

NOTICE OF DECISION
421 S Meridian St
Partition – PAR22-0001

April 21, 2022

Ron Manning
Lone Oak Builders
601 Pinehurst Dr
Newberg, OR 97132

Sent via email: ron@loneoakbuilders.com

Dear Mr. Manning,

The Newberg Community Development Director has approved the proposed preliminary plat application, PAR22-0001, for the three-lot partition of 421 S Meridian Street, Tax Lot R3219AD 05700, subject to the conditions listed in the attached report. The decision will become effective on May 5, 2022, unless an appeal is filed.

You may appeal this decision to the Newberg Planning Commission within 14 calendar days of this decision in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$547.00 (plus 5% technology fee) to the Planning Division within 14 days of the date of this decision.

The deadline for filing an appeal is 4:30 pm on May 4, 2022.

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

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the partition containing the lot. Preliminary plat approval shall be effective for a period of two years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted by April 21, 2024, or other assurance provided, pursuant to NMC 15.235.070.

If you have any questions, please contact me at sam.gudmestad@newbergoregon.gov or 503-554-7764.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Gudmestad".

Sam Gudmestad
Assistant Planner
City of Newberg

Electronic cc: Leonard Rydell larydell@teleport.com, doug.rux@newbergoregon.gov

Postal cc: Denise Guedon

DECISION AND FINDINGS
421 S MERIDIAN STREET PARTITION – PRELIMINARY PLAT – PAR22-0001

FILE NO: PAR22-0001

REQUEST: Partition one 9,460 square foot lot into two lots

LOCATION: 421 S Meridian Street

TAX LOT: R3219AD 05700

APPLICANT: Leonard A. Rydell

OWNER: Ron Manning

ZONE: R-2

PLAN DISTRICT: MDR (Medium Density Residential)

OVERLAYS: Airport Overlay (Airport Inner Horizontal Surface)

CONTENTS:

Section I: Application Information

Section II: Findings

Section III: Conditions

Attachments:

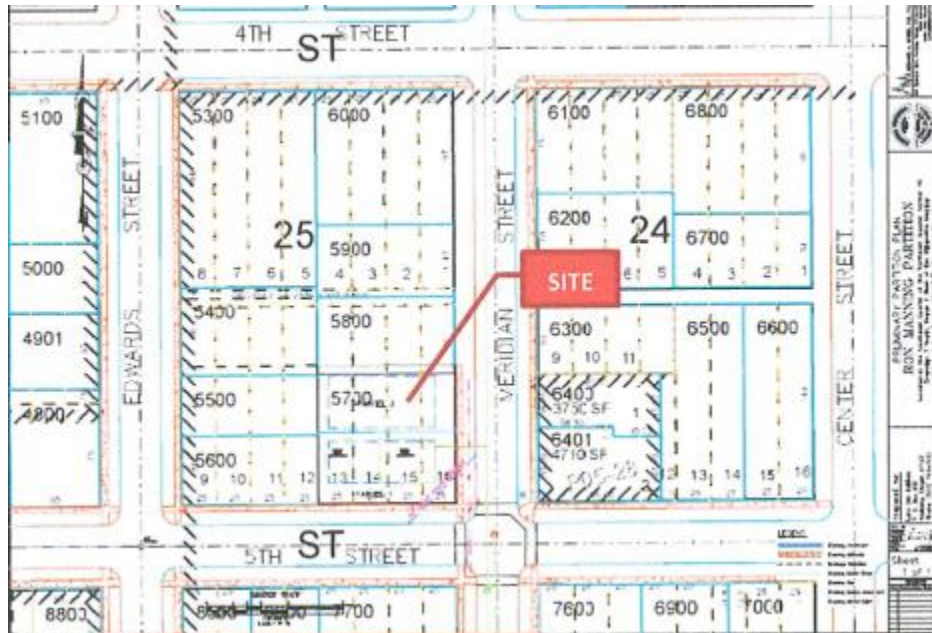
1. Tentative Plat
2. Application
3. Agency Comments

Section I: Application Information

A. DESCRIPTION OF APPLICATION: Tentative plat approval for a partition that would divide one lot that has a new home and garage under construction on the South half of the property into two lots. Parcel 1 1 will be 5,200 square feet and a new single-family home and garage are currently under construction. Parcel 2 will be 4,300 square feet with plans to construct a new single-family home. The subject site is zoned R-2 and is surrounded by existing R-2 uses. The applicant is proposing to dispose of increased runoff using paver driveways, swales, and/or rain gardens to accommodate for the two smaller dwellings.

B. SITE INFORMATION:

1. Location: 421 S Meridian Street



2. Size: 9,460 square feet

3. Topography: Flat

4. Current Land Uses: The subject site is zoned R-2. The site currently has one single-family dwelling and garage under construction.

5. Natural Features: One mature tree and groundcover, no significant natural resources.

6. Adjacent Land Uses:

a. North: Single-family residence

b. East: Single-family residence

c. South: Single-family residence

d. West: Single-family residence

7. Zoning:

- a. North: R-2 (Medium Density Residential)
- b. East: R-2 (Medium Density Residential)
- c. South: R-2 (Medium Density Residential)
- d. West: R-2 (Medium Density Residential)

8. Access and Transportation: Access to the new lot is provided from S Meridian Street. There is an existing access from E Fifth Street for the original lot. Both streets are residential streets under the jurisdiction of the City of Newberg.

9. Utilities:

- a. Water: The City's GIS mapping shows there is a 6-inch water line in S Meridian Street. Water service will need to be provided to each lot and fire flows will need to be verified.
- b. Wastewater: The City's GIS mapping shows there is an 8-inch wastewater line in the east side of S Meridian Street.
- c. Stormwater: There is an 8-inch storm line located in E Fifth Street. There is an inlet at the northwest corner of the intersection of E Fifth and S Meridian Streets.
- d. Overhead Lines: Any new connection the property will need to be undergrounded. See NMC 15.430.010 for exception provisions.

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

3/11/2022: The Community Development Director deemed the application complete.

3/18/2022: The applicant mailed notice to the property owners within 500 feet of the site.

3/21/2022: The applicant posted notice on the site.

4/1/2022: The 14-day public comment period ended.

4/21/2022: The Director issued a decision on the application.

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

Public Works Maintenance: Reviewed; no conflict

Public Works Wastewater Plant: Reviewed; no conflict

Director of Public Works: Reviewed, no conflict

Building Official: Reviewed; no conflict

Police Department: Reviewed; no conflict

Finance: Reviewed; no conflict

City Manager: Reviewed; no conflict

Ziply Fiber: Reviewed; no conflict

Engineering: If more than \$30,000 of improvements are made to the property, street/frontage improvements can be required, see NMC 12.05.090.

- E. PUBLIC COMMENTS:** As of the writing of this report, the City has received one comment on the proposal (Attachment 3). The comment is from Denise Guedon. The information in the letter raises the following concerns.

“It’s become disheartening to see so many of the lots being split and having these skinny modern builds without any thought or concern given to how they don’t blend in with the existing architecture in the neighborhood. I was so happy to see the lot in question developed with at least a large single family home. Perhaps an ADU above the detached garage?? It looks reasonably appropriate to the neighborhood for new construction I’m thinking. But if you split that lot and stick yet another skinny house in there leaving no substantial yard or outdoor living space for either dwelling, it’s going to really detract from and be inconsistent with the older architecture of most of the other homes in the neighborhood. The charm and character of older neighborhoods and the old downtown area are important to retain in any town especially one that has a developing tourist economy. I would ask that the city be mindful of this with it’s decisions to allow all these lots in this neighborhood to be chopped up and built on without consideration for retaining the character and preservation of our older neighborhoods.”

Staff Response:

The submitted application for a partition is allowed by Newberg Municipal Code (NMC) 15.235 LAND DIVISIONS and is consistent with the applicable provisions of Newberg Municipal Code (NMC) 15.400 DEVELOPMENT STANDARDS.

- F. ANALYSIS:** The property is zoned R-2, which requires 3,000 square foot minimum lot size. The proposed partition would create two lots that meet the minimum lot size requirement. At the time of creation of the original lot it was permitted at 9,460 square feet. Parcel 1 will be reduced in size to 5,200 square feet with the partition of Parcel 2 being 4,300 square feet.

**Section II: Findings – File PAR22-0001
421 S Meridian Street Partition Tentative Plan**

These findings are based on review of the following approval criteria as required in NMC Division 15.200 Land Use Applications:

15.200 Land Use Applications

15.220.030 Site design review requirements.

A. Type II. The following information is required to be submitted with all Type II applications for a site design review

- 1. Roadways and Utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.**

Findings: The proposed plans show existing sidewalks. The submitted narrative describes new sidewalks. Because the applicant has not submitted final plans, final plans showing new sidewalks will be required with the building permit application. This requirement is met.

- 2. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]**

Finding: The proposed development will include one new home. The new trips created will not meet the threshold for a traffic study. This criterion does not apply.

15.235.050 Preliminary Plat Approval Criteria

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

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

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

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

Finding: The applicable provisions of NMC 15.400 are discussed in detail below in the report. The planned parcel sizes, dimensions, and uses conform to the requirements of NMC 15.400.

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

Finding: Parcel 1 takes access from E Fifth Street which is classified as a local residential street and is under the jurisdictional authority of the City of Newberg. Parcel 2 takes access from S Meridian Street and is under the jurisdictional authority of the City of Newberg. The parcels will be served by existing utilities that currently serve the S Meridian Street area, so no major street, water, sanitary sewer or storm drainage improvements are proposed. An overhead power line is located on the east side of the lot within the public right-of-way. New or modified service connections/poles are required to be undergrounded. There is an existing sewer lateral along S Meridian Street.

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

Finding: The application does not include a subdivision. Partitions are named by year and file number; therefore, this criterion does not apply.

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

Finding: The applicable standards of Section 15.505 are discussed in detail throughout this report. This criterion will be met with the adherence to the conditions of approval in Section III.

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

Finding: The partition application does not include any proposed private common areas or improvements. Therefore, the criterion does not apply.

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

Finding: Based on the applicant's submittal, the application does not appear to require state or federal permits. The criterion does not apply.

