

STAFF REPORT
PARTITION AND VARIANCE
1117 N COLLEGE ST – FILE NO. PAR23-0001/VAR23-0003

FILE NO: PAR23-0001/VAR23-0003

REQUEST: Partition of one 21,125 square foot lot into three lots with a variance request to allow an access easement to the second and third proposed lots to be reduced to 20 feet in width for the portion adjacent to the existing dwelling.

LOCATION: 1117 N College St

TAX LOT: R3218DB 00300

APPLICANT: Garrett Rupp

OWNER: Kristin and Barry Jacoshenk

ZONE: R-1 (Low Density Residential)

COMP PLAN: LDR (Low Density Residential)

OVERLAYS: None

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Section I: Application Information

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ATTACHMENTS:

1. Tentative Plat
2. Application Materials
3. Agency Comments

Section I: Application Information
Partition and Variance
1117 N College Street – File PAR23-0001/VAR23-0003

A. DESCRIPTION OF APPLICATION: Garrett Rupp (Applicant) has requested approval of a tentative plat for a partition that would divide one existing tax lot into three tax lots. The subject property has an existing home and detached garage. The proposed project will remove the detached garage.

The proposed project would result in two parcels on the western (rear and interior) side of the property requiring use of an existing gravel service drive to access N College Street. In order to use the existing service drive and extend access to the two interior parcels, a variance is requested for the portion directly adjacent to the existing house equaling 25 feet in length. This portion is proposed to be a width 20 feet wide in order to preserve the structure of the existing house. The standard minimum width for an access easement required by Newberg Municipal Code is 25 feet, which the rest of the proposed drive will measure. The proposed project will result in:

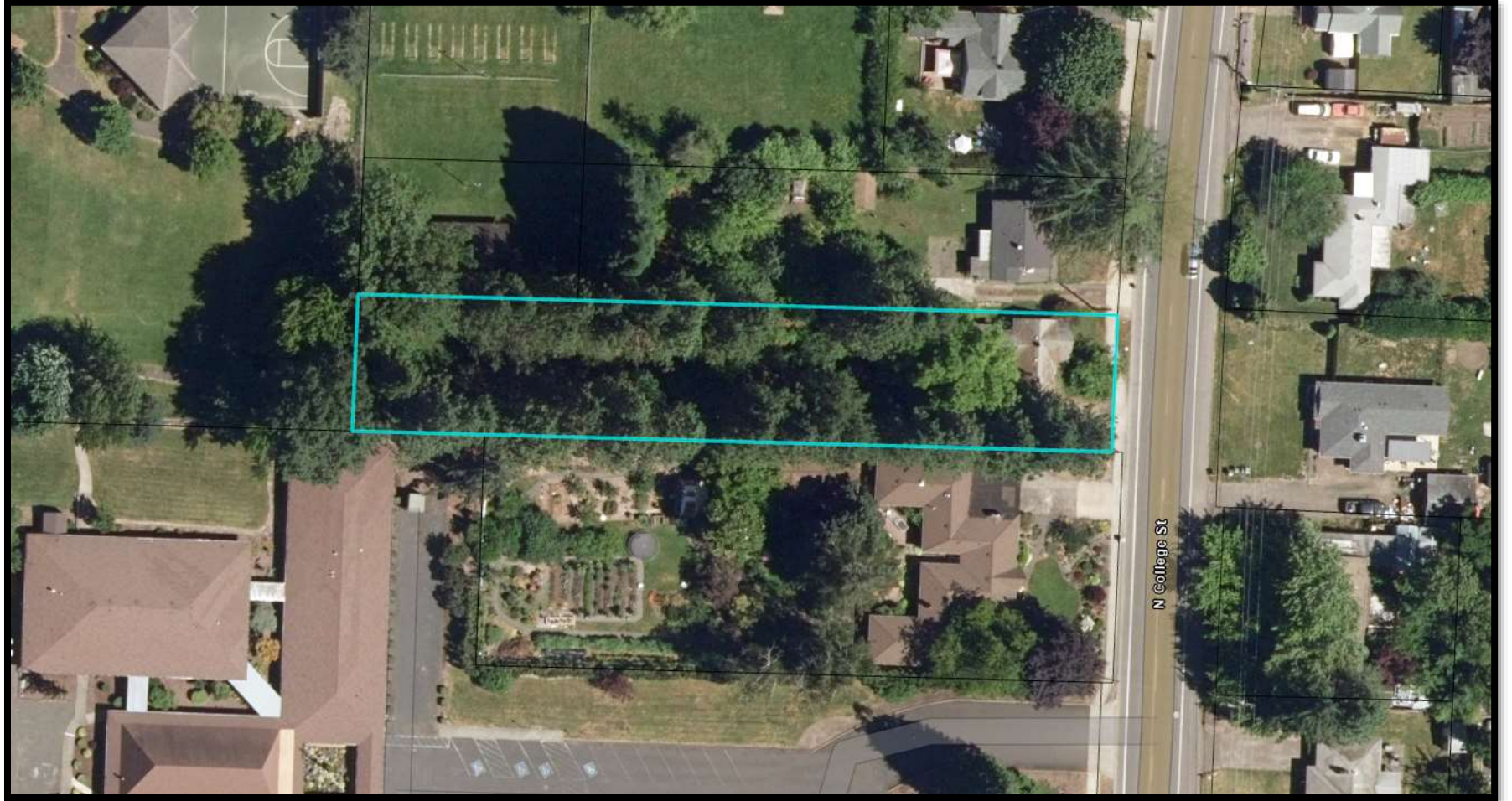
- Parcel 1 will be 5,101 square feet, retain the existing single-family home, and removal of the existing garage.
- Parcel 2 will be 8,664 square feet.
- Parcel 3 will be 7,360 square feet.

The subject property is zoned R-1 and is surrounded by existing residential uses to the north, east, and south. The subject property abuts Jaquith Park to the west. The subject site has no significant or distinguishing natural features such as steep slopes, streambeds, or wetlands.

