

NOTICE OF DECISION  
613 W First Street  
Partition – PAR22-0002

June 28, 2022

Jerry Bartels  
3077 N Pankratz Avenue  
Meridian, Idaho 83646

Sent via email: [jerry@biggrampy.com](mailto:jerry@biggrampy.com)

Dear Mr. Bartels,

The Newberg Community Development Director has approved the proposed preliminary plat application, PAR22-0002, for the three-lot partition of 613 W First Street, Tax Lot 3219B 1900, subject to the conditions listed in the attached report. The decision will become effective on July 12, 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 July 11, 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](mailto: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](mailto:larydell@teleport.com), [doug.rux@newbergoregon.gov](mailto:doug.rux@newbergoregon.gov)

**DECISION AND FINDINGS**  
**613 W FIRST PARTITION – PRELIMINARY PLAT – PAR22-0002**

FILE NO: PAR22-0002

REQUEST: Partition one 14,818 square foot lot into three lots

LOCATION: 613 W First St

TAX LOT: 3219B 1900

APPLICANT: Leonard A. Rydell

OWNER: Jerry Bartels

ZONE: R-2

PLAN DISTRICT: MDR (Medium Density Residential)

OVERLAYS: Airport Overlay (Airport Conical Surface)

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**CONTENTS:**

Section I: Application Information

Section II: Findings

Section III: Conditions

Attachments:

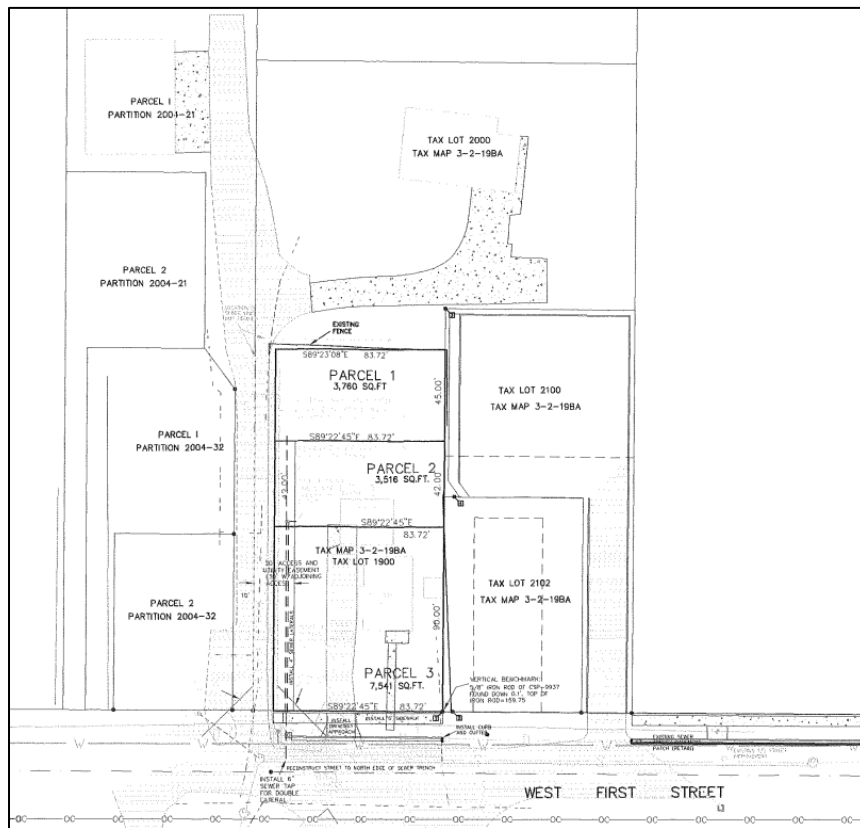
1. Tentative Plat
2. Application
3. Agency Comments

## Section I: Application Information

**A. DESCRIPTION OF APPLICATION:** Tentative plat approval for a partition that would divide one lot that has an existing home, detached garage, and sheds on the property into three lots. The garage is proposed to be removed. The two new parcels will be on the North (back) side of the property and the applicant is proposing they use an existing paved access to W First Street. Parcel 3 will be 7,541 square feet and has the existing single-family home and garage that is proposed to be removed. Parcel 2 will be 3,516 square feet and Parcel 1 will be 3,760 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 and an auto repair shop to the south. The applicant is proposing to dispose of increased runoff using paver driveways, swales, and/or rain gardens.

**B. SITE INFORMATION:**

1. Location: 613 W First St



2. Size: 14,818 square feet

3. Topography: Flat

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

5. Natural Features: The site has an assortment of trees and shrubs. The site does not have significant natural resources.

6. Adjacent Land Uses:

- a. North: Single-family residence
- b. East: Single-family residence
- c. South: Auto Repair
- d. West: Single-family residence

7. Zoning:

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

8. Access and Transportation: The proposed development will take access from W First Street. An existing shared driveway west of the project site is shown to be expanded to serve two of the proposed lots. An existing driveway is indicated to remain to serve the third lot containing an existing house proposed to be retained.

9. Utilities:

- a. Water: There is a 6-inch water line with an existing meter serving the site currently.
- b. Wastewater: There is a 10-inch wastewater collection line with a private lateral currently serving the site.
- c. Stormwater: There is a private stormwater collection line that runs along the frontage of the site.
- 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:

5/3/2022: The Community Development Director deemed the application complete.

5/4/2022: The applicant mailed notice to the property owners within 500 feet of the site.

5/4/2022: The applicant posted notice on the site.

5/17/2022: The 14-day public comment period ended.

6/28/2022: 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

Public Works Water: Reviewed; no conflict

ODOT: Reviewed; no conflict

Zipty Fiber: Reviewed; no conflict

**E. PUBLIC COMMENTS:** As of the writing of this report, the City has received no public comments on the proposal.

**F. ANALYSIS:** The property is zoned R-2, which requires 3,000 square foot minimum lot size. The proposed partition would create three lots that meet the minimum lot size requirement. At the time of creation of the original lot it was permitted at 14,818 square feet. Parcel 1 is proposed to be 3,760 square feet, Parcel 2 will be 3,516 square feet, and Parcel 3 will be 7,541 square feet

**Section II: Findings – File PAR22-0002  
613 W First 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.**

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

- 13. 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 applicant's proposed plans show new sidewalks, curb and gutter, planter strip, new pavement and new water and wastewater service laterals. This requirement is met.

- 14. 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 is a partition to create three lots out of the existing lot. No traffic study is required. This criterion is not applicable.

**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 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 shall conform to the requirements of NMC 15.400 with adherence to the conditions detailed 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:** The proposed development will take access from W First Street. An existing shared driveway west of the project site is shown to be expanded to serve two of the proposed lots. Access is further discussed in 15.505.030(R)(7). An existing driveway is indicated to remain to serve the third lot containing an existing house proposed to be retained.

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 14,818 square feet, currently exceeding the codes current square footage requirement. The proposed partition will reconfigure Parcel 1 to be 3,760 square feet, Parcel 2 will be 3,516 square feet, and Parcel 3 will be 7,541 square feet. All lots are over the minimum required 3,000 square feet for the R-2 zone.

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.



- 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:** 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 3 has approximately 83 feet of frontage to W First Street. Parcels 1 and 2 will either have frontage on the shared service drive to the west or the applicant may relocate the existing driveway that serves Parcel 3 to the west and create a 25-foot access and utility easement with 20 feet of paved surface. This is discussed further in Section 15.505.030 (R)(7) of this report.

**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, minus the garage proposed to be removed, on Parcel 3 create a combined lot coverage of 30% after the lot partition meeting the criteria. Any future development on Parcels 1 and 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:** Parcel 3 conforms to the setback requirement and has existing landscaping. The application indicates that all other 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.

##### **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 other interior yards will be five feet or greater. Setback compliance will be reviewed at the time of building permit submittal.

##### **15.410.060 Vision clearance setback**

**Finding:** If the existing driveway that serves Parcel 3 is relocated to the west to accommodate all three parcels of the Bartels property, each leg of the vision clearance triangle shall be a minimum of 25 feet in length at the intersection of the private drive and W First Street.

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

#### **Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS**

**Finding:** Parcel 3 is an existing landscaped residence. Any applicable requirements will be reviewed at the time of the building permit review process for future development on Parcels 1 and 2.

#### **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:** The submitted narrative describes new utilities to serve parcels one and two and implies leaving the overhead power service to the existing residence on the proposed parcel three. As stated in section B above, relocation of utility lines is a trigger for placing existing utility lines underground. Because final plans have not been submitted, construction plans showing new utilities installed underground will be required with the public works improvement permit application. If the existing utility pole or overhead utility lines serving the existing residence need to be relocated to accommodate improvements, the associated overhead utilities along the project site’s frontage of W First Street are to be relocated underground. The limits of the utility undergrounding to extend to the nearest pole in either direction outside of the project site’s frontage of W First Street.

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>
<b><i>Residential Types</i></b>	
<i>Dwelling, single family</i>	<i>2 per dwelling unit</i>

**Finding:** The applicant states that the proposed residences on Parcels 1 and 2 will likely have a two-car garage and a driveway in front of the garage which will provide 4 parking spaces per dwelling. The applicant did not indicate what existing parking serves the single-family dwelling on Parcel 3. Parking requirements will need to be addressed, reviewed, and met at the time of building permit submittal for parcels 1 and 2. Revised drawings showing 2 parking spaces for Parcel 3 shall be submitted to the Planning Division before final plat approval.

This criterion will be met as part of the permit review process.

**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 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:** The applicant's narrative and plan propose a street improvement which includes a 5-foot sidewalk built at the property line, a 6.5-foot planter strip, a curb and gutter, a 9-foot pavement reconstruction from the face of the curb to the north side of an existing sewer trench patch. A half local residential street right-of-way cross section consists of the following:

- 1-foot between the right-of-way and back of sidewalk
- 5-foot-wide sidewalk
- 5.5-foot-wide planter strip
- 0.5-foot-wide curb
- 16-foot-wide pavement from curb to right-of-way center line.

The applicant has requested the reduced pavement section because the development serves only two new homes. The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of paving, including pavement reconstruction, will be established at that

time. Because final plans have not been submitted, construction plans showing the new improvements on W First Street designed according to the City of Newberg Public Works Design and Construction Standards will be required with the public works improvements permit application. The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of paving, including pavement reconstruction, will be established at that time.

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

- 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 proposed plans show the installation of 2 water meters extended from the 6-inch water line in W First Street. They also show an existing fire hydrant at the proposed access to the new lots. It appears that this hydrant might have to be moved to accommodate a widened access driveway. It should be relocated in the public right-of-way. Because final plans have not been submitted, construction plans showing the connection to the 6-inch water line in W First Street for water services to serve the two proposed lots will be required with the public works permit application. Additionally, if it is necessary to relocate the fire hydrant to accommodate improvements, constructions plans will be required with the public works improvement permit application. Fire flow test results need to be submitted with building permit applications to be reviewed by the Fire Marshall for approval.