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

Finding: Required public improvements must be provided prior to final plat approval subject to the conditions of approval in Section III of this report.

Division 15.400

Chapter 15.405 LOT REQUIREMENTS

- 15.405.010** *Lot area – Lot areas per dwelling unit.*
- A. *In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:*
 1. *In the R-2 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. The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 5,000 square feet.*
 - B. *Lot or Development Site Area per Dwelling Unit.*
 1. *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, except that there shall be a minimum of 3,000 square feet per duplex dwelling. In the R-2 and R-P districts, lots, or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area*
 - C. *In calculating lot area for this section, lot area does not include land within public or private streets. In calculation lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with future development plan, or land for uses not appurtenant to the residence.*

Finding: The site is zoned R-2. The total original parcel size is 9,460 square feet, currently exceeding the codes current square footage requirement. The proposed partition will reconfigure Parcel 1 to be 5,200 square feet and Parcel 2 will be 4,300 square feet. Both lots are over the minimum required 3,000 square feet for R-2 zones and Parcel 1 will move closer in compliance with the code through this partitioning.

The applicant's proposal conforms to the requirements of NMC 15.405.010.

- 15.405.030** *Lot dimensions and frontage.*
- A. *Width. Widths of lots shall conform to the standards of this code.*

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

Finding: The proposed lots will be under 15,000 square feet. Therefore, this standard does not apply.

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

Finding: The proposed lots conform to the lot area requirements for the R-2 zone, as addressed in the previous finding for NMC 15.405.010

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 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, except that duplex lots in R-3 zone shall have a minimum width of 25 feet at the front building line.*
- 2. The above standards apply with following exceptions:**
 - a.** *Legally created lots of record in existence prior to the effective date of the ordinance codified in the code.*
 - b.** *Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.*

Finding: The R-2 zone requires a minimum street frontage of 25 feet, no maximum is defined. Parcel 1 has 50 feet of frontage to S Meridian Street and 100 feet of frontage to E Fifth Street. Parcel 2 has 50 feet of frontage to S Meridian Street. No new private streets or easements will be needed to meet frontage requirements. The proposal as submitted conforms to the requirements of NDC 15.405.030.

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

3. ***Combined Maximum Lot and Parking Coverage.***
 - b. ***R-2, R-3 and RP: 70 percent.***

Finding: The R-2 zone limits a combined maximum lot and parking coverage (the percent of a lot covered by structures and parking) to 70%. This application submits that the existing structures and parking on Parcel 1 create a combined lot coverage of 37% after the lot partition meeting the criteria. Any future development on Parcel 2 will be reviewed for compliance with all applicable lot and parking coverage requirements at the time of building permit submittal.

Chapter 15.410 YARD SETBACK REQUIREMENTS

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 application indicates that all front yards will be a minimum of 15 feet and landscaped at the time of dwelling construction. Setback compliance will be reviewed at the time of building permit submittal. The garage under construction on Parcel 1 conforms to the setback requirement of 20 feet and the applicant indicates that Parcel 2 will comply as well.

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 application indicates that all interior yards will be five feet or greater.

15.410.060 Vision clearance setback

Finding: The proposed partition does not create a new street, private drive, private street, or an intersection of two streets. Therefore, this standard does not apply.

Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS

Finding: Any applicable requirements will be reviewed at the time of the building permit review process for future development on either lot.

Chapter 15.430 UNDERGROUND UTILITY INSTALLATION

15.430.010 Underground utility installation.

- A. ***All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed***

underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

- B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.*
- C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:*
 - 1. The cost of undergrounding the utility is extraordinarily expensive.*
 - 2. There are physical factors that make undergrounding extraordinarily difficult.*
 - 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed. [Ord. 2537, 11-6-00. Code 2001 § 151.589.]*

Finding: An overhead power line is located on the east side of the lot within the public right-of-way. New or modified service connections/poles are required to be undergrounded. Neither the proposed project narrative or the submitted plans address power to the proposed new lot. Because final plans have not been submitted, final plans showing new utilities installed underground to buildings on the site will be required with the building permit application. Undergrounding of existing overhead utilities along the project frontage will be required if any power poles are relocated to accommodate required improvements for this project.

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

Chapter 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS

15.440.010 Required off-street parking.

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

15.440.030 Parking Spaces Required

<i>Use</i>	<i>Minimum Parking Spaces Required</i>
<i>Residential Types</i>	
<i>Dwelling, single family</i>	<i>2 per dwelling unit</i>
<i>Dwelling, duplex</i>	<i>1 for each dwelling unit</i>

Finding: The applicant states the two residences will each have a two-car garage and a driveway in front of the garage which will provide 4 spaces per dwelling. The applicant states Parcel 1 (under construction) conforms to this, and Parcel 2 will need to meet parking requirements at the time of building permit submittal.

Chapter 12.05 Street and Sidewalks

12.05.090 Permits and certificates.

- A. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is \$30,000 or more except as the city engineer may require on building permits of lesser value in accordance with NMC 12.05.040, the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:**
- 1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.**
 - 2. Dedicate right-of-way in accordance with the city transportation plan.**

Finding: The applicant’s narrative describes new sidewalks along both E Fifth Street and S Meridian. Because final plans have not been submitted, final plans showing the new sidewalks to be constructed along E Fifth Street and S Meridian Street frontages shall be submitted with the building permit application.

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

Division 15.500

Chapter 15.505 PUBLIC IMPROVEMENT STANDARDS

15.505.010 Purpose.

This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development. [Ord. 2810 § 2 (Exhs. B, C), 1219-16.]

15.505.020 Applicability.

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

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

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

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

Finding: E Fifth Street and S Meridian Street are both fully improved. This requirement is does not apply.

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

Finding: The written narrative describes a new water service to the new lot. There is a fire hydrant on the NE corner of the intersection of E Fifth Street and S Meridian Street. The applicant will be responsible to confirm adequate fire flow exists to protect the new development. A fire flow test will need to be completed. These results need to be submitted with building permit applications to be reviewed by the Fire Marshall for approval. Conditions of approval are detailed below under **15.505.040 D.**

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

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

Finding: The applicant is proposing a double Y connection to the existing wastewater lateral to serve both lots. Conditions of approval for this requirement are found below under **15.505.040 E.**

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

Finding: The proposed development will create more than 500 square feet of impervious area. The applicant has provided a preliminary drainage report which proposes rain gardens and permeable pavement to manage new run off from the two lots. Conditions of approval for this requirement are found below under **15.505.050.**

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

Finding: The applicant's preliminary plans do not indicate public utility easements along the property frontages. A 10-foot public utility easement is required along the E Fifth and S Meridian Street frontages. Because final plans have not been submitted, final plans showing a 10-foot public utility easement along the E Fifth and S Meridian Street frontages are to be submitted with permit applications.

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

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

Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

Finding: Public improvement permit(s) must be submitted, approved and issued prior to building permits being issued.

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

15.505.030 Street standards.

- A. Purpose.** *The purpose of this section is to:*
- 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.*
 - 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.*
 - 3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.*
- B. Applicability.** *The provisions of this section apply to:*
- 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.*
 - 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.*
 - 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.*
 - 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.*
 - 5. Developments outside the city that tie into or take access from city streets.*
- C. Layout of Streets, Alleys, Bikeways, and Walkways.** *Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.*

- D. Construction of New Streets.** *Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:*
- 1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and*
 - 2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.*

Finding: E Fifth and S Meridian Streets are improved adjacent to the property. The requirements of A, B, C, and D are met.

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

Finding: The right-of-way adjacent to the property along E Fifth and S Meridian Street is sufficient. This requirement is met.

Roadway	Functional Classification	Existing Right-of-way	Existing Pavement Width	Minimum Right-of-way	Minimum Pavement Width	Typical Cross-Section (per Transportation System Plan)
S Meridian Street	Local Residential (54-feet to 60-feet)	60-feet	32- feet	56-feet For typical section per TSP.	32-feet	<ul style="list-style-type: none"> • 1-foot from back of walk to right-of-way • 5-foot sidewalk • 5.5-foot planter* • 0.5-foot curb • 7-foot parking lane • 9-foot travel lane • 9-foot travel lane • 7-foot parking lane • 0.5-foot curb • 5.5-foot planter* • 5-foot sidewalk • 1-foot from back of walk to right-of-way

Finding: The existing street right-of-way width is 60-feet, and the existing pavement width is 32-feet. This requirement is met.

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

Finding: E Fifth Street and S Meridian Street adjacent to the property are improved. This requirement does not apply.

3. *In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.*

Finding: No street improvements are proposed or required. Therefore, no monies are required in lieu of street improvements. This criterion is not applicable

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

Finding: No street improvements are proposed or required. This criterion is not applicable.

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

be determined using the standards under subsections (G)(2) through (10) of this section.

Table 15.505.030(G) Street Design Standards

<i>Type of Street</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes</i>	<i>Median Type</i>	<i>Striped Bike Lane (Both Sides)</i>	<i>On-Street Parking</i>
Arterial Streets						
<i>Expressway**</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>
<i>Major arterial</i>	<i>95 – 100 feet</i>	<i>74 feet</i>	<i>4 lanes</i>	<i>TWLTL or median*</i>	<i>Yes</i>	<i>No*</i>
<i>Minor arterial</i>	<i>69 – 80 feet</i>	<i>48 feet</i>	<i>2 lanes</i>	<i>TWLTL or median*</i>	<i>Yes</i>	<i>No*</i>
Collectors						
<i>Major</i>	<i>57 – 80 feet</i>	<i>36 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>Yes</i>	<i>No*</i>
<i>Minor</i>	<i>61 – 65 feet</i>	<i>40 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>Yes*</i>	<i>Yes*</i>
Local Streets						
<i>Local residential</i>	<i>54 – 60 feet</i>	<i>32 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking both sides</i>	<i>44 – 50 feet</i>	<i>28 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking one side</i>	<i>40 – 46 feet</i>	<i>26 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>One side</i>
<i>Local commercial/ industrial</i>	<i>55 – 65 feet</i>	<i>34 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>No*</i>	<i>Yes*</i>

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

** All standards shall be per ODOT expressway standards.

Finding: E Fifth Street and S Meridian Street are local residential streets. Both streets are improved. This roadway classification requires 60 feet of right-of-way and 32 feet of pavement width. There is 60 feet of right-of-way for both streets. There is 30 feet of pavement for both streets. This pavement width is standard in this existing neighborhood. Due to the existence of the curb, sidewalk, and planter strip along S Meridian Street and E Fifth Street, the applicant will not be required to update those cross-sectional elements to meet NMC 15.505.030(G). No street improvements are proposed or required. These criteria are not applicable.