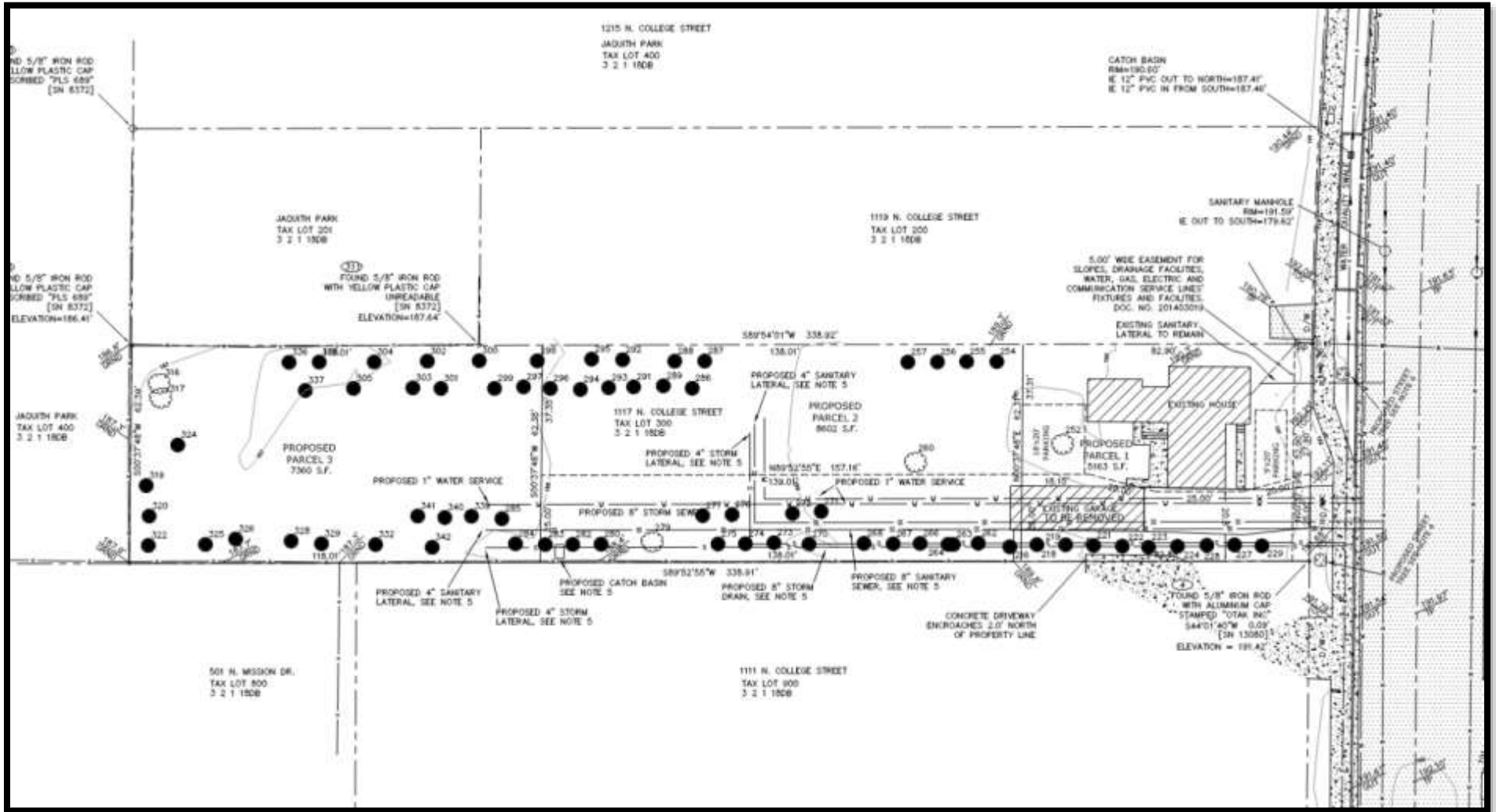
B. SITE INFORMATION:

1. Location: 1117 N College Street

AERIAL MAP



PRELIMINARY SITE PLAN



2. Size: 21,125 square feet
3. Topography: Flat
4. Current Land Uses: The site currently has one single-family dwelling and a detached garage.
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: Single-family residence
 - d. West: City Park
7. Zoning:
 - a. North: R-1 (Low Density Residential)
 - b. East: R-1 (Low Density Residential)
 - c. South: R-1 (Low Density Residential)
 - d. West: R-1 (Low Density Residential)
8. Access and Transportation: Access to the proposed development is provided from N College Street. It is classified as a Minor Arterial under the jurisdiction of Oregon Department of Transportation (ODOT). An existing gravel driveway south of the existing house would be expanded to serve the two additional proposed lots.
9. Utilities:
 - a. Water: There is an 8-inch water main located on N College Street with a 3/4-inch service lateral serving the property. Fire flow will need to be confirmed by a fire flow test.
 - b. Wastewater: There is a 21-inch wastewater main located in N College Street.
 - c. Stormwater: There is a 12-inch stormwater collector located in N College Street with no lateral serving the property.
 - d. Overhead Lines: Any new connection to the property will need to be undergrounded. See

NMC 15.430.010 for exception provisions.

- C. PROCESS:** The partition and variance requests are Type II applications and follow 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:

8/1/2023: The Community Development Director deemed the application complete.

8/9/2023: The Applicant posted notice on the site.

8/25/2023: The Applicant mailed notice to the property owners within 500 feet of the site.

9/8/2023: The 14-day public comment period ended.

9/26/2023: 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:

1. City Manager: Reviewed; no conflict.
2. Building Official: Reviewed; no conflict.
3. Finance: Reviewed; no conflict.
4. Police Department: Reviewed; no conflict.
5. Public Works Superintendent: Reviewed; no conflict.
6. Public Works Wastewater Plant: Reviewed; no conflict.
7. Community Development Director: Reviewed and provided the following comments:
 1. *Parking is not permitted between the house and N College ST.*
 2. *Easement width variance is acceptable if TVFR is ok with width.*
8. ODOT: Reviewed and provided the following comment:

If the applicant needs to perform any work in the highway right-of-way (utilities, construction access, etc.) or if the city conditions the applicant to improve the highway frontage (sidewalks, planter strips, etc.), an ODOT permit will be required.
9. Tualatin Valley Fire and Rescue: 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: Newberg Municipal Code (NMC) Chapter 15.05, states that property owners may partition (divide) their land into units called parcels for the purposes of development. The filing of a tentative plat is the first step in the process to partition land, such as described in the present application and staff report. NMC Chapter 15.05 states that a variance is an exception granted to the provisions of the code “where strict or literal interpretation of the ordinances contained herein would result in practical difficulty and unnecessary physical hardship.” This is described more fully as it applies to the present application in Section IV. Findings for Variance Criteria, and according to the applicant is necessary for actualizing the full potential of the property without damage to the existing house on Proposed Parcel 1.

The subject property is located in the R-1 zoning district. NMC Chapter 15.405 requires that lots in the R-1 zoning have a minimum lot area of:

- 5,000 square feet for single family, duplex, or triplex dwellings;
- 7,00 square feet for quadplex or cottage cluster dwellings;
- 1,500 square feet for townhouse dwellings; or
- Be assigned during conditional use review for multifamily dwelling units.

The proposed partition would create three parcels that meet the minimum lot size requirement and other standards for lot dimensions and coverage.

- Parcel 1 will be 5,101 square feet,
- Parcel 2 will be 8,664 square feet and
- Parcel 3 will be 7,360 square feet.

An existing home will remain on Parcel 1, while no development is currently proposed on Parcels 2 and 3. The Applicant has not proposed any grading changes under this application that would lead to an increase in water runoff.

Prior to the present application, a partition was requested containing the same proposed lot configurations in September of 2017 and reviewed as File No. PAR17-0006. This application was not successfully completed. The same application was put forward again to the Planning Department in July of 2018, as File No. PAR18-0003. This application was successfully completed and approved in November of 2018. However, the final partition was not filed prior to the expiration date and the tentative plat approval became void.

In response to a condition of approval of the previously approved partition, a variance was requested for the same reasons stated as contained within the present application, to preserve the existing home on proposed Parcel 1 and gain access to proposed Parcels 2 and 3. The prior variance request was submitted in July 2018, reviewed as File No. VAR18-0007, and approved in November 2018. However, it also became void as the variance was a condition of the expired tentative plat approval PAR18-0003.

Section II: Findings
Partition and Variance
1117 N College Street – File PAR23-0001/VAR23-0003

Formatting notes: The Newberg Municipal Code (NMC) criteria are written in *italic bold* font and the findings are written in regular font. The NMC criteria will be presented first, followed by the findings of fact. Finding of fact with underlined font indicate subsequent inclusion in Exhibit “B” Conditions of Approval.

I. FINDINGS FOR PARTITIONS (NMC CHAPTER 15.235)

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 proposed partition plat application included all of the required submittal elements and followed the Type II 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: See Findings for NMC Division 15.400 which are provided elsewhere in this staff 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 Division 15.500 NMC, Public Improvement Standards;

FINDING: See Findings for NMC Division 15.500 elsewhere in this staff report.

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

FINDING: The proposed tentative plat (Attachment 1) and other Application Materials (Attachment 2) do not propose a plat name. Because the plat name has not been proposed at this time, the Applicant shall include a plat name not already recorded for another subdivision and which satisfies the provision of ORS Chapter 92 within materials submitted for final plat.