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 proposed plans show a connection to the 10-inch public wastewater collection line in W First Street with two service laterals extended to serve the two new lots. This requirement is met.

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

**Finding:** The applicant has submitted a preliminary stormwater report. Please see conditions in NMC 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 submitted narrative and proposed plans show a 10-foot utility public utility easement along the frontage of the property and a 20-foot shared access and utility easement for the shared driveway. See conditions in NMC 15.505.040

- 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:** Any required public improvement permit(s) for this project must be submitted, approved and issued prior to building permits being issued.

This criterion will be met as part of the permit review process.

**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.*

**Finding:** The applicant's narrative and plan propose a street improvement which includes a 5-foot sidewalk built at the property line, a 6.5-foot planter strip, a curb and gutter, a 9-foot pavement reconstruction from the face of the curb to the north side of an existing sewer trench patch. A half local residential street right-of-way cross section consists of the following:

- 1-foot between the right-of-way and back of sidewalk
- 5-foot-wide sidewalk
- 5.5-foot-wide planter strip
- 0.5-foot-wide curb
- 16-foot-wide pavement from curb to right-of-way center line.

The applicant has requested the reduced pavement section because the development serves only two new homes. The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of paving, including pavement reconstruction, will be established at that time. Because final plans have not been submitted, construction plans showing the new improvements on W First Street designed according to the City of Newberg Public Works Design and Construction Standards will be required with the public works improvements permit application. The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of paving, including pavement reconstruction, will be established at that time.

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

- 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:** New streets are not required to serve the proposed project. These criteria do not apply.

- 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 online GIS shows the right-of-way for W First Street as 60 feet. That is adequate. No dedication is required.

- 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:** The proposed partition will accommodate two new homes. Travel lanes in both directions exist on W First Street along the project site's frontage. The applicant has proposed a reduced half street improvement. Their narrative and plan propose a 5-foot sidewalk built at the property line, a 6.5-foot planter strip, a curb and gutter, a 9-foot pavement reconstruction from the face of the curb to the north side of an existing sewer trench patch. A half local residential street right-of-way cross section consists of the following:

- 1-foot between the right-of-way and back of sidewalk
- 5-foot-wide sidewalk
- 5.5-foot-wide planter strip
- 0.5-foot-wide curb
- 16-foot-wide pavement from curb to right-of-way center line.

The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of paving, including pavement reconstruction, will be established at that time. Because final plans have not been submitted, construction plans showing the new improvements on W First Street designed according to the City of Newberg Public Works Design and Construction Standards will be required with the public works improvements permit application. The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of paving, including pavement reconstruction, will be established at that time.

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

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

**Finding:** The applicant is not proposing a fee 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:** The proposed improvements are directly related to the impacts of the development. This criterion is met.

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

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

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

<i>Type of Street</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes</i>	<i>Median Type</i>	<i>Striped Bike Lane (Both Sides)</i>	<i>On-Street Parking</i>
<b>Arterial Streets</b>						
<i>Expressway**</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>
<i>Major arterial</i>	<i>95 – 100 feet</i>	<i>74 feet</i>	<i>4 lanes</i>	<i>TWLTL or median*</i>	<i>Yes</i>	<i>No*</i>
<i>Minor arterial</i>	<i>69 – 80 feet</i>	<i>48 feet</i>	<i>2 lanes</i>	<i>TWLTL or median*</i>	<i>Yes</i>	<i>No*</i>
<b>Collectors</b>						
<i>Major</i>	<i>57 – 80 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>
<b>Local Streets</b>						
<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>

*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>
<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:** W First Street is a local residential street in the City of Newberg. There are 60-feet of right-of-way. These criteria are met.

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

**Finding:** W First Street is a local residential street. This criterion does not apply.

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:** W First Street is a local residential street. This criterion does not apply.

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:** W First Street is a local residential street. This criterion does not apply.

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

**Finding:** No center turn lane is proposed or required. 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 proposes 5-foot-wide sidewalks along the public street frontage at the property line. The proposed placement is inconsistent with the City of Newberg code requirements for compliance with Public Works Design and Construction Standards for a local residential street which calls for 1-foot between the right-of-way/property line and back of sidewalk.

Because final plans have not been submitted, the applicant is required to construct minimum 5-foot-wide Type 'A' sidewalks with planter strip in accordance with City of Newberg code requirements and Public Works Design and Construction Standards.

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:** The submitted narrative describes the proposed planter strips as 6.5 feet wide. This is inconsistent with the City of Newberg code requirements and standards for a local residential street. The required half right-of-way cross section for a local residential street consists of the following:

- 1-foot between the right-of-way and back of sidewalk
- 5-foot-wide sidewalk

- 5.5-foot-wide planter strip
- 0.5-foot-wide curb
- 16-foot-wide pavement from curb to right-of-way center line.

Because final plans have not been submitted, the applicant is required to construct a minimum 5.5-foot-wide planter strip in accordance with City of Newberg code requirements and Public Works Design and Construction Standards.

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

**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’s narrative and plan propose a street improvement which includes a 5-foot sidewalk built at the property line, a 6.5-foot planter strip, a curb and gutter, a 9-foot pavement reconstruction from the face of the curb to the north side of an existing sewer trench patch. The applicant has requested the reduced pavement section because the development serves only two new homes. A half local residential street right-of-way cross section consists of the following:

- 1-foot between the right-of-way and back of sidewalk
- 5-foot-wide sidewalk
- 5.5-foot-wide planter strip
- 0.5-foot-wide curb
- 16-foot-wide pavement from curb to right-of-way center line.

The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of paving, including pavement reconstruction, will be established at that time. Because final plans have not been submitted, construction plans showing the new improvements on W First Street designed according to the City of Newberg Public Works Design and Construction Standards will be required with the public works improvements permit application. The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of paving, including pavement reconstruction, will be established at that time.

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

**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. These criteria do 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:** No new streets are proposed. 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:** No new streets are proposed or required. This requirement 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 proposing new street names. 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.*

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

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 proposed development does not create blocks. This requirement does 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:** No new private streets are proposed. This requirement does not apply.

*Q. Traffic Calming.*

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

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

*R. Vehicular Access Standards.*

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



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

*Table 15.505.R. Access Spacing Standards*

<i>Roadway Functional Classification</i>	<i>Area<sup>1</sup></i>	<i>Minimum Public Street Intersection Spacing (Feet)<sup>2</sup></i>	<i>Driveway Setback from Intersecting Street<sup>3</sup></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>

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

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

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

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

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

**Finding:** The shared driveway proposed to be utilized by the development is over 600 feet from the intersection of W First Street and OR 99-W which is a major arterial under the jurisdiction of Oregon Department of Transportation (ODOT). This criterion is met.

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:** The proposed development does not have multiple frontages. This requirement does not apply.

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

*driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.*

**Finding:** The proposed development has only one shared driveway proposed to serve two lots and one existing driveway to serve an existing residence on the third proposed lot. This criterion does not apply.

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

**Finding:** The applicant's property does not have alley access. These criteria 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 existing access is proposed to remain in use. 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 proposing to use part of the shared driveway to the west to serve the two new lots created by the partition. The plans and narrative show 10 feet from the shared driveway that serves Lot 2000 to the north and Parcel 1 (2004-21) northwest of it and 10 feet directly east of that on the site proposed for partitioning. The applicant will need approval to enter the existing shared driveway agreement with all parties to the agreement to use any part of the shared driveway as an access. There are already 2 lots with residences approved to use the shared driveway. The proposed partition would add 2 more for a total of 4 lots using the shared driveway. Item 7c above limits the number of lots using a shared driveway to 4. Alternately, the applicant may move the driveway that currently serves the existing house to the west to serve Parcels 1 and 2 as well. The relocated driveway will need to be in a 25-foot access and utility easement with a maintenance agreement and 20 feet of paved surface. The relocated driveway would need to be separated from the existing shared driveway. A driveway apron meeting federal ADA standard as well as City of Newberg Public Works Design and Construction Standards will be required. The Type A sidewalk proposed along the project's site frontage will need to extend through the shared driveway approach which may be a maximum of 24 feet wide per Public Works Design and Construction Standards. If the applicant becomes a party to the existing shared driveway agreement, pavement improvements on W First Street may need to extend to the west side of the existing shared driveway approach. Because final plans have not been submitted, final plans showing an access to the proposed lots designed in accord with the Newberg Municipal Code, Public Works Design and Construction Standards and Federal ADA standards will be required. They should reference a shared driveway access and utility easement and maintenance plan all approved by the Fire Marshall. The applicant will need approval to enter the existing shared driveway agreement with all parties to the agreement to use any part of the existing shared driveway as an access. Alternately, the applicant may move the driveway that currently serves the existing house to the west to serve Parcels 1 and 2 as well. The relocated driveway will need to be in a 25-foot access and utility easement with a maintenance agreement and 20 feet of paved surface. The relocated driveway would need to be separated from the existing shared driveway. A driveway apron meeting federal ADA standard as well as City of Newberg Public Works Design and Construction Standards will be required. The Type A sidewalk proposed along the project's site frontage will need to extend through the shared driveway approach which may be a maximum of 24 feet wide per Public Works Design and Construction Standards. If the applicant becomes a party to the existing shared driveway agreement, pavement improvements on W First Street may need to extend to the west side of the existing shared driveway approach. The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of paving, including pavement reconstruction, will be established at that time.

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

- 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:** A public walkway is not required for this project. 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:** Based on the applicant's narrative, it is not clear if they plan to plant street trees. The applicant will be required to plant one street tree in the proposed planter strip along W First Street.

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

- 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 is not proposing new streetlights. There is a streetlight on an existing utility pole in the right-of-way near the proposed access to the two new lots. It is unclear if the utility pole with the existing streetlight will need to be moved. Because final plans have not been submitted, final plans are to include the existing location of the streetlight near the proposed shared driveway. The applicant will need to evaluate street lighting on W First Street along the project frontage and install PGE Option A streetlights where the existing street lighting does not meet current City standards. Please see NMC 15.505.030 U Street Lights and City of Newberg Public Works Design and Construction Standards 5.17.1 Street Lighting. If necessary, the plans should show relocating the existing streetlight and updating it in compliance with the City's Public Works Design and Construction Standards.

The 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 the installation of 2 water meters extended from the 6-inch water line in W First Street. Because final plans have not been submitted, construction plans showing the connection to the 6-inch water line in W First Street for water services to serve the two proposed lots will be required with the public works improvement permit application. Fire flow test results need to be submitted with building permit applications to be reviewed by the Fire Marshall for approval.

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

- 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 proposed plans show a connection to the 10-inch public wastewater collection line in W 1<sup>st</sup> Street with two service laterals extended to serve the two new lots. Because final plans have not been submitted, construction plans showing the connection to the 10-inch wastewater collection line in W First Street and service laterals to each new parcel will be required.