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

Finding: No new collector or arterial streets are proposed. This criterion is not applicable.

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

Finding: No bike lines are proposed or required. This criterion is not applicable.

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

Finding: There are no collector or arterial streets proposed. This criterion is not applicable.

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

Finding: No center turn lanes are proposed. This criterion is not applicable.

6. ***Limited Residential Streets. Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:***
 - a. ***The requirements of the fire chief shall be followed.***
 - b. ***The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.***
 - c. ***Use for through streets or looped streets is preferred over cul-de-sac streets.***
 - d. ***Use for short blocks (under 400 feet) is preferred over longer blocks.***
 - e. ***The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.***
 - f. ***On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.***

Finding: Limited residential streets are not proposed. These criteria are not applicable.

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

Finding: The applicant's narrative describes new sidewalks along both E Fifth Street and S Meridian. Because final plans have not been submitted, final plans showing the new 5-foot-wide sidewalks to be

constructed along E Fifth Street and S Meridian Street frontages shall be submitted with the building permit application.

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

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

Finding: There are existing planter strips along E Fifth Street and S Meridian Street. This criterion is met.

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

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

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

Finding: The applicant is not proposing street improvements, and none are required. This criterion does not apply.

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

Finding: The applicant is not proposing modifications to street standards for the purpose of ingress or egress. This criterion does not apply.

- H. ***Modification of Street Right-of-Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:***
 1. ***The modification is necessary to provide design flexibility in instances where:***
 - a. ***Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or***
 - b. ***Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or***

- c. *A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or*
 - d. *A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.*
2. *Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.*

Finding: The applicant has not proposed modifications to these street standards. This criterion does not apply.

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

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

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

Finding: The applicant is not proposing street improvements. This requirement does not apply.

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

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

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

- a. *Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.*
 - b. *Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.*
 - c. *Where streets or accessways would violate provisions of leases, easements, or similar restrictions.*
 - d. *Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.*
2. *Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).*
 3. *Cul-de-sacs shall not serve more than 18 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.*

Finding: The applicant is not proposing a cul-de-sac. These criteria are not applicable.

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

Finding: The applicant is not naming streets. This criterion does not apply.

- N.** *Platting Standards for Alleys.*
1. *An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.*
 2. *The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.*
 3. *Where two alleys intersect, 10-foot corner cut-offs shall be provided.*
 4. *Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.*
 5. *All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.*

Finding: The applicant is not proposing alleys. These criteria do not apply.

O. Platting Standards for Blocks.

1. **Purpose.** *Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.*
2. **Maximum Block Length and Perimeter.** *The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.*

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

3. **Exceptions.**
 - a. *If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.*
 - b. *Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.*
 - c. *Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.*
 - d. *Institutional campuses located in an R1 zone may apply the standards for the institutional zone.*
 - e. *Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.*
 - f. *Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving*

such a plan, the review body shall follow the block standards listed above to the extent

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

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

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

Q. Traffic Calming.

- 1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:
 - a. Serpentine alignment.*
 - b. Curb extensions.*
 - c. Traffic diverters/circles.*
 - d. Raised medians and landscaping.*
 - e. Other methods shown effective through engineering studies.**
- 2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.*

Finding: The applicant is not proposing traffic calming and none is required. This criterion does not apply.

R. Vehicular Access Standards.

- 1. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.*
- 2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.*

Table 15.505.R. Access Spacing Standards

<i>Roadway Functional Classification</i>	<i>Area¹</i>	<i>Minimum Public Street Intersection Spacing (Feet)²</i>	<i>Driveway Setback from Intersecting Street³</i>
<i>Expressway</i>	<i>All</i>	<i>Refer to ODOT Access Spacing Standards</i>	<i>NA</i>
<i>Major arterial</i>	<i>Urban CBD</i>	<i>Refer to ODOT Access Spacing Standards</i>	
<i>Minor arterial</i>	<i>Urban CBD</i>	<i>500 200</i>	<i>150 100</i>
<i>Major collector</i>	<i>All</i>	<i>400</i>	<i>150</i>
<i>Minor collector</i>	<i>All</i>	<i>300</i>	<i>100</i>

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

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

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

² *Measured centerline to centerline.*

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

Finding: A new access is being proposed from S Meridian Street for Parcel 2 which is a local residential street. E Fifth is also a local residential street. These criteria are not applicable.

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

Finding: This property does have multiple frontages. Both adjacent streets are local residential streets. There is no street with a lesser classification. This criterion does not apply.

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

there is at least 100 feet of lot frontage separating each driveway approach.

Finding: This partition will create two lots. Each has one driveway. This criterion is not applicable.

5. *Alley Access. Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:*
 - a. *The review body finds that creating a public street frontage is not feasible.*
 - b. *The alley access is for no more than six dwellings and no more than six lots.*
 - c. *The alley has through access to streets on both ends.*
 - d. *One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.*

Finding: The applicant's property does not have alley access. These criteria are not applicable.

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

Finding: The access existing on this property is currently used. This criterion does not apply.

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

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

Finding: The applicant is not proposing a shared driveway. These criteria do not apply.

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

Finding: No frontage street is proposed. This criterion does not apply.

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

Finding: The proposed development does not abut an ODOT or Yamhill County right-of-way. This criterion does not apply.

10. *Exceptions. The director may allow exceptions to the access standards above in any of the following circumstances:*
 - a. *Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.*
 - b. *Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.*
 - c. *Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.*
11. *Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.*

Finding: The applicant is not requesting an exception. These criteria do not apply.

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

to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.

2. *Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.*
3. *A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.*
4. *Public walkways shall be designed to meet the Americans with Disabilities Act requirements.*
5. *Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.*
6. *The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.*
7. *Lighting may be required for public walkways in excess of 250 feet in length.*
8. *The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.*

Finding: No public walkway is proposed or required. These criteria do not apply.

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

Finding: From the application, it is not clear if the applicant intends to plant street trees. Based on the google earth imagery provided as reference to the previous house, garage, and accessory building on the lot, there were two street trees and one mature tree in the rear of the property. If future development on an individual lot were to require the removal of any street trees, the individual lot will need to meet the standards in NMC 15.420.010(B)(4) as part of future permitting processes.

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

Finding: The applicant's narrative addresses the City's street lighting requirement, however it's unclear if the City's requirements are being met. A lighting analysis was not submitted with the application. Because it's unclear if the City's requirements are being met, the applicant will be required to show via a lighting analysis that the existing street lighting along both frontages meet City standards or provide plans to install any additional PGE Option A streetlights along both frontages necessary to

meet the City’s Public Works Design and Construction Standards as part of the Public Improvement Permit process.

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

- V. *Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:*
1. *Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, “reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.*
 2. *A transit passenger landing pad accessible to disabled persons.*
 3. *An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.*
 4. *Lighting at the transit facility. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 19), 9-16-13; Ord. 2736 § 1 (Exh. A §§ 1, 3, 4), 3-21-11; Ord. 2619, 5-16-05; Ord. 2513, 8-2-99; Ord. 2507, 3-1-99; Ord. 2494, 4-6-98; Ord. 2451, 12-2-96. Code 2001 §§ 151.681, 151.683, 151.684 – 151.686, 151.689 – 151.692, 151.694, 151.695, 151.701 – 151.703, 151.705.]*

Finding: The applicant is not proposing transit improvements and the site is not adjacent to existing or planned transit facilities. This criterion does not apply.

15.505.040 Public utility standards.

- A. *Purpose. The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.*
- B. *Applicability. This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.*
- C. *General Standards.*
 1. *The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.*
 2. *The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.*

- D. Standards for Water Improvements.** *All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.*
- 1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.*
 - 2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.*
 - 3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.*
 - 4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.*

Finding: The proposed plans show existing water service to the original lot. The applicant's narrative describes a new connection for water service for the newly created lot (Parcel 2). Because final plans have not been submitted, final plans that address requirements for water services outlined in the Public Works Design and Construction Standards will be required to be submitted with the permit applications.

These criteria will be met if the aforementioned condition of approval is met.

- E. Standards for Wastewater Improvements.** *All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.*
- 1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.*
 - 2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.*
 - 3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately*

sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

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

Finding: The submitted plans only show the existing wastewater lateral. The applicant's narrative describes installing a double Y connection with a clean out at the property line. Because final plans have not been submitted, final plans that address requirements for wastewater services outlined in the Public Works Design and Construction Standards will be required to be submitted with the permit applications.

These criteria will be met when the aforementioned conditions of approval are met.

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

Finding: The applicant's preliminary plans do not indicate public utility easements along the property frontage. A 10-foot public utility easement is required along the E Fifth and S Meridian Street frontages. Because a final plat has not been recorded, the applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

- 1) 10-foot public utility easements along all public street frontages.

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

15.505.050 Stormwater system standards.

- A. *Purpose. The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.*
- B. *Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.*
- C. *General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.*
- D. *Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:*
1. *The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.*
 2. *Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.*
 3. *Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.*

Finding: The applicant has submitted a preliminary drainage report as part of the project narrative. It describes a rain garden and permeable pavers to manage stormwater for each lot. Because a final stormwater analysis has not been completed to size the rain gardens and show conveyance of the stormwater from the newly created impervious surface, the applicant will be required to submit a final stormwater analysis and sizing report and construction plans meeting the City's Public Works Design and Construction Standards showing that new impervious surface is being treated and detained. The construction plans and final stormwater report will be required at the time the applicant submits a building permit.

The proposed project will require a City of Newberg Erosion Control Permit. Because the applicant as not provided documentation of an erosion and sedimentation control permit for the development site, the applicant will be required to obtain a City of Newberg Erosion Control Permit prior to any ground disturbing activity.