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

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

FINDING: No new streets are proposed with this application. See Section III. Findings for Public Improvements (NMC Chapter 15.505) elsewhere in this staff report for findings related to adequacy of the proposed utilities and stormwater facilities to serve the proposed development.

The criterion will be met if the criteria elsewhere in this code are met.

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: This criterion will be met if the applicant records the shared driveway access easement on the final plat, provides the accompanying maintenance agreement, and revised plans showing any required additional parking space(s) prior to the City approving the final partition plat.

Parcel 1 will retain the existing single-family home and remove the existing garage. No new development is proposed at this time. Because the Application Materials (Attachment 2) do not include private common areas and improvements, no legal instrument is required to assure maintenance of such areas.

The criterion is not applicable.

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

FINDING: Utilities to the property are presently provided within a public right-of-way within ODOT jurisdiction. Because utilities for future development will be provided from within ODOT jurisdiction, the Applicant will be required to consult with ODOT regarding access to N College Street and will be required to obtain any necessary ODOT permitting to perform work within the right-of-way.

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

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: Utilities for future development will be provided from within a public right-of-way which is under ODOT jurisdiction.

See findings for City, road authority, Yamhill County, special districts, utilities, and/or other service providers elsewhere in this staff report including:

- For public improvements and development standards required by the City of Newberg, see Section III. Findings for Public Improvements (NMC Chapter 15.505); and
- For utilities standards see Section II. Findings for Development Standards (NMC Section 15.430.010).

Because the utilities for future development will be provided from within a public right-of-way under ODOT jurisdiction, the Applicant will be required to obtain necessary permits from ODOT to conduct work in the right of way and other permits as determined necessary by ODOT.

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

B. Middle Housing Land Division Criteria. The decision to approve a middle housing land division, processed as either a Type II or Type III procedure per NMC 15.100.030(B), shall be based on the following:

[...]

FINDING: The proposed project will divide an existing tax lot into three new tax lots. The proposed project does not involve the partition or subdivision of a lot on which the development of Middle Housing is requested at this time. Because the proposed project does not include a Middle Housing Land Division as defined in NMC 15.05, the criterion is not applicable.

15.235.060 Land division related code adjustment and variances

Code adjustments and variances shall be processed in accordance with Chapters 15.210 and 15.215 NMC. Applications for code adjustments and variances related to the proposed land division shall be submitted at the same time an application for land division is submitted; the applications shall be reviewed concurrently.

A. Applicability. Limited to residential developments requiring a developer, declarant or owner to subdivide land, as defined in ORS 92.010, and to obtain a permit under ORS 215.416 or 227.175.

FINDING: The proposed project has requested a variance as part of a request to partition an existing lot. Because the Application Materials (Attachment 2) include both a request to subdivide land and a request for a variance from development standards related to such a subdivision of land, the criteria in NMC 15.215 are applicable to the proposed project.

See Findings elsewhere in this staff report for NMC Section 15.215.040 relating to criteria for variances.

B. Early Issuance of Building Permits. Following approval of a preliminary plat and before recordation of a final plat, applicable projects may request early issuance of residential building permits pursuant to successful completion of all required criteria.

- 1. The project must reach substantial completion of the public improvements, pursuant to ORS 147.755 and as defined herein;***
- 2. The owner must sign a security and improvement agreement to provide for security and schedule of completion of final infrastructure improvements;***
- 3. The owner must provide security at 120 percent of the estimated costs of the public improvements not yet completed; and***
- 4. Regardless of early issuance of building permits, certificate of occupancy shall not be issued prior to completion of all public improvements.***

FINDING: The subject property is located in a residential zoning district. The project has not proposed development on resultant Parcels 2 or 3 as part of this project, therefore this criteria is not applicable.

CONCLUSION: Because the proposed project must meet the City's criteria relating to public improvements, development standards relating to land divisions, and variances, the proposed project must meet the applicable criteria related to NMC Division 15.400, Chapter 15.505, and Section 15.215.040 in order to be approved. The proposed project will satisfy the City's standards if criteria are met as noted elsewhere in this staff report.

II. FINDINGS FOR DEVELOPMENT STANDARDS (NMC 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-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.*

[...]

FINDING: The site is zoned R-1. Parcel 1 will be 5,101 square feet, Parcel 2 will be 8,664 square feet, and Parcel 3 will be 7,360 square feet. This criterion is met.

B. Lot or Development Site Area per Dwelling Unit.

- 1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit.*

[...]

FINDING: All proposed parcels will be over 5,000 square feet and meet the minimum lot size requirement for the R-1 zone. This criterion is met.

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

FINDING: Calculations for lot area did not include any of the aforementioned characteristics in criterion C. This criterion is met.

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

FINDING: Lot size averaging is not proposed because this is not a subdivision. The proposal conforms to the requirements of NMC 15.405.010.

15.405.020 Lot area exceptions

The following shall be exceptions to the required lot areas:

A. Lots of record with less than the area required by this code.

B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.

C. Planned unit developments, provided they conform to requirements for planned unit development approval.

FINDING: Because the application materials do not request use of the exceptions noted in sub-sections A, B, or C, this criterion is not applicable.

15.405.030 Lot Dimensions and Frontage

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

FINDING: The width of all proposed lots meets the standards of this code. This criterion is met.

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: The lot depth to width ratio does not apply because the parcels are less than 15,000 square feet. This criterion 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: Lot area calculations do not include area contained in N College ST, and there are no private streets adjacent to the site. This criterion has been met.

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.

[...]

c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.

[...]

2. The above standards apply with the following exceptions:

a. Legally created lots of record in existence prior to the effective date of the ordinance codified in this 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.

c. 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.

FINDING: Parcel 1 has over 35 feet of frontage on N College Street, which is a public street. Parcels 2 and 3 will take access from an easement that is at least 25 feet wide, but narrows to 20 feet wide on a small portion of Parcel 1. Because the Applicant has requested a variance, as addressed in VAR23-0003, the criterion will be met if approval of the requested variance can be substantiated.).

There are no proposed private streets. All of the proposed parcels are over 5,000 square feet in area and meet the minimum lot and easement width requirements. Likewise, all proposed parcels meet minimum width, depth, area, and frontage requirements for the R-1 zone.

These criteria will be met pending approval of the requested variance (VAR23-0003).

NMC 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; 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.

a. R-1: 40 percent, or 50 percent if all structures on the lot are one story.

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.

b. R-3: 70 percent.

FINDING: Parcels 2 and 3 are currently vacant. At this time, no further development of the site is proposed beyond the existing dwelling on Parcel 1, and the proposed building coverage on Parcel 1 following the proposed project's demolition of the existing garage will be 29%. The Application Materials (Attachment 2) depict a proposed parking area for Parcel 1 between the existing single-family dwelling and the public right-of-way frontage of the subject property.

NMC 15.440.020 requires that single-family dwellings provide off-street parking. The subject property is located in the R-1 zoning district which possesses a front yard setback of 15 feet pursuant to NMC 15.410.020(A). NMC 15.440.060(G) states:

“Parking areas for residential uses shall not be located in a required front yard, except as follows:

1. Single-family detached, duplex, triplex, quadplex, and townhouse dwellings: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.”

Because the proposed parking area for Parcel 1 is located within the required front yard setback area and the proposed project will use the existing service drive for shared access to Parcels 2 and 3, the Applicant shall submit a revised site plan that demonstrates compliance with required off-street parking for Parcel 1 including provision of the minimum number of required parking spaces, parking area and service drive improvements, setback standards, and related standards pursuant to NMC 15.440.030, 15.440.060, 15.410.020, and other code requirements before final plat approval.