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

- G. *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.]*

H.

**Finding:** The submitted narrative and proposed plans show a 10-foot utility public utility easement along the frontage of the property and a 20-foot shared access and utility easement for the shared driveway. Because final plans have not been submitted, final plans showing:

- a. A 10-foot public utility easement along the site's frontage along W First Street.
- b. A minimum 25-foot shared access and utility easement as approved by the Fire Marshall. A recorded maintenance agreement is required for the shared access and utility easement

are to be submitted with the permit application. Recorded easements and maintenance agreements are to be submitted prior to final plat approval.

This 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.*

**Finding:** The applicant has submitted a preliminary stormwater report. Based on infiltration rates measured at a nearby property, the applicant is proposing rain gardens or swales and pervious pavers to detain and treat all stormwater onsite. The preliminary report did not address treatment and detention of run off from the new sidewalk pavement. Because final plans have not been submitted, a final stormwater report showing treatment and detention for all new impervious area run off (including the public street improvements) and including construction plans for all necessary stormwater facilities shall be submitted with the permit application.

This requirement will be met if improvements that address the requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management are constructed.

- 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 proposed project is less than an acre. It will require a City of Newberg Erosion Control Permit. Because the applicant has 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 stormwater report. Because the applicant has not provided construction plans and a final stormwater report, the applicant will be required to provide detailed construction plans and a final stormwater report that address requirements outlined in the Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management. Infiltration testing at the project site in the area of proposed infiltration facilities is required in accordance with the City of Newberg Public Works Design and Construction Standards.

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 PAR22-0002 613 W First 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:**

**15.410 Yard Setback Requirements**

1. If the existing driveway that serves Parcel 3 is relocated to the west to accommodate all three parcels of the Bartels property, each leg of the vision clearance triangle shall be a minimum of 25 feet in length at the intersection of the private drive and W First Street.

**15.430 Underground Utility Installation.**

1. Construction plans showing new utilities installed underground will be required with the public works improvement permit application. If the existing utility pole or overhead utility lines serving the existing residence need to be relocated to accommodate improvements, the associated overhead utilities along the project site's frontage of W First Street are to be relocated underground. The limits of the utility undergrounding to extend to the nearest pole in either direction outside of the project site's frontage of W First Street.

**15.440 Off-Street Parking, Bicycle Parking, and Private Walkways**

1. Parking requirements will need to be addressed, reviewed, and met at the time of building permit submittal for parcels 1 and 2. Revised drawings showing 2 parking spaces for Parcel 3 shall be submitted to the Planning Division before final plat approval.

**15.505 Public improvement standards.**

1. Street Improvements:
  - a. Construction plans showing the new improvements on W 1<sup>st</sup> Street designed according to the City of Newberg Public Works Design and Construction Standards will be required with the public works improvements permit application. The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of paving, including pavement reconstruction, will be established at that time.

2. Water Improvements:
  - a. Construction plans showing the connection to the 6-inch water line in W First Street for water services to serve the two proposed lots will be required with the public works permit application. Additionally, if it is necessary to relocate the fire hydrant to accommodate improvements, construction plans will be required with the public works improvement permit application. Fire flow test results need to be submitted with building permit applications to be reviewed by the Fire Marshall for approval.
3. City Approval of Public Improvements Required:
  - a. Any required public improvement permit(s) for this project must be submitted, approved and issued prior to building permits being issued.
4. Sidewalks:
  - a. The applicant is required to construct minimum 5-foot-wide Type 'A' sidewalks with planter strip in accordance with City of Newberg code requirements and Public Works Design and Construction Standards.
5. Planter Strips:
  - a. The applicant is required to construct a minimum 5.5-foot-wide planter strip in accordance with City of Newberg code requirements and Public Works Design and Construction Standards.
6. Shared Driveways:
  - a. Final plans showing an access to the proposed lots designed in accord with the Newberg Municipal Code, Public Works Design and Construction Standards and Federal ADA standards will be required. They should reference a shared driveway access and utility easement and maintenance plan all approved by the Fire Marshall. The applicant will need approval to enter the existing shared driveway agreement with all parties to the agreement to use any part of the existing shared driveway as an access. Alternately, the applicant may move the driveway that currently serves the existing house to the west to serve Parcels 1 and 2 as well. The relocated driveway will need to be in a 25-foot access and utility easement with a maintenance agreement and 20 feet of paved surface. The relocated driveway would need to be separated from the existing shared driveway. A driveway apron meeting federal ADA standard as well as City of Newberg Public Works Design and Construction Standards will be required. The Type A sidewalk proposed along the project's site frontage will need to extend through the shared driveway approach which may be a maximum of 24 feet wide per Public Works Design and Construction Standards. If the applicant becomes a party to the existing shared driveway agreement, pavement improvements on W First Street may need to extend to the west side of the existing shared driveway approach. The existing pavement condition is to be reviewed as part of the public improvement permit process. The limits of

paving, including pavement reconstruction, will be established at that time.

7. Street Trees:
  - a. The applicant will be required to plant one street tree in the proposed planter strip along W First Street.
8. Streetlights:
  - a. Final plans are to include the existing location of the streetlight near the proposed shared driveway. The applicant will need to evaluate street lighting on W First Street along the project frontage and install PGE Option A streetlights where the existing street lighting does not meet current City standards. Please see *NMC 15.505.030 U Street Lights* and City of Newberg Public Works Design and Construction Standards 5.17.1 *Street Lighting*. If necessary, the plans should show relocating the existing streetlight and updating it in compliance with the City's Public Works Design and Construction Standards.
9. Water:
  - a. Construction plans showing the connection to the 6-inch water line in W First Street for water services to serve the two proposed lots will be required with the public works improvement permit application. Fire flow test results need to be submitted with building permit applications to be reviewed by the Fire Marshall for approval.
10. Wastewater:
  - a. Construction plans showing the connection to the 10-inch wastewater collection line in W 1<sup>st</sup> Street and service laterals to each new parcel will be required.
11. Easements:
  - a. Final plans showing:
    - i. A 10-foot public utility easement along the site's frontage along W First Street
    - ii. A minimum 25-foot shared access and utility easement as approved by the Fire Marshall. A recorded maintenance agreement is required for the shared access and utility easementare to be submitted with the permit application. Recorded easements and maintenance agreements are to be submitted prior to final plat approval.
12. Stormwater:
  - a. The applicant will be required to obtain a City of Newberg Erosion Control Permit prior to any ground disturbing activity.
13. Development Standards:
  - a. The applicant will be required to provide detailed construction plans and a final stormwater report that address requirements outlined in the Public

Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management. Infiltration testing at the project site in the area of proposed infiltration facilities is required in accordance with the City of Newberg Public Works Design and Construction Standards.

**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](http://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:**

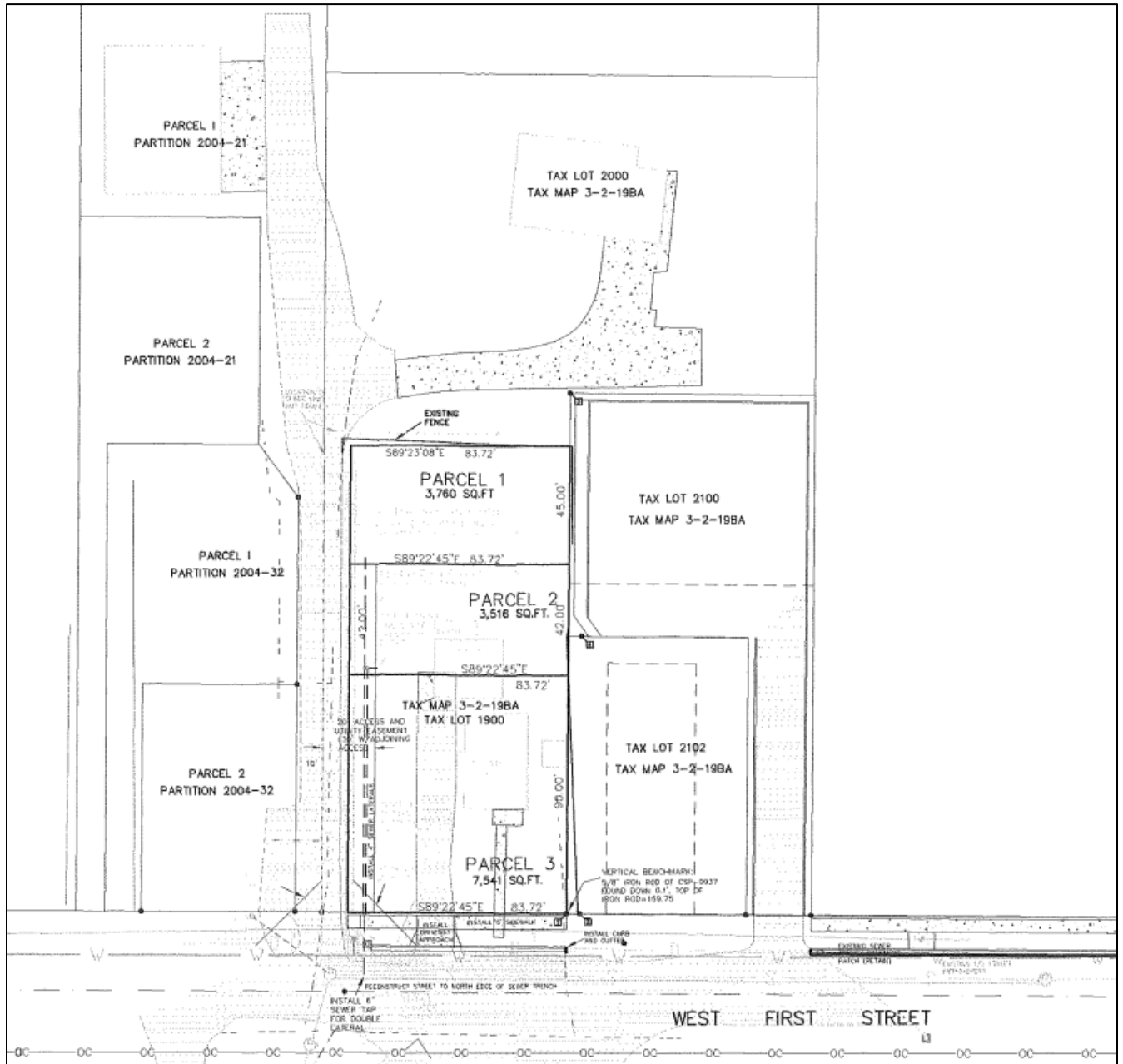
1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar and must meet the requirements of the county recorders and county surveyor. The plat must contain a signature block for approval by city recorder and Community Development Director, in addition 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:**