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

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

Finding: The applicant has submitted a preliminary drainage report. Because the applicant has not provided a final stormwater management report or construction plans, the applicant will be required to provide a final stormwater analysis report and detailed construction plans that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management.

Private maintenance agreements for the stormwater facilities will be required. Because private maintenance agreements for the stormwater facilities have not been recorded, the applicant will be required to submit a private maintenance agreement for each of the onsite stormwater facilities and have the approved agreements recorded prior to approval of the final plat.

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

Conclusion: The proposed partition application satisfies City standards and approval criteria and is approved subject to the attached conditions.

**Section III:
Conditions – File PAR22-0001 421 S Meridian Street Partition**

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

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

General requirements for engineering permit:

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

The plans must note the following:

15.430 Underground Utility Installation.

1. New or modified service connections/poles are required to be undergrounded.
2. Final plans showing new utilities installed underground to buildings on the site will be required with the building permit application. Undergrounding of existing overhead utilities along the project frontage will be required if any power poles are relocated to accommodate required improvements for this project.

15.505 Public improvement standards.

1. Street Improvements:
 - a. Public improvement permit(s) must be submitted, approved and issued prior to building permits being issued.
 - b. Any sidewalk panels not meeting current ADA standards will need to be replaced i.e., tripping hazards, lifting, settling, cracking, etc. Determination of any sidewalk panels to be replaced to occur as part of the public improvement permit process. A new driveway approach will be required at the time of Building Permits.
 - b. Final plans showing the new sidewalks to be constructed along E Fifth Street and S Meridian Street frontages shall be submitted with the building permit application.
 - c. The applicant will be required to show via a lighting analysis that the existing street lighting along both frontages meet City standards or provide plans to install any additional PGE Option A streetlights along both frontages necessary to meet the City's Public Works Design and Construction Standards as part of the Public Improvement Permit process.
 - d. Final plans showing a 10-foot public utility easement along the E Fifth and S Meridian Street frontages are to be submitted with permit applications.

2. Water Improvements:
 - a. A fire flow test will need to be completed. These results need to be submitted with building permit applications to be reviewed by the Fire Marshall for approval
 - b. Final plans that address requirements for water services outlined in the Public Works Design and Construction Standards will be required to be submitted with the permit applications.

3. Wastewater Improvements:
 - a. Final plans that address requirements for wastewater services outlined in the Public Works Design and Construction Standards will be required to be submitted with the permit applications.

4. Stormwater Improvements:
 - a. The applicant will be required to submit a final stormwater analysis and sizing report and construction plans meeting the City's Public Works Design and Construction Standards showing that new impervious surface is being treated and detained. The construction plans and final stormwater report will be required at the time the applicant submits a building permit.
 - b. The applicant will be required to obtain a City of Newberg Erosion Control Permit prior to any ground disturbing activity.
 - c. The applicant will be required to provide a final stormwater analysis report and detailed construction plans that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management.
 - d. The applicant will be required to submit a private maintenance agreement for each of the onsite stormwater facilities and have the approved agreements recorded prior to approval of the final plat.

5. Utility Easements:
 - a. The applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:
 - 1) 10-foot public utility easements along all public street frontages.

6. Sidewalks:
 - a. Final plans showing the new sidewalks to be constructed along E Fifth Street and S Meridian Street frontages shall be submitted with the building permit application.

7. Street Trees:
 - a. If future development on an individual lot were to require the removal of any street trees, the individual lot will need to meet the standards in NMC 15.420.010(B)(4) as part of future permitting processes.

B. Final plat submission requirements and approval criteria: In accordance with NMC 15.235.07, final plats require review and approval by the director prior to recording with Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:

1. Submission Requirements:

The applicant shall submit the final plat within two years, or as otherwise provided for in NMC 15.235.030. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

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

2. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval.

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

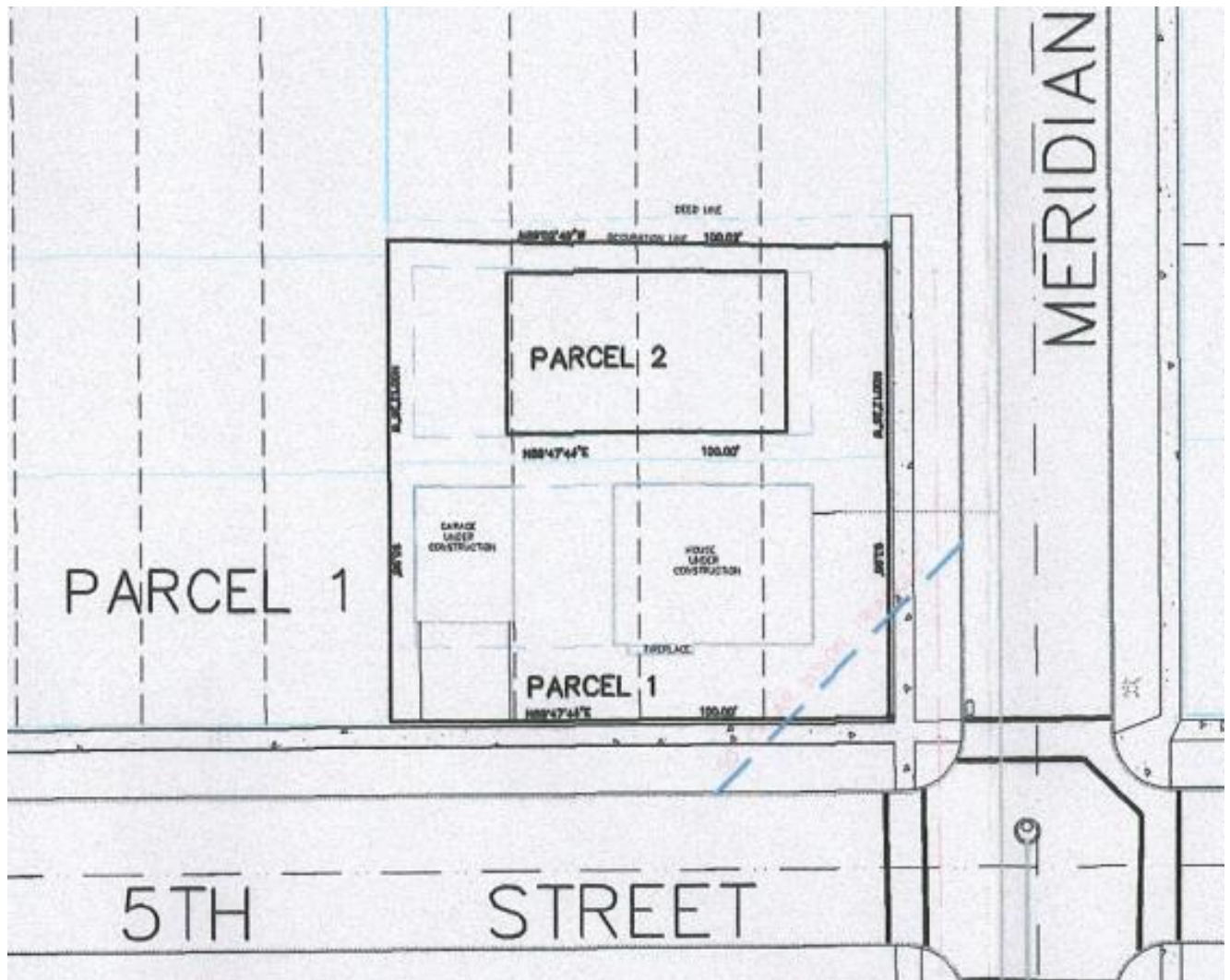
1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar and must meet the requirements of the county recorders and county surveyor. The plat must contain a signature block for approval by city recorder and Community Development Director, in addition to other required signature blocks for county approval.
2. According to NMC 15.235.080, approval of final plat must be acknowledged and signed by the following:
 - a. Community Development Director
 - b. The County Assessor
 - c. The County Surveyor

- d. The City Recorder
3. **Filing Plat with County.** Within 60 days of the city approval of the final plat, the applicant shall submit the final plat to Yamhill County for signatures of county officials as required by ORS Chapter 92.
4. **Proof of Recording.** Upon final recording with the county, the applicant shall submit to the city a paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
5. **Prerequisites to Recording the Plat.**
 - a. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
 - b. No plat shall be recorded until the county surveyor approves it in the manner provided by ORS Chapter 92.

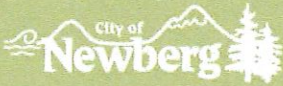
Development Notes:

1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
2. **PGE:** PGE can provide electrical service to the project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
3. **Zipty:** The developer must coordinate trench/conduit requirements with Zipty. Contact the Engineering Division, Zipty, at 541-269-3375.
4. **Addresses:** The GIS Department will assign an address for the new partition. Planning Division staff will send out notice of the new address after they receive a recorded copy of the final partition plat.