Because the proposed project will demolish the existing garage which provides parking for the existing dwelling on Parcel 1 and the service drive will be used for shared access to Parcels 2 and 3, the Applicant shall complete construction of all parking improvements for Parcel 1 prior to final plat approval.

The criterion will be met if the aforementioned conditions of approval are adhered to.

[...]

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, except that multifamily dwellings with parking to the side or rear shall have a front yard of no less than 10 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: An existing single-family dwelling is located on Parcel 1 which is setback 22 feet from the front property line. The existing garage on Parcel 1 is setback more than 45 feet from the front property line, but is proposed to be demolished. At this time, no development is proposed for Parcels 2 and 3.

The Application Materials (Attachment 2) depict a proposed parking area for Parcel 1 between the existing single-family dwelling and the front property line which occurs approximately 7 feet from the

front property line. The proposed parking area is located within the required front setback area of Parcel 1.

NMC 15.440.020 requires that single-family dwellings to provide off-street parking. NMC 15.440.060(G) states:

“Parking areas for residential uses shall not be located in a required front yard, except as follows:

1. Single-family detached, duplex, triplex, quadplex, and townhouse dwellings: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.”

Because the proposed parking area for Parcel 1 is located within the required front yard setback area and the partition proposes to use the existing service drive for shared access to Parcels 2 and 3, the Applicant shall submit a revised site plan that demonstrates compliance with required off-street parking for Parcel 1 including provision of the minimum number of required parking spaces, parking area and service drive improvements, setback standards, and related standards pursuant to NMC 15.440.030, 15.440.060, 15.410.020, and other code requirements before final plat approval.

Because the proposed project will demolish the existing garage which currently provides parking for existing single-family dwelling on Parcel 1 and the service drive will be used for shared access to Parcels 2 and 3, the Applicant shall complete construction of all parking improvements on Parcel 1 prior to final plat approval.

The criterion will be met if the aforementioned conditions of approval are adhered to.

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: Parcels 1 and 2 have a proposed utility and access easement that is 25 feet wide and narrows to 20 feet wide on a small portion of Parcel 1, as addressed in VAR23-0003. Side yards on Parcels 1 and 2 are not less than the width of the proposed easement. Parcel 3 has an interior yard of not less than 5 feet, as required in the R-1 zone.

This criterion is met.

[...]

15.410.060

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

[...]

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.

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: Right-of-way improvements were completed with a previous project and the 25-foot existing vision clearance areas do not possess visual obstructions. Street improvements are not proposed and none are required.

The criterion is met.

15.430.010 Underground utility installation.

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

FINDING: The Application Materials (Attachment 2) do not show new connections of electric, communication, natural gas, or cable television. This criterion is met.

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.

FINDING: The Application Materials (Attachment 2) do not show relocations of connections of electric, communication, natural gas, or cable television. The proposed project does not include an addition or remodel. This criterion is met.

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 Application Materials (Attachment 2) do not show new connections to or relocations of electric, communication, natural gas, or cable television. Any new service connection to the property is required to be undergrounded. See NMC 15.430.010 for additional requirements and exception provisions.

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

CONCLUSION: The proposed project will satisfy the City's development standards and criteria pertaining to land divisions if the aforementioned conditions of approval are adhered to. Because the proposed project will meet the City's standards subject to the required conditions of approval, the proposed project is approved with conditions.

III. FINDINGS FOR PUBLIC IMPROVEMENTS (NMC CHAPTER 15.505)

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), 12 19-16.]

NMC 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: The Applicant's plans show existing frontage improvements along N College Street.

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 is not proposing street improvements, and none are required. This criterion is not applicable.

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: There is an existing 8-inch public water line in N College Street which is available to serve the development. Preliminary plans show new laterals and meters that service Parcel 2 and Parcel 3. Plans for connections to public utilities which meet the requirements of the current City of Newberg Public Works Design and Construction Standards are to be submitted with permit applications.

The Applicant will be required to obtain a permit from ODOT to work in N College Street.

This criterion will be met if the aforementioned conditions of approval are 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 Application Materials (Attachment 2), Exhibit B, show Proposed Parcel 2 and 3 connected to individual service laterals in the shared access. Those lines are shown connected to the 21-inch wastewater line in N College Street. The existing wastewater lateral serving Parcel 1 (the existing house) is not shown on the plans but is showing on the City's online GIS.

The Applicant will be required to provide independent wastewater services to each new proposed parcel (proposed Parcels 2 and 3). Final plans showing connections to the 21-inch wastewater line in N College for proposed Parcels 2 and 3 will be required to be submitted with the permit applications.

The Applicant will be required to obtain a permit from ODOT to work in N College Street.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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 Application Materials (Attachment 2) do not propose new impervious area or any change in routing of existing stormwater runoff. Stormwater management will be required upon development of the new parcels.

This criterion is not applicable.

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 Application Materials (Attachment 2) show an existing 5-foot-wide slope, drainage, and utility easement along the frontage of the property and a proposed 25-foot access and utility easement for the benefit of Proposed Parcels 2 and 3. That easement is narrowed next to Proposed Parcel 1 to 20 feet. A variance is required to permit narrowing the access and utility easement to 20 feet next to Proposed Parcel 1 and is a part of this application (see Section IV: Findings for Variance Criteria).

The existing 5-foot-wide easement and access and utility easement will be required to be recorded on the final plat of the partition.

A recorded maintenance agreement will be required for the access and utility easement.

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

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

FINDING: 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 if the aforementioned condition of approval is adhered to.

15.505.030 Street standards.

A. Purpose. The purpose of this section is to:

- 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.***
- 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.***
- 3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.***

FINDING: Street improvements are not proposed, and none are required. All frontage improvements were completed with a previous project. This criterion does not apply.

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.***

FINDING: Street improvements are not proposed, and none are required. All frontage improvements were completed with a previous project. This criterion does not apply

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: Street improvements are not proposed, and none are required. All frontage improvements were completed with a previous project. This criterion does not apply.

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: Street improvements are not proposed, and none are required. All frontage improvements were completed with a previous project. This criterion does 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.***
- 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: Regarding 15.5050.030(E)(1) and (E)(2), the Applicant has noted in their application that improvements to N College Street were constructed as part of a previous improvement project. All frontage improvements have been constructed. These criteria do not apply.

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

FINDING: Regarding 15.5050.030(E)(3), street improvements are not proposed, and none are required. All frontage improvements were completed with a previous project. This criterion does not apply.

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: There are no improvements relating to impacts identified as part of this proposed action. This criterion does not apply.

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.

<i>Table 15.505.030(G) Street Design Standards</i>						
<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>Arterial Streets</i>						
<i>Expressway**</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</i>	<i>ODOT</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>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>
<i>Collectors</i>						
<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>
<i>Local Streets</i>						
<i>Local residential</i>	<i>54 – 60 feet</i>	<i>32 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking both sides</i>	<i>44 – 50 feet</i>	<i>28 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>
<i>Limited residential, parking one side</i>	<i>40 – 46 feet</i>	<i>26 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>One side</i>
<i>Local commercial/ industrial</i>	<i>55 – 65 feet</i>	<i>34 feet</i>	<i>2 lanes</i>	<i>None*</i>	<i>No*</i>	<i>Yes*</i>

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

** All standards shall be per ODOT expressway standards.

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

[...]

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

[...]

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.

[...]

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

FINDING: Regarding NMC15.505.030(G)(1) through G(5), the Applicant has noted in their application that improvements to N College Street were constructed as part of a previous improvement project. Because all frontage improvements have been constructed already, these criteria do not apply.

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: The Applicant is not proposing limited residential streets. These criteria do not apply.

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

FINDING: The Applicant has noted in their application that improvements to N College Street were constructed as part of a previous improvement project. Because all frontage improvements have been constructed already, these criteria do not apply.

