



Community Development Department

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

NOTICE OF DECISION
DR121-0003 – 700 E Fifth St – Coats ADU

August 6, 2021

Jeffrey Coats & Dayna Mink-Coats
5021 Ripley Lane N, Unit #105
Renton, WA 98058

Dear Mr. Coats,

The Community Development Director has approved the design review application DR121-0003 for an Accessory Dwelling Unit (ADU). This decision will become effective on August 21, 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 August 20, 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.

Sincerely,

Keith Leonard, AICP
Associate Planner
City of Newberg

STAFF REPORT
DR121-0003 – 700 E Fifth St – Coats ADU

FILE NO: DR121-0003

REQUEST: Approval of an ADU located in the basement of a single-family home

LOCATION: 700 E Fifth Street

TAX LOT: R3219AD 09500

APPLICANT/

OWNER: Jeffrey Coats & Dayna Mink-Coats

ZONE: R-2 (Medium Density Residential)

OVERLAYS: Airport Overlay (Airport Inner Horizontal Surface)

A. Location and Site Description:

The subject property is located at 700 E Fifth Street and is zoned R-2 (Medium Density Residential). The subject property is a corner lot and is accessed from E Fifth Street. The Accessory Dwelling Unit (ADU) will be located in the basement of the existing single-family dwelling. The existing dwelling is 3,200 square feet with the proposed ADU being 750 square feet. The subject property does not contain any natural features or steep slopes and on-site topography is generally flat.

The applicant has stated that they've had an egress window professionally installed but no building permit number is provided or verification that the egress exit meets building code requirements. The City will require an inspection or building permit to ensure that an egress exit that meets building code requirements has been properly installed.

B. Site Information

Access and Transportation: Access to the lot is provided via a driveway from S College Street which is classified as a local residential street in the City's Transportation System Plan (TSP).

Utilities:

Water: There is an existing 8-inch public water line documented in the City's GIS on E Fifth Street.

Wastewater: There is an existing 8-inch public wastewater line documented in the City's GIS on S College Street.

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

Overhead Lines: There are existing overhead utility lines in the vicinity of the property. All 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 states that the ADU will be located in the basement of an existing single-family dwelling. The property is accessed from a driveway off of N College Street. The driveway is located on a separate tax lot abutting the subject property to the south. Single-family dwellings require 2-parking spaces and ADUs do not require parking. 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.” The applicant will provide at least 2 on-site off-street parking spaces for the single-family dwelling. This criterion is met.

15.440.010 Required off-street parking.

F. Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to NMC 15.440.030, multiplied by a factor of:

- 1. One and one-fifth spaces for uses fronting a street with adjacent on-street parking spaces; or**
- 2. One and one-half spaces for uses fronting no street with adjacent on-street parking; or**
- 3. A factor determined according to a parking analysis.**

Finding: There is one single-family home, which requires 2 off-street parking spaces. Both E Fifth Street and S College Street allow on-street parking abutting the subject property. Because the applicant is not proposing any additional parking these criteria are not applicable to this design review application.

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 interior ADU will be located in the basement of the single-family dwelling which is the main building. No additional accessory buildings are proposed by the applicant. These criteria are not applicable given the proposed ADU will be located in the interior of the existing single-family dwelling.

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 applicant is not proposing the construction of a freestanding ADU. The ADU will be located in the basement of the existing single-family dwelling. No change to the building height is proposed. These criteria are not applicable.

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 S College Street, 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 from single-family dwellings in the NMC. ADUs can be located in a detached accessory building, attached to, or in the interior of a single-family dwelling. The applicant is proposed an interior ADU located in the basement of an existing single-family dwelling. 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 6,450 square feet in area, which exceeds the 3,000 square foot minimum lot area for R-2 zoned property. 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-2 lot size of 3,000 square feet.

B. Lot or Development Site Area per Dwelling Unit.

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

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 is 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.***
 - b. R-2 and RP: 50 percent.***
- 2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.***
- 3. Combined Maximum Lot and Parking Coverage.***
 - a. R-1, R-2 and RP: 60 percent.***

Finding: The subject property is zoned R-2, 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. The applicant has stated in their narrative that they installed a parking pad prior to applying for approval of the proposed ADU. The applicant stated their intent was to provide adequate parking for the house. Single-family dwellings require 2 parking spaces and ADUs do not require parking. No parking is required for the ADU. The applicant illustrates 8 parking off-street parking spaces on their site plan with no dimensions provided for each parking spaces. The net impervious area increase associated with the parking pad is 680 square feet. 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 to the Community Development Department within 14-days of the notice of decision being issued because the applicant did not provide this information.