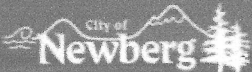
1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
2. **PGE:** PGE can provide electrical service to the project under terms of the current tariff which 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 #: \_\_\_\_\_

**TYPES – PLEASE CHECK ONE:**

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

**APPLICANT INFORMATION:**

APPLICANT: Cozad Ventures, LLC (Jerry Bartels, Member)  
 ADDRESS: 3077 N Pankratz Ave., Meridian, ID 83646  
 EMAIL ADDRESS: jerry@biggrampy.com  
 PHONE: \_\_\_\_\_ MOBILE: 208.989.9714 FAX: \_\_\_\_\_  
 OWNER (if different from above): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 ENGINEER/SURVEYOR: Leonard Rydell, larydell@teleport.com (Engineer) PHONE: 503.538.5700  
 ADDRESS: 601 Pinehurst Dr., Newberg, OR 97132-1625

**GENERAL INFORMATION:**

PROJECT NAME: Cozad Ventures, Partition PROJECT LOCATION: 613 W 1st St., Newberg  
 PROJECT DESCRIPTION/USE: Divide one lot into three parcels PROJECT VALUATION: \$100,000  
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3219B-1900 ZONE: R-2 SITE SIZE: 14,818 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: MDR TOPOGRAPHY: Fairly level  
 CURRENT USE: Single family residence  
 SURROUNDING USES:  
 NORTH: Single family residential SOUTH: 4 way intersection  
 EAST: Multi family residential WEST: Single family residential

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

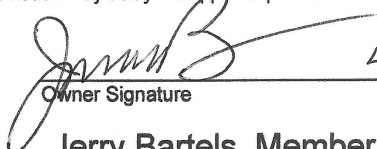
General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature

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.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

 4-22-22  
 Owner Signature \_\_\_\_\_ Date \_\_\_\_\_  
**Jerry Bartels, Member**  
 Print Name \_\_\_\_\_

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

7 March 2022

City of Newberg  
P. O. Box 970  
Newberg, Oregon 97132

Attn: Doug Rux

Re: "Bartels Partition" - Submission #2

Dear Doug,

Attached, please for your review, please find two copies of the revised submission for the Bartels partition along West First Street in Newberg.

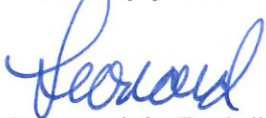
This application has been reviewed to address the recent code changes and to provide a response to several of your concerns.

Please note that there is a preliminary storm report on Page 25. Storm water runoff from the new development will be by rain infiltration gardens and the use of pavers. Should water treatment need to be provided for the street widening, it will be via shallow swales between the curb and the sidewalk.

Should you have an questions or comments, or need additional information, please feel free to contact me.

Thank you.

Sincerely yours,



Leonard A. Rydell, P.E., P.L.S., W.R.E.

LAR/lar

encl: as stated

cc: Jerry Bartels



**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**

# **BARTELS PROPERTY**

**A Proposed 3 Parcel Partition**

**City of Newberg**

**Yamhill County, Oregon**

**2 February 2022**

Revised 4 March 2022

### **PREPARED FOR:**

Cozad Ventures, LLC  
3077 North Pankratz Avenue  
Meridian, Idaho 83646

Phone: (208) 989-9714  
E-Mail: Jerry@biggrampy.com



RENEWAL DATE 12/31/2022

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

**TABLE OF CONTENTS**

Table of Contents ..... 2

Applicant and Site Information ..... 3

Introduction and Background ..... 4

Chapter 15.100.030 Type II Procedure ..... 4

Chapter 15.235.040 Preliminary Plat Submission Requirements ..... 5

Chapter 15.235.050 Preliminary Plat Approval Criteria Requirements ..... 10

Chapter 15.400 Lot Requirements ..... 12

Chapter 15.505 Public Improvements Standards ..... 19

Public Works Design and Construction Standards ..... 23

Preliminary Storm Water Report ..... 25

Conclusion ..... 25

Newberg Comprehensive and Zoning Maps ..... 26

**EXHIBITS**

- Tax Map 3 - 2 - 19BA
- Tentative Plan (Google)
- Tentative Plan (Map)
- Existing Utility Map (Newberg Surveying).

## APPLICANT AND SITE INFORMATION

**DATE:** 4 March 2022

**APPLICANT/OWNER:** Jerry Bartels, Applicant  
JDB Revocable Trust (Owner of Cozad Ventures, LLC)  
3077 North Pankratz Avenue  
Meridian, Idaho 83646  
Phone: (208) 989-9714  
E-Mail: [Jerry@biggrampy.com](mailto:Jerry@biggrampy.com)

**ENGINEER:** Leonard A. Rydell, P.E., P. L. S., W. R. E.  
601 E. Pinehurst Drive  
Newberg, OR 97132-1625  
Phone: 503-538-5700  
E-Mail: [larydell@teleport.com](mailto:larydell@teleport.com)

**SURVEYOR:** Newberg Surveying  
1205 N. E. Evans Street  
McMinnville, Oregon 97128  
Phone: (971) 237-1956 (Cell)  
E-Mail: [Newberg@viclink.com](mailto:Newberg@viclink.com)

**REQUEST:** Tentative Plan Approval for a Three Parcel Partition

**LEGAL DESCRIPTION:** See Exhibits for Legal Description

**TAX LOTS** Tax Lot 1900, Map No. 3-2-19B

**COMPREHENSIVE PLAN:** Medium Density Residential (MDR)

**ZONING:** Medium Density Residential (R-2)

**SIZE:** 14,818 sq. ft. (0.3402 Acres)

**LOCATION:** On the North Side of First Street, West of Highway 99W.

**SPECIFIC REQUESTS:** Tentative Plan Approval for a 3 Parcel Partition

## **INTRODUCTION & BACKGROUND**

The applicant owns a parcel of land fronting West First Street in the City of Newberg. The applicant's son-in-law lives in the house adjoining the North side of the property. The applicant's spouse is disabled and they would like to build a new house next to his son-in-law, daughter and grandchildren.

A total of three parcels is proposed for the property. The property has an existing house, garage and sheds on the property along with an assortment of trees and shrubs. The property is identified as Tax Lot 1900 of Map No. 3-2-19BA. The legal descriptions are metes and bounds descriptions.

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

There is one existing house and a detached garage on the property to be partitioned. The existing house is planned to be retained, but the garage is proposed to be removed.

The two new parcels will be on the North (back) side of the property with the garages orientated towards the West line where there is an existing paved access to West First Street.

### ***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 three 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 three parcels (two new residences). At ten trips per day, total daily traffic increase for the project would be 20 trips. There are no known 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 three parcels (only two new residences), and the individual impact to the City of Newberg utilities will be minimal.

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. Infiltration testing will be performed if required to calculate actual infiltration rates to ensure storage capacity is adequate to ensure no increased storm water runoff, however infiltration tests have been done on a project 570 feet to the North, and the original design may be based on those values.

It should also be noted that existing impervious areas on the site will be removed and replaced with the new residences, therefore, any significant additional runoff would be difficult to determine, document and plan for at this Tentative Plan Stage.



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:** The surrounding property is pretty much fully developed and served by existing improvements. The applicant only wants to divide the property into three parcels at this time so that he can build a new house to be near family, have a parcel that can be developed or sold, and the existing house that is currently rented and could be individually conveyed in the future.

**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:** This is a partition and the 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;*

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.*

**Finding:** The information listed above is shown on the Preliminary Plat and supplemental drawings as applicable to the project. The site is basically level with no major elevation change. The City of Newberg Benchmark No. 36 is located on the top of curb, South side of West First Street, 7' East of the Centerline of Morton Street.

- 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:** The information listed is shown on the Preliminary Plat and supplemental drawings as applicable to the project. A ten foot wide access and utility easement will be obtained from Tax Lot 2000, and a 10 foot wide access and utility easement will be created across Parcels 1 and 2 to provide access. It is noted that while City Code requires a 25 foot wide access easement, and that the "legal" access with for this partition will only be 20 feet, emergency vehicle access will be provided by a 30 foot wide access with pavement widths of 20 feet to 35.8 feet thus meeting the intent of City code.

- 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 additional dwelling under a separate ownership on the property, enable the future sale of the existing house on its own parcel, and to create an additional parcel suitable for an additional residence.

- e. *Proposed grading;*

**Finding:** No major grading is proposed other than widening of an existing driveway by approximately four feet and constructing a single family dwelling.

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

**Finding:** A half street improvement is proposed fronting the project and will consist of reconstruction of the street from the centerline to the property line. Improvements to be installed include curb and gutter, two driveway approaches, a 5-foot wide sidewalk fronting the property and, if required, a 16-foot half street improvement to the centerline.

- 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 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 (some of which will be removed), 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 just West of the driveway to the existing house on the site. 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.

- i. *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:** The tentative plan shows the proposed street, water, sanitary sewer and storm drainage improvements and the necessary easements for improving First Street and providing a private access to the proposed parcel in the back of the lot.

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 only improvements that will be required are the public street improvements fronting the project, a water meter and service, a sewer lateral and the widening of an existing private access.

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 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 Minimum and maximum lot area.**

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

1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:

Zone	Minimum lot area for single family	Minimum lot area for duplex dwelling	Minimum lot area for triplex dwelling	Minimum lot area for quadplex dwelling	Minimum lot area for townhouse	Minimum lot area for cottage cluster	Minimum lot area per dwelling unit for multifamily
R-1	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	Per conditional use review
R-2	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF
R-3	2,500 SF	2,500 SF	4,500 SF	6,000 SF	1,500 SF	6,000 SF	1,500 SF
R-P	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF
AR	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	—

**Finding:** The property is zoned R-2 and the three proposed parcels are larger than 3,000 square feet, so a single family home or duplex could be built on any of the three parcels.

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

2. 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 property is zoned R-2 and the average area of the three proposed parcels is 4,939 square feet so this proposal meets the requirement. It should also be noted that these calculations are based on gross areas and include the 1,320 square feet of area proposed to be improved for utility easements and access.

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

**Finding:** This section does not apply as the development site is less than 15,000 square feet.

**15.405.020 Lot area exceptions.**

**Finding:** This Section Does not apply. No exceptions are needed.

**15.405.030 Lot dimensions and frontage.**

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

**Finding:** It is the intention of this application to conform to this section.

- 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:** This application conforms to the requirements of this section, but since the lots are under 15,000 square feet, this section 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.*

**AREA CALCULATIONS (Square Feet)**

<b>AREA</b>	<b>Parcel 1</b>	<b>Parcel 2</b>	<b>Parcel 3</b>
Total	3,760	3,516	7,541
Easement	0	420	450
Net Area	3,760	3,096	7,091

**Finding:** The three proposed parcels conform to the requirements of this section



*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 3 meets this requirement as it's South line is a public street. Parcels 1 and 2 will have a legal 20-foot access. As a practical consideration, the West 10-feet of the neighbor's share of the access will provide a practical 30 foot wide access that exceeds the requirement. This access will be available for use by emergency vehicles. As a practical consideration, it is unnecessary in this situation for the City to require a full 25 feet obtained by the existing 10 foot right-of-way to be acquired by the applicant's daughter and son in law plus 15 feet of the property to be developed resulting in a total width of both accesses (one driveway) of 35 feet.