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 Applicant has noted in their application that improvements to N College Street were constructed as part of a previous improvement project. Because all frontage improvements have been constructed already, these criteria do not apply.

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

FINDING: The Applicant has noted in their application that improvements to N College Street were constructed as part of a previous improvement project. Because all frontage improvements have been constructed already, these criteria do 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 has noted in their application that improvements to N College Street were constructed as part of a previous improvement project. All frontage improvements have been constructed. These criteria do not apply.

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

FINDING: No modifications to street standards for the purpose of ingress or egress were requested by the Applicant. This criterion is not applicable.

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 is not proposing to modify the street right-of-way or improvement widths. 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 temporary turnarounds. This criterion does not apply.

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

FINDING: The Applicant is not proposing new streets. This criterion does not apply.

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

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

L. Cul-de-Sacs.

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

a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.

c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.

d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.

2. *Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).*
3. *Cul-de-sacs shall not serve more than 18 single-family dwellings.*

Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

FINDING: The Applicant is not proposing a cul-de-sac. These criteria do not apply.

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's parcel is mid-block and therefore no street name signs are required. 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 Block Length</i>	<i>Maximum Block Perimeter</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 R-1 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 appropriate for the plan area.*

FINDING: No changes to block lengths or perimeters are proposed and none are required. These criteria do not apply.

4. Public Pedestrian Walkways and Bicycle Access. *The approval authority in approving a land use application with conditions may require a developer to provide an access way where the creation of a street consistent with street spacing standards is infeasible and the creation of a cul-de-sac or dead-end street is unavoidable. A public walkway provides a connection through a block that is longer than established standards or connects the end of the street to another right-of-way or a public access easement. A public walkway shall be contained within a public right-of-way or public access easement, as required by the city. A public walkway shall be a minimum of 10 feet wide and shall provide a minimum six-foot-wide paved surface or other all-weather surface approved by the city (see subsection (S) of this section for public walkway standards).*

Design features should be considered that allow access to emergency vehicles but that restrict access to non-emergency motorized vehicles.

FINDING: No public pedestrian walkway is proposed, and none are required. This criterion is not applicable.

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

FINDING: The Applicant is not proposing private streets. This criterion does not apply.

Q. Traffic Calming.

1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:

a. Serpentine alignment.

b. Curb extensions.

c. Traffic diverters/circles.

d. Raised medians and landscaping.

e. Other methods shown effective through engineering studies.

2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.

FINDING: The Applicant is not proposing traffic calming. These criteria do not apply.

R. Vehicular Access Standards.

1. Purpose. *The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods*

within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

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

Table 15.505.R. Access Spacing Standards

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

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

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

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

² *Measured centerline to centerline.*

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

FINDING: Regarding NMC 15.505.030(R)(1) through R(2), the Applicant has an existing driveway access onto N College Street and is not proposing to modify the access. With N College Street being ODOT jurisdiction, the Applicant will be required to consult with ODOT regarding access to N College Street. ODOT may require a new access permit for the proposed shared driveway.

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

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 criterion is not applicable.

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 Applicant has an existing driveway access onto N College Street and is not proposing to modify the access. 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 is not proposing alley access. These criteria do not apply.

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 proposed project plans show the existing access remaining in use. This criterion is not applicable.

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 proposed project plans show a shared access for the 3 proposed parcels. Only three lots are proposed to access the shared driveway, which is less than the maximum of four lots. It has not been made clear in the application materials where the additional required parking space is located. A parking space is shown east of the existing home on Parcel 1, however this location does not meet the City's municipal code and will conflict with a required utility easement. Future development may need to accommodate an additional parking space for each dwelling. Because a recorded access easement, maintenance agreement, utility easement, and additional parking space(s) meeting the City requirements have not been shown on the plans, the Applicant will be required to record the shared driveway access easement, maintenance agreement, utility easement, and provide revised plans showing the required additional parking space(s) prior to the City approving the final partition plat.

The criterion 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: The project is not proposing frontage streets or alleys. 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 subject property abuts N College Street which is also State Highway OR 219. New service lateral connections for water and sewer will need to be made from within ODOT right-of-way. The Applicant's narrative does not address the need for an access permit and for lateral service connections. Because the Applicant's plans and narrative do not address the need for access permits to enter ODOT right-of-way, the Applicant will be required to obtain any necessary ODOT permitting to perform work within the ODOT right-of-way. ODOT may also require a new access permit for the proposed shared driveway.

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

- 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: Regarding NMC 15.505.030(R)(10) through (R)(11), the proposed project has not requested exceptions identified in this code section. The proposed partition does not create 40 peak pm trips, therefore a traffic study is not required. These criteria do not apply.

S. Public Walkways.

- 1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.*
- 2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.*
- 3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.*
- 4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.*
- 5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.*
- 6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.*

7. Lighting may be required for public walkways in excess of 250 feet in length.

8. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

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

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

FINDING: The Applicant is proposing to install two new street trees as shown in the plans. However, the Application Materials (Attachment 2) do not indicate the species or size of the proposed street trees. Because it is unclear in the Application Materials (Attachment 2) if the required street tree criterion will be met, the Applicant will be required to provide street trees that are compliant with 15.420.010(B)(4).

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's narrative and plans do not address street lighting, but all developments are required to provide street lighting. Because street lighting is not shown, the Applicant will be required to show, via a lighting analysis, that the existing street lighting meets City standards, or provide additional street lighting along the property frontage that is compliant with the City's Public Works Design and Construction Standards prior to final plat approval.

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.

FINDING: The Applicant is not proposing transit improvements and the site is not adjacent to existing or planned transit facilities. These criteria do not apply.

15.505.040 Public utility standards.

[...]

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

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

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

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

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

FINDING: The Applicant's plans show separate water lines servicing Parcel 2 and Parcel 3 connecting to the existing 8-inch water line in N College ST. The existing service lateral is shown as remaining to serve the existing house on Parcel 1. Because it is unclear from Applicant's plans that separate water service meters are being installed to Parcel 2 and Parcel 3, the Applicant will be required to install separate water service laterals and meters to Parcel 2 and Parcel 3. The meters shall be located per the Public Works Design and Construction Standards Standard Drawing 308. The Applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the water service laterals and meters to Parcel 2 and Parcel 3 pursuant to the requirements of the City's Public Works Design and Construction Standards. The Applicant will also need to obtain necessary ODOT permits to access the ODOT right-of-way to make service connections.

The 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 Application Materials (Attachment 2) (Exhibit B) show Proposed Parcel 2 and 3 connected to individual service laterals in the shared access. Those lines are shown connected to the 21-inch wastewater line in N College Street. The existing wastewater lateral serving Parcel 1 (the existing house) is not shown on the plans but is showing on the City's online GIS.

The Applicant will be required to provide independent wastewater services to each new proposed parcel (Proposed Parcels 2 and 3). Final plans showing connections to the 21-inch wastewater line in N College for each new proposed parcel (Proposed Parcel 2 and 3) will be required to be submitted with the permit application.

The Applicant will be required to obtain a permit from ODOT to work in N College Street.

This criterion will be met if the aforementioned conditions of approval are adhered to.

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

FINDING: The Application Materials (Attachment 2) show an existing 5-foot-wide slope, drainage, and utility easement along the frontage of the property and a proposed 25-foot-wide access and utility easement for the benefit of Proposed Parcels 2 and 3. That easement is narrowed next to the existing home on Proposed Parcel 1 to 20 feet and is subject to approval of the variance submittal as part of this application (see Section II: Findings for Variance Criteria).

The Applicant will be required to access and utility easement on the final plat of the partition.

The Applicant will be required to record a maintenance agreement for the access and utility easement.