**Attachment 1:
Tentative Plat**

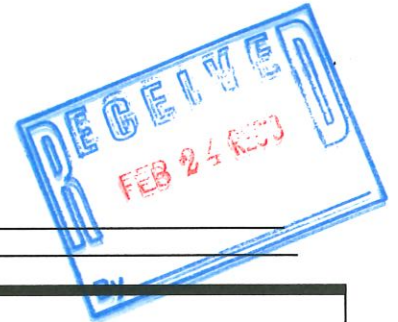


**Attachment 2:
Application**



TYPE II APPLICATION – LAND USE

File #: PAR22-0001



TYPES – PLEASE CHECK ONE:

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

APPLICANT INFORMATION:

APPLICANT: Lowe Oak Builders
 ADDRESS: PO Box 605 Newberg
 EMAIL ADDRESS: Ron@LoweOakBuilders.com
 PHONE: 503-662-4050 MOBILE: _____ FAX: _____
 OWNER (if different from above): _____ PHONE: _____
 ADDRESS: _____
 ENGINEER/SURVEYOR: Leonard Rydell PHONE: 503-538-5700
 ADDRESS: 601 Pinehurst Newberg

GENERAL INFORMATION:

PROJECT NAME: _____ PROJECT LOCATION: 5TH - median
 PROJECT DESCRIPTION/USE: PARTITION INTO TWO LOTS PROJECT VALUATION: _____
 MAP/TAX LOT NO. (i.e. 3200AB-400): _____ ZONE: R-2 SITE SIZE: 9460 SQ. FT. ACRE
 COMP PLAN DESIGNATION: R-2 TOPOGRAPHY: FLAT
 CURRENT USE: Res
 SURROUNDING USES:
 NORTH: Res SOUTH: Res
 EAST: Res WEST: Res

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

Design Review	p. 12
Partition Tentative Plat	p. 14
Subdivision Tentative Plat	p. 17
Variance Checklist	p. 20

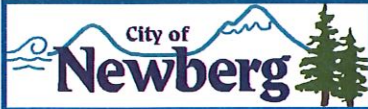
The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application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

[Signature] 2/19/2022
Applicant Signature Date

[Signature] 2/19/2022
Owner Signature Date

Ron Manning
Print Name

Ron Manning
Print Name



Cash Register Receipt

City of Newberg

Receipt Number
R11011

DESCRIPTION	ACCOUNT	QTY	PAID
ProjectTRAK			\$1,423.00
PAR22-0001 Address: 421 S MERIDIAN ST APN: R3219AD 05700			\$1,423.00
ADDITIONAL ENGINEERING DEPT LAND USE REVIEW FEES			\$296.71
SUBDIVISION, PARTITION & PUD REVIEW	36-8675-3090001	2	\$296.71
TECHNOLOGY FEE			\$53.29
TECHNOLOGY FEE	01-0000-341006	0	\$53.29
TYPE II			\$1,073.00
PARTITION PRELIMINARY PLAT	01-0000-341003	2	\$1,073.00
TOTAL FEES PAID BY RECEIPT: R11011			\$1,423.00

Date Paid: Wednesday, February 23, 2022

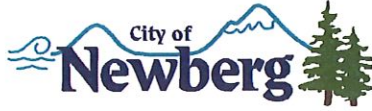
Paid By: LONE OAK BUILDERS LLC

Cashier: MF

Pay Method: CHECK 6776



City of Newberg
414 E. First Street
Newberg, OR 97132



INVOICE #
INV-3321
Date Due: 3/25/2022

LONE OAK BUILDERS LLC
PO Box 605
Newberg, OR 97132

421 S MERIDIAN ST
Partition into 2 lots

Invoice Date: 2/23/2022

Record #	Record Type	Fee Group	Fee Description	Quantity	Amount
PAR22-0001	PARTITION PRELIMINARY PLAN		TECHNOLOGY FEE	0	\$15.20
					\$15.20

Invoice Total: \$15.20

Please send your payment to this address:
City of Newberg Community Development Department
PO Box 970
Newberg, OR 97132

LAND DIVISION TENTATIVE PLAN CHECKLIST

The following information shall be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division staff regarding additional requirements for your project.

FEES

PUBLIC NOTICE INFORMATION – Draft of mailer notice and sign; mailing list of all properties within 500’.

SUBMIT one original and three copies of the application elements, including two (2) full size plan sets and two (2) reduced, reproducible sets (8-1/2" x 11" or 11" x 17") Additional copies will be requested once the application is reviewed for completeness.

CURRENT TITLE REPORT - (within 60 days old)

WRITTEN CRITERIA RESPONSE – Address the criteria listed on previous page .

Preliminary Plat

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

1. General Information.

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

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

- a. Streets. Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
- b. Easements. Width, location and purpose of all existing easements of record on and abutting the site;
- c. Public Utilities. Location and identity of all public utilities on and abutting the site. If water mains, stormwater mains, and wastewater mains are not on or abutting the site, indicate the direction and distance to the nearest utility line and show how utilities will be brought to standard;
- d. Private Utilities. Location and identity of all private utilities serving the site, and whether the utilities are above or underground;
- e. Existing Structures. Show all structures on the project site and adjacent abutting properties;
- f. Ground elevations shown by contour lines at a minimum two-foot vertical interval for slopes up to 10 percent and five feet for slopes over 10 percent. Show elevations for the subject property and within 100 feet of the subject property. Such ground elevations shall be related to some established

benchmark or other datum approved by the county surveyor; the city engineer may waive this standard for partitions when grades, on average, are less than six percent;

g. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

h. Wetlands and stream corridors;

i. The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;

j. North arrow and scale; and

k. Other information, as deemed necessary by the director for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

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

a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

b. Easements. Location, width and purpose of all proposed easements;

c. Lots and private tracts (e.g., private open space, common area, or street) with approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;

d. Proposed uses of the property, including all existing structures to remain, areas proposed to be dedicated as public right-of-way or preserved as open space for the purpose of stormwater management, recreation, or other use;

e. Proposed grading;

f. Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;

g. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;

h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;

i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;

j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

k. Evidence of compliance with applicable overlay zones; and

l. Evidence of contact with the applicable road authority for proposed new street connections.

CC&Rs: Include a copy of any proposed codes, covenants and restrictions (CC&Rs) which will apply to the project.

TRAFFIC ANALYSIS

A traffic analysis may be required for projects below the 40 trips per p.m. peak hour threshold when the development's location or traffic characteristic could affect the traffic safety, access management, street capacity or a known traffic problem or deficiency. The traffic analysis shall be scoped in conjunction with the city and other applicable roadway authority.

PUBLIC UTILITIES ANALYSIS

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

STORMWATER ANALYSIS

The stormwater analysis shall address the criteria listed in Chapter 13.25 NMC

FUTURE STREETS CONCEPT PLAN

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

WETLAND DELINEATION

A wetland delineation approved by the Oregon Department of State Lands (DSL) shall be submitted for any property listed on the National wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.

**CITY OF NEWBERG
TYPE II MAILED NOTICE**

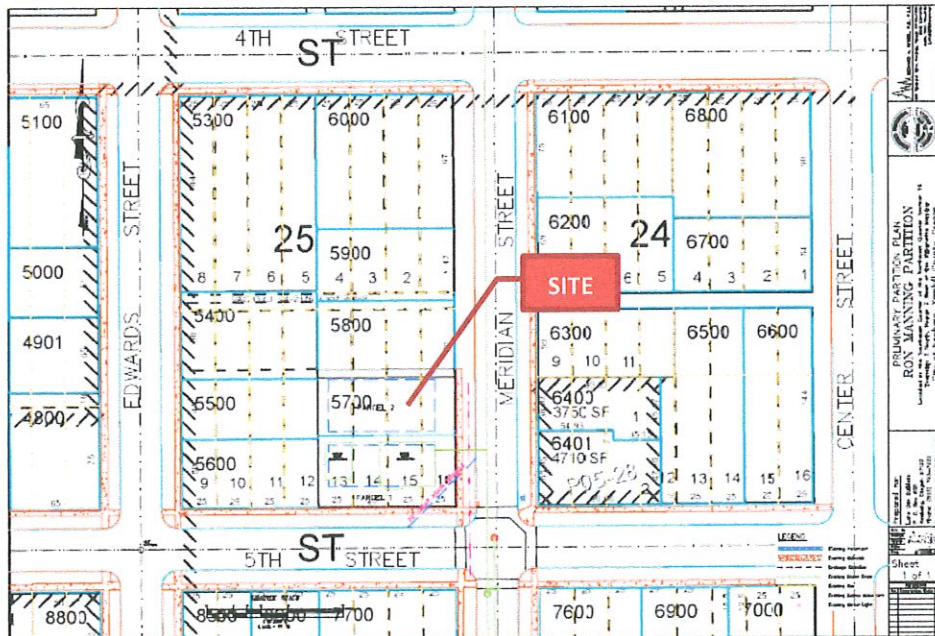
Community Development Department
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

**WE WANT YOUR COMMENTS ON A PROPOSED NEW
DEVLEOPMENT IN YOUR NEIGHBORHOOD**

A property owner in your neighborhood submitted an application to the City of Newberg to subdivide land from one lot into two separate lots each in ranging in size from 4,200 to 5,200 square feet.

You are invited to take part in the City's review of this project by sending in your written comments. You also may request that the Planning Commission hold a hearing on the application. The applicable criteria used to make a decision on this application for preliminary subdivision plat approval are found in Newberg Municipal Code 15.235.050(A). For more details about providing comments, please see the back of this sheet.

APPLICANT/OWNER: Ron Manning
TELEPHONE: 503-662-4050
LOCATION: 421 S Meridian St., Newberg, Oregon
TAX MAP/ TAX LOTS: MAP R3219AD, LOT 5700



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

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No. SUB221-0001
City of Newberg
Community Development
PO Box 970 Newberg, OR 97132

All written comments must be turned in by 4:30 p.m. on March 3, 2022. Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the City in writing before this date. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for preliminary subdivision plan approval are found in Newberg Development Code 15.235.050(A).

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

The Community Development Director will make a decision at the end of a 14-day comment period. If you send in written comments about this project, you will be sent information about any decision made by the City relating to this project.