The applicant will obtain an easement that is ten feet wide from his son in law which includes half of the existing paved driveway for the two existing houses and will create an additional 10 foot wide access and utility easement across Parcels 2 and 3 to have a 20' wide access and utility easement to Parcel 1. The access is not a "Private Street" as defined by NMC 15.05.030 which states that a "*Private street*" means a private way which affords principal means of access to four or more lots (see also "*service drive*"). The additional street width will only serve two new parcels for a total of three "lots".

It is the understanding of the applicant that the owner of the second house on the existing private drive does not want to grant an access easement to the applicant, but the total easement with from the proposed additional easement will be 30 feet wide that exceeds the 25 foot wide requirement.

Meeting a strict interpretation of the code would impose unnecessary restrictions on the use of the property and ignores the practical effect of the existing conditions that conforms to the code.

- 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, triplex, quadplex and cottage cluster project lots in the R-3 zone shall have a minimum width of 25 feet at the front building line.*

**Finding:** This site is zoned R-2 and each proposed parcel meets this requirement

2. *The above standards apply with the following exceptions:*
  - a. *Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20*

*feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050(B).*

- b. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.*
- c. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.*
- d. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. However, existing single-family detached dwellings on existing private streets may be converted to duplex, triplex, or quadplex dwellings.*

**Finding:** The existing driveway, according to Google Earth imagery, was installed prior to 1994 so the driveway can be used to meet width requirements by this application. The applicant will obtain an easement that is ten feet wide from his son in law which includes half of the existing paved driveway for the two existing houses and will create an additional 10 foot wide access and utility easement across Parcels 2 and 3 to have a 20' wide access and utility easement to Parcel 1. The access is not a "Private Street" as defined by NMC 15.05.030 which states that a "*Private street*" means a private way which affords principal means of access to four or more lots (see also "service drive"). The additional street width will only serve one existing house and two new parcels for a total of three "lots".

It is the understanding of the applicant that the owner of the second house on the existing private drive does not want to grant an access easement to the applicant, but the total easement will be 30 feet wide that exceeds the 25 foot wide requirement.

Meeting a strict interpretation of the code would impose unnecessary restrictions on the use of the property and ignores the practical effect of the existing conditions that conforms to the code.

All three parcels exceed the 25 foot width requirement as follows:

Parcel One	45' (Private Drive)
Parcel Two	42' (Private Drive)
Parcel Three	74' (First Street)

### ***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; however, cottage cluster projects shall be exempt from the 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.*
    - a. *R-1, R-2 and RP: 60 percent.*

**Finding:** Parcels 1 and 2 lot coverage will be determined as part of the building permit. Parcel 3 lot coverages are as follows:

House	912 square feet	12%
Existing Driveway	1,166 square feet	15%
Sidewalk/Porch	199 square feet	3%
Parcels 1-2 Pavement	150 square feet	2%
<u>Undeveloped</u>	<u>5,114 square feet</u>	<u>68%</u>
Total	7,541 square feet	

**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. Landscaping on Parcels One and Two will be provided during the dwelling construction. Parcel Three is an existing landscaped residence.

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:** Parcels One and Two will comply with the requirement when the new dwelling is constructed. Parcel Three already complies with the requirement, and should a new garage be constructed, it will also meet the requirement and verified at the building permit stage.

#### **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 are 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:** This section does not apply to this project as it is an intersection of a private drive (see Section B below) with a street.

- 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:** Clear vision triangles (25' legs) are shown on the site plan at the intersection of the private drive and First Street.

- 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 the private drive and First Street. The area consists mostly of the private drive, a property line sidewalk in the public right of way on the East side of the driveway, and existing pavement and grass landscaping on the West side of the driveway, the existing and proposed clear vision triangle relatively free of obstructions and is provided.

#### **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 this requirement for Parcel One will be determined at the time of issuance of building permits. Parcel Three is occupied by an existing residence.

**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:** All new utilities (water, sewer, phone, TV and Internet) to serve Parcels One and Two will be placed underground in a public utility easement.

**15.440.030 Parking Spaces required**

Residential Types

Three- and four-bedroom unit

Minimum Parking Spaces Required

2 per dwelling unit

**Finding:** The proposed residences on Parcels 1 and 2 will likely have a two car garage and a driveway in front of the garage which will provide 4 parking spaces per dwelling, however, conformance to this section will be determined 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 pavement or 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 Parcel One will be determined at the time of building permit. Parcel Three is already developed, but will conform to the requirement at such time when a building permit for a garage is obtained.

- 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 proposed partition and development plans conform to this requirement, and will be verified at the time of application for a building permit.

**Chapter 15.505 PUBLIC IMPROVEMENTS STANDARDS**

**15.505.030 Street standards.**

- 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:** West First Street has an existing right-of-width of 60 feet so no additional right-of-way is necessary.

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:** The existing street right-of-way for First Street is 60 feet. There is a development of 28 houses 94 feet East of the project that constructed a **half** street improvement including curb and gutter, a five foot sidewalk and a half street improvement of 16 feet over 124 feet of property frontage. That improvement serves 18 residences.

The immediate property to the East that joins this site appears to have been improved **without** any street or sidewalk improvements.

This application will allow only two additional residences, but obviously, with 84 feet of street frontage, the cost of a 3/4 street improvement plus the cost of relocating the existing fire hydrant and constructing two new driveway approaches, the street improvement costs will be excessive and out of proportion of what is fair and equitable for just two additional houses. This project's street frontage of 84 feet would result in over nine times the cost per residence than the development to the East.

In reviewing the site, the following was noted:

- a. It was noted that the existing sewer trench is a relatively new installation and is in excellent condition.
- b. The condition of the street surface on the South side of the sewer trench is in fair condition.
- c. The street improvements to the East were only half (not 3/4) street improvements.
- d. In that this site is a four way intersection, design, construction and traffic control for a three quarter street improvement would be a major complication and expense.

- e. There are existing, but old, sidewalks across the street.
- f. The applicant only wants to build a house for his family.

**Finding:** In conclusion, it is fair and equitable that the required street improvements be limited to:

- Curb and gutter fronting the property, ending at the existing catch basin.
- Sidewalk fronting the property ending at the property lines.
- A new concrete driveway approach for the existing house
- A 9-foot wide street reconstruction from the face of curb to the North (near) side of the existing sewer trench patch
- Leaving overhead utilities overhead

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

**Finding:** The proposed improvements in the above findings are proportional to the development being considered by this application, so no additional improvement requirements and bonding costs are requested.

- 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:** This Partition application will allow the construction of two additional infill residences, however, the applicant is only planning on building a new residence at this time. The applicant agrees that the improvements proposed (curb, sidewalk and 9 feet of gutter and pavement to the edge of the sewer trench is proportional to the development impact, but that a full 3/4 street reconstruction is not.



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

**Finding:** A five foot wide sidewalk fronting the is proposed and shown on the Preliminary Partition Plat.

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:** 6.50 foot wide planter strips from the back of curb to the front of the 5' wide sidewalk is are proposed fronting West First 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:** Sidewalk, curbs and a driveway approach for the existing house will be installed in accordance with the City of Newberg Design Standards, and engineering plans will be submitted to the City of Newberg for approval prior to construction.

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:** This application will allow infill construction of two additional houses. The two new residences (only one is planned at this time) will use an existing private access. While the proposed access easement is proposed to be 30 feet, it is likely that the easement for the West ten feet will not be obtained. While legal use of this ten feet by the applicant will not be obtained, use of the easement by emergency vehicles will not be limited. Therefore, a modification of the required easement width of 25 feet be reduce to 20 feet available for use by the applicant.

# **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 residence on Parcel One.*

#### **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 new residence 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 East to West. 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. The final design will be based on impervious areas, the City of Newberg Design Storm Events and measured infiltration rates. As infiltration testing has been performed on another project 400'± feet to then north and the soils are similar, those infiltrations rates may be used. Those infiltration rates ranged from 0.7 to 3.0 inches per hour. The Reduction Factor used for design purposes is 0.31 to 1.55 inches per hour.

Based on the lowest infiltration rate of 0.31 inches per hour, a 1,400 square foot house would require a rain garden of 63 square feet. This area can be met through the use of pavers and rain gardens.

**Flow from the East:** The site is bordered on the East by a developed site and appears to have little contributory drainage.

**Roof Drainage:** Roof and gutter drainage from the two additional proposed dwellings will be collected by rain drains and discharged into individual rain gardens connected hydraulically with paver driveways..

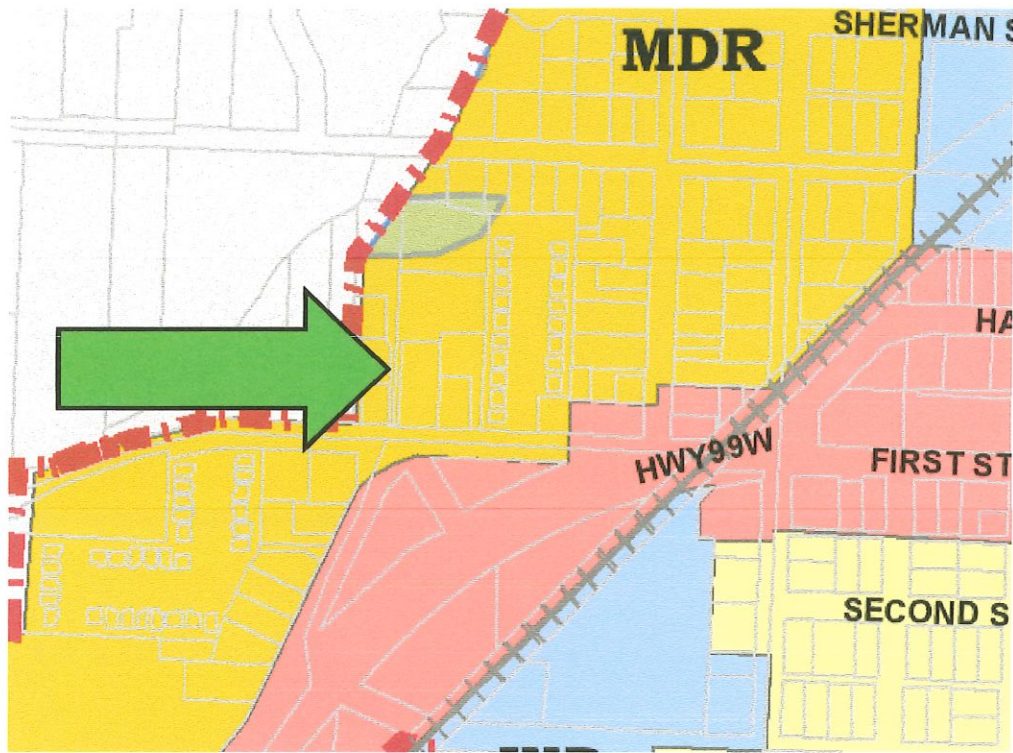
Location and sizes of the rain gardens will be approved by the building permit process.