The criterion will be met if the aforementioned conditions of approval are adhered to.

15.505.050 Stormwater system standards.

[...]

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.

FINDING: The Application Materials (Attachment 2) do not propose new impervious area or any change in routing of existing stormwater runoff. This criterion does not apply.

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: Stormwater management will be required upon development of the new parcels. Plans for stormwater management meeting the requirements of the Newberg Municipal Code and the Public

Works Design and Construction Standards are to be submitted with building permit applications. Plans and any required reports will be fully reviewed at that time.

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

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 Application Materials (Attachment 2) do not propose new impervious area or any change in routing of existing stormwater runoff. Stormwater management will likely be required upon development of the new parcels. No erosion control plan has been submitted and none is required at this time. An erosion control plan will be required to be submitted with permit applications.

This 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 proposed project plans show connections to public utilities. Plans for connections to public utilities which meet the requirements of the current City of Newberg Public Works Design and Construction Standards are to be submitted with permit applications.

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

CONCLUSION: The proposed project will satisfy the City's public improvement standards and criteria if the aforementioned conditions of approval are adhered to. Because the proposed project will meet the City's standards subject to the required conditions of approval, the proposed project is approved with conditions.

IV. FINDINGS FOR VARIANCE CRITERIA (NMC SECTION 15.215.040)

15.215.040 Type II variance criteria.

The Type II procedure shall be used to process a variance request. The hearing body shall grant the variance if the following criteria are satisfied:

- 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 the zoning ordinance.*

FINDING: There is an existing dwelling on the Parcel 1 portion of the subject property. Due to the proportions of the existing parcel, a long and narrow configuration, the subject property is more than three times the minimum lot size but is constrained from further development based on the shape of the lot and the existing dwelling being located towards the front of the lot. In order to develop the subject property without the hardship of significant renovation or demolition of the existing dwelling, a reduced width 25-foot easement was requested by the Applicant.

Strict enforcement of zoning ordinance standards would require the property owner to (1) forego partition of the property due to its narrow configuration despite ample lot size and developable land, or (2) conduct significant renovation or partial demolition of the existing dwelling to accommodate the required access easement.

Because the combination of the lot's narrow configuration and existing dwelling constrain further development of the property, strict enforcement of the code would prohibit development of the property in a way that causes of unnecessary hardship for the property owner that is inconsistent with the objectives of the zoning ordinance.

The criterion is met.

- 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.*

FINDING: The subject property, in its current configuration, is narrow when compared to other lots throughout the R-1 district. The property's average width is 62 feet and the average depth of the property is 338 feet, providing a depth-to-width ratio of 5.45. Whereas NMC 15.405.030(B) states that lots 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..."

The subject property's depth-to-width ratio of 5.45 is more than twice that of the NMC's required standard of 2.5, and the subject property's existing dimensions are therefore extraordinary. Because the property possesses an extraordinarily great depth-to-width ratio which creates a long and narrow configuration, other properties in the R-1 zone typically will have less difficulty in providing a means to partition or otherwise develop their properties without the need for a reduction in access easement width.

The subject property's configuration creates an exceptional circumstance for the property owner. Because other properties in the R-1 zoning district are not faced with the same constraints that make development

so restrictive, it is appropriate for this property owner to request a variance to lessen the limitations on the subject property's future development.

The criterion is met.

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.

FINDING: Strict interpretation would not allow this property owner to partition their property as other owners in the R-1 district may do. If the easement width is strictly enforced, it would deprive the property owner of the opportunity to partition the property without the unnecessary partial demolition of the existing home on the Parcel 1 portion of the subject property. Because the dimensions of the site make it particularly narrow for the R-1 zoning district and portions of the property are constrained by the location of the existing dwelling, strict interpretation would limit the development potential of the site.

A variance is necessary to allow the property owner to retain the existing single-family dwelling while developing the property for uses allowed in the R-1 zone which are typically enjoyed by other property owners in the same zoning district who are not constrained by lot configuration issues.

The criterion is met.

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.

FINDING: Other property owners in the R-1 district may partition their property without facing the same restrictions this property owner has due to the site's existing dwelling, relatively narrow frontage, and high depth-to-width ratio.

The property's average width is 62 feet and the average depth of the property is 338 feet, providing a depth-to-width ratio of 5.45. Whereas NMC 15.405.030(B) states that lots 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..." The subject property's depth-to-width ratio of 5.45 is more than twice that NMC's required standard of 2.5. Further, the existing dwelling is located towards the property's frontage, which creates a bottleneck when combined with the site's existing service drive.

Because other property owners would generally be able to develop their site without having to partially demolish main dwellings or have an easement width reduction, this property owner is faced with an exceptional circumstance that does not constitute a special privilege. A variance is necessary to allow this property owner the same privileges that many other property owners in the R-1 zoning district enjoy.

The criterion is met.

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.

FINDING: The proposal will not be detrimental to surrounding properties because the reduction of the easement is only for 25 feet of the total 220-foot easement. Further, during the agency referral process

Tualatin Valley Fire and Rescue confirmed that they can work with a 20-foot easement for a length of 25 feet on Parcel 1. Parcel 1 can accommodate the narrowed driveway easement without creating a negative impact on surrounding properties.

Because Tualatin Valley Fire and Rescue has confirmed that they accommodate the proposed 20-foot easement for a length of 25 feet on Parcel 1, the proposed project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

The criterion is met.

CONCLUSION: Based on the above-mentioned findings, the application meets the variance criteria. The requested variance is hereby granted.

**Section III: Conditions of Approval
Partition and Variance
1117 N College Street – File No. PAR23-0001/VAR23-0003**

A. The Applicant must complete the following prior to applying for final plat approval. Construction Plans must be submitted for all infrastructure per the requirements below.

1. The Applicant shall include a plat name not already recorded for another subdivision and which satisfies the provision of ORS Chapter 92 within materials submitted for final plat.
2. The Applicant will be required to consult with ODOT regarding access to N College Street and will be required to obtain any necessary ODOT permitting to perform work within the right-of-way.
3. The Applicant will be required to obtain necessary permits from ODOT to conduct work in the right of way and other permits as determined necessary by ODOT.
4. The Applicant shall submit a revised site plan that demonstrates compliance with required off-street parking for Parcel 1 including provision of the minimum number of required parking spaces, parking area and service drive improvements, setback standards, and related standards pursuant to NMC 15.440.030, 15.440.060, 15.410.020, and other code requirements before final plat approval.
5. The Applicant shall complete construction of all parking improvements for Parcel 1 prior to final plat approval.
6. Any new service connection to the property is required to be undergrounded. See NMC 15.430.010 for additional requirements and exception provisions.
7. Plans for connections to public utilities which meet the requirements of the current City of Newberg Public Works Design and Construction Standards are to be submitted with permit applications.
8. The Applicant will be required to obtain a permit from ODOT to work in N College Street.
9. The Applicant will be required to provide independent wastewater services to each new proposed parcel (Proposed Parcels 2 and 3). Final plans showing connections to the 21-inch wastewater line in N College for each new proposed parcel (Proposed Parcel 2 and 3) will be required to be submitted with the permit applications.
10. The existing 5-foot-wide easement and access and utility easement will be required to be recorded on the final plat of the partition.
11. A recorded maintenance agreement will be required for the access and utility easement.
12. Any required public improvement permit(s) for this project must be submitted, approved, and issued prior to building permits being issued.