Date Mailed: February 18, 2022

Land Use Notice

FILE # PAR -

PROPOSAL: 2 LOT PARTITION

FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Planning & Building Department
414 E First Street
Phone: 503-537-1240

2'

3'

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



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 E. PINEHURST DRIVE, NEWBERG, OREGON 97132-1625

(503) 538-5700 Mobile (503) 781-4138

LARydell@Teleport.com

PARTITION APPLICATION

South 100 Feet, Lots 13, 14, 15 and 16, Block 25

EDWARDS ADDITION

A Proposed 2 Parcel Partition

City of Newberg

Yamhill County, Oregon

28 January 2022



PREPARED FOR:

Ron Manning
P. O. Box 605
Newberg, Oregon 97132
Phone: (503) 662-4050
Fax: (503) 662-4694
E-Mail: Ron@LoneOakBuilders.com



RENEWAL DATE 12/31/2022

**PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS
WATER, SANITARY SEWER AND DRAINAGE SYSTEMS
LAND SURVEYS • WATER RIGHTS**

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EXHIBITS

- Tax Map 3 - 2 - 19BA
- Tentative Plan (Map)
- Tentative Plan (Google)
- Tentative Plan (Survey)

APPLICANT AND SITE INFORMATION

DATE: 28 January 2022

APPLICANT/OWNER: Ron Manning
P. O. Box 605
Newberg, Oregon 97132
Phone: (503) 662-4050
Cell: (503) 793-72222
E-Mail: Ron@loneoakbuilders.com

ENGINEER: Leonard A. Rydell, P.E., P. L. S., W. R. E.
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REQUEST: Tentative Plan Approval for a Two Parcel Partition

LEGAL DESCRIPTION: South 100 Feet of Lots 13, 14, 15 and 16, Block 25,
"EDWARDS ADDITION TO THE CITY OF NEWBERG"

TAX LOTS Tax Lot 5700, Map No. 3-2-19AD

COMPREHENSIVE PLAN: Medium Density Residential (MDR)

ZONING: Medium Density Residential (R-2)

SIZE: 10,000 sq. ft. (Deed), 9,460± sq. ft. (Occupation)

LOCATION: Southeast Corner, Block 25, "EDWARDS ADDITION",
On the North Side of 5th Street, West Side of Meridian
Street

SPECIFIC REQUESTS: Tentative Plan Approval for a 2 Parcel Partition

INTRODUCTION & BACKGROUND

The applicant owns a parcel of land on the Northwest Corner of the Intersection of 5th Street and Meridian Street in the City of Newberg. The existing large house, garage and out buildings, as shown by the Google Earth image, have been removed, and one new home and garage is being constructed on the South half of the property. The new garage under construction is detached from the house, and is located on the West side of the property with access to Fifth Street

The applicant would like to partition the tax lot in order to build two houses on the property. One house on the South Half of the property is under construction.

The property is identified as Tax Lot 5700 of Map No. 3-2-19AD. The property legal description is described as "THE SOUTH 100 FEET OF LOTS 13, 14, 15 AND 16 IN BLOCK 25 IN EDWARD'S ADDITION TO THE TOWN OF NEWBERG IN YAMHILL COUNTY, OREGON".

During a review of the survey records and improvements on the site, it was noted that the North Deed Boundary may not match the occupation line (fence) for the property to the North. The occupation line is partially defined by County Survey 10819 by John Thatcher who ties an iron pipe at the Northeast corner of the Manning property. It is the intent of this application to follow and partition to the occupation and monumented line.

The property surrounding the site is zoned R-2, Medium Density Residential. The neighborhood is predominantly single family residential.

The property to the North, South, East and West is zoned R-2, Medium Density Residential. The neighborhood is predominantly single family residential.

Chapter 15.100.030 Type II Procedure.

- A. *Type II development actions shall be decided by the director.*
- B. *Type II actions include, but are not limited to:*
 - 1. *Site design review.*
 - 2. *Variances.*
 - 3. *Manufactured dwelling parks and mobile home parks.*
 - 4. *Partitions.*
 - 5. *Subdivisions, except for subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).*

Finding: This application is a Type II, partition application for the division of a tract of land into two parcels. The applicant will provide notice (mailing notices and posting two signs) and comply with all other requirements of Chapter 15.100, Land Use Processes and Procedures.

15.235.040 Preliminary plat submission requirements.

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

A. General Submission Requirements.

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

Finding: This project is only for two parcels and two single family dwellings, one of which is under construction. The original dwelling on the site has been removed. At ten trips per day per residence, the total traffic increase for the project would be 10 trips. There are no known traffic problems in the neighborhood.

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

Finding: This project is only for two parcels (only one new residence), and there will be no significant impact to the City of Newberg utilities.

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

Finding: The project proposes to dispose of all increased runoff by the use of paver driveways, swales and/or rain gardens. Since the site was previously occupied by a larger building and garage, replacing the previous large buildings with two smaller dwellings will likely add little to no additional storm water runoff compared to historical levels.

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

Finding: There are no known wetlands on the property along with no known accumulations of water or no known drainage channels.

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

Finding: This area of Newberg was originally platted in 1883, and therefore has a history of up to 139 years of occupation. The original plat of the block consisted of 16 lots, each 25 feet wide and 144 feet deep. The existing Streets, 5th Street and Meridian Street, were created by the original plat, and have been developed and served by existing street, water, sewer and storm drainage improvements. The applicant only wants to divide the property into two parcels at this time so that he can build a second residence on the property.

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

1. *General Information.*

- a. *Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in Yamhill County;*

Finding: The partition plat number will be assigned at the time of recording.

- b. *Date, north arrow, and scale of drawing;*

Finding: The date, north arrow and scale of the drawing are shown. The scale of the full size drawing is 1" = 20" with North up.

- c. *Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;*

Finding: Maps of the property, the Tax Lot Number, and a copy of the deed to the property is included in this report.

- d. *Zoning of tract to be divided, including any overlay zones;*

Finding: The property and its surrounds is zoned R-2, Medium Residential Density.

- e. *A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and*

Finding: The Title Block of the Preliminary Plat has the name of the Applicant/Owner, and the Engineer/Surveyor.

- f. *Identification of the drawing as a "preliminary plat."*

Finding: The drawing has been labeled a "Preliminary Partition Plat"

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

- a. *Streets. Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;*

Finding: Meridian Street and Fifth Street front the site, and both right-of-ways are 60-feet wide.

- b. *Easements. Width, location and purpose of all existing easements of record on and abutting the site;*

Finding: No easements were created by the original plat, and no easements are listed on the attached title report.

- c. *Public Utilities. Location and identity of all public utilities on and abutting the site. If water mains, stormwater mains, and wastewater mains are not on or abutting the site, indicate the direction and distance to the nearest utility line and show how utilities will be brought to standard;*

Finding: Approximation of the public utilities based on a visual site inspection are shown on the "Preliminary Partition Plat"

- d. *Private Utilities. Location and identity of all private utilities serving the site, and whether the utilities are above or underground;*

Finding: An overhead electrical power line is located on the East side of the lot within the public right-of-way. There is a power pole at the Northeast corner of the site in the public right-of-way. There is a gas maker across the street to the South. No utility structures were noted on the site.

- e. *Existing Structures. Show all structures on the project site and adjacent abutting properties;*

Finding: All of the historic improvements on the site have been removed, but the original structures on and adjacent to the site are shown on the "Google Earth Map" included as part of this application.

f. Ground elevations shown by contour lines at a minimum two-foot vertical interval for slopes up to 10 percent and five feet for slopes over 10 percent. Show elevations for the subject property and within 100 feet of the subject property. Such ground elevations shall be related to some established benchmark or other datum approved by the county surveyor; the city engineer may waive this standard for partitions when grades, on average, are less than six percent;

Finding: The site is relatively "flat", and grades are less than six percent. The lots were created in 1883. It is requested that the City Engineer waive this standard as the grades are less than six percent.

g. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

Finding: City of Newberg "Benchmark No. 10", Elevation 171.28, is located "Top of Curb", South side of 5th Street, 31' West of the centerline of Edwards Street.

h. Wetlands and stream corridors;

Finding: There are no wetlands or stream corridors near the project.

i. The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;

Finding: The site is not within a FEMA flood zone and is not subject to flooding.

j. North arrow and scale; and

Finding: The site plans attached include a North arrow and graphic scale.

k. Other information, as deemed necessary by the director for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

Finding: The site is within a hundred twenty three year old plat, and has been used for a single family residential site for decades.

3. *Proposed Development. Except where the director deems certain*

information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:

- a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;*

Finding: The proposed Parcel boundaries, bearings and distances are shown on the Preliminary Plat and supplemental drawings for the project

- b. Easements. Location, width and purpose of all proposed easements;*

Finding: No new easements are requested, proposed, or necessary.

- c. Lots and private tracts (e.g., private open space, common area, or street) with approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;*

Finding: The proposed Parcel boundaries, bearings and distances are shown on the Preliminary Plat and supplemental drawings for the project

- d. Proposed uses of the property, including all existing structures to remain, areas proposed to be dedicated as public right-of-way or preserved as open space for the purpose of stormwater management, recreation, or other use;*

Finding: The proposed use of the property is to construct an two dwellings under a separate ownership on the property.

- e. Proposed grading;*

Finding: No major grading is proposed other foundation excavation and construction of new driveway approach on Meridian Street..

- f. Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;*

Finding: The site is already fully developed, so no major street, water, sanitary sewer or storm drainage improvements are necessary or proposed. An additional water meter

and a sanitary sewer lateral to serve the new house will be required along new sidewalks fronting the property.

- g. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;*

Finding: As shown by the development plan, reasonable access to the proposed lot can be provided with a minimal impact on existing improvements.

- h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;*

Finding: As shown by the development plan, only one water meter and one sewer lateral will be required to be installed to serve the new residence.

- i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;*

Finding: Due to existing conditions and existing impervious areas on the site, additional storm water runoff will be minimal and can be addressed by rain-infiltration gardens and pervious pavers.

- j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;*

Finding: There is an existing street light on the power pole at the Southwest corner of the intersection of Fifth Street and Meridian Street. An additional street light is not necessary.

- k. Evidence of compliance with applicable overlay zones; and*

Finding: There are no known overlay zones at this stage of the project.

- l. Evidence of contact with the applicable road authority for proposed new street connections. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]*

Finding: Sufficient information is shown on the Preliminary Plat to show that the project will fit in with existing conditions, will not require excessive grading, will retain most if not all storm water on site, and will be similar to and will fit it with existing developments in the area.

15.235.050 Preliminary plat approval Criteria

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

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

Finding: It is the intent of this application to conform to all of the requirements of this chapter.

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

Finding: It is the intent of this application to conform to all of the requirements of this chapter, and the requirements of Section 15.400 are address later in this report.

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

Finding: It is the intent of this application to conform to all of the requirements of this chapter, and the requirements of Section 15.500 are address later in this report.

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

Finding: This is a Partition Plat, and the Partition Number will be assigned at recording.

5. *The proposed streets, utilities, and storm water facilities conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*

Finding: No public improvements are anticipated except for sidewalks fronting the site as necessary and installation of a second sewer lateral and water meter.

6. *All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is*

assured through the appropriate legal instrument;

Finding: No private common areas or improvements are proposed.

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

Finding: No state and federal permits are anticipated or appear necessary for this project.