### **Conclusion**

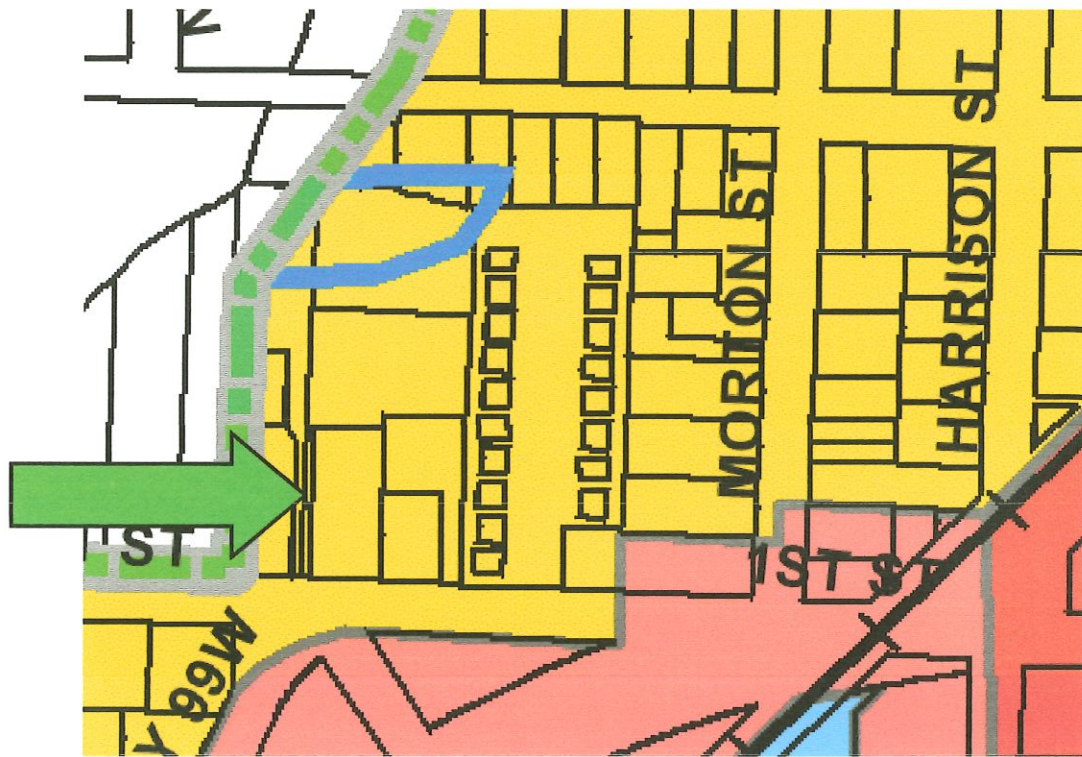
This development is an urban infill site that can be developed in accordance with the affordable housing and density goals of the R-2 site zoning

The applicant would like to build a new house on his property.

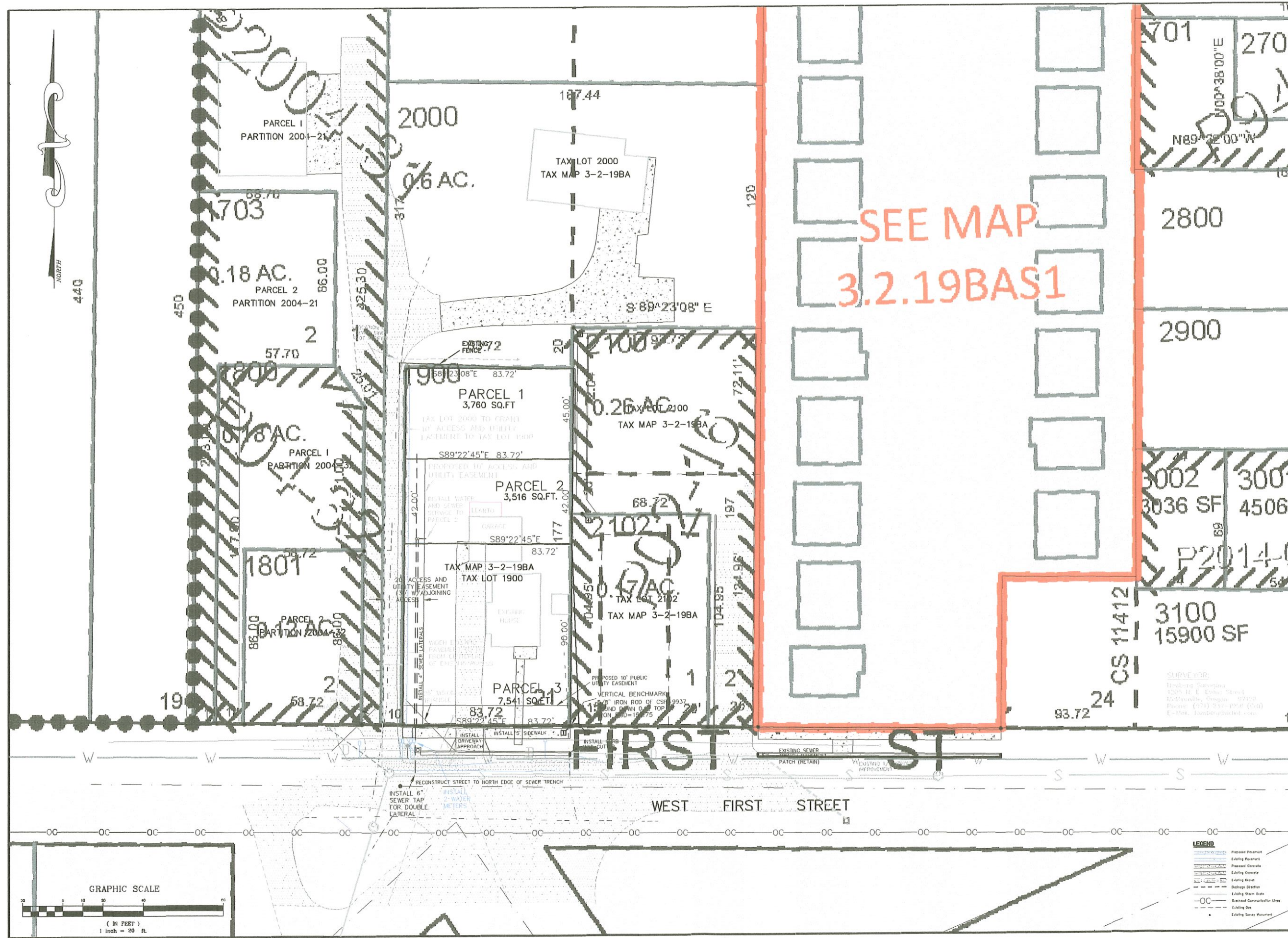
Approval of Partition Plat for three parcels to allow one additional single family home and one additional building site under a Type II review is hereby requested.



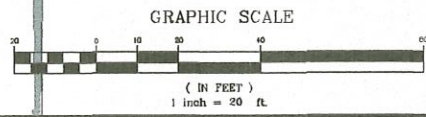
**NEWBERG COMPREHENSIVE PLAN**



**NEWBERG ZONING MAP**



SEE MAP  
3.2.19BAS1



**LEGEND**

	Proposed Easement
	Existing Easement
	Proposed Conduit
	Existing Conduit
	Existing Drive
	Existing Street
	Existing Storm Drain
	Existing Communication Lines
	Existing Sewer Main

**LEONARD A. RYDELL, P.E., P.L.S.**  
 601 Phalaris Drive, Newberg, Oregon 97132-1625  
 Phone: (503) 538-5700  
 Mobile: (503) 781-4136  
 Lary@leopardesign.com

REGISTERED PROFESSIONAL SURVEYOR  
 State of Oregon  
 License No. 12345  
 LEONARD A. RYDELL  
 RENEWAL DATE: 12/31/2022  
 Consulting Civil Engineer - Land Surveyor - W.R.E.

**TAX-MAP**  
**BARTELS PROPERTY**  
 Located in the Northeast Quarter of the Northwest Quarter Section 19  
 Township 3 South, Range 2 West of the Willamette Meridian  
 City of Newberg, Yamhill County, Oregon