13. The Applicant will be required to consult with ODOT regarding access to N College Street. ODOT may require a new access permit for the proposed shared driveway.
14. The Applicant will be required to record the shared driveway access easement, maintenance agreement, utility easement, and provide revised plans showing the required additional parking space(s) prior to the City approving the final partition plat.
15. The Applicant will be required to obtain any necessary ODOT permitting to perform work within the ODOT right-of-way. ODOT may also require a new access permit for the proposed shared driveway.
16. The Applicant will be required to provide street trees that are compliant with 15.420.010(B)(4).
17. The Applicant will be required to show, via a lighting analysis, that the existing street lighting meets City standards, or provide additional street lighting along the property frontage that is compliant with the City's Public Works Design and Construction Standards prior to final plat approval.
18. The Applicant will be required to install separate water service laterals and meters to Parcel 2 and Parcel 3. The meters shall be located per the Public Works Design and Construction Standards Standard Drawing 308. The Applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the water service laterals and meters to Parcel 2 and Parcel 3 pursuant to the requirements of the City's Public Works Design and Construction Standards. The Applicant will also need to obtain necessary ODOT permits to access the ODOT right-of-way to make service connections.
19. The Applicant will be required to record the access and utility easement on the final plat of the partition.
20. The Applicant will be required to record a maintenance agreement for the access and utility easement.
21. Plans for stormwater management meeting the requirements of the Newberg Municipal Code and the Public Works Design and Construction Standards are to be submitted with building permit applications. Plans and any required reports will be fully reviewed at that time.
22. An erosion control plan will be required to be submitted with permit applications.
23. Plans for connections to public utilities which meet the requirements of the current City of Newberg Public Works Design and Construction Standards are to be submitted with permit applications.

B. Final plat submission requirements and approval criteria: In accordance with NMC 15.235.070, 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:

The Applicant will be required to submit a Final Plat for review that includes utility easements meeting the specifications and standards of the Newberg Public Works Design and Construction Standards. Easements to include, but not necessarily limited to:

1. Access and Utility Easement for the benefit of Parcels 2 and 3.
2. Submission Requirements:

The Applicant shall submit the final plat within two years, or as otherwise provided for in NMC 15.235.070. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

- a. 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 recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary paper copies of the plat are acceptable for review at the time of final plat application.
 - b. Written response to any conditions of approval assigned to the land division.
 - c. A title report for the property, current within six months of the final plat application date.
 - d. Copies of any required dedications, easements, or other documents.
 - e. 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.
 - f. Copies of any required maintenance agreements for common property.
 - g. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.
 - h. Any other item required by the city to meet the conditions of approval assigned to the land division.
3. 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.

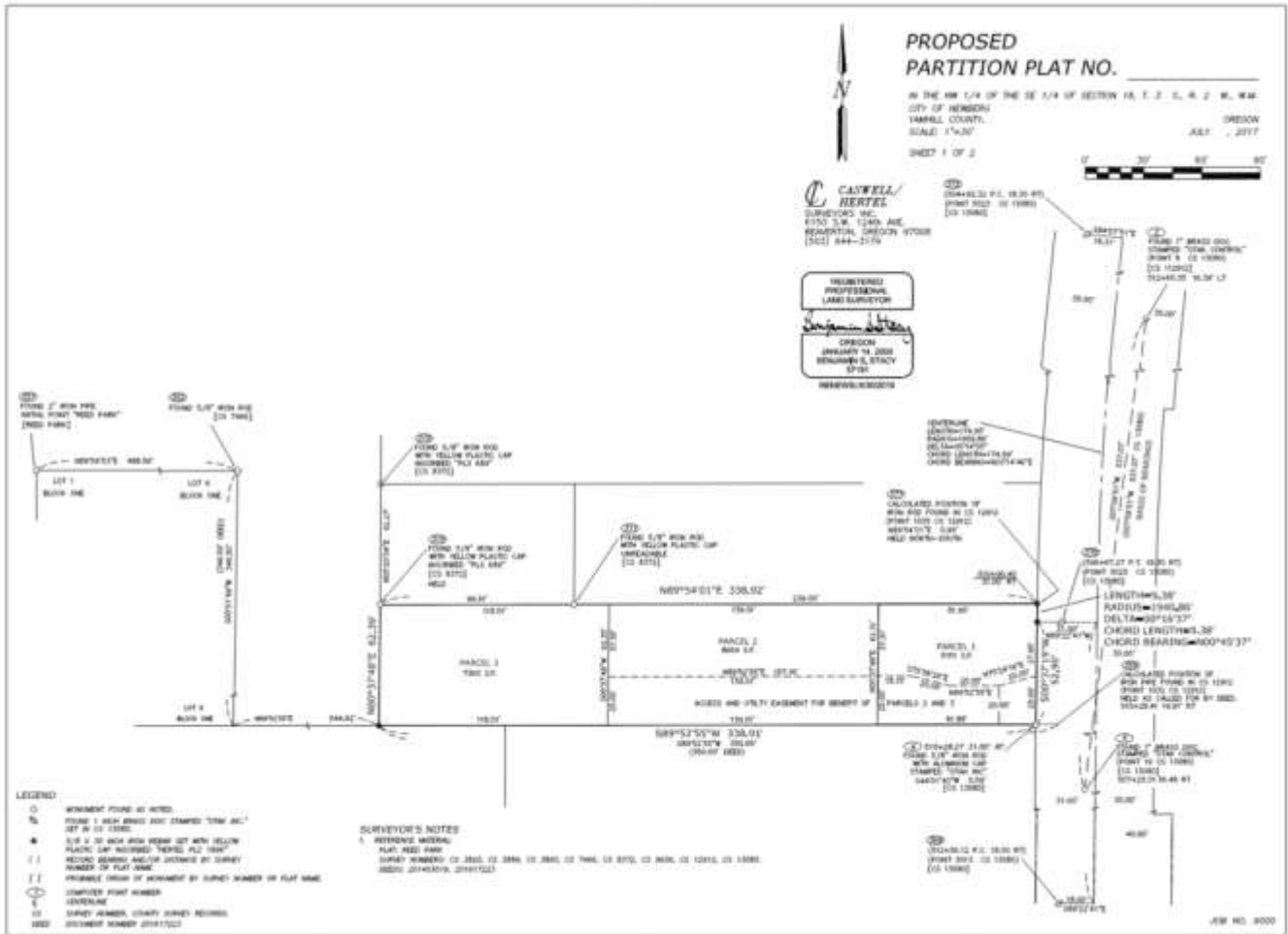
C. Filing and recording: In accordance with NMC 15.235.080, a new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot. The final plat filing and recording requirements are as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

1. **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.
2. **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.
3. **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.

D. Development Notes:

1. **Addresses:** The Planning Division will assign addresses for the new partition. Planning Division staff will send out notice of the new addresses after they receive a recorded copy of the final partition plat.

Attachment 1. Tentative Plat



Attachment 2. Application Materials

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

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City of Newberg 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: 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: Residential Land Partition 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 CURRENT ZONING: R-1
 CURRENT USE: Residential
 SURROUNDING USES:
 NORTH: R-1 Residential SOUTH: R-1 Residential
 EAST: City Public Park - Jaquith Park WEST: R-1 Residential

ATTACHED PROJECT CRITERIA AND REQUIREMENTS (check all that apply)

- General Checklist:** Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature
 2 Copies of full Application Packet

For detailed checklists, applicable criteria for the written response, and other requirements per application type, turn to:

Design Review	p. 13
Partition Tentative Plat	p. 15
Subdivision Tentative Plat	p. 17
Variance Checklist	p. 20
Short-term Rental	p. 22

The Application Packet can be submitted to Planning@newbergoregon.gov or at 414 E First St., Newberg OR. 97132
 If the Application is emailed 2 physical copies must be mailed or brought into the Community Development Department

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.