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

Finding: No county, state or federal permits are known to be required for this project.

B. *Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations.*

Finding: It is the intent of this application to conform to all City conditions, provisions of the code and other applicable ordinances and regulations.

Chapter 15.405 Lot Requirements

15.405.010 Lot area – Lot areas per dwelling unit.

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

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

Finding: The total areas of the site is 9,460± square feet. Parcel 1 will have an area of 5,200 square feet and Parcel 2 will have an area of 4,300 square feet, both of which exceed the required area 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: The total area of the development site is 9,460± square feet. Based on 5,000 square feet per dwelling, at least two dwelling units would be required based on the gross area, and two are proposed.

C. *In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.*

Finding: This calculations above do not include land within public or private streets.

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

Finding: Lot size averaging is not being proposed.

15.405.020 Lot area exceptions.

The following shall be exceptions to the required lot areas:

- A. *Lots of record with less than the area required by this code.*
- B. *Lots or development sites which, as a process of their creation, were approved in accordance with this code.*
- C. *Planned unit developments, provided they conform to requirements for planned unit development approval.*

Finding: All lots meet the area requirements and no lot area exceptions are requested or necessary.

15.405.030 Lot dimensions and frontage.

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

Finding: A proposed lots conform to the requirements of this code and no width exceptions are requested or necessary.

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

Finding: Both proposed Parcels conform to the requirements of this code, but since the parcels are under 15,000 square feet, this code provision does not apply.

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

Finding: A proposed parcels conform to the requirements of this code.

D. Frontage.

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

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

Finding: Parcel One will have a 50 foot wide frontage to Meridian Street. Parcel Two will have a 50 foot widefrontage to Meridian Street and a 100 foot frontage to 5th Street.

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.

Finding: Both parcels will meet and exceed the 25 foot width requirement.

15.405.040 Lot coverage and parking coverage requirements.

A. Purpose. The lot coverage and parking coverage requirements below are intended to:

1. Limit the amount of impervious surface and storm drain runoff on residential lots.

2. *Provide open space and recreational space on the same lot for occupants of that lot.*
3. *Limit the bulk of residential development to that appropriate in the applicable zone.*

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: 70 percent.*

Finding: *Estimated Lot coverage based on existing foundation on Parcel 1 and estimated coverage for Parcel 2 is as follows:*

AREA	PARCEL ONE	LOT COVERAGE	PARCEL TWO *	LOT * COVERAGE
House	1306	25%	1392	32%
Garage	540	10%	400	9%
Porch/Patio	270	5%	270	6%
Driveway	360	7%	360	8%
Landscaping	2994	58%	2145	50%
Total Area	5200	100%	4297	100%
Calculated Area	5,199.94		4,296.98	

* Estimated

15.410.020 Front yard setback

- A.** *Residential (see Appendix A, Figure 10).*
1. *AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.*

Finding: *All front yards will be a minimum of 15 feet and landscaped at the time of dwelling construction.*

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: Parcel 1 will conform to the garage setback requirement and Parcel 2 (under construction) conforms with the garage setback requirement of 20-feet.

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: All interior yards will be five feet or greater.

15.410.060 Vision clearance setback

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

- A.** *At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.*

Finding: The house under construction on the future Parcel Two conforms to this requirement.

- B.** *At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.*

Finding: This section does not apply to this application.

- C.** *Vision clearance triangles shall be kept free of all visual obstructions from two and one half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.*

Finding: A clear vision triangle (25' legs) is shown on the site plan at the intersection of Meridian Street and Fifth Street. Landscaping provided by the builder/applicant will conform to this requirement.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

- A. *Depressed Areas.* In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.
- B. *Accessory Buildings.* In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.
- C. *Projecting Building Features.* The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:
 - 1. *Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.*
 - 2. *Chimneys and fireplaces, provided they do not exceed eight feet in width.*
 - 3. *Porches, platforms or landings which do not extend above the level of the first floor of the building.*
 - 4. *Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).*

Finding: Conformance to these requirements will be determined at the time of issuance of the building permits.

15.430.010 Underground utility installation.

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

Finding: The only new utilities (water, sewer, phone, TV and Internet) will be service connections to the two new residences to be constructed. Sewer service for both parcels to use the existing sewer lateral along Meridian Street with the installation of a double wye connection and cleanout at the property line. A new water meter is to be installed for Parcel 1. Power, telephone, gas and internet service connections to be installed by the public utility providing the service.

15.440.030 Parking Spaces required

Residential Types

Three- and four-bedroom unit

Minimum Parking Spaces Required

2 per dwelling unit

Finding: The two residences will each have a two car garage and a driveway in front of the garage which will provide 4 parking spaces per dwelling. The South parcel (dwelling under construction) conforms to this section. Conformance for the North Parcel will be verified at the time of building permit application.

15.440.060 Parking area and service drive improvements

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

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

Finding: All access routes and driveways are proposed to be hard surfaced with concrete pavers.

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

Finding: Conformance to this section for the North Parcel will be determined at the time of building permit. The South parcel has received a building permit and conforms to this section.

- 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.*

Finding: The South parcel conforms and the North parcel will conform to this requirement.

Chapter 15.505 PUBLIC IMPROVEMENTS STANDARDS

15.505.030 Street standards.

G. Street Width and Design Standards.

1. *Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns.*

Finding: The existing street right-of-way in "EDWARDS ADDITION" are 60 feet and have been improved with curb and gutter and pavement. No additional improvements except sidewalks as part of the building permits are planned or necessary.

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

Finding: New property line sidewalks and driveway approaches are proposed for both parcels and will be constructed as part of the building permit process.

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

Finding: Planter strips are proposed fronting Fifth Street and Meridian Street.

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

Finding: Since the property is relatively level, slope easements will not be required.

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

Finding: The only standard that applies is construction of new five foot wide sidewalks fronting the property on Meridian Street and Fifth Street. Sidewalks will be installed under the building permit process.

Public Works Design and Construction Standards - City of Newberg 2015

Section 4 Storm Drainage

4.0 General Design Requirements

The City's Public Works Design and Construction Standards define the requirements for development to treat and detain stormwater runoff. Stormwater is the runoff from impervious surfaces such as streets, roofs and parking lots that flows to storm drains, ditches and culverts, and then to the nearest river, stream or wetland. When it rains, stormwater runoff may pick up oil, sediment, bacteria, grease and chemicals that can pollute local waterways.

4.1 Performance Standards

All storm drain system designs shall make adequate provisions for collecting, treating, detaining and conveying all storm water runoff. The system shall accommodate all runoff from upstream tributary areas whether or not such areas are within the proposed development. The amount of runoff to be accommodated shall be based upon ultimate development of all upstream tributary areas. New or modified existing storm drain systems shall not adversely impact any inadequate downstream system. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat, per ORS 92.044 (7).

Storm drainage design shall comply with the required ESC Measures (see City of Newberg Erosion and Sediment Control Manual). The development area must include provisions to adequately control runoff from all public and private streets and the roof, footing, and area drains of residential, multi-family, commercial, or industrial buildings. The design must ensure future extension of the drainage system to the entire drainage basin in conformance with the adopted Storm Drainage Master Plans and these Public Works Design and Construction Standards. These provisions include:

- I. Surface and/or subsurface drainage, caused or affected by the alteration of the natural grade, removal of natural ground cover/vegetation, or placement of impervious surfaces, shall not be allowed to flow over adjacent public or private property in a volume, velocity or location materially different from that which existed before development occurred. Surface and/or subsurface drainage shall be managed, treated, and infiltrated or collected, and conveyed in an approved manner, to an approved point of discharge.*
- II. Surface water entering the subject property shall be received at the naturally occurring locations and surface water exiting the subject property*

shall be discharged at the natural locations with adequate flow control and energy dissipation, to prevent adverse impacts from flooding, erosion, or sedimentation.

- III. *Approved points of discharge for storm water may include but not be limited to a storm drain, existing open channel, creek, low impact development approach facility, detention pond, or retention pond, as approved by the City Engineer. Acceptance of suggested facilities will depend upon the prevailing site conditions, capacity of existing downstream facilities, and feasibility of alternate designs. Curb weep hole drainage systems shall only be utilized for single home developments.*
- IV. *A drainage report with the required analysis of downstream system conditions is required with all plan submittals. Planning applications shall include a draft preliminary report.*
- V. *When private property must be crossed in order to reach an approved point of disposal, it shall be the developer's responsibility to acquire a recorded public drainage easement on city form prior to commencement of construction. The drainage facility installed must be a closed conduit system. Temporary drainage ditch facilities, when approved, must be engineered to contain the storm water without causing erosion or other adverse effects to the public and/ or private property.*
- VI. *Drainage from roofs, footings, and downspouts may drain directly to a street through the curb under the following circumstances:*
 - a. *The building pad ground elevation is at least 12 inches above the existing street curb.*
 - b. *The existing street is adequately crowned to avoid sheet flow across the street.*
 - c. *Storm water quantity and quality facility provisions have been satisfactorily addressed.*
 - d. *Springs/ sump pumps shall connect to a piping system, unless approved by the City Engineer.*

Finding: It is the intent of this application to conform to the requirements of this section. Storm water management will be via rain gardens and/or paver driveways for the proposed two residences.

4.5 Drainage Report

A final drainage report containing the information listed below shall be submitted at the

time of initial construction plan review by the City. An abbreviated preliminary drainage report shall be prepared and submitted during the land use approval process that is an outline/draft form of the final report requirements listed below. The City may waive some or all of these report requirements for single-family residential partition projects and projects where post-development impervious surfaces constitute less than 25% of the parcel. In order to apply for a waiver, the applicant must submit a written request to the City and the applicant or applicant's Engineer must participate in a pre-design meeting to discuss the proposed project and its stormwater impacts prior to the land use approval process submittal.

Finding: This site is basically already “developed” as shown by the existing structures on the Google Earth image. Replacing these structures with a two new smaller residences will not significantly increase storm water runoff from the site. Following, is a Drainage Report for the application:

Introduction

The site is located in an existing developed area. The property slopes slightly from North to South and from West to East. Existing storm drain improvements front the property.