15.410.020 Front yard setback.

A. Residential

- 1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.***
- 3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.***

Finding: The ADU will be located within the basement of the single-family dwelling. There will be no changes to the footprint of the dwelling and the property is accessed from a separate lot that abuts S College Street. The garage is existing and there is no proposed change to the footprint of the structure; therefore, subsection “3” above is not applicable. These criteria are not applicable to this design review application.

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 applicant is not proposing a change to any of the existing interior yard setbacks relative this design review application. This criterion is not applicable.

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.

15.420.010 Required minimum standards.

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family dwellings:

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: There is a mix of deciduous and conifer trees planted in the planter strips along S College Street and E Fifth Street. No additional street trees will be required due to the planter strip being fully landscaped.

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-2 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-2 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 the basement of an existing single-family dwelling. This criterion is met.

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 dwelling is 3,200 square feet. The proposed ADU will be 750 square feet. The ADU is 23% 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: The applicant's site plan illustrates eight (8) off-street parking spaces accessed from the driveway located south of the subject property. Two (2) off-street parking spaces are required per NMC 15.440.030 for the primary residence or single-family dwelling. This criterion is met.

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

Finding: The applicant 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 the basement of an existing single-family dwelling. This criterion is met.

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

Finding: ADUs are permitted by right within the R-2 District. The proposed ADU will be located within the basement of an existing single-family dwelling. As proposed, the ADU complies with all development standards established for the R-2 zoning district. This criterion is met.

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: The Engineering Division reviewed the proposed ADU and determined that street frontage improvements were not warranted and that the existing street frontage improvements on E Fifth Street and S College Street meet City requirements; therefore, no new frontage improvements are required, and this criterion is met.

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.

Finding: The applicant has indicated in the narrative that they installed a parking pad prior to applying for approval of an ADU. They stated their intent was to provide adequate parking for the house. The parking pad provides more parking than is necessary for the house. No parking is required for the ADU. The net impervious area associated with the parking pad is 680 square feet. Because the impervious area of the new parking pad is greater than 500 square feet, the applicant must address stormwater management to comply with NMC 13.25 and Newberg Public Works Design and Construction Standards within 14-days of the notice of decision being issued.

13.25.270 Stormwater treatment.

A. Projects shall use techniques or create stormwater facilities that maintain the water quality and beneficial uses of the receiving watercourse.

B. The discharge rate and stormwater volume leaving a site shall conform with the requirements of the design standards manual and:

- 1. Not create or increase existing erosion or flooding problems of adjacent properties or areas downstream of the site; and***
- 2. Maintain historic drainage properties of adjacent properties and watercourses.***

C. Stormwater facilities that discharge to the city's wastewater system shall be considered an illegal discharge.

13.25.280 Facility design.

A. Prior to an applicant receiving a permit for a project, the director shall determine the stormwater requirements of the project.

- 1. All projects which create 500 square feet or more of net impervious area that directly discharge to a watercourse or occur on properties with existing severe erosion problems may be required to provide engineered stormwater facilities that meet the requirements of this code and the design standards manual.***
- 2. Projects disturbing one acre or more of land shall have stormwater facilities that are designed by a professional civil engineer and meet all of the requirements of this code and the design standards manual.***
- 3. Projects disturbing less than one acre of land but creating 2,877 square feet or more of net impervious area shall provide a summary of the project, design flow calculations, and proposed methods for treating stormwater to the director for review and approval in accordance with requirements specified in the design standards manual. The submitted material shall be used by the director to determine whether the proposed stormwater facilities are subject to subsection (A)(2) of this section.***
- 4. Projects creating 500 square feet or more of net impervious area but less than 2,877 square feet of net impervious area shall provide a project summary and a scaled drawing showing the general stormwater flow direction to the director for review and approval in accordance with the requirements specified in the design standards manual. The material shall be used by the director to determine whether stormwater facilities are required for the project and subject to subsection (A)(3) of this section.***
- 5. Projects on properties lying partially or completely within the 100-year floodplain or the Newberg stream corridor overlay sub-district are subject to additional requirements as specified in the design standards manual.***

B. All stormwater facilities, structural and nonstructural, shall have an emergency overflow or bypass that is designed to passively function and route excess floodwaters to an appropriate location that minimizes the effect of the overflow to adjacent properties.

Finding: The applicant has submitted a description of a parking pad that is approximately 680 square feet. Additionally, the applicant describes the runoff from the parking pad as “infiltrating”. From the site plan and narrative, it appears the parking pad will drain to the driveway adjacent to the south of the subject property, which also owned by the applicant. The applicant will need to submit a sizing form, public works drawing 451, to size an appropriate infiltration facility for the parking pad or an equivalent amount of impervious area at an alternate location on the property. The applicant may contact the City for a description of an infiltration testing process they may use to demonstrate adequate infiltration.

Because the applicant has not clearly indicated if treatment of stormwater runoff from the parking pad meets City requirements, within 14-days of the notice of decision being issued, the applicant shall submit a completed sizing form found in The Public Works Design and Construction Standard Details, Drawing 451, and demonstrate adequate infiltrations rates for the new impervious area or provide treatment of an equivalent area at an alternate location on the property, or otherwise demonstrate that City stormwater treatment requirements are met..

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

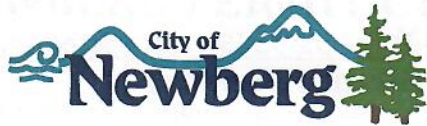
- A. Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
1. The applicant shall provide lot and parking coverage calculations as defined in NMC 15.05.030 that meet the requirements of NMC 15.405.040 to the Community Development Department within 14-days of the notice of decision being issued.
 2. The applicant must address stormwater management to comply with NMC 13.25 and Newberg Public Works Design and Construction Standards within 14-days of the notice of decision being issued.
 3. Within 14-days of the notice of decision being issued, the applicant shall submit a completed sizing form found in The Public Works Design and Construction Standard Details, Drawing 451, and demonstrate adequate infiltrations rates for the new impervious area or provide treatment of an equivalent area at an alternate location on the property, or otherwise demonstrate that City stormwater treatment requirements are met.

NOTE:

1. It is unclear if the ADU basement egress window meets building code requirements. Within 14-days of this notice of decision being issued the applicant must request an inspection by the Building Division. Please call 503-537-1240 to set up an inspection.
2. Additionally, in order to qualify as an ADU, there must be absolutely **no direct connection** to the main home or single-family dwelling. The ADU must be accessed by a completely separate

entrance that only accesses the ADU. Additionally, there must be a separate kitchen with cooking facilities only for the ADU. Please contact the Building Division at 503-537-1240 to schedule an inspection to ensure there is no direct connection between the ADU and the Single-family dwelling and that the cooking facilities meet all required building codes.

Application



TYPE I APPLICATION -- 2019 (ADMINISTRATIVE REVIEW)

File #: DR121-0003

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) _____

APPLICANT INFORMATION:

APPLICANT: Jeffrey D. Coats and Dayna A. Mink Coats Owners of 700 E 5th, LLC

ADDRESS: 700 E 5th St, Newberg, OR 97132

EMAIL ADDRESS: jeffrey.coats@comcast.net

PHONE: (503) 995-9765

MOBILE: same

FAX: NA

OWNER (if different from above): Same

PHONE: same

ADDRESS: 5021 Ripley Lane N, Unit #105, Renton, WA 98056

ENGINEER/SURVEYOR: NA

PHONE: NA

ADDRESS: NA

GENERAL INFORMATION:

PROJECT NAME: 700 E 5th, LLC - ADU

PROJECT LOCATION: 700 E 5th St, Newberg, OR 97132

PROJECT DESCRIPTION/USE: Residential basement ADU

PROJECT VALUATION: \$1,500 (window)

MAP/TAX LOT NO. (i.e. 3200AB-400): R3219AD 09500

ZONE: R2

SITE SIZE: 0.1481 SQ. FT. ACRE

COMP PLAN DESIGNATION: Medium Density Residential

TOPOGRAPHY: _____

CURRENT USE: Rental Property two units, one is the main house, the other is the basement, the two the share laundry room

SURROUNDING USES:

NORTH: Residential (multi-family)

SOUTH: Residential (single family)

EAST: Residential (single family)

WEST: Residential (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.

Jeff Coats Digitally signed by Jeff Coats
Date: 2021-03-08 11:39:10 May 3, 2021
Applicant Signature Date

Jeff Coats Digitally signed by Jeff Coats
Date: 2021-03-08 11:39:48 May 3, 2021
Owner Signature Date

Jeffrey D. Coats
Print Name

Jeffrey D. Coats
Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists

Written Criteria Response
DR121-0003 - 700 E Fifth St.

Please accept the following responses to the written criteria on pages 9 of the Type I Application.

(1) Parking. Parking areas shall meet the requirements of § 15.440.010.

This application is for an ADU in the basement of a five-bedroom house. §15.440.010 directs us to §15.440.030, which requires off-street parking for a five-bedroom residential property of 0.75 per bedroom or 3.75, which the site did not have when we bought it last April. We poured a permitted concrete parking pad on site last summer for five vehicles, there is also a two-car garage and a parking spot in front of the garage. So, there is off-street parking for eight vehicles. However, according to §15.445.260(B)(4) there is no requirement for on sight parking for an ADU.

(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.

The proposed ADU is the basement of the existing building, a building constructed in 1922, which complies with all applicable setbacks and general requirements including height restrictions, public access, coverage, vision clearance and yard requirements in existence since that time. There will be no alterations to the existing structure or landscaping with respect to any of these items. Each separate code in the “et seq.” is addressed as follows:

§15.415.010 ‘Main Building and uses as accessory buildings’ addresses uses, this is a residential use and is not multiple buildings, the ADU is the basement of the main building, there will be no additional accessory buildings.

§15.415.020(A)(1) addresses building height in R2 zoned districts, this ADU is the basement of the existing main building and will not involve adding any height to the building. The building was constructed in 1922 and is no taller than neighboring two story buildings. It is believed to be 30 feet or less in height.

§15.415.030 addresses building height exemptions, none are requested or needed here as the ADU is the basement of the existing building and no height adjustments or exemptions are needed.

Based on the Type I application it appears all sections of §15.415.050 are or may not be applicable. Page 9 of the application says, “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.” None of these noted sections are §15.415.050 which addresses, ‘Public access required’ the building must have public or private street access, this building sits on the corner of College and E 5th St, public roads and the back abuts a small piece of property the applicant owns containing a driveway and no improvements, which provides access as well, so there is both public and private access.

The following is provided here in the event §15.415.050 is indeed applicable to this application:

§15.415.050 'Rules and exceptions regarding single family attached dwellings' a dwelling unit is defined as: "Dwelling unit" means a single unit of one or more habitable rooms providing complete independent facilities for occupants, including permanent provisions for living, sleeping, eating, cooking and sanitation. This application is for an accessory dwelling unit that meets this definition. There are habitable rooms, a permitted professionally installed bedroom window is in the bedroom, there is a full bathroom and kitchen with permitted professionally installed plumbing, wastewater and fresh. There is independent locked access to the unit.

Each subpart of §15.415.050 is addressed below:

'A. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot which includes existing lots of record.' The applicant seeks no approval for additional structures. The basement of the existing building is on the building's subdivided or partitioned lot of record.

'B. The dwelling unit shall have a common wall at the zero lot line.' "Zero lot line" means a lot line having no setback or yard therefrom; primarily used in conjunction with single-family attached dwelling units. This application is for the designation of the basement as an ADU. The "shared wall" is the ceiling of the unit and the floor of the house above as well as the full bathroom, which abuts the house on the main level.

'C. The combined area of lots shall not be less than the lot area required in the residential district.' This section of the code is inapplicable as there is no area to combine, the basement is within the existing footprint of the house.

'D. The lot or development site area requirement per dwelling unit listed in this code shall apply to each individual lot.' This does not seem to apply because there are not sperate lots. However, an application for a separate address for the ADU may be made after the ADU is approved. Each dwelling unit will remain within the lot and development site.

'E. The setback requirements will apply to each dwelling unit independently, except that the setback for the zero lot line shall be waived.' This application will not impact existing setbacks and to the extent the existing basement is considered a zero lot line, it is waived.

'F. Each dwelling unit shall have independent services which include, but are not limited to, wastewater, water and electricity.' This would apply if the ADUs was to be partitioned or subdivided according to §15.445.260(B)(6), which says, "An accessory dwelling unit cannot be partitioned or subdivided from the parcel of the primary unit if there are shared water and wastewater lines." This applicant does not seek to have the ADU partitioned or subdivided from the parcel. Each unit has independent electricity but there is only one water and wastewater connection. There are separate electric hot water heaters and separate cable

connections. As the building owners we pay the wastewater and water bills so neither is the responsibility of the ADU occupant(s).

‘G. Authorization of single family attached dwelling units does not waive any requirement specified within the current edition of the Oregon Residential SpecialtyCode or other applicable requirements.’ Applicant believes this request is in compliance with said code and will take any corrective action identified by the city.

‘H. Maximum lot coverage requirements specified in this code shall apply to each individual lot.’ This application does not add any 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. [Ord. 2451, 12-2-96. Code 2001 § 151.539.]’ The applicant does not seek approval for any building permit there is no construction this is essentially a use permit. The site plan is attached to the application.

(3) Landscaping requirements – The proposal shall comply with §15.420.010 dealing with landscape requirements and landscape screening.

§15.420.010 addresses landscaping and amenities in public rights of way. This application does not impact any public right or ways. There is a private entrance on the side of the house with stairs to the basement. To the extent the city identifies any public right of way impact this issue will be appropriately addressed.

(4) Signs – Signs shall comply with §§ 15.435.010 et seq. dealing with signs. At such time as a mailbox or other address marker will be installed, if at all, it will comply with said code. At present the only thing contemplated that may fall under this code is the potential placement of a mailbox and address marker on the wall next to the existing mailbox next to the door on the porch of the main building entrance.

(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 property is zone R2. According to §15.305.020 in R2 zoned space ADUs are authorized as a Special Use. The use is subject to specific standards as identified within this NMC. ADUs are provided for under §15.445 Article V. Under that code, §15.445.250 provides:

The purpose is to achieve the following:

A. Increase the number of affordable housing units in the community. This application adds one affordable housing unit, it may rent for \$1,000. This application falls neatly into Newberg’s Affordable Housing Plan (2009) by adding density, low-cost housing, and easily meeting the housing demand for households earning \$50,000 or less.

B. Increase residential densities with minimal impact on the quality or character of existing neighborhoods. This adds residential density and has no negative impact at all on the quality

or character of the existing neighborhood, which currently has exactly the same use, although likely unpermitted on two of the three adjacent street corners.

C. Allow small and/or older households to retain large homes as residences. The main building was built in 1922 and is maintained as a residence.

D. Permit young households to achieve home ownership by using the rent from the accessory unit to offset mortgage costs. This is not applicable; we are not a young household.

E. Provide needed space for elderly family members, teenagers, and/or returning adult children. [Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2505, 2-1-99. Code 2001 § 151.678.1.] This does provide needed low-cost space for anyone, our returning children as well as George Fox University students.

§15.445.260 provides ADUs are outright permitted uses in R2 zoned areas with the following limitations:

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. This ADU is created within the interior.
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. The primary unit is 3200 SF, the basement unit that is the subject of this request is 750 SF, that is roughly 23% meeting both criteria.
3. The number of residents permitted to inhabit the accessory dwelling unit is regulated by the current edition of the Oregon Residential Specialty Code. Acknowledged.
4. The primary residence shall provide parking per NMC 15.440.030. The accessory dwelling unit does not require on-site parking. As noted in #1, above, we poured a permitted concrete parking pad on site last summer for five vehicles, there is also a two-car garage and a parking spot in front of the garage. So, there is off-street parking for eight vehicles on the property.
5. Owner occupancy of the primary unit or accessory dwelling unit is not required. Acknowledged.
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. The applicant does not seek to partition or subdivide the ADU at this time. At such time as that is contemplated separate water and sewer lines will be constructed.
7. There shall be compliance with all of the development standards established in the base zone. [Ord. 2858 §1 (Exh. A), 3-16-20; Ord. 2832 §1 (Exh. A), 7-2-18; Ord. 2730 §1 (Exh. A (15)), 10-18-10; Ord. 2505, 2-1-99. Code 2001 §151.678.2.] This is addressed in

the above. Additionally it is believed the window in the bedroom unit was insufficient for bedroom egress requirements. That has been rectified with a permitted professionally installed window.

§15.445.270 Approval. To obtain approval to create an accessory dwelling unit, the applicant must demonstrate compliance with all of the requirements of NMC 15.445.260 (see above). The application shall be processed as a Type I procedure as regulated by NMC 15.100.130 (it is). [Ord. 2832 §1-(Exh. A) Parking, addressed above twice; 7-2-18; Ord. 2730 §1 (Exh. A (15)) which addresses Newberg planned density, this ADU adds to downtown density, 10-18-10; Ord. 2505, 2-1-99. Code 2001 §151.678.3.] all addressed in the codified sections noted above. All of these issues have been addressed in this written criteria response.

Thank you for your consideration,

Jeff and Dayna Coats, Owners
J&D Coats Properties dba 700 E 5th, LLC



Fidelity National Title
Company of Oregon

Fidelity National Title Company of Oregon
900 SW 5th Avenue
(503)223-8338

OWNERSHIP AND MONETARY ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary Encumbrances

To ("Customer"): Dayna Mink-Coats
5021 Ripley Lane N, Unit 105
Renton, WA 98056

Customer Ref.: _____
Order No.: 45142111936
Effective Date: April 14, 2021 at 08:00 AM
Charge: \$100.00

The information contained in this report is furnished by Fidelity National Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES ONLY MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of the property ("the Property") as of the Effective Date is:

700 E 5th St, LLC, an Oregon limited liability company

Premises. The Property is:

(a) Street Address:

700 E 5th Street, Newberg, OR 97132

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Monetary Encumbrances

Monetary Encumbrances. As of the Effective Date, the Property appears subject to the following monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2020-2021
Amount: \$3,721.48
Levy Code: 29.0
Account No.: 53676
Map No.: R3219AD 09500

1. City Liens, if any, in favor of the City of Newberg.
2. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$343,920.00
Dated: March 31, 2020
Trustor/Grantor: Jeffrey David Coats and Dayna Mink-Coats, husband and wife
Trustee: Fidelity National Title Company of Oregon
Beneficiary: Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Prosperity Home Mortgage, LLC
Loan No.: 1002271142/MIN: 1000830-1002271143-3
Recording Date: April 1, 2020
Recording No.: 202005293

NOTE: Based on recitals in the trust deed or an assignment of the trust deed, it appeared that Prosperity Home Mortgage, LLC was the then owner of the indebtedness secured by the trust deed. It may be possible, for a MERS trust deed, to obtain information regarding the current owner of the indebtedness and the servicer, if any, by contacting MERS at 888-679-6377 or through the MERS website.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Deborah Clark
5035353743
Deborah.Clark@titlegroup.fntg.com

EXHIBIT "A"
Legal Description

The West one-half of Lots 11 and 12 in Block 6, EDWARDS SECOND ADDITION, to the City of Newberg, County of Yamhill, State of Oregon.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

J&D Coats Properties (Jeff and Dayna Coats, owners)
 700 E 5th Street Newberg, OR 97132



- Legend**
- Newberg Street Lights**
- NEWBERG
 - PGE
- Public Utilities - Water Mains**
- Main
 - NonPotable Main
 - Reuse

- Public Utilities - Wastewater Manholes**
- Manhole
- Public Utilities - Wastewater Mains**
- Force Main
 - Gravity Main
- Public Utilities - Wastewater Laterals**
- Lateral

Property Facts for 700 E 5th St

700 E 5th St, Newberg, OR is a single family home that contains 3,201 Sq. Ft. sq ft and was built in 1922. It contains 6 bedrooms and 5 bathrooms. This home last sold for \$429,900 in March 2020.

Parcel #	R3219AD 09500	Lot Size	6,451 Sq. Ft.
Property Type	Single Family Residential	County	YAMHILL
Living Area Sq. Ft.	3,201 Sq. Ft.	Year Built	1922