Garrett Rupp _____
 Applicant Signature Date

Kristin Jacoshenk _____
 Owner Signature Date

Garrett Rupp _____
 Print Name

Kristin Jacoshenk _____
 Print Name

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III. Applicable Review Criteria	3
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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

Location

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;

Response: 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;

Response: 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;

Response: 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;

Response: 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.

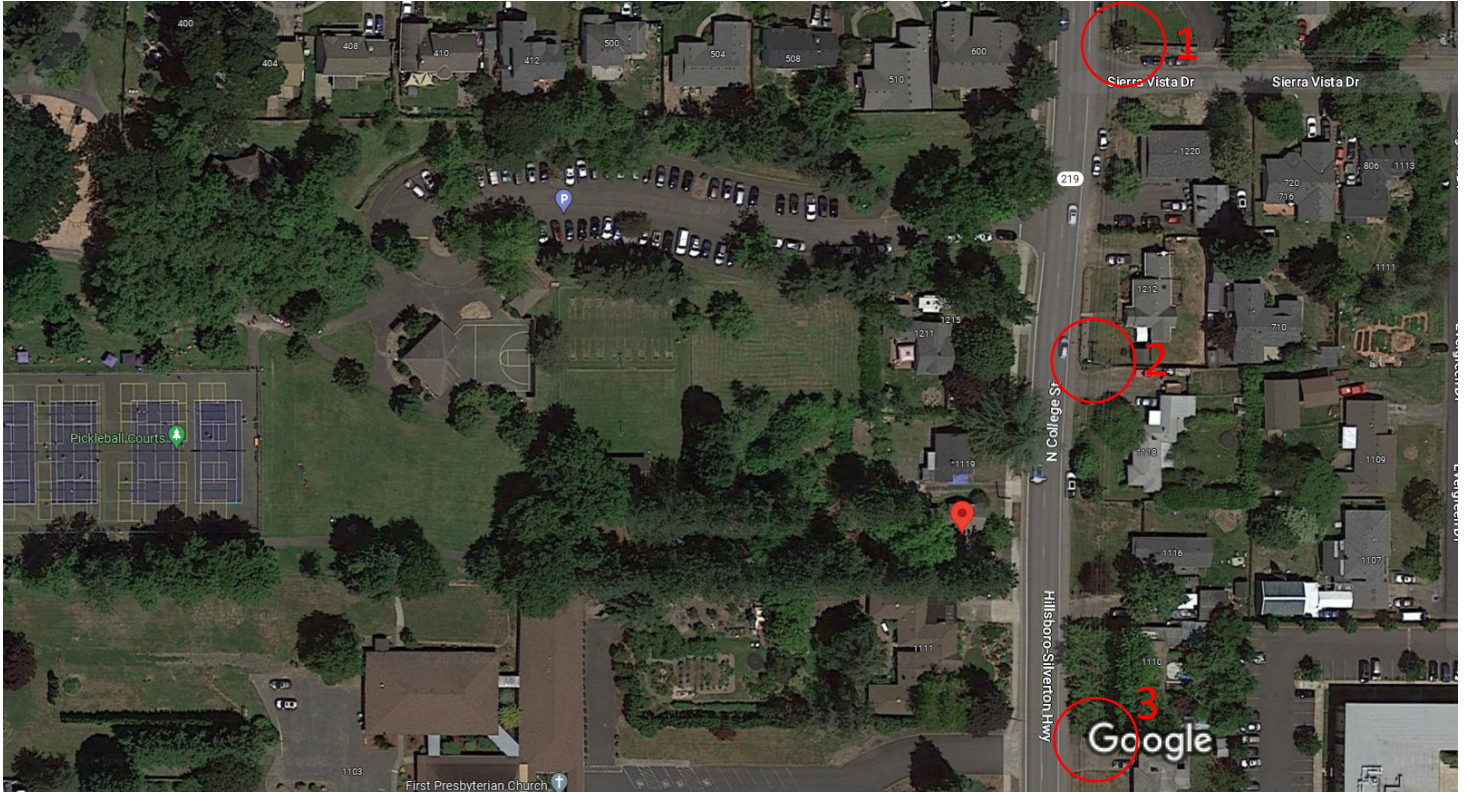
Response: The proposed partition will not limit any future required improvements or conditions by any of the above providers.

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



Directions



Save



Nearby



Send to
phone



Share



1117 N College St, Newberg, OR 97132



EXHIBIT E - PHOTOS OF EXISTING STREET IMPROVEMENTS





EXHIBIT F - TITLE REPORT



Fidelity National Title
Company of Oregon

**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.

Fidelity National Title Company of Oregon
Public Record Report for New Subdivision or Land Partition
Order No. 45141816613

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.

Fidelity National Title Company of Oregon
Public Record Report for New Subdivision or Land Partition
Order No. 45141816613

EXHIBIT "B"
(Tax Account and Map)

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

Fidelity National Title Company of Oregon
Public Record Report for New Subdivision or Land Partition
Order No. 45141816613

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

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

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

Fidelity National Title Company of Oregon
Public Record Report for New Subdivision or Land Partition
Order No. 45141816613

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
17190 NW Springville Road
Portland OR 97229

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Type II Application for Variance

Date:

4/20/2023

Submitted to:

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

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32930 SW Ladd Hill Rd
Wilsonville, OR 97070

Owners:

Kristin & Barry Jacoshenk
17190 NW Springville Road
Portland OR 97229



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: 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 driveway width next to existing house.
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3218DB 00300 SITE SIZE: 21,125 SQ. FT. ACRE
 COMP PLAN DESIGNATION: Low Density Residential CURRENT ZONING: R-1
 CURRENT USE: Residential

SURROUNDING USES:
 NORTH: R-1 Residential SOUTH: R-1 Residential
 EAST: City Public Park - Jaquith Park WEST: R-1 Residential

ATTACHED PROJECT CRITERIA AND REQUIREMENTS (check all that apply)

- General Checklist:** Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature
 2 Copies of full Application Packet

For detailed checklists, applicable criteria for the written response, and other requirements per application type, turn to:

Design Review	p. 13
Partition Tentative Plat	p. 15
Subdivision Tentative Plat	p. 17
Variance Checklist	p. 20
Short-term Rental	p. 22

The Application Packet can be submitted to Planning@newbergoregon.gov or at 414 E First St., Newberg OR. 97132
 If the Application is emailed 2 physical copies must be mailed or brought into the Community Development Department

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.

Garrett Rupp _____
 Applicant Signature Date
 Garrett Rupp
 Print Name

Kristin Jacoshenk _____
 Owner Signature Date
 Kristin Jacoshenk
 Print Name

TABLE OF CONTENTS

I. Introduction	1
General Information	1
Summary of Proposals/Surrounding Uses	2
II. Site Description/ Setting	2
III. Applicable Review Criteria	3
IV. Conclusion	3

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

R3218DB 00300

Location

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 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

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.

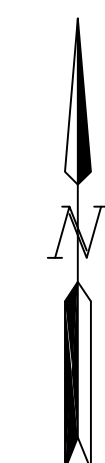
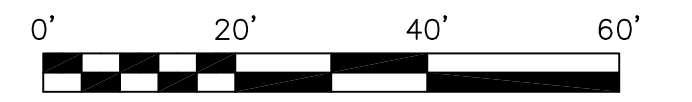
Response: This projects meets the above criteria because the reduction of easement is only 25' of the total 220' of proposed length of easement, thus it is relatively minor and is not so substantial that all residents of the proposed off street properties could not easily accommodate the narrowed driveway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

TOPOGRAPHIC SURVEY

FOR GARRETT RUPP
IN THE SE 1/4 OF SECTION 18, T. 3 S., R. 2 W., W.M.
CITY OF NEWBERG
YAMHILL COUNTY, OREGON
SCALE: 1"=20'
JULY 27, 2017

