Required minimum standards.**

**(B)4. Trees, Shrubs and Ground Covers.** The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.

b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.

**Finding:** The site is the location of an existing single family home. N Hulet Avenue is a local street. The applicant's narrative did not discuss street trees and the plan set did not illustrate any proposed street trees. NMC 15.420.020(B)(2)(a) requires street trees for all planting strips. With the building permit submittal the applicant shall provide a street tree plan illustrating street trees that meet the requirements NMC 15.420.010(B)(4) and said trees must be planted meeting all other City requirements prior to a certificate of occupancy being issued because the applicant has not met the requirements of this section of the NMC. This criterion will be met if the aforementioned condition of approval is adhered to.

**12.05.090 Permits and certificates.**

**A. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is \$30,000 or more except as the city engineer may require on building permits of lesser value in accordance with NMC 12.05.040, the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:**

1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.

2. Dedicate right-of-way in accordance with the city transportation plan.

**Finding:** Illustrating on Page 3 of the applicant's narrative the ADU/Garage Public Improvement Plans list an 8-foot right-of-way dedication along the N Hulet Avenue frontage of the property and a new 5-foot Type 'A' sidewalk. Because the sidewalk does not exist along the frontage of the development site and the existing right-of-way is deficient by 8 feet, prior to an occupancy permit being issued the City will require that the applicant execute the right-of-dedication identified in the plans to the city and install a 5-foot wide Type "A" sidewalk that meets city requirements prior to an occupancy permit being issued. (Install a sidewalk that includes a transition for connection of the new setback "Type A" sidewalk to the existing curb tight "Type B" sidewalk is required at the site's southern boundary.) These criteria will be met with the adherence to the aforementioned conditions of approval.

**15.505.040 Public utility standards.**

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

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

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

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

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

***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:** A new twenty-foot wide “Type A” driveway apron is illustrated on Page 3 of the applicants ADU/Garage Public Improvement plans. The applicant’s narrative discusses two alternatives:

- Alternative 1 - Provide a new 20-foot wide drop curb with a gravel driveway apron until an upcoming partition application is approved and utilities can be extended to the new lot.
- Alternative 2 - As described on Page 3 of the applicant’s narrative, the applicant proposes to provide a new 20-foot wide “Type A” driveway apron for the ADU/Garage Public Improvement Plan and extend the utilities concurrent with this project.

Alternative 1 is not acceptable, there is no guarantee that a partition application will be submitted. The NMC requires driveways to be constructed of a durable hard surface. With no guarantee that a partition application will be applied for at a later date, approving a temporary gravel driveway that increases the area of the existing nonconforming gravel driveway by extending the driveway to the ADU/garage would increase an existing nonconformity and this is discouraged in the NMC.

The applicant has proposed Alternative 2 to construct the full “Type A” driveway apron if, at the time of building the ADU and sidewalk, they also are permitted to install new wastewater and water service laterals to the property line. Because the applicant has not submitted construction plans and applied for permits, the City Engineer is in general agreement with Alternative 2 to construct the full “Type A” driveway approach provided that:

- i. The water service to serve the future partition, terminates at the new meter location rather than at the property line.
- ii. The applicant obtains approval from the building division for verification of the adequate size of water and wastewater service laterals to serve the planned, but not yet approved, future multi-family building.

**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.*

**Finidng:** The applicant has indicated in their narrative and preliminary plans that the net impervious area associated with proposed construction of the ADU is less than 500 square feet. No water quality treatment or stormwater detention is required at this time. However, because the applicant has not submitted construction level plans and applied for permits yet, determination of any stormwater requirements will be made with review of the building permit application. If those documents indicate that a net of 500 square feet or more of impervious area will be created then the applicant will be required to treat stormwater in compliance with the Public Works Design and Construction Standards.

**Conclusion:** The proposed ADU meets the applicable criteria as proposed or can meet the applicable criteria with adherence to the stated conditions of approval discussed in this report. The application for the proposed ADU is approved.

### **Conditions of Approval**

- A. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
1. The applicant will be required to install a driveway approach and driveway leading to the new garage and ADU using construction material in compliance with NMC 15.440.060(A) prior to an occupancy permit being issued.
  2. The applicant shall provide lot and parking coverage calculations as defined in NMC 15.05.030 that meet the requirements of NMC 15.405.040 with the building permit application submittal.
  3. With the building permit submittal the applicant shall provide a street tree plan illustrating street trees that meet the requirements NMC 15.420.010(B)(4) and said trees must be planted meeting all other City requirements prior to a certificate of occupancy being issued.
  4. Prior to an occupancy permit being issued the City will require that the applicant execute the right-of-dedication identified in the plans to the city and install a 5-foot wide Type “A” sidewalk that meets city requirements prior to an occupancy permit being issued. (Install a sidewalk that includes a transition for connection of the new setback “Type A” sidewalk to the existing curb tight “Type B” sidewalk is required at the site’s southern boundary.)
  5. The City Engineer is in general agreement with Alternative 2 to construct the full “Type A” driveway approach provided that:
    - a. The water service to serve the future partition, terminates at the new meter location rather than at the property line.

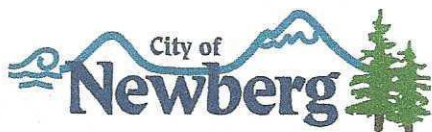
- b. The applicant obtains approval from the building division for verification of the adequate size of water and wastewater service laterals to serve the planned, but not yet approved, future multi-family building
6. Determination of any stormwater requirements will be made with review of the building permit application. If those documents indicate that a net of 500 square feet or more of impervious area will be created then the applicant will be required to treat stormwater in compliance with the Public Works Design and Construction Standards

**Engineering Notes:**

Permits required for construction of the proposed ADU include any applicable Building Permits, Public Improvement Permit for connections to public utilities/infrastructure, and an Erosion and Sedimentation Control (ESC) Permit for any ground disturbance during construction.

1. According to NMC 15.430.010 existing utilities lines shall be placed underground when they are newly installed or relocated.
2. The City of Newberg has stormwater requirements which are outlined in NMC 13.25 Stormwater Management and in the Public Works Design and Construction Standards. If the applicant creates more than 500 square feet of net new impervious surface area, they will be required to meet the City's standards for treating and detaining stormwater.
3. A Transportation System Development Charge (TSDC) for the ADU will be assessed at the time of the Building Permit.

## Application



# TYPE I APPLICATION -- 2019 (ADMINISTRATIVE REVIEW)

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

**TYPES – PLEASE CHECK ONE:**

- Code Adjustment
- Final Plat
- Minor Design Review
- Property Line Adjustment

- Property Line Consolidation
- Type I Extension or Type I Minor/Major Modification
- Type II or Type III Extension or Minor Modification
- Other: (Explain) TYPE I Administrative - ADU

**APPLICANT INFORMATION:**

APPLICANT: WILLIAM HORNING  
 ADDRESS: 608 N. HULET AVE.  
 EMAIL ADDRESS: HORNINGW@GMAIL.COM  
 PHONE: 503 294 0222 MOBILE: \_\_\_\_\_ FAX: \_\_\_\_\_  
 OWNER (if different from above): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 ENGINEER/SURVEYOR: A.K.S., STEVE ROBER PHONE: 503 563 6151  
 ADDRESS: 12965 SW HERMAN ROAD SUITE 100, TUALATIN, OR 97062

**GENERAL INFORMATION:**

PROJECT NAME: Accessory Dwelling Unit PROJECT LOCATION: 608 N. HULET AVE.  
 PROJECT DESCRIPTION/USE: REPLACEMENT GARAGE W/ADU PROJECT VALUATION: \$52,000.00  
 MAP/TAX LOT NO. (i.e. 3200AB-400): T.L. 1500 ZONE: R3 SITE SIZE: 10847 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: HOR TOPOGRAPHY: FLAT  
 CURRENT USE: SINGLE FAMILY HOME  
 SURROUNDING USES:  
 NORTH: SINGLE FAMILY SOUTH: SINGLE FAMILY  
 EAST: BEST WESTERN MOTEL WEST: SINGLE FAMILY

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

General Checklist:  Fees  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:

Code Adjustment .....	p. 4
Final Plat .....	p. 6
Minor Design Review .....	p. 10
Property Line Consolidation.....	p. 11
Property Line Adjustment.....	p. 12

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 \_\_\_\_\_

William Horning 12/29/20  
Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

WILLIAM F. HORNING  
Print Name \_\_\_\_\_





**First American**

**First American Title Insurance Company**

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

**YAMHILL COUNTY TITLE UNIT**

FAX (866)800-7294

Title Officer: Larry Ball  
(503)376-7363  
lball@firstam.com

**LOT BOOK SERVICE**

BILL HORNING  
3940 N GRACE DRIVE  
NEWBERG, OR 97132

Order No.: 1039-3631457  
December 10, 2020

Attn:  
Phone No.: (503)294-0222 - Fax No.:  
Email: HORNINGW@GMAIL.COM

Re:

Fee: \$300.00

We have searched our Tract Indices as to the following described property:

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

and as of December 03, 2020 at 8:00 a.m.

We find that the last deed of record runs to

Heidi S. Horning and William F. Horning, as tenants by the entirety

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We find the following unpaid taxes and city liens:

1. City liens, if any, of the City of Newberg.

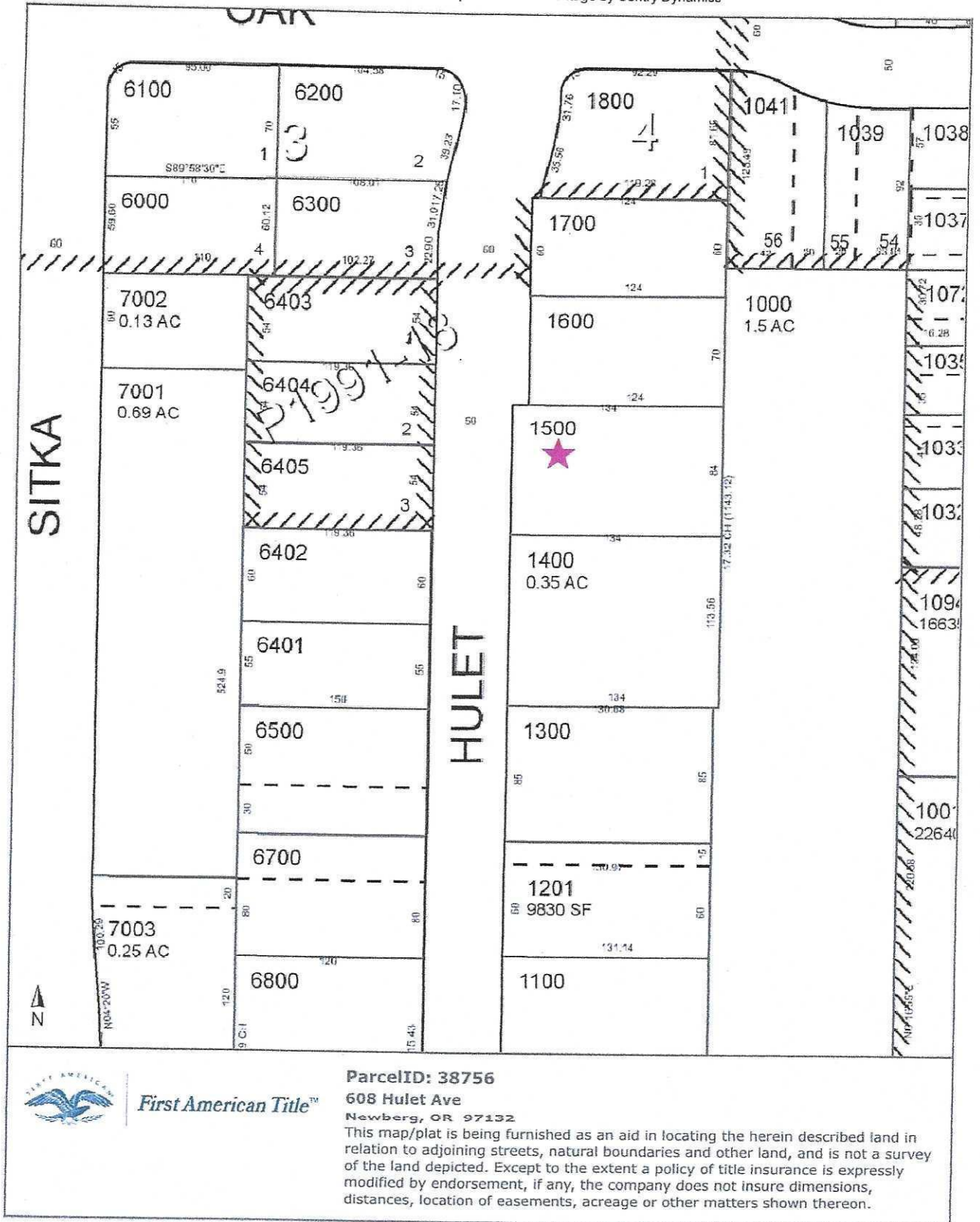


NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	\$1,863.99
Map No.:	R3217DC 01500
Property ID:	38756
Tax Code No.:	29.0

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.



**Exhibit "A"**

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

A tract of land located in Section 17, Township 3 South, Range 2 West of the Willamette Meridian, in the City of Newberg, County of Yamhill and State of Oregon, being more particularly described as follows:

Beginning at a point 29.85 chains South of the Northwest corner of the Richard Everest Donation Land Claim No. 52, in Section 17, Township 3 South, Range 2 West of the Willamette Meridian, in Yamhill County, Oregon; thence East 579 feet; thence South 964.4 feet to the true point of beginning; thence South 84 feet to the Northeast corner of that tract conveyed by Earl W. Allen and wife to Lynn N. Scherf and wife by deed recorded June 9, 1947 in Book 143, Page 210, Deed Records; thence West 154 feet along the North line of said Scherf tract; thence North 84 feet; thence East 154 feet to the true point of beginning.

TOGETHER WITH that portion conveyed to Joyce J. Sprecher by deed recorded as Instrument No. 201508413, Deed Records.

EXCEPTING THEREFROM that portion of said premises conveyed to the City of Newberg by deed recorded in Film Volume 138, Page 615, Deed Records.

ALSO EXCEPTING THEREFROM that portion conveyed to Virginia G. Wahl by deed recorded as Instrument No. 201508412, Deed Records.

NOTE: This legal description was created prior to January 1, 2008.

608 N. Hulet Avenue

## Type I DESIGN REVIEW

**1. Parking - Parking areas shall meet the requirements of 15.440.010**

*The submitted Site Plan drawing illustrates the removal and replacement of the existing single car garage. The new extended driveway will provide additional off-street parking for approximately two more cars in addition to the garage.*

**2. Setbacks and general requirements – the proposal shall comply with 15.415.010 et seq. dealing with height restrictions and public access; and 15.410.010 et seq. dealing with setbacks, coverage, vision clearance, and yard requirements.**

*15.415.010 - The submitted ADU Site Plan illustrates that a gravel driveway will continue to be used to access the existing home and after removal of the existing garage the new proposed garage/ADU. The submitted Preliminary Floor Plans and Elevations illustrate a building height of 22'-6", under the maximum height of 45'.*

*15.410.010 – The submitted Site Plan illustrates the proposed garage/ADU is proposed to be located approximately 6' behind the existing home, 37' from the south property, more than 20' south of the north property line and more than 50' from the east property line, all in compliance with current R3 setbacks.*

**3. Landscape requirements – the proposal shall comply with 15.420.010 dealing with landscape requirements and landscape screening.**

*There are no landscape buffer requirements associated with this ADU. The property front yard will continue to be landscaped consistent with residences in the neighborhood.*

**4. Signs – Signs shall comply with 15.435.010 et. Seq. dealing with signs.**

*No signs are proposed as part of this application.*

5. **Zoning District compliance** – the proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in 15.304.010 through 15.328.040 of this code.

*The zoning is R-3 and an ADU is a permitted use.*

6. **Accessory Dwelling Unit 15.445 Article V limitations:**

- a. **An accessory unit may not exceed 50 percent of the size of the primary unit, up to a maximum of 1000 SF;**

*The existing house is 816 SF and the proposed ADU is 308 SF (38%).*

- b. **The primary residence shall provide parking per NMC 15.440.030. The accessory dwelling unit does not require on-site parking.**

*The existing single-family home has two bedrooms. The site plan illustrates a replacement single car garage and parking for at least 2 additional cars in the gravel driveway.*

**First Completeness Check items (01/20/21) and additional considerations:**

- A. Public improvements and right-of-way dedication.**

*The applicant's revised plans (sheet 2 & 3, dated 2/09/21) illustrate the requested 8' of right-of way dedication for N. Hulet Avenue. These sheets also show the addition of a curb separated sidewalk and a new driveway apron to serve the site. These proposed improvements are consistent with the TSP cross-section for a local residential street.*

- B. Impervious Area.**

*Sheet 3 illustrates the existing site impervious area and the proposed site impervious area after new driveway and garage/ADU construction and the dedication and frontage improvements. The net new impervious gravel area is 264 square feet (1344-1080).*

**C. ADU sewer and water connection.**

*Sheet 2 of the revised plan set indicates that the ADU will be served with sewer from the existing clean out on the east side of the existing home. Water will be sub-metered from the existing house water meter.*

**D. Additional Considerations:**

*The property to the north has the curb separated sidewalk that this property will match with its' right of way improvements and dedication. The property to south has not yet dedicated the balance of the right of way for Hulet Avenue but does have a curb attached hard surface sidewalk area.*

*As indicated in the Pre-Application Conference notes of 02/19/2020 the applicant plans to submit an application to divide this parcel into two legal R3 lots. The partition application request will follow this ADU application and is anticipated for Spring/Summer 2021. Geotechnical services are now being secured. According to the pre-application the future easterly R3 lot will require a 25' wide access flag or easement that is to provide a minimum 20' wide fire access. This ADU application with the city's requirement to dedicate and improve the Hulet Avenue frontage is most efficiently implemented by providing with the ADU the soon to be required 20' wide driveway apron. Extending of new sewer and water connections to the property line for the future multi-family lot would also be most efficient.*

*This ADU application is proposing an interim on-site gravel driveway from the new driveway apron to the proposed garage/ADU. Using an interim gravel driveway will avoid having to tear out and remove any new pavement to accommodate the planned future 20' wide driveway utilizing this same lot area (see sheet 3).*

*Discussion with the city engineering staff has confirmed that the future partition application will have to justify the applicant's plan to provide a "low impact" solution for this fire truck access to the proposed back lot. Work with the applicant's civil engineer has identified that the likely solution for storm water on this site will require the use of filtration planters at any future multi-family building and the use of porous paving and storm water chambers to address the limited city storm drainage facilities in Hulet Avenue. These improvements will not allow the extension of new water and sewer connections to the ADU without having future construction conflicts with the storm water chambers and porous paving and for this reason the ADU is proposed to be connected to the existing home's sewer and water services.*

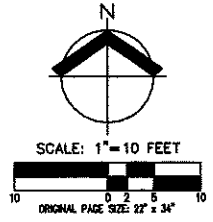
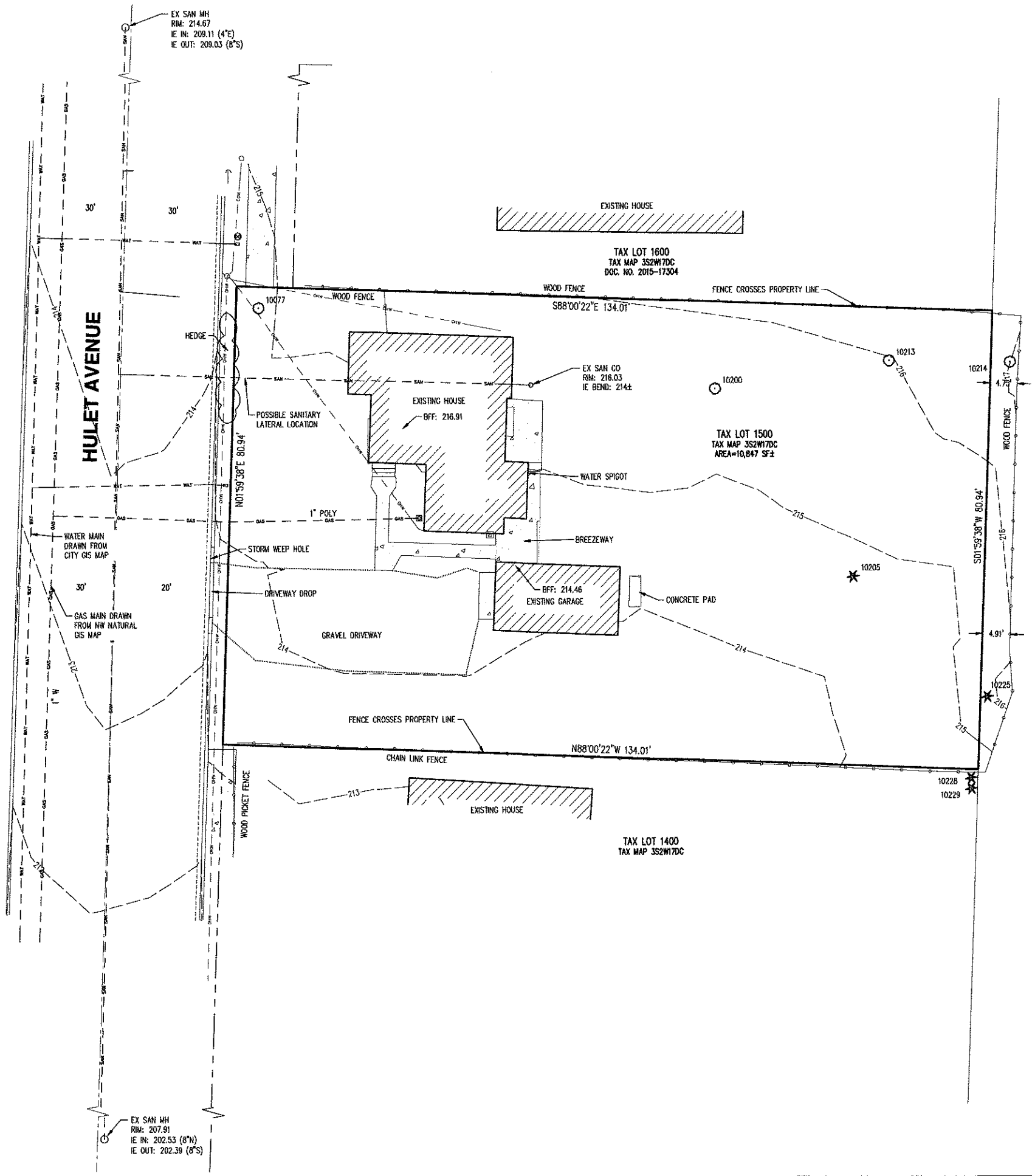
*The applicant does not have to extend the sewer and water to the property line with the new driveway drop but it seems wasteful to install and then tear up the driveway apron for these utilities that will be required for the planned partition and/or a future R3 multi-family building application meeting the city's minimum density requirements.*

*One solution to these conditions is to provide a new 20' wide drop curb with a gravel driveway apron for access to the ADU until the partition or a building permit is approved and utilities can be extended into the site. Under this alternative, the applicant is willing to guarantee the installation of a concrete driveway apron will be constructed to city standard within the next 12 months, in case the soon to be applied for partition/building permit is not approved in this time frame.*

*Alternatively, if the city would permit extending the utilities to the property line in conjunction with the Sheet 3 frontage improvements, including a concrete driveway apron, the applicant is willing to sign a document that would insure the city that the extension of these utilities into the site will not take place until a permit is approved for a new multi-family building on this site.*

*Finally, the applicant is requesting that the public right of way improvements illustrated on sheet 3 be allowed to be permitted through the building permit process. The applicant is prepared to execute a right of way dedication to the city when requested.*

AKS DRAWING FILE: 77532COND.DWG | LAYOUT: SHEET 01



- NOTES:**
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBER 19280349. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
  - FIELD WORK WAS CONDUCTED OCTOBER 16-17, 2019.
  - VERTICAL DATUM: ELEVATIONS ARE BASED ON TRIMBLE NOW NETWORK OBSERVATIONS (NAVDB8) AND CHECKED AGAINST YAMHILL COUNTY STATION NO.22 LOCATED AT THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS AVENUE AND ON THE CENTERLINE OF SPRINGBROOK WAY. ELEVATION = 223.403 FEET (NAVD 88).
  - HORIZONTAL DATUM: A LOCAL DATUM PLAN DERIVED FROM STATE PLANE OREGON NORTH 3601 NAD83(2011) EPOCH: 2010.0000 BY MULTIPLYING BY A PROJECT MEAN GROUND COMBINED SCALE FACTOR OF 1.0001094228 AT A CENTRAL PROJECT POINT WITH INTERNATIONAL FOOT STATE PLANE GRID COORDINATES 8506773.3080 87569856.4750 AND A MERIDIAN CONVERGENCE ANGLE OF -144.36" STATE PLANE COORDINATES WERE DERIVED FROM GPS OBSERVATIONS USING THE TRIMBLE VRS NOW NETWORK. DISTANCES SHOWN ARE INTERNATIONAL FOOT GROUND VALUES.
  - THIS IS NOT A BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
  - BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
  - CONTOUR INTERVAL IS 1 FOOT.
  - TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.

TREE TABLE		
TREE NUMBER	TYPE	DBH (IN.)
10077	DECIDUOUS	18
10200	DECIDUOUS	9
10205	CONIFEROUS	29
10213	DECIDUOUS	12
10214	DECIDUOUS	13
10225	CONIFEROUS	59
10228	CONIFEROUS	14
10229	CONIFEROUS	16

**LEGEND**

<p><b>EXISTING</b></p> <ul style="list-style-type: none"> <li>DECIDUOUS TREE </li> <li>CONIFEROUS TREE </li> <li>FIRE HYDRANT </li> <li>WATER BLOWOFF </li> <li>WATER METER </li> <li>WATER VALVE </li> <li>DOUBLE CHECK VALVE </li> <li>AIR RELEASE VALVE </li> <li>SANITARY SEWER CLEAN OUT </li> <li>SANITARY SEWER MANHOLE </li> <li>SIGN </li> <li>STREET LIGHT </li> <li>MAILBOX </li> </ul>	<p><b>EXISTING</b></p> <ul style="list-style-type: none"> <li>STORM DRAIN CLEAN OUT </li> <li>STORM DRAIN CATCH BASIN </li> <li>STORM DRAIN AREA DRAIN </li> <li>STORM DRAIN MANHOLE </li> <li>GAS METER </li> <li>GAS VALVE </li> <li>GUY WIRE ANCHOR </li> <li>UTILITY POLE </li> <li>POWER VAULT </li> <li>POWER JUNCTION BOX </li> <li>POWER PEDESTAL </li> <li>COMMUNICATIONS VAULT </li> <li>COMMUNICATIONS JUNCTION BOX </li> <li>COMMUNICATIONS RISER </li> </ul>
--	---

**EXISTING**

RIGHT-OF-WAY LINE	
BOUNDARY LINE	
PROPERTY LINE	
CENTERLINE	
DITCH	
CURB	
EDGE OF PAVEMENT	
EASEMENT	
FENCE LINE	
GRAVEL EDGE	
POWER LINE	
OVERHEAD WIRE	
COMMUNICATIONS LINE	
FIBER OPTIC LINE	
GAS LINE	
STORM DRAIN LINE	
SANITARY SEWER LINE	
WATER LINE	

**AKS**  
 AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD, STE 100  
 TUALATIN, OR 97062  
 503.563.6151  
 WWW.AKS-ENG.COM

**608 HULET AVE**  
**NEWBERG**  
 OREGON  
 TAX MAP: 352W17DC  
 TAX LOT: 1500

**EXISTING CONDITIONS**  
**PLAN**

DESIGNED BY: ---  
 DRAWN BY: CTH  
 MANAGED BY: NSW  
 CHECKED BY: NSW  
 DATE: 11/11/2019

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
  
 NICK WHITE  
 78652LS  
 LICENSE: 67392/20

REVISIONS:

NO.	DATE	DESCRIPTION

JOB NUMBER: 7753  
 SHEET: 01

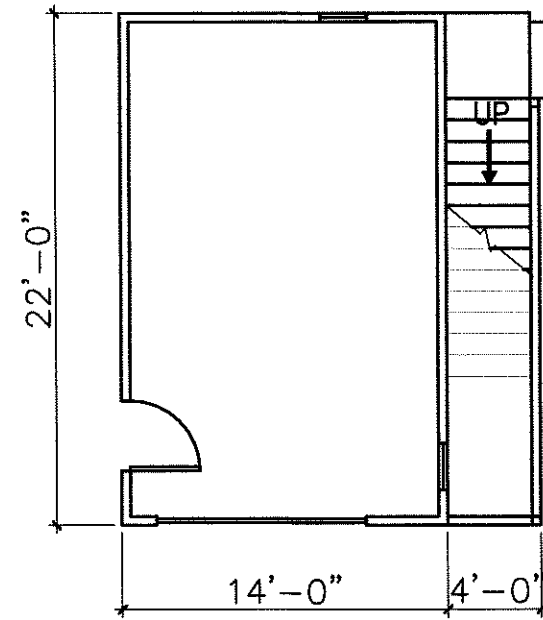


608 Hulet Ave.,  
Newberg, OR  
97132

2/09/21

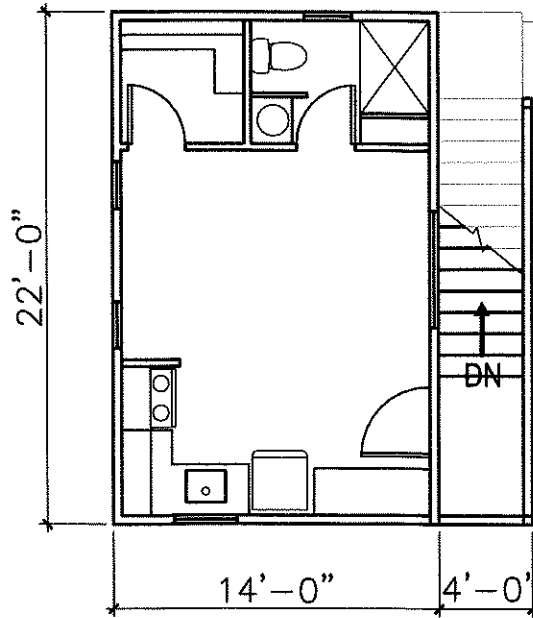
ADU/GARAGE  
SITE PLAN, FLOOR PLANS AND  
ELEVATION

2 of 3



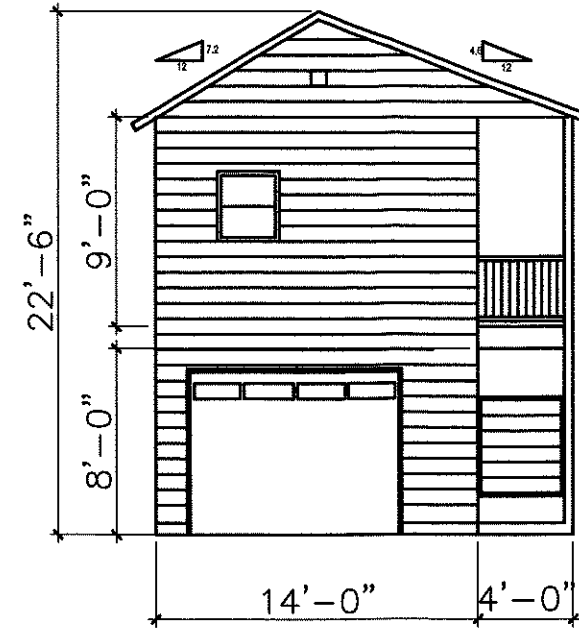
GARAGE PLAN

1/4" = 1'-0"



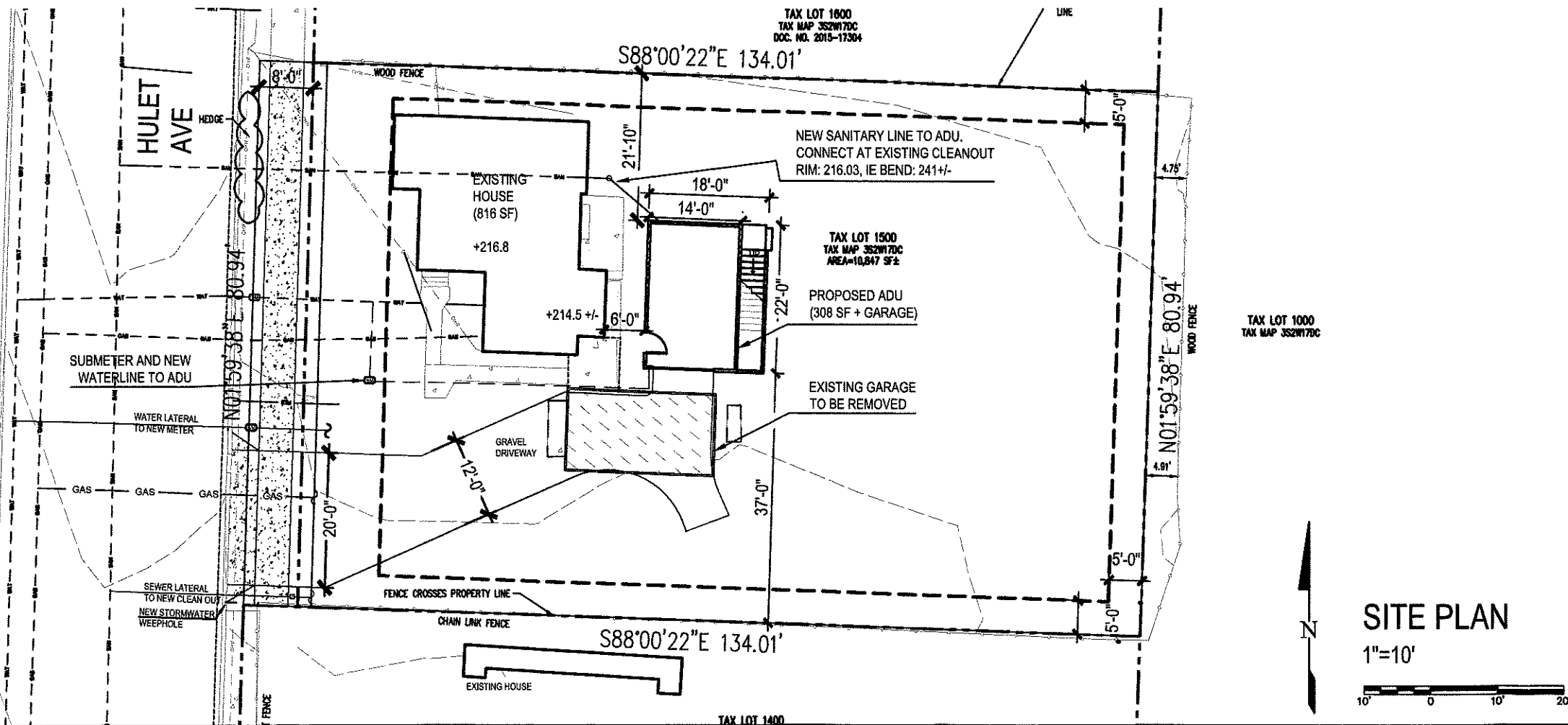
ADU FLOOR PLAN

1/4" = 1'-0"



ADU SOUTH ELEVATION

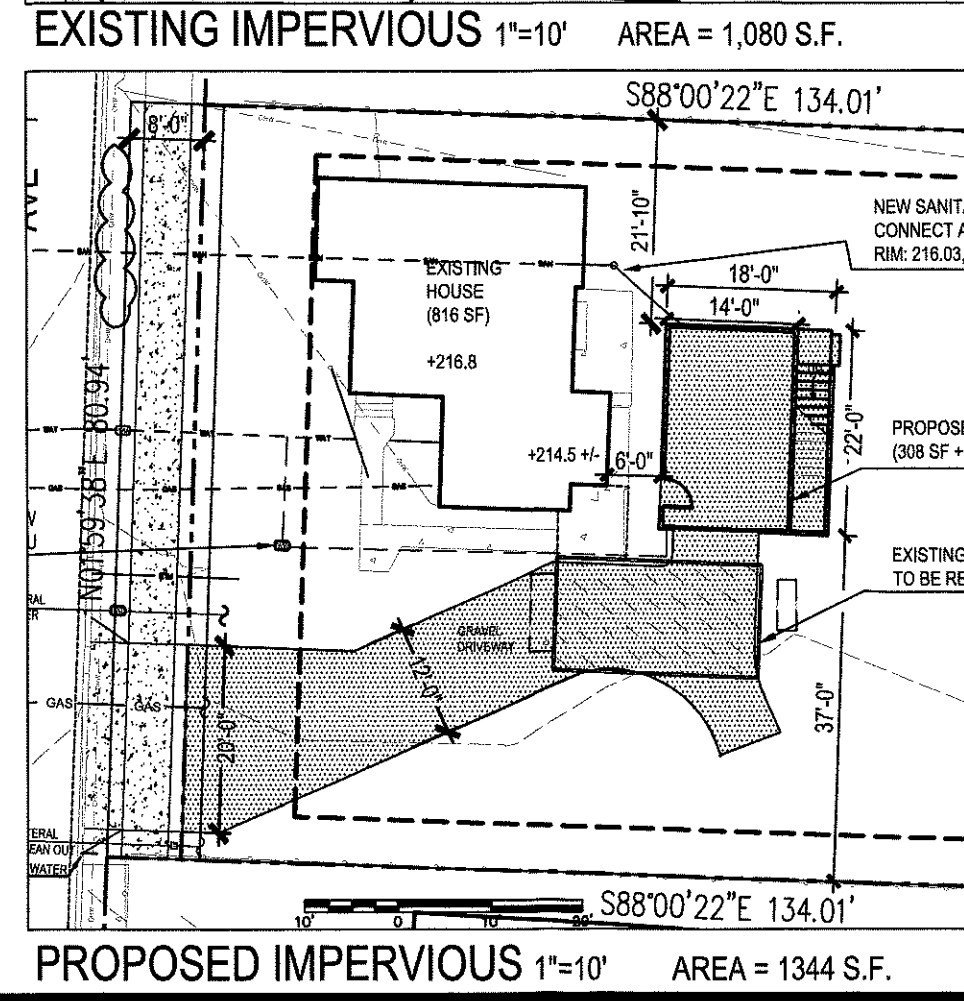
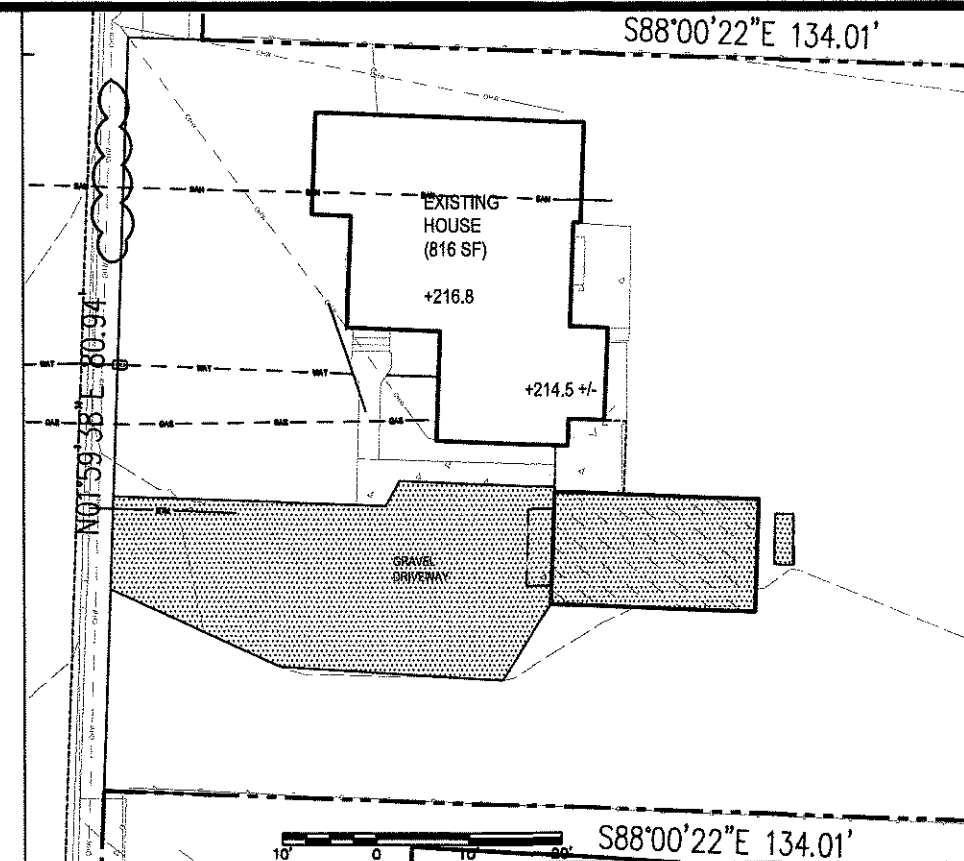
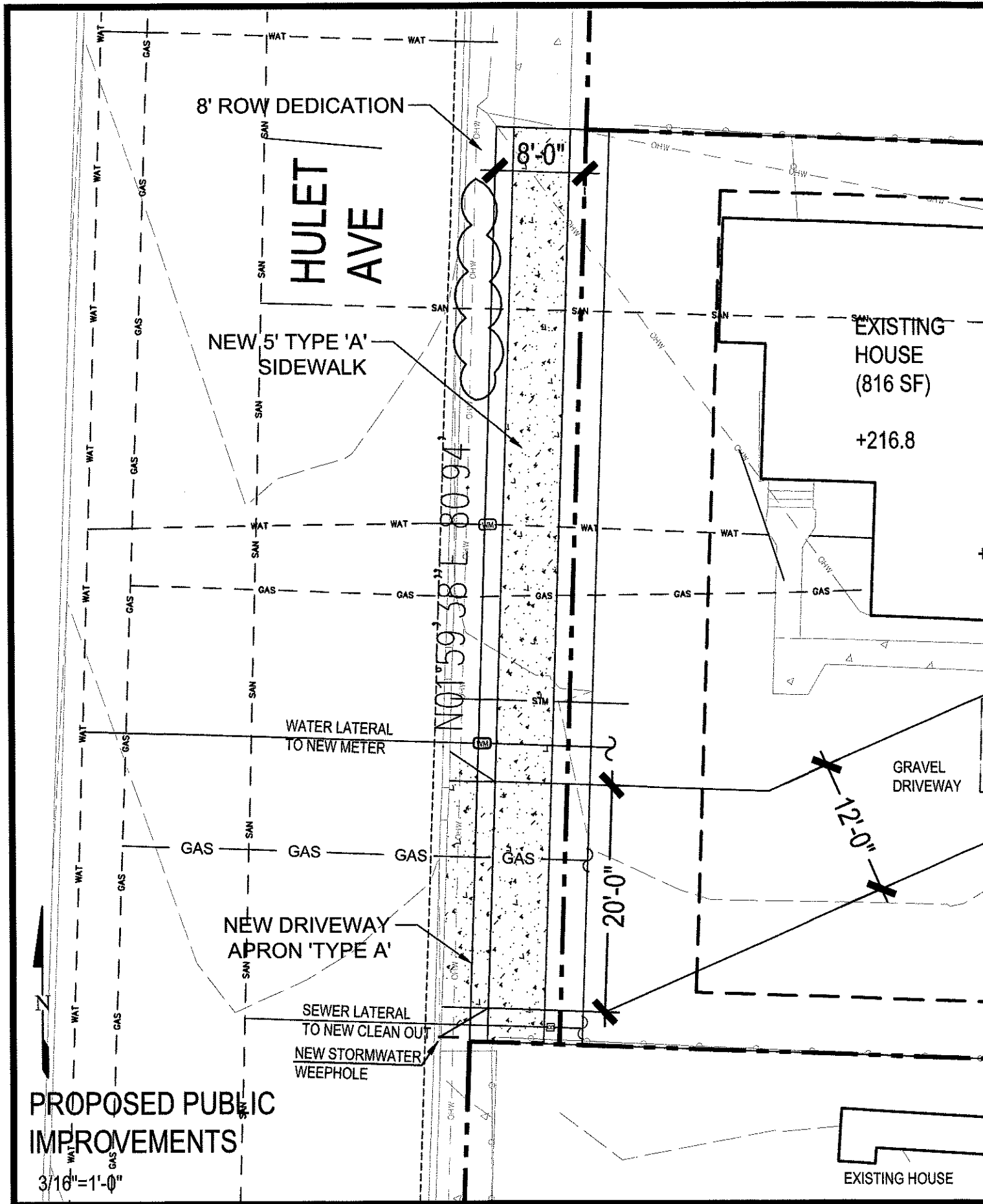
1/4" = 1'-0"



SITE PLAN

1"=10'





608 Hulet Ave.,  
Newberg, OR  
97132

2/09/21

ADU/GARAGE  
PUBLIC IMPROVEMENTS PLAN