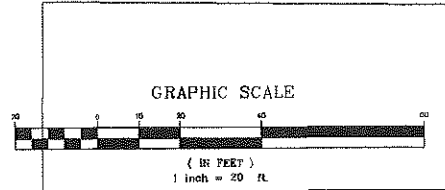
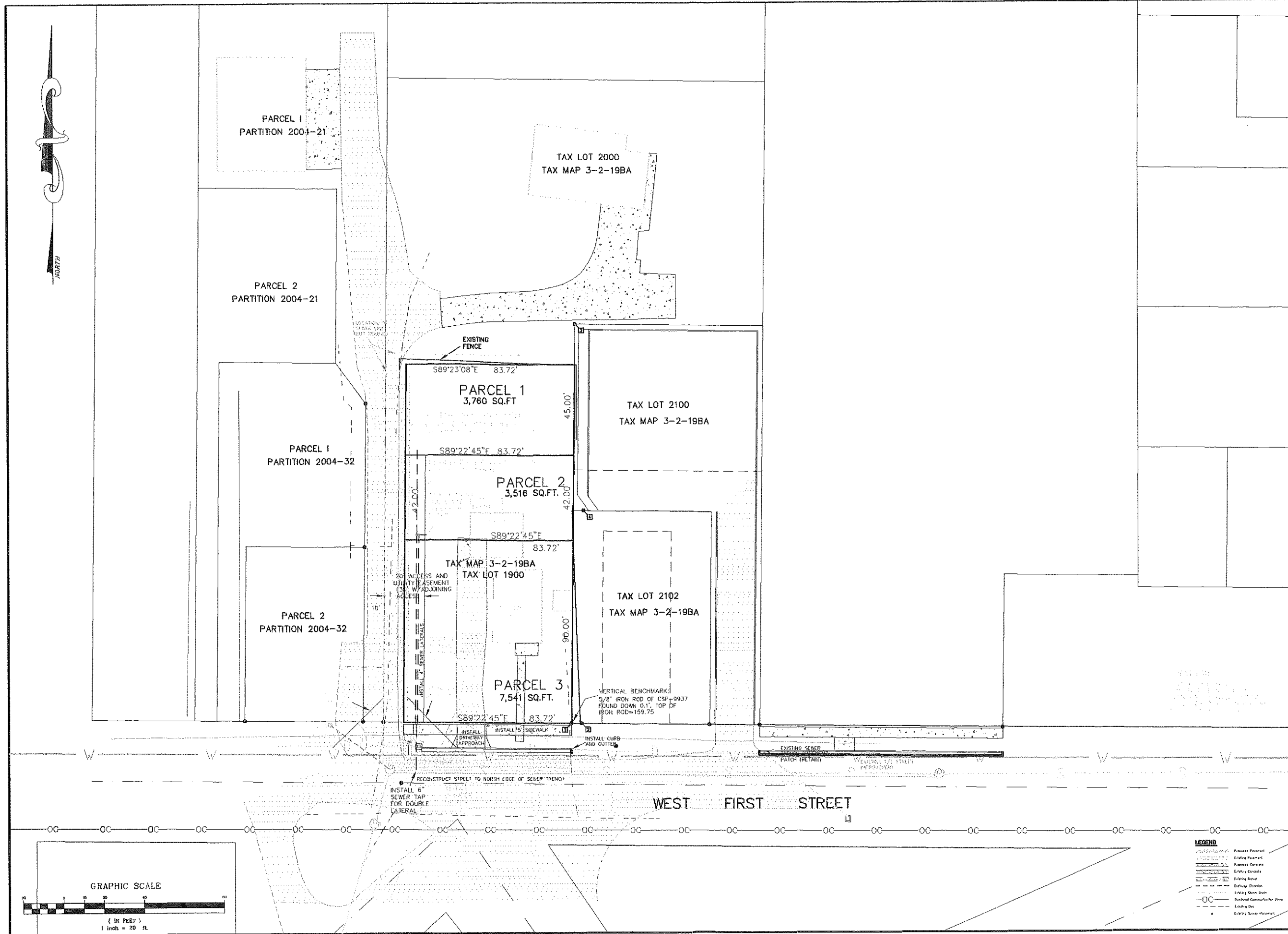
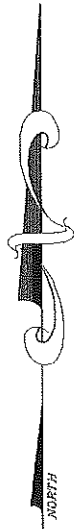
Prepared for:  
 Cozad Ventures, LLC  
 3077 N. Pankratz Avenue  
 Meridian, Idaho, 83646  
 Phone: (208) 989-9714  
 E-Mail: Jerry@biggrampy.com

W.O. No. 2105  
 Design: [Signature]  
 Drawn: [Signature]  
 Date: 26 January 2022  
 Dwg: 2105CNTL.DWG

Sheet  
1 of 1

REVISIONS			
No.	Description/Date	By	
1	T-PLAN 3/7/22 LAR		





**LEGEND**

	Private Easement
	Existing Easement
	Easement Easement
	Existing Street
	Driveway Easement
	Existing Storm Drain
	Proposed Communication Lines
	Existing Gas
	Existing Survey Monument

**LEONARD A. RYDELL P.E., P.L.S.**  
 601 Prospect Drive, Newberg, Oregon 97132-1823  
 (503) 538-5700  
 Mobile (503) 781-4138  
 LAR@rydellp.com  
 Consulting Civil Engineer - Land Surveyor - U.R.E.

RECEIVED DATE 12/27/2022

**PRELIMINARY PARTITION PLAT**  
**BARTELS PROPERTY**  
 Located in the Northeast Quarter of the Northwest Quarter Section 19  
 Township 3 South, Range 2 West of the Willamette Meridian  
 City of Newberg, Yamhill County, Oregon

Prepared for:  
 Cozad Ventures, LLC  
 3077 N. Pankratz Avenue  
 Meridian, Idaho, 83646  
 Phone: (208) 989-9714  
 E-Mail: Jerry@biggrampy.com

W.D. No. 2105  
 Design: [Signature]  
 Drawn: [Signature]  
 Date: 26 January 2022  
 Dwg: 2105CNFL.DWG

Sheet  
 1 of 1

REVISIONS			
No.	Description	Date	By
1	T-PLAN	3/7/22	LAR





**LEGEND**

- MONUMENT FOUND, FLUSH TO 0.2' DOWN
- EXISTING BOLLARD
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING 3 PORT HYDRANT
- EXISTING COMMUNICATIONS RISER
- EXISTING NATURAL GAS METER
- EXISTING UTILITY POLE WITH TRANSFORMER
- EXISTING UTILITY POLE WITH LUMINAIRE
- EXISTING COMMUNICATIONS UTILITY POLE
- EXISTING UTILITY POLE ANCHOR
- EXISTING SPOT ELEVATION
- EXISTING CATCH BASIN
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEANOUT
- EXISTING STOP SIGN
- EXISTING EDGE OF PAVEMENT
- EXISTING EDGE OF GRAVEL
- EXISTING WATER LINES PER UTILITY LOCATES
- EXISTING NATURAL GAS PER UTILITY LOCATES
- EXISTING UNDERGROUND COMMUNICATIONS PER UTILITY LOCATES
- EXISTING STORM DRAIN LINES PER UTILITY LOCATES
- EXISTING GRAVITY SANITARY SEWER LINES PER UTILITY LOCATES
- EXISTING OVERHEAD POWER (MAY ALSO HAVE COMMUNICATIONS)
- EXISTING UNDERGROUND POWER PER UTILITY LOCATES
- EXISTING WOOD OR WIRE FENCE
- EXISTING FRUIT TREE (SCALED TO DRIP LINE)
- EXISTING MAPLE TREE (SCALED TO DRIP LINE)

**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING TOPOGRAPHICAL FEATURES OF THAT TRACT OF LAND CONVEYED TO JERRY BARTELS IN INSTRUMENT #202014024, YAMHILL COUNTY DEED RECORDS. THE BASIS OF BEARING IS SOUTH 00° 38' 00" WEST BETWEEN MONUMENTS FOUND ALONG MORTON STREET PER CS-11412. THE VERTICAL DATUM IS NAVD83 (GEOID12B) AND IS BASED ON THE AVERAGE OF MULTIPLE GEODETIC OBSERVATIONS ON A POINT OVER THE COURSE OF SEVERAL HOURS USING THE OREGON REAL-TIME GNSS NETWORK.

ALL TOPOGRAPHICAL DATA WAS OBTAINED USING A TRIMBLE S6 TOTAL STATION.

THE LOCATION OF THE PUBLIC UNDERGROUND UTILITIES SHOWN ARE BASED ON PAINT MARKS PROVIDED BY LOCATING COMPANIES, UTILITY COMPANIES, AND THE CITY OF NEWBERG PUBLIC WORKS DEPARTMENT. INVERT ELEVATIONS WERE OBTAINED USING A "PIPE MIC" ATTACHED TO A LEVEL ROD. THE TYPE OF PIPE AND THE PIPE DIMENSIONS SHOWN ARE OUR BEST ESTIMATE OF THE ACTUAL DIMENSIONS AND NEED TO BE CONFIRMED BY THE CITY OR ITS CONTRACTOR. THERE MAY BE OTHER UTILITIES OUT THERE THAT ARE NOT SHOWN ON THIS MAP. ALL UTILITIES NEED TO BE CONFIRMED.

PARCEL 1  
PARTITION 2004-21

TAX LOT 2000  
TAX MAP 3-2-19BA

PARCEL 2  
PARTITION 2004-21

PARCEL J  
PARCEL 1 OF  
PARTITION 2004-32

PARCEL 2  
PARTITION 2004-32

PARCEL  
3,760 SQ.FT.

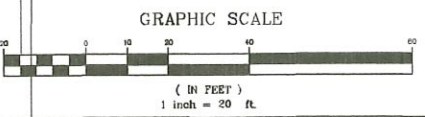
PARCEL 2  
3,516 SQ.FT.

PARCEL 3  
7,544 SQ.FT.

PARCEL 2 OF  
PARTITION PLAT 2002-10  
TAX LOT 2100  
TAX MAP 3-2-19BA

TAX LOT 2102  
TAX MAP 3-2-19BA  
PARCEL 1 OF  
PARTITION PLAT 2002-16

WEST FIRST STREET



**LEGEND**

—○—	Proposed Easement
—○—	Existing Easement
—○—	Proposed Concrete
—○—	Existing Concrete
—○—	Existing Gravel
—○—	Existing Asphalt
—○—	Existing Driveway
—○—	Existing Storm Drain
—○—	Existing Sanitary Sewer
—○—	Existing Water
—○—	Existing Gas
—○—	Existing Survey Monument

**LEONARD A. RYDELL, P.E., P.L.S.**  
 801 Pinehurst Drive, Newberg, Oregon 97132-1623  
 Mobile (503) 538-5700  
 Fax (503) 781-4136  
 Larry@leopardsurvey.com  
 Consulting Civil Engineer - Land Surveyor - W.R.E.



**UTILITY SURVEY**  
**BARTELS PROPERTY**  
 Located in the Northeast Quarter of the Northwest Quarter Section 19  
 Township 3 South, Range 2 West of the Willamette Meridian  
 City of Newberg, Yamhill County, Oregon

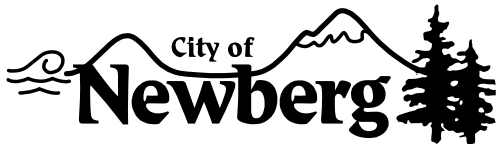
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Sheet  
 1 of 1

**REVISIONS**

No.	Description	Date	By
1	T-PLAN	3/7/22	LAR



# Community Development Department

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

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

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

A property owner in your neighborhood submitted an application to the City of Newberg to divide one lot into *three* parcels. You are invited to take part in the City's review of this project by sending in your written comments. For more details about giving comments, please see the back of this sheet.

The application would create three lots: An infill development creating two new single family residential lots and the existing front residence on one lot. All parcels would be accessed by existing private drives, with increased width for the back two lots. Lots are planned to be 3,760 square feet (Parcel 1), 3,760 square feet (Parcel 2) and 7,091 square feet (Parcel 3). It is anticipated that several small storage buildings and a small garage will be removed and eventually, two new single-family residences would be constructed.

APPLICANT: Jerry Bartels, Applicant

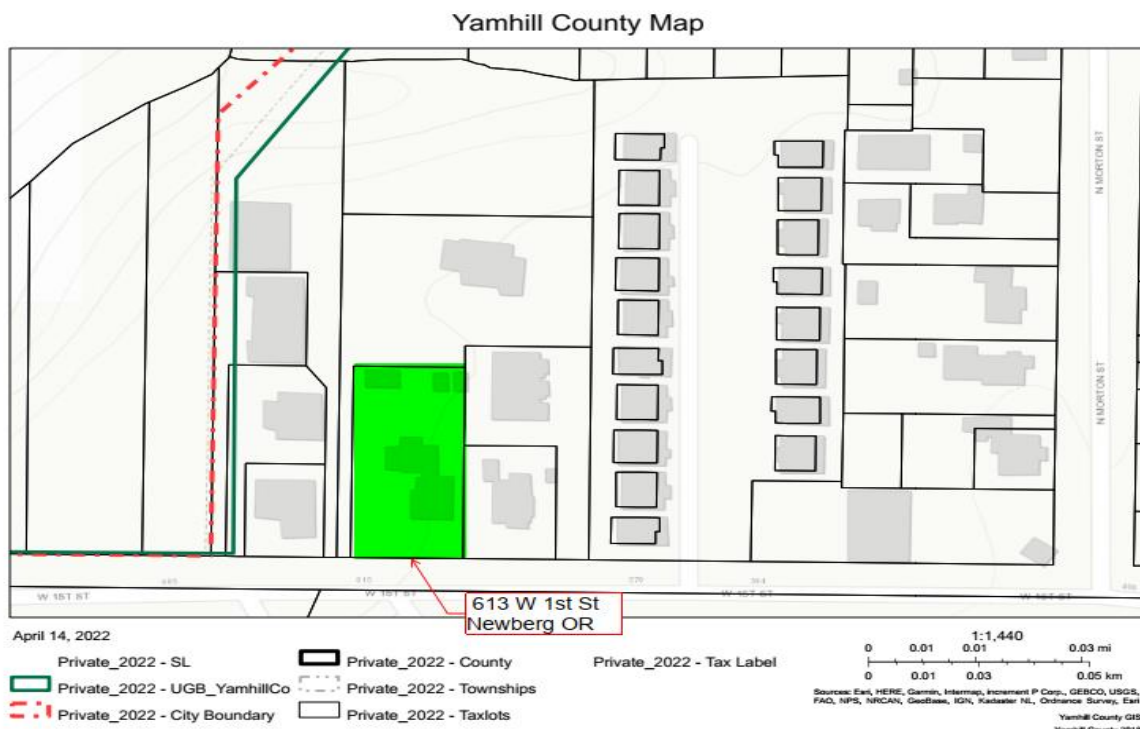
JDB Revocable Trust

TELEPHONE: 208-989-9714

PROPERTY OWNER: Cozad Ventures, LLC

LOCATION: 613 W 1st St., Newberg, OR

TAX LOT NUMBER: Yamhill County: Tax Map No. 3-2-19B and Lot Number 1900



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

Z:\WPFILES\FILES.P (Partitions)\2022\PAR22-0002 613 W First St\Application\Newberg type ii mailed\_notice\_-\_partition\_2017.docx

We are mailing you information about this project because you own land within 500 feet of the proposed new lots. We invite you to send any written comments for or against the proposal within 14 days from the date this notice is mailed.

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

Written Comments: File No. XX **(City staff will give you the file number for  
City of Newberg your project at the time of application)**  
Community Development Department  
PO Box 970  
Newberg, OR 97132

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.

All written comments must be turned in by 4:30 p.m. on \_\_\_\_\_ **(enter date two weeks from date mailed).**

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 a tentative partition plan is found in Newberg Development Code Section 15.235.040.

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

Date Mailed: \_\_\_\_\_ **(date notice is mailed)**

# Land Use Notice

FILE NO: PAR22-0002

PROPOSAL: Tentative Plat Approval for a  
3 Parcel Partition

FOR FURTHER INFORMATION, CONTACT:

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

**Attachment 3:  
Agency Comments**



# COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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: May 20,2022  
Please refer questions and comments to: Sam Gudmestad.

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

**APPLICANT:** Cozad Ventures, LLC  
**REQUEST:** Divide 1 lot into 3 parcels  
**SITE ADDRESS:** 613 W. First St  
**LOCATION:** N/A  
**TAX LOT:** R3219BA 01900  
**FILE NO:** PAR22-0002  
**ZONE:** R-2 (Medium Density Residential)  
**HEARING DATE:** N/A



---

### Project Information is Attached

---

- 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)

Digitally signed by Will  
DN: c=US, ou=Worthey, o=City of Newberg, cn=Will  
E=will.worthey@newbergoregon.gov  
Reason: I am the author of this document  
Location: your signing location here  
Date: 2022.05.05 16:25:55-07'00'  
Foxit PhantomPDF Version: 10.1.7

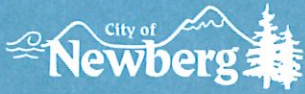
5/5/22

Reviewed By:

Date:

Will Worthey CM P/T

Organization:



# COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

**REFERRAL TO: Community Development Director: Doug Rux**

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: May 20, 2022. Please refer questions and comments to Sam Gudmestad.

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

**APPLICANT:** Cozad Ventures, LLC  
**REQUEST:** Divide 1 lot into 3 parcels  
**SITE ADDRESS:** 613 W. First St  
**LOCATION:** N/A  
**TAX LOT:** R3219BA 01900  
**FILE NO:** PAR22-0002  
**ZONE:** R-2 (Medium Density Residential)  
**HEARING DATE:** N/A

*1. Check on how access works & number of lots off of the access*



The Information is attached

- 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)

*D Rux*  
Reviewed By:

*5/6/22*  
Date:



# 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: May 20, 2022. Please refer questions and comments to Sam Gudmestad.

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

**APPLICANT:** Cozad Ventures, LLC  
**REQUEST:** Divide 1 lot into 3 parcels  
**SITE ADDRESS:** 613 W. First St  
**LOCATION:** N/A  
**TAX LOT:** R3219BA 01900  
**FILE NO:** PAR22-0002  
**ZONE:** R-2 (Medium Density Residential)  
**HEARING DATE:** N/A



---

The Information is attached

---

- 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: \_\_\_\_\_

5/17/22  
Date: \_\_\_\_\_



## Fe Bates

---

**From:** Barbara Davis  
**Sent:** Monday, May 9, 2022 12:07 PM  
**To:** Fe Bates  
**Subject:** RE: City of Newberg Community Development Land Use Application Referral-Property Partition: PAR22-0002

No conflict – No City liens on file

---

**From:** Fe Bates <Fe.Bates@newbergoregon.gov>  
**Sent:** Thursday, May 5, 2022 11:20 AM  
**Cc:** Sam Gudmestad <Sam.Gudmestad@newbergoregon.gov>; Fe Bates <Fe.Bates@newbergoregon.gov>  
**Subject:** City of Newberg Community Development Land Use Application Referral-Property Partition: PAR22-0002

Good Day,

I am forwarding you a Land Use Application Referral sheet for a project proposal that was submitted to the City of Newberg.

The project information is attached.

Please fill out the attached Referral Sign Off sheet and email it back no later than **May 20, 2022** to [Planning@newbergoregon.gov](mailto:Planning@newbergoregon.gov).

Please reach out if you have any questions.

Thank you,

**Fe Bates**  
*Office Assistant II*  
**City of Newberg**  
**City Hall:** 503-537-1240  
**Direct:** 503-554-7788



## Fe Bates

---

**From:** MARTIN Carrie A <Carrie.A.MARTIN@odot.oregon.gov>  
**Sent:** Thursday, May 5, 2022 2:46 PM  
**To:** Fe Bates  
**Cc:** Sam Gudmestad  
**Subject:** FW: City of Newberg Community Development Land Use Application Referral-Property Partition: PAR22-0002  
**Attachments:** Refferal-PAR22-0002.pdf

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

Hello,  
Thank you for the opportunity to comment. ODOT Rail has no comment on this development.

Thanks,

*Carrie Martin*

ODOT Rail  
Crossing Compliance Specialist  
[Carrie.A.Martin@odot.oregon.gov](mailto:Carrie.A.Martin@odot.oregon.gov)  
(Cell) 971-719-0906

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**From:** Fe Bates <Fe.Bates@newbergoregon.gov>  
**Sent:** Thursday, May 5, 2022 11:20 AM  
**Cc:** Sam Gudmestad <Sam.Gudmestad@newbergoregon.gov>; Fe Bates <Fe.Bates@newbergoregon.gov>  
**Subject:** City of Newberg Community Development Land Use Application Referral-Property Partition: PAR22-0002

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

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Please reach out if you have any questions.

Thank you,

**Fé Bates**  
*Office Assistant II*



# COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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: May 20,2022  
Please refer questions and comments to: Sam Gudmestad.

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

**APPLICANT:** Cozad Ventures, LLC  
**REQUEST:** Divide 1 lot into 3 parcels  
**SITE ADDRESS:** 613 W. First St  
**LOCATION:** N/A  
**TAX LOT:** R3219BA 01900  
**FILE NO:** PAR22-0002  
**ZONE:** R-2 (Medium Density Residential)  
**HEARING DATE:** N/A



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### Project Information is Attached

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- 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)

**Jeff Kosmicki**

Digitally signed by Jeff Kosmicki  
DN: CN=Jeff Kosmicki, E=jeff.kosmicki@newbergoregon.gov  
Reason: I have reviewed this document  
Location: your signing location here  
Date: 2022.05.05 15:31:11-0700  
Foxit PhantomPDF Version: 10.1.7

5/5/22

Reviewed By:

Date:

Newberg-Dundee Police Department

Organization:



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**Russ Thomas**  
Digitally signed by Russ Thomas  
DN: c=US, ou=Public Works Director, o=City of Newberg, cn=Russ Thomas,  
email=russ.thomas@newbergoregon.gov  
Reason: I am approving this document  
Location: your signing location here  
Date: 2022.05.12 07:18:01-07'00'  
Foxit PhantomPDF Version: 10.1.7

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**5/12/22**

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Reviewed By:  
**Public Works Director, City of Newberg**  
Organization:

Date:

**REFERRAL TO: Public Works: Maintenance Supervisor: Vance Barton**

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Vance Barton  
Reviewed By:

5/10/2022  
Date:



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**RECEIVED**

5/6/2022

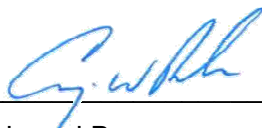
batesf

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\_\_\_\_\_  
Reviewed By:

5/6/22  
\_\_\_\_\_

Date:

**City of Newberg**  
\_\_\_\_\_

Organization:



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5/5/2022

batesf

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**April Catan**

Digitally signed by April Catan  
DN: c=US, ou=Operations, o=City of Newberg, cn=April Catan,  
email=april.catan@newbergoregon.gov  
Reason: I am the author of this document  
Location: your signing location here  
Date: 2022.05.05 13:53:15-0700  
Foxit PhantomPDF Version: 10.1.7

**5/5/22**

Reviewed By:

Date:

**City of Newberg**

Organization:



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Reviewed By:

5/10/22

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Date:

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Organization:





COMMUNITY DEVELOPMENT  
LAND USE APPLICATION REFERRAL

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5/6/22

Date:

City of Newberg - Operations

Organization:



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Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Organization: [Developer/Customer will need to provide path from each new residence to ROW\(pole at SW corner of property\) for Ziplly service.](#)