The applicant proposes to maintain all storm water created by the development on site by the use pavers, rain gardens or swales.

Roof Drainage: Roof and gutter drainage from the proposed dwelling will be collected by rain drains and discharged into individual rain gardens with overflows to the curb.

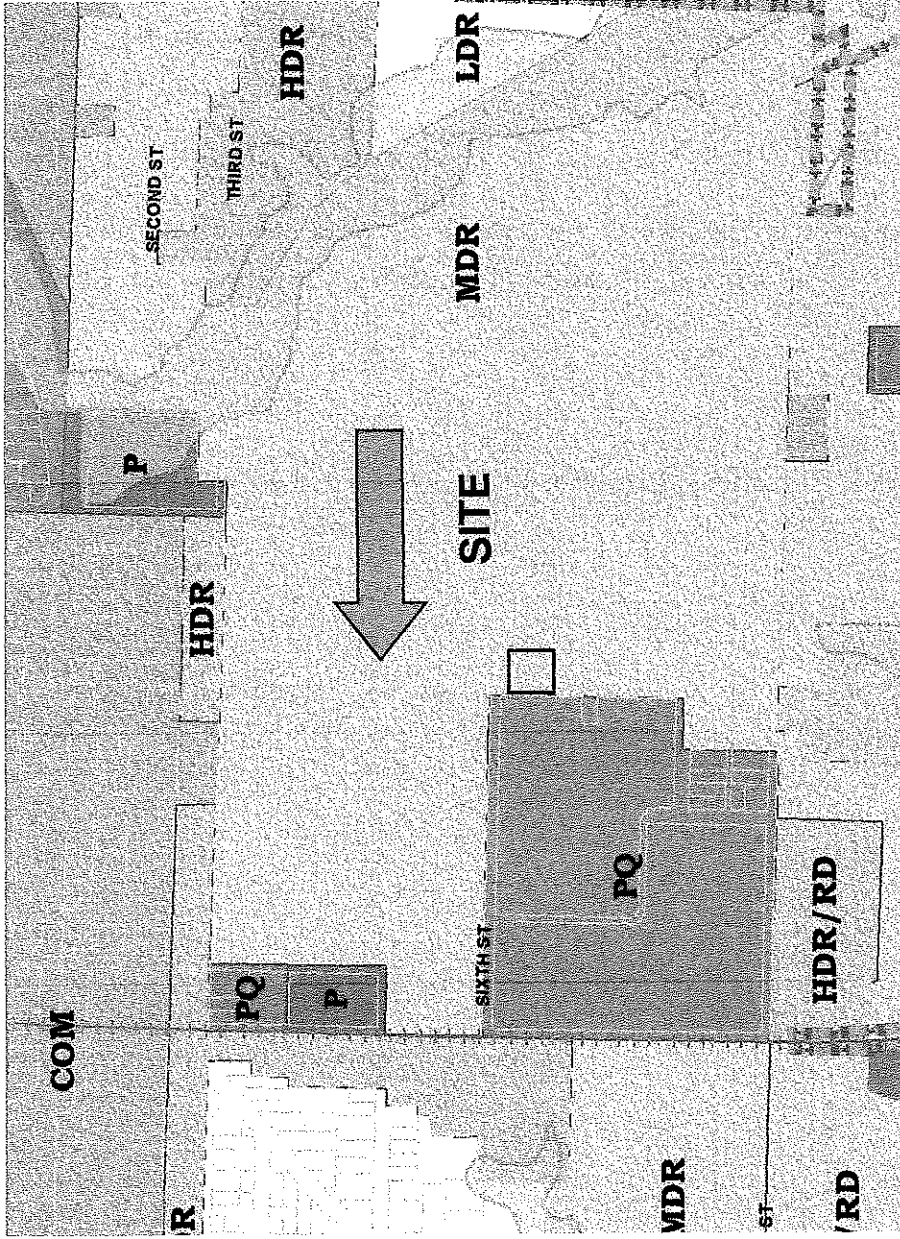
Location and sizes of the rain gardens will be approved by the building permit process.

Conclusion

This development is an urban infill site that can be developed in accordance with the affordable housing and density goals of the R-2 site zoning

The applicant is building one new house on the property and is submitting this application in order to build a second new house on his property. These two houses will replace the one house previously on the property.

Approval of Partition Plat for two parcels to allow a second single family home under a Type II review is hereby requested.



City of Newberg, Oregon

**COMPREHENSIVE
PLAN MAP
Including the Urban
Reserve Areas**

- CF/RO
- COM Commercial
- SDV Springbrook District - Village
- SDWC Springbrook District - Neighborhood Commercial
- SDM Springbrook District - Hospitality
- COMRD Commercial Riverfront
- COMRSP Specific Plan
- ND Intertial
- INDRD Industrial Riverfront
- INDRSP Specific Plan
- SDIE Springbrook District - Employment
- LDR Low Density Residential
- LDR-6.5 Low Density Residential 6.5 d.u./ac
- LDR-1A
- SDLCR Springbrook District - Low Density Residential
- LDR/RD Low Density Residential Riverfront
- LDRRSP Specific Plan
- MDR Medium Density Residential
- MDRRD Medium Density Residential Riverfront
- MDRSP Specific Plan
- SDMHR Springbrook District - Mid-High Residential
- HDR High Density Residential
- HDRRD
- HDRRSP Specific Plan
- MIX Mixed Use
- WV/RD Riverfront District
- VDRSP Specific Plan
- P Parks
- P/RD Parks Riverfront
- PO Public-Quasi Public
- Stream Corridor
- Current Tax Lots
- City Limit
- UGB
- JURA
- Railroad
- Paluro Park Site

NEWBERG COMPREHENSIVE PLAN MAP

**Attachment 3:
Agency Comments**



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: Building Official Brooks Bateman

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: April 6, 2022. Please refer questions and comments to Sam Gudmestad.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Ron Manning
REQUEST: 2 Parcel Partition
SITE ADDRESS: 421 S Meridian St.
LOCATION:
TAX LOT: R3219AD 05700
FILE NO: PAR22-0001
ZONE: R-2



HEARING DATE:

Reviewed, no conflict.

Reviewed; recommend denial for the following reasons:

Require additional information to review. (Please list information required)

Meeting requested.

Comments. (Attach additional pages as needed)



Reviewed By:

3-24-22
Date:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: City Manager Will Worthey

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HEARING DATE:

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- Reviewed; recommend denial for the following reasons:
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- Meeting requested.
- Comments. (Attach additional pages as needed)

Will Worthey CM R/T
LC [signature]

Reviewed By:

3/23/22

Date:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: Community Development Director Doug Rux

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Make sure setbacks are met to the house under construction on the proposed south lot.



HEARING DATE:

- Reviewed, no conflict.
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- Meeting requested.
- Comments. (Attach additional pages as needed)

Doug Rux
Reviewed By:

3/23/22
Date:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: Finance Finance Director

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REQUEST: 2 Parcel Partition
SITE ADDRESS: 421 S Meridian St.
LOCATION:
TAX LOT: R3219AD 05700
FILE NO: PAR22-0001
ZONE: R-2



HEARING DATE:

- Reviewed, no conflict. *NO CITY LIENS - current on water bill*
- Reviewed; recommend denial for the following reasons:
- Require additional information to review. (Please list information required)
- Meeting requested.
- Comments. (Attach additional pages as needed)

Barbara Davis
Reviewed By:

3/23/2022
Date:

City of Newberg Interest In Real Property

**Internal Municipality Use Only,
Not Valid for Commercial Title Search**

This document serves as constructive notice of the City of Newberg's interest in the real property identified below.

Property Address	421 S MERIDIAN ST
Zone	R-2
Maptaxlot Number	03S02W19AD05700

Search performed by **Barbara Davis** of **City of Newberg** on Mar 23, 2022 at 08:45:57 A.M. PDT

Tracking Number: 2086414

Access PIN: 73467

No items found for this property



REFERRAL TO: Police Department Chief Jeff Kosmicki

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: April 6, 2022. Please refer questions and comments to Sam Gudmestad.

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- Comments. (Attach additional pages as needed)



Reviewed By:

3/23/22

Date:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: Public Works: Waste Water Plant April Catan

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HEARING DATE:


Reviewed, no conflict.

Reviewed; recommend denial for the following reasons:

Require additional information to review. (Please list information required)

Meeting requested.

Comments. (Attach additional pages as needed)



Reviewed By:

3/24/22

Date:

REFERRAL TO: Ziplly Fiber Attn: Engineering

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: April 6, 2022. Please refer questions and comments to Sam Gudmestad.

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ZONE: R-2

RECEIVED

3/29/2022

Batesf

HEARING DATE:

Reviewed, no conflict.

Reviewed; recommend denial for the following reasons:

Require additional information to review. (Please list information required)

Meeting requested.

Comments. (Attach additional pages as needed)



ziply
fiber

Reviewed By: **Scott Albert - Network Engineer**
ZiPLY Fiber

3/29/22

Date:

REFERRAL TO: Director of Public Works Russ Thomas

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: April 6, 2022. Please refer questions and comments to Sam Gudmestad.

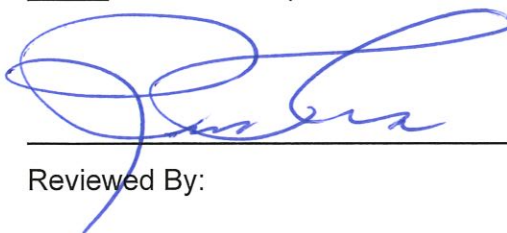
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Reviewed By:

3/24/2022
Date:

REFERRAL TO: Public Works: Maintenance Superintendent Preston Langeliers

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Meeting requested.

Comments. (Attach additional pages as needed)

Reviewed By: _____

Date: _____



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: PWM Supervisor Carl Ramseyer

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HEARING DATE:

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Reviewed; recommend denial for the following reasons:

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Meeting requested.

Comments. (Attach additional pages as needed)

Reviewed By:

Date:

REFERRAL TO: Public Works: Maintenance Vance Barton

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HEARING DATE:

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- Comments. (Attach additional pages as needed)

Vance Barton
Reviewed By:

3/25/2022
Date: