# Land Use Type II Application for Tentative Plan for Partition

Date:

### 4/20/2023

### Submitted to:

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

Applicant:

**Garrett Rupp** Rupp Family Builders, INC. 32930 SW Ladd Hill Rd Wilsonville, OR 97070

Owners:

# Kristin & Barry Jacoshenk

17190 NW Springville Road Portland OR 97229 intentionally left blank



# TYPE II APPLICATION – LAND USE

File #:			
TYPES – PLEASE CHECK ONE: □ Design review ☑ Tentative Plan for Partition	Type II Major Modific		
☐ Tentative Plan for Subdivision	☐ Other: (Explain)		
APPLICANT INFORMATION:			
APPLICANT: Garrett Rupp			
ADDRESS: 32930 SW Ladd Hill Rd	CITY: Wilsonville	STATE: OR	ZIP: 97070
EMAIL ADDRESS: garrett@ruppfb.com	PHONE: 5035771708	MOBILE: 503	5771708
OWNER (if different from above): Barry & Kristin Jacoshenk	Pł	IONE: 503-880-2248	3
ADDRESS: 17190 NW Springville Road	CITY: Portland	STATE: OR	
ENGINEER/SURVEYOR: Caswell/ Hertel Surveyors	Inc.	CONTACT:	
EMAIL ADDRESS:	PHONE: (503) 644-3179	MOBILE:	
GENERAL INFORMATION:			1
PROJECT LOCATION: 1117 N College Street	PR	OJECT VALUATION	:\$
PROJECT DESCRIPTION/USE: Residential Land Part	ition into 3 Parcels		
MAP/TAX LOT NO. (i.e.3200AB-400): R3218DB 00300		SITE SIZE: 21,125	SQ. FT. 🗹 ACRE 🗖
COMP PLAN DESIGNATION: Low Density Residential		T ZONING: R-1	_
CURRENT USE: Residential			
SURROUNDING USES:			
NORTH: R-1 Residential	SOUTH: R-1 Residentia		
EAST: <u>City Public Park - Jaquith Park</u>	WEST: R-1 Residentia	al	
ATTACHED PROJECT CRITERIA AND REQUIR	REMENTS (check all that apply)		
General Checklist: ビFees I Public Notice Information IC I 2 Copies of full Application Packet	urrent Title Report 🗹 Written Criteri	a Response 🗹 Owner	Signature
For detailed checklists, applicable criteria for the written re	esponse, and other requirements p	er application type, t	turn to:
Design Review Partition Tentative Plat			
Subdivision Tentative Plat		p. 17	
Variance Checklist Short-term Rental			
The Application Packet can be submitted to <i>Planning</i> If the Application is emailed 2 physical copies must be			
		ne best of my knowledge	e and belief. Tentative plans
The above statements and information herein contained are in all re must substantially conform to all standards, regulations, and proced letters of consent. Incomplete or missing information may delay the	ures officially adopted by the City of Ne	ewberg. All owners mus	st sign the application of submit
must substantially conform to all standards, regulations, and proced letters of consent. Incomplete or missing information may delay the	ures officially adopted by the City of Ne	4/25/2023	
must substantially conform to all standards, regulations, and proced	ures officially adopted by the City of Ne		
must substantially conform to all standards, regulations, and proced letters of consent. Incomplete or missing information may delay the	ures officially adopted by the City of Ne approval process.	4/25/2023	

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# **EXHIBITS**

Exhibit A	Application
Exhibit B	Preliminary Plans
Exhibit C	Public Notice Information

# I. INTRODUCTION

General Information	
Property Owner	Kristin & Barry Jacoshenk 17190 NW Springville Road Portland, OR 97132
Applicant	Rupp Family Builders, Inc. 32930 SW Ladd Hill Road Wilsonville, OR 97070 Contact: Garrett Rupp Phone: (503) 577-1708 E-mail: garrett@ruppfb.com
Property Discription	Township 3S Range 2W Section 18 Qtr D Qqtr B TaxLot 00300 1117 N College Street
Current Zoning Districts	R-1
Site Size	0.48 acres (21,125 sq ft) 5,101 sq ft (planned Parcel 1) 8,664 sq ft (planned Parcel 2) 7,360 sq ft (planned Parcel 3)

# I. Summary of Proposal

The applicant is requesting approval to divide the .48-acre subject site into three separate parcels. Parcel 1 will measure 5,101 sq ft, Parcel 2 will measure 8,664 sq ft and Parcel 3 will measure 7,360 sq ft. The attached Proposed Partition Plat shows access and utility easement for benefit of Parcels 2 and 3.

# **II. Site Description/ Setting**

The project is located at 1117 N College Street in Newberg, Oregon. The subject site comprises one existing tax lot: Tax Lot R3218DB 00300. The total site area encompasses .48 acres and is developed with a 908 sq ft one story single family dwelling built in 1910. The property is located to the west of College Street, south and north of single-family homes, and east of the city's public park, Jaquith Park. Across the street to the east are also developed single-family homes. The subject property is within the R-1 Zoning District and is subject to the Low Density Residential Comprehensive Plan. There are no significant natural features such as steep slopes or streams, on the lot.

# III. Applicable Review Criteria

# §15.235.050 TYPE II LAND DIVISION 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;

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

<u>Response</u>: As the current property is part of the R-1 zoning district, all proposed lots will have more than the minimum area of 5,000 square feet required by this provision, and it follows that there will be more than the minimum 5,000 square feet per dwelling unit. In calculating this area, none of the land for uses not appurtenant to the residences was included. As these proposed lots are less than 15,000 square feet, they are exempt from the lot depth to width ratio requirement. Proposed parcel 1 will have over 37' of frontage on College Street, and each of the two other parcels will have access by an easement that is 25' wide (except along the existing house on Parcel 1, which is determined acceptable by the variance submitting simultaneously with this application.) Each lot will have a minimum width of 35 feet at the front building line. The lot coverage of parcel one is 29%, lot coverage and parking coverage combined = 45%. Parcels two and three do not have proposed buildings or parking designed for this review. The maximum lot coverage for the R-1 zone is 40 percent or 50 percent if all structures on the lot are one story. Parking coverage combined with lot coverage cannot exceed 60 percent coverage. Parcel one satisfies these maximums.

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

<u>Response</u>: Street improvements have already been made to the street frontage of this property. Sidewalk is in place per Section G. subsection 8 of this outline of Standards.

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

Response: No plat names are proposed.

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;

<u>Response</u>: There are no proposed public improvements or dedications included in this application.

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;

### <u>Response</u>: This application includes no proposed private common areas.

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

Response: This application requires no state or federal permits.

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.

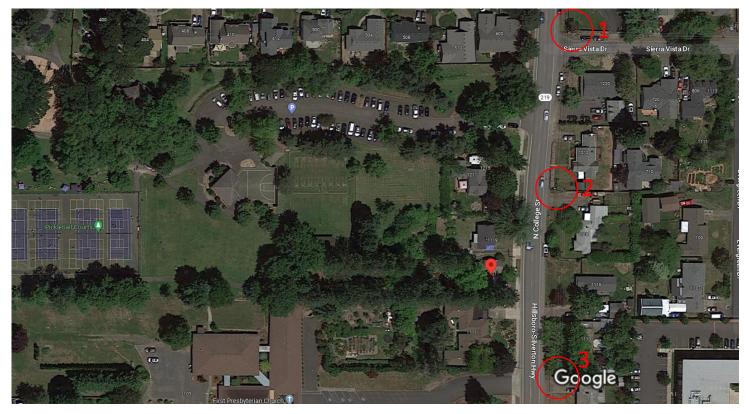
<u>Response</u>: The proposed partition will not limit any future required improvements or conditions by any of the above providers.

## **IV. Conclusion**

The evidence contained in this narrative and attached documentation demonstrates this application is consistent with the applicable provisions for land partitions in the City of Newberg. The City can rely upon this information in its approval of this application.

# **Existing Street Lighting**

# Google Maps 1117 N College St

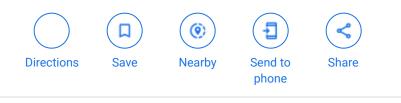


Imagery ©2023 City of Newberg, Maxar Technologies, Metro, Portland Oregon, State of Oregon, U.S. Geological Survey, Map data ©2023 50 ft



# 1117 N College St Building

0









# EXHIBIT E - PHOTOS OF EXISTING STREET IMPROVEMENTS

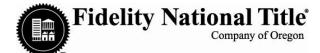








# EXHIBIT F - TITLE REPORT



### PUBLIC RECORD REPORT FOR NEW SUBDIVISION OR LAND PARTITION

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF THE FOLLOWING CUSTOMER:

Fidelity National Title Phone No.:

Date Prepared:	March 13, 2023
Effective Date:	March 9, 2023 / 08:00 AM
Charge:	\$50.00 (Update Fee)
Order No.:	45141816613
Reference:	1117 N College St Newberg OR 97132

The information contained in this report is furnished to the Customer by Fidelity National Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report ("the Report"). Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

### REPORT

A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in: As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.
- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "D" attached hereto and by this reference made a part hereof.

### EXHIBIT "A" (Land Description)

Part of the Daniel D. Deskins Donation Land Claim No. 54 in the Southeast Quarter of Section 18, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at an iron pipe on the West side of roadway 346.5 feet South and 1412.8 feet East of the Northwest corner of said Donation Land Claim; thence North 0° 12' East 62.25 feet, then West 350 feet; thence South 62.25 feet; thence East 350 feet; to the place of beginning.

SAVE AND EXCEPT THEREFROM that portion deeded to the State of Oregon by deed recorded February 24, 1956, in Book 179, Page 785, Deed Records.

ALSO SAVE AND EXCEPT THEREFROM that portion deeded to the State of Oregon by deed recorded March 19, 2014, in Instrument No. 201403019, Deed and Mortgage Records.

### EXHIBIT "B" (Tax Account and Map)

APN/Parcel ID(s) 42233 as well as Tax/Map ID(s) R3218DB 00300

Public Record Report for New Subdivision or Partition (Ver. 20161024)

### EXHIBIT "C" (Vesting)

Family First Property Group, Inc., a Nevada corporation, which acquired title as Family First Property Group, Inc., an Oregon corporation

### EXHIBIT "D" (Liens and Encumbrances)

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

Fiscal Year:	2022-2023
Amount:	\$2,167.84
Levy Code:	29.0
Account No.:	42233
Map No.:	R3218DB 00300

- 1. [Intentionally Deleted]
- 2. City Liens, if any, in favor of the City of Newberg.
- 3. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.
- 4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	State of Oregon, by and through its Department of Transportation
Purpose:	Slopes, Drainage Facilities, Water, Gas, Electric and Communication Service Lines,
Fixtures and Facilitie	es
Recording Date:	March 19, 2014
Recording No:	201403019
Affects:	Reference is hereby made to said document for full particulars

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	State of Oregon, by and through its Department of Transportation
Purpose:	Temporary Easement for Work Area
Recording Date:	March 19, 2014
Recording No:	201403019
Affects:	Reference is hereby made to said document for full particulars

6. The original deed referenced below should be corrected and submitted for re-recording for the reason stated:

Dated:	November 3, 2016
Grantor:	Michelle D. Johnson
Grantee:	Family First Property Group, Inc., an Oregon corporation
Recording Date:	November 4, 2016
Recording No:	201617223
Reason:	The grantee stated in the above referenced deed should be corrected to read "a
Nevada Corporation	n" instead of an Oregon corporation.

7. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

### DEFINITIONS, CONDITIONS AND STIPULATIONS

- 1. Definitions. The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

### 2. Liability of Company.

- (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
- (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
- (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
- (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
  - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
  - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
  - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
  - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
  - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
  - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
  - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
  - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
  - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
- 3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
- 4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

### LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

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

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

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

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

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

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

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

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

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

END OF THE LIMITATIONS OF LIABILITY

# Type II Application for Variance

Date:

4/20/2023

Submitted to:

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

Applicant:

**Garrett Rupp** Rupp Family Builders, INC. 32930 SW Ladd Hill Rd Wilsonville, OR 97070

Owners:

Kristin & Barry Jacoshenk

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17190 NW Springville Road Portland OR 97229



# TYPE II APPLICATION – LAND USE

File #:			
TYPES – PLEASE CHECK ONE: ☐ Design review ☐ Tentative Plan for Partition	☐ Type II Major Modi ☑ Variance		
Tentative Plan for Subdivision	☐ Other: (Explain)		
APPLICANT INFORMATION:			
APPLICANT: Garrett Rupp			
ADDRESS: 32930 SW Ladd Hill Rd	CITY: Wilsonville	STATE: OR ZIP: 97070	
EMAIL ADDRESS: garrett@ruppfb.com	PHONE: 5035771708	MOBILE: 5035771708	
OWNER (if different from above): Barry & Kristin Jacoshenk		PHONE: 503-880-2248	
ADDRESS: 17190 NW Springville Road	CITY: Portland	STATE: OR ZIP: 97229	
ENGINEER/SURVEYOR: Caswell/ Hertel Surveyors Inc.		CONTACT:	
EMAIL ADDRESS:	PHONE: (503) 644-3179	MOBILE:	
GENERAL INFORMATION:			
PROJECT LOCATION: 1117 N College Street		PROJECT VALUATION:	
PROJECT DESCRIPTION/USE: Reduction of required drive	veway width next to exi	sting house.	
MAP/TAX LOT NO. (i.e.3200AB-400): R3218DB 00300		SITE SIZE: 21,125 SQ. FT. 🗹	ACRE 🗖
COMP PLAN DESIGNATION: Low Density Residential	CURR	ENT ZONING: R-1	
CURRENT USE: Residential			
SURROUNDING USES:			
NORTH: R-1 Residential	SOUTH: R-1 Reside		
EAST: City Public Park - Jaquith Park	_ WEST: <u>R-1 Reside</u>	ential	
ATTACHED PROJECT CRITERIA AND REQUIREM	ENTS (check all that app	ly)	
General Checklist: Fees Public Notice Information Currer	nt Title Report 🗹 Written Cri	teria Response 🗹 Owner Signature	
2 Copies of full Application Packet			
For detailed checklists, applicable criteria for the written respo	nse, and other requirement	s per application type, turn to:	
Design Review			
Partition Tentative Plat Subdivision Tentative Plat		· · · · · · · · · · · · · · · · · · ·	
Variance Checklist		•	
Short-term Rental		p. 22	
The Application Packet can be submitted to Planning@n If the Application is emailed 2 physical copies must be mail			
The above statements and information herein contained are in all respect must substantially conform to all standards, regulations, and procedures letters of consent. Incomplete or missing information may delay the appro-	officially adopted by the City of	to the best of my knowledge and belief. Te f Newberg. All owners must sign the applic	ntative plans ation or submit
Garrett Rupp	Kright	4/25/2023	
Applicant Signature Date	Owner Signature	Date	
Garrett Rupp	Kristin Jacoshenk		
Print Name	Print Name		
Newberg Community Development • 414 E First Street	, Newberg, OR 97132 • 5	03-537-1240 • planning@newbergor	regon.gov

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Property Discription	R3218DB 00300
Location	1117 N College Street
Current Zoning Districts	R-1
Site Size	<ul><li>0.48 acres (21,125 sq ft)</li><li>5,101 sq ft (planned Parcel 1)</li><li>8,664 sq ft (planned Parcel 2)</li><li>7,360 sq ft (planned Parcel 3)</li></ul>

October 2017 Page 1

### I. Summary of Proposal

The applicant is requesting approval of a variance to reduce the access easement width to proposed parcel 2 and 3 from the required 25' wide to 20' wide for 25' of the proposed 220' of easement length, between the south property line and the existing house.

### **II. Site Description/ Setting**

The project is located at 1117 N College Street in Newberg, Oregon. The subject site comprises one existing tax lot: Tax Lot R3218DB 00300. The total site area encompasses .48 acres and is developed with a 908 sq ft one story single family dwelling built in 1910. There is a detached garage in the proposed access that will be demolished pending approval of this variance and related partition application. The property is located to the west of College Street, south and north of single-family homes, and east of the city's public park, Jaquith Park. Across the street to the east are also developed single-family homes. The subject property is within the R-1 Zoning District and is subject to the Low Density Residential Comprehensive Plan. There are no significant natural features such as steep slopes or streams, on the lot.

### **III. Applicable Review Criteria**

(A) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.

Response: This projects meets the above criteria because the existing home on the property would need to be reduced in width to provide the required 25' easement, resulting in an unnecessary hardship to the owner. The owner would need to demolish part of the home to provide the required 25' easement. The home value and integrity would not survive if this action is taken, which leaves the only option of the entire home being demolished.

(B) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

Response: This projects meets the above criteria because the involved property is particularly narrow as compared to other lots in the same district. According to Newberg Municipal Code Chapter 15.405.030(B.) "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." This property's average width is 62' and average depth is 338', a ratio of 5.4, over twice what the code's standard suggests for properties in this zone. Other properties in the same zone have generally less difficulty in providing a means to subdivide

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their properties without the need for reduced easement width.

(C) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

Response: This projects meets the above criteria because other owners of other properties are able to subdivide their property, but if the city chose to strictly enforcement this easement width regulation it would deprive this owner's opportunity to do the same thing without involving the unnecessary demolition of the existing home.

(D) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

Response: This projects meets the above criteria because generally, if owners of other properties decided to subdivide their property, they would not be posed with the need that this owner has due to this property's relatively short frontage. Therefore, since other property owners would generally be able to provide an easement to off street parcels, this property owner would only be allowed to do what other owners would generally be able to do without a variance.

(E) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Response: This projects meets the above criteria because the reduction of easement is only 25' of the total 220' of proposed length of easement, thus it is relatively minor and is not so substantial that all residents of the proposed off street properties could not easily accommodate the narrowed driveway easement.

### **IV.** Conclusion

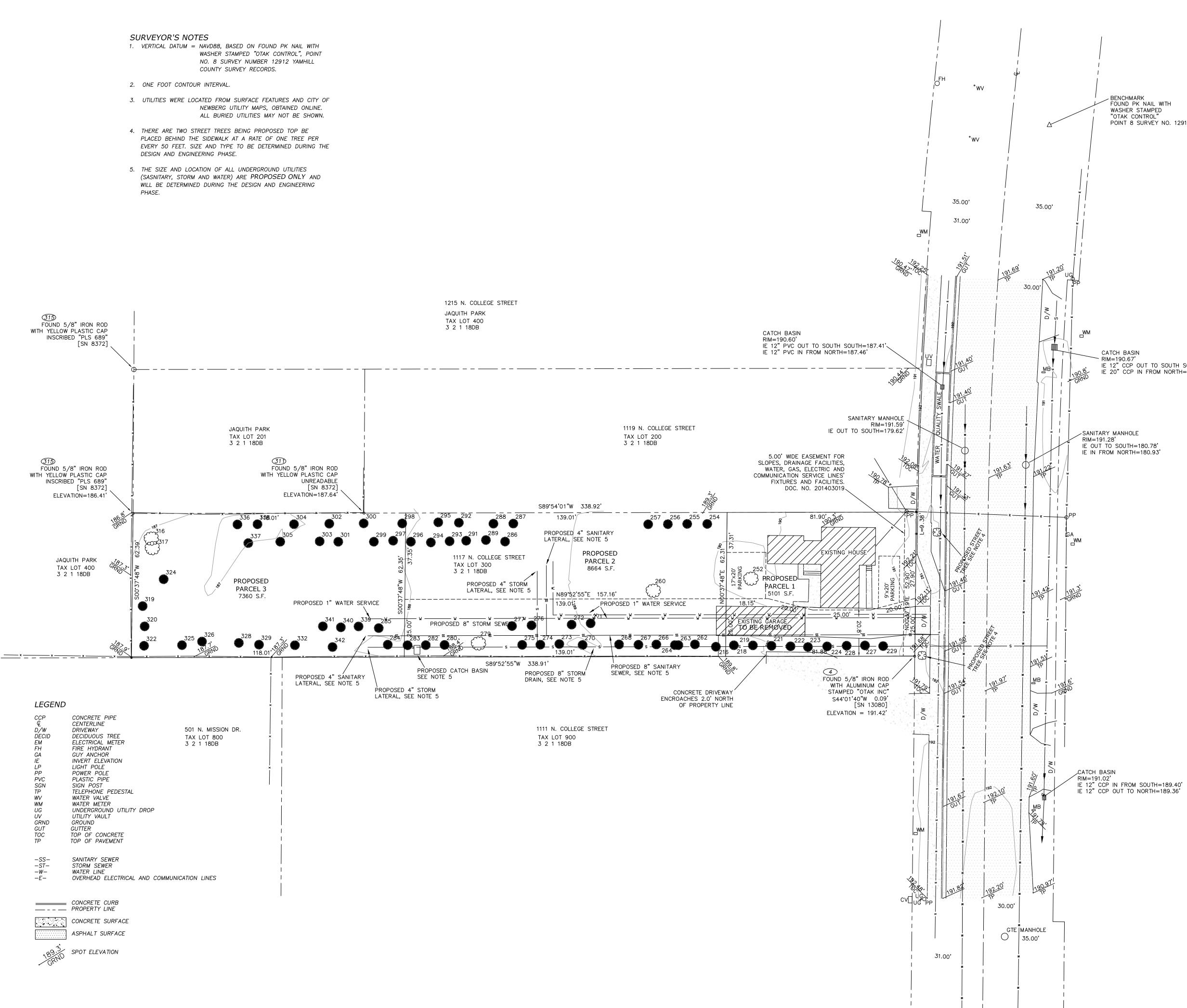
The evidence contained in this narrative and attached documentation demonstrate this application is consistent with the applicable provisions for variances in the City of Newberg. The City can rely upon this information in its approval of this application.

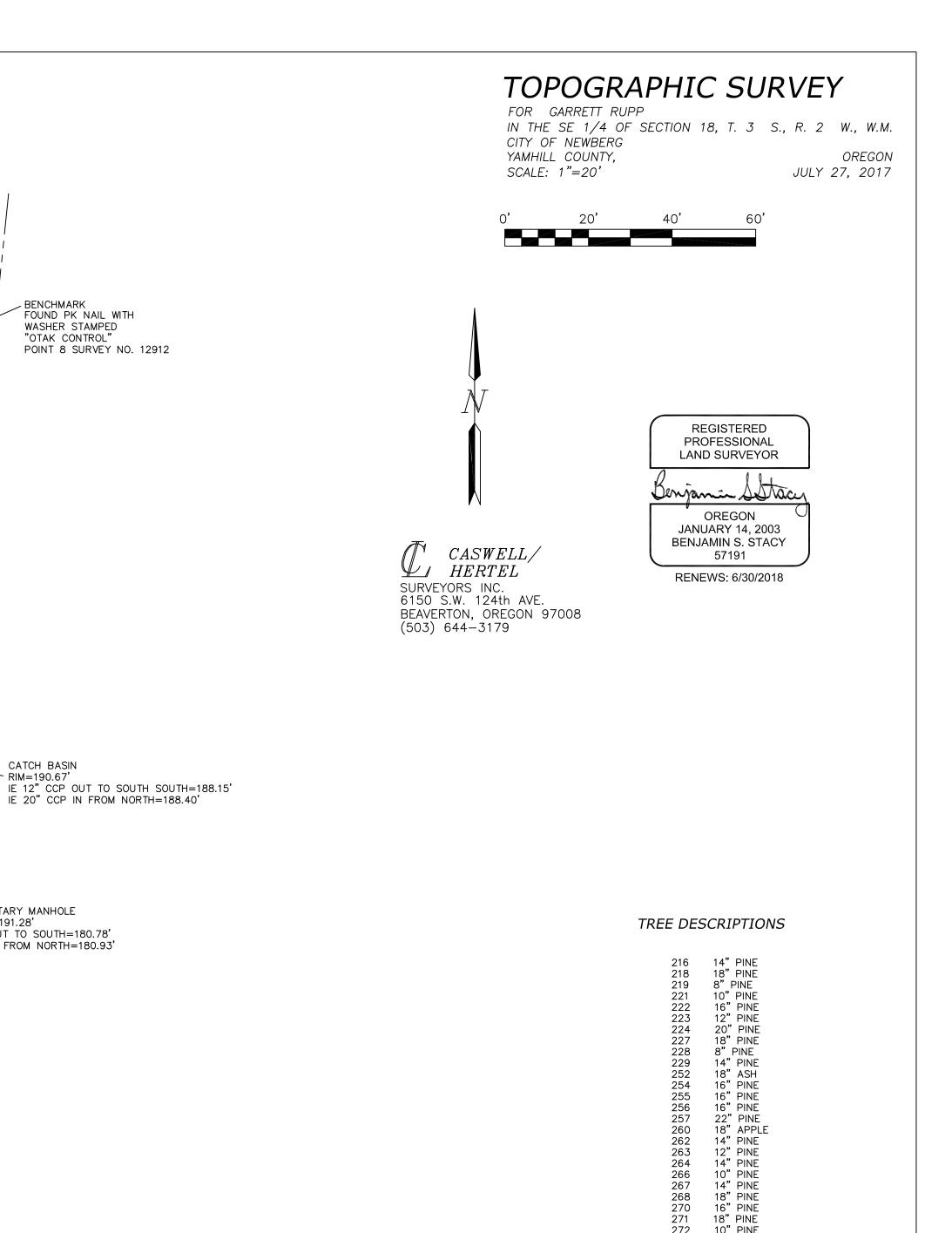
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NO. 8 SURVEY NUMBER 12912 YAMHILL COUNTY SURVEY RECORDS.

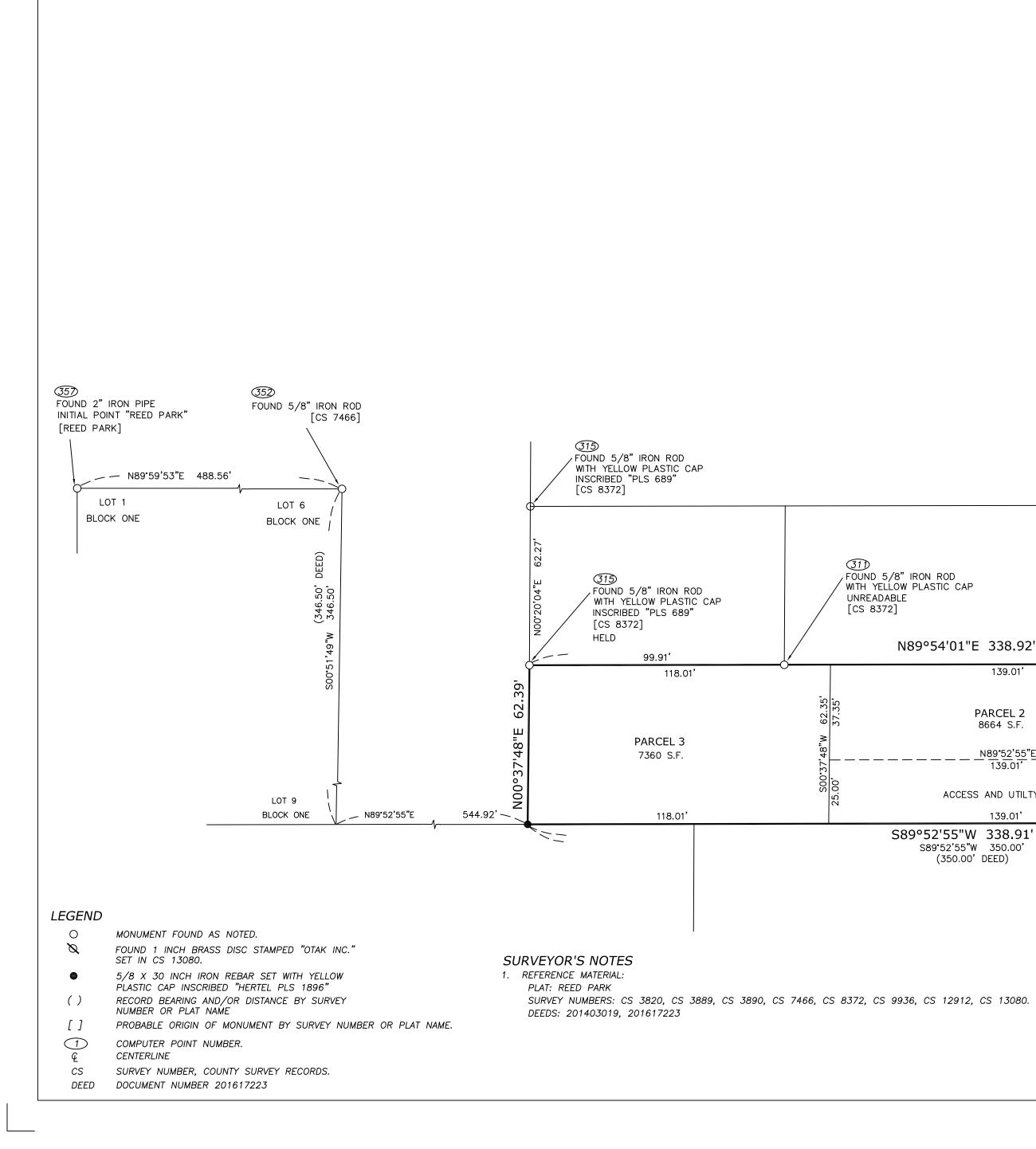
- NEWBERG UTILITY MAPS, OBTAINED ONLINE.
- PLACED BEHIND THE SIDEWALK AT A RATE OF ONE TREE PER DESIGN AND ENGINEERING PHASE.
- WILL BE DETERMINED DURING THE DESIGN AND ENGINEERING

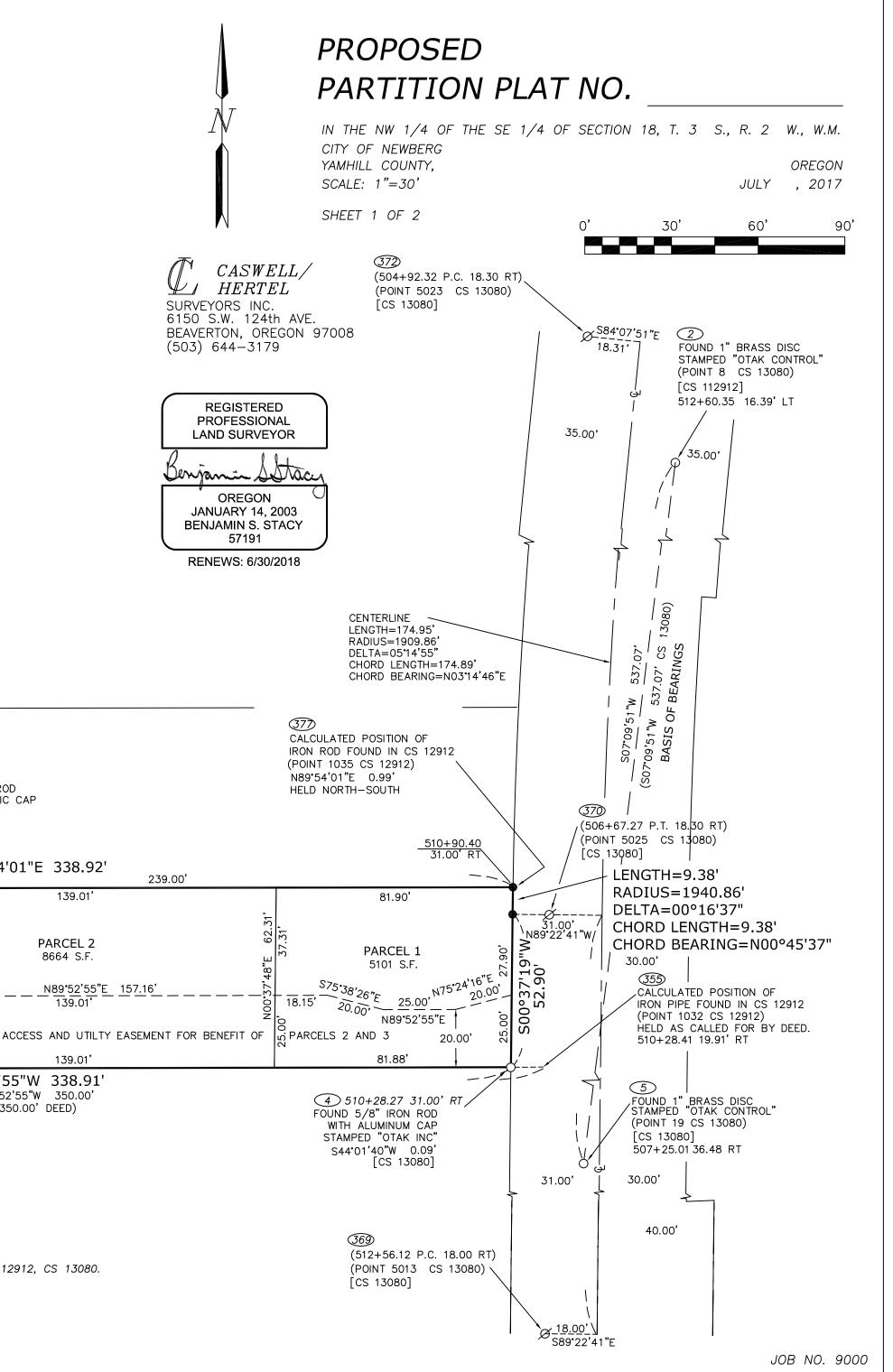




# 8" PINE 14" PINE 14" PINE 16" PINE 16" PINE 16" PINE 12" PINE 14" PINE 12" PINE 14" PINE 14" PINE 14" PINE 16" PINE 14" PIN

# EXHIBIT B - PRELIMINARY PLANS





# **EXHIBIT B - PRELIMINARY PLANS**

MapTaxlot	SITUS1	SITUSCITY	SITUSZIP	OWNER1	MAILADD1	MAILCITY	MAILSTATE	MAILZIP
R3218DB 02321	510 RENTFRO WAY	NEWBERG	97132	GUZMAN JOSE L	510 RENTFRO WAY	NEWBERG	OR	97132
R3218DB 02320	500 RENTFRO WAY	NEWBERG	97132	LUBEN ROBERT A	500 RENTFRO WAY	NEWBERG	OR	97132
R3218DA 02406				WALKER JOSH	714 W 1ST ST APT A	NEWBERG	OR	97132
R3218DB 02200	1003 N COLLEGE ST	NEWBERG	97132	ZAIGER MATTHEW	1003 N COLLEGE ST	NEWBERG	OR	97132
R3218DB 02201	505 RENTFRO WAY	NEWBERG	97132	CAIN JESSICA	505 RENTFRO WAY	NEWBERG	OR	97132
R3218DB 02301	425 RENTFRO WAY	NEWBERG	97132	97132 DOMINGUEZ LAUREN	PO BOX 957	BEAVERTON	OR	97075
R3218DB 02302	415 RENTFRO WAY	NEWBERG	97132	97132 DONOVAN ERIN	415 RENTFRO WAY	NEWBERG	OR	97132
R3218DB 02303	_	NEWBERG	97132	ANDERSON PHILLIP L	405 RENTFRO WAY	NEWBERG	OR	97132
R3218DB 02304		NEWBERG	97132	97132 RAMSEY DEREK J &	345 RENTFRO WAY	NEWBERG	OR	97132
R3218DB 02305	335 RENTFRO WAY	NEWBERG	97132	TAIBBI RICHARD	335 RENTFRO WAY	NEWBERG	OR	97132
R3218DA 02403	715 ELLA CT	NEWBERG	97132	97132 BEAUDRY NEAL	10695 NE RENNE RD	NEWBERG	OR	97132
R3218DA 02402	709 ELLA CT	NEWBERG	97132	97132 FISHER JAMES L JR	23225 NE DILLON RD	NEWBERG	OR	97132
R3218DA 02401	705 ELLA CT	NEWBERG	97132	97132 FISHER JAMES L JR	23225 NE DILLON RD	NEWBERG	OR	97132
R3218DA 02400	1004 N COLLEGE ST	NEWBERG	97132	97132 MIRANDA GUSTAVO	1004 N COLLEGE ST	NEWBERG	OR	97132
R3218DB 02101	1005 N COLLEGE ST	NEWBERG	97132	97132 CHUNG AVA M CRUZ	PO BOX 983	NEWBERG	OR	0
R3218DB 02100	508 MISSION DR	NEWBERG	97132	97132 OLSON ZACHARY	508 MISSION DR	NEWBERG	OR	97132
R3218DB 02000	504 MISSION DR	NEWBERG	97132	97132 YAHN JENNIFER R	504 MISSION DR	NEWBERG	OR	97132
R3218DB 01900	500 MISSION DR	NEWBERG	97132	97132 BUHRING KEVIN L	500 MISSION DR	NEWBERG	OR	97132
R3218DB 01800	410 MISSION DR	NEWBERG	97132	97132 WILLHITE KATHLEEN M	410 MISSION DR	NEWBERG	OR	97132
R3218DB 01700		NEWBERG	97132	97132 MUCCIANTE TIM	406 MISSION DR	NEWBERG	OR	97132
R3218DB 01600	400 MISSION DR	NEWBERG	97132	97132 DYKEMA JONATHAN B	400 MISSION DR	NEWBERG	OR	97132
R3218DB 01500	<b>310 MISSION DR</b>	NEWBERG	97132	97132 LAHR PATRICK S	<b>310 MISSION DR</b>	NEWBERG	OR	97132
R3218DB 01400	<b>306 MISSION DR</b>	NEWBERG	97132	97132 KENNEDY SALLY B	PO BOX 39	KAPOWSIN	WA	98344
R3218DA 02300				ZIEGENBEIN KURT J	1018 N COLLEGE ST	NEWBERG	OR	97132
R3218DB 01300	<b>300 MISSION DR</b>	NEWBERG	97132	97132 KNIGHT BOYD &	PO BOX 243	DUNDEE	OR	97115
R3218DA 02200	1018 N COLLEGE ST	NEWBERG	97132	97132 ZIEGENBEIN KURT J	1018 N COLLEGE ST	NEWBERG	OR	97132
R3218DA 02000	1020 N COLLEGE ST	NEWBERG	97132	97132 LUCAS REBECCA	1020 N COLLEGE ST	NEWBERG	OR	97132
R3218DB 01200	<b>309 MISSION DR</b>	NEWBERG	97132	ANDERSON BRENDEN J	309 MISSION DR	NEWBERG	OR	97132
R3218DB 01100	<b>307 MISSION DR</b>	NEWBERG	97132	97132 HAMEL GEORGE H & JANET L	307 MISSION DR	NEWBERG	OR	97132
R3218DB 01000	<b>303 MISSION DR</b>	NEWBERG	97132	97132 EHLERS CRAIG L & JUDITH A	303 MISSION DR	NEWBERG	OR	97132
R3218DA 01900	1104 N COLLEGE ST	NEWBERG	97132	97132 HOEFER JOANNE TRUSTEE	23865 NE LARKINS RD	NEWBERG	OR	97132
R3218DB 00609		NEWBERG	97132	97132 WATT WILLIAM III	1110 MISSION CT	NEWBERG	OR	97132
R3218DA 02100	<b>1103 N MERIDIAN ST</b>	NEWBERG	97132	97132 DESKINS COMMONS HOUSING LLC	135 NE DUNN PL	MCMINNVILLEOR	EOR	97128
R3218DA 01800		NEWBERG	97132	97132 WOOD THOMAS M	1110 N COLLEGE ST	NEWBERG	OR	97132
R3218DB 00900		NEWBERG	97132	97132 BOCK PAUL J	1111 N COLLEGE ST	NEWBERG	OR	97132
R3218DB 00800	501 MISSION DR	NEWBERG	97132	97132 PRESBYTERY OF THE CASCADES	501 MISSION DR	NEWBERG	OR	97132
R3218DB 00606		NEWBERG	97132	97132 MARBLE JAMES C &	1120 MARGUERITE WAY	NEWBERG	OR	97132
R3218DA 01600		NEWBERG	97132	97132 SHAW JOHN M	<b>1107 EVERGREEN DR</b>	NEWBERG	OR	97132
R3218DA 01700	1116 N COLLEGE ST	NEWBERG	97132	97132 PAPAZIAN CHLOE N	1116 N COLLEGE ST	NEWBERG	OR	97132
R3218DB 00300	1117 N COLLEGE ST	NEWBERG	97132	97132 FAMILY FIRST PROPERTY GROUP INC	17190 NW SPRINGVILLE RD	PORTLAND	OR	97229
R3218DA 01101	<b>1104 EVERGREEN DR</b>	NEWBERG	97132	97132 POLING LAUREN E	1104 EVERGREEN DR	NEWBERG	OR	97132
R3218DA 01100	<b>1106 EVERGREEN DR</b>	NEWBERG	97132	KILMER LORNA	1106 EVERGREEN DR	NEWBERG	OR	97132
R3218DB 00200	1119 N COLLEGE ST	NEWBERG	97132	97132 MCNEAL RICHARD A	PO BOX 652	SHERWOOD	OR	97140
R3218DB 00201	0 N COLLEGE ST	NEWBERG	97132	97132 CHEHALEM PARK & RECREATION DISTRICT	1802 HAWORTH AVE	NEWBERG	OR	97132

			CC120		1100 EVEDEEN DD		aC	CC120
R3218DA 01500		NEWBERG	97132	97132 BRUNK GARY L	1109 EVERGREEN DR	NEWBERG	OR	97132
R3218DA 01400	-	NEWBERG	97132	JENTGES RAYMOND J	1118 N COLLEGE ST	NEWBERG	OR	97132
R3218DA 00900		NEWBERG	97132	97132 HARDAWAY SCOTT W	1110 EVERGREEN DR	NEWBERG	OR	97132
R3218DB 00100	1211 N COLLEGE ST	NEWBERG	97132	GABALDON RUDOLFO	1211 N COLLEGE ST	NEWBERG	OR	97132
R3218DB 00102				CHEHALEM PARK & RECREATION DISTRICT	1802 HAWORTH AVE	NEWBERG	OR	97132
R3218DB 00101	0 N COLLEGE ST	NEWBERG	97132	97132 CHEHALEM PARK & RECREATION DISTRICT	1802 HAWORTH AVE	NEWBERG	OR	97132
R3218DA 01303	710 SIERRA VISTA DR	NEWBERG	97132	TORREY MICHAEL	710 SIERRA VISTA DR	NEWBERG	OR	97132
R3218DA 01301	1212 N COLLEGE ST	NEWBERG	97132	97132 ALEXANDER LANCE E	1212 N COLLEGE ST	NEWBERG	OR	97132
R3218DA 00700	814 SIERRA VISTA DR	NEWBERG	97132	97132 SCOTT CHERYL Y	814 SIERRA VISTA DR	NEWBERG	OR	97132
R3218DA 01302	720 SIERRA VISTA DR	NEWBERG	97132	CROMWELL ALEXANDREA	720 SIERRA VISTA DR	NEWBERG	OR	97132
R3218DA 00800		NEWBERG	97132	97132 MARTIN LESLIE K TRUSTEE	1112 N EVERGREEN DR	NEWBERG	OR	97132
R3218DA 01300	1220 N COLLEGE ST	NEWBERG	97132	DOHERTY JASON	1220 N COLLEGE ST	NEWBERG	OR	97132
R3218DA 01200	806 SIERRA VISTA DR	NEWBERG	97132	JEFFERY BENJAMIN L 50%	806 SIERRA VISTA DR	NEWBERG	OR	97132
R3218DB 00400	1215 N COLLEGE ST	NEWBERG	97132	97132 NEWBERG CITY OF	535 NE 5TH ST	MCMINNVILLEOR	BOR	97128
R3218AD 07635	510 BRANDON DR	NEWBERG	97132	97132 DAN DANIEL	510 BRANDON DR	NEWBERG	OR	97132
R3218AD 07636	508 BRANDON DR	NEWBERG	97132	PAULY MATTHEW G	508 BRANDON DR	NEWBERG	OR	97132
R3218AD 07637	504 BRANDON DR	NEWBERG	97132	SOLLMAN BRITTNEE	504 BRANDON DR	NEWBERG	OR	97132
R3218AD 06503	601 SIERRA VISTA DR 1/2	NEWBERG	97132	HOUSTON RICK D	601 1/2 SIERRA VISTA DR	NEWBERG	OR	97132
R3218AD 07638	500 BRANDON DR	NEWBERG	97132	JAGGI WADE G	500 BRANDON DR	NEWBERG	OR	97132
R3218AD 07642	404 BRANDON DR	NEWBERG	97132	97132 MUDIGONDA SHAILA B	404 BRANDON DR	NEWBERG	OR	97132
R3218AD 07639	412 BRANDON DR	NEWBERG	97132	97132 JOHNSON MERRILL L	412 BRANDON DR	NEWBERG	OR	97132
R3218AD 07640	410 BRANDON DR	NEWBERG	97132	CZUK TIMOTHY M &	410 BRANDON DR	NEWBERG	OR	97132
R3218AD 07641	408 BRANDON DR	NEWBERG	97132	SECRIST MICHAEL J	408 BRANDON DR	NEWBERG	OR	97132
R3218AD 07634	600 BRANDON DR	NEWBERG	97132	TUSE ABDURASHID	600 BRANDON DR	NEWBERG	OR	97132
R3218AD 07643	400 BRANDON DR	NEWBERG	97132	DORITY DIANE M	400 BRANDON DR	NEWBERG	OR	97132
R3218AD NONTL								
R3218AD 06500	601 SIERRA VISTA DR	NEWBERG	97132	97132 HANSON SILVIA	601 SIERRA VISTA DR	NEWBERG	OR	97132
R3218AD 07633	604 BRANDON DR	NEWBERG	97132	97132 MARK 2 MINISTRIES INC	PO BOX 176	NEWBERG	OR	97132
R3218AD 07632	509 BRANDON DR	NEWBERG	97132	HAINLINE MICHAEL &	509 BRANDON DR	NEWBERG	OR	97132
R3218AD 07631	503 BRANDON DR	NEWBERG	97132	TAYLOR JEFFREY B	6333 SW SPRING HILL RD	GASTON	OR	0
R3218AD 07628	1301 BRITTANY DR	NEWBERG	97132	BROWNFIELD TRA	4248 LINCOLN ST	NEWBERG	OR	0
R3218AD 07630		NEWBERG	97132	LILIENTHAL BRADY	1301 BROOKE DR	NEWBERG	OR	97132
R3218AD 07629	407 BRANDON DR	NEWBERG	97132	97132 HEISTER DANIEL D	407 BRANDON DR	NEWBERG	OR	97132
R3218AD 06700	811 SIERRA VISTA DR	NEWBERG	97132	97132 BENNETT BRUCE E TRUSTEE	16840 SW PARRETT MTN RD	SHERWOOD	OR	97140
R3218AD 06501		NEWBERG	97132	TRIER ORLANDO E	703 E SIERRA VISTA DR	NEWBERG	OR	97132
R3218AD 06600	809 SIERRA VISTA DR	NEWBERG	97132	97132 MCMURRIN JOEL L	809 SIERRA VISTA DR	NEWBERG	OR	97132
R3218AD 06502	-	NEWBERG	97132	ANTHONY THOMAS J	1304 N COLLEGE ST	NEWBERG	OR	97132
R3218AD 07621	606 BRANDON DR	NEWBERG	97132	97132 OLLIS DONNA M	1920 VILLA RD	NEWBERG	OR	97132
R3218AD 07622	508 SARAH DR	NEWBERG	97132	PITTMAN CYNTHIA A	508 SARAH DR	NEWBERG	OR	97132
R3218AD 07623	500 SARAH DR	NEWBERG	97132	HICKS TYLER	500 SARAH DR	NEWBERG	OR	97132
R3218AD 07624	1307 BROOKE DR	NEWBERG	97132	97132 MORENO CELIA	1307 BROOKE DR	NEWBERG	OR	97132
R3218AD 07625		NEWBERG	97132	PENA ANDRES	1308 BRITTANY DR	NEWBERG	OR	97132
R3218AC 00800	1215 N COLLEGE ST	NEWBERG	97132	97132 CHEHALEM PARK & RECREATION DISTRICT	1802 HAWORTH AVE	NEWBERG	OR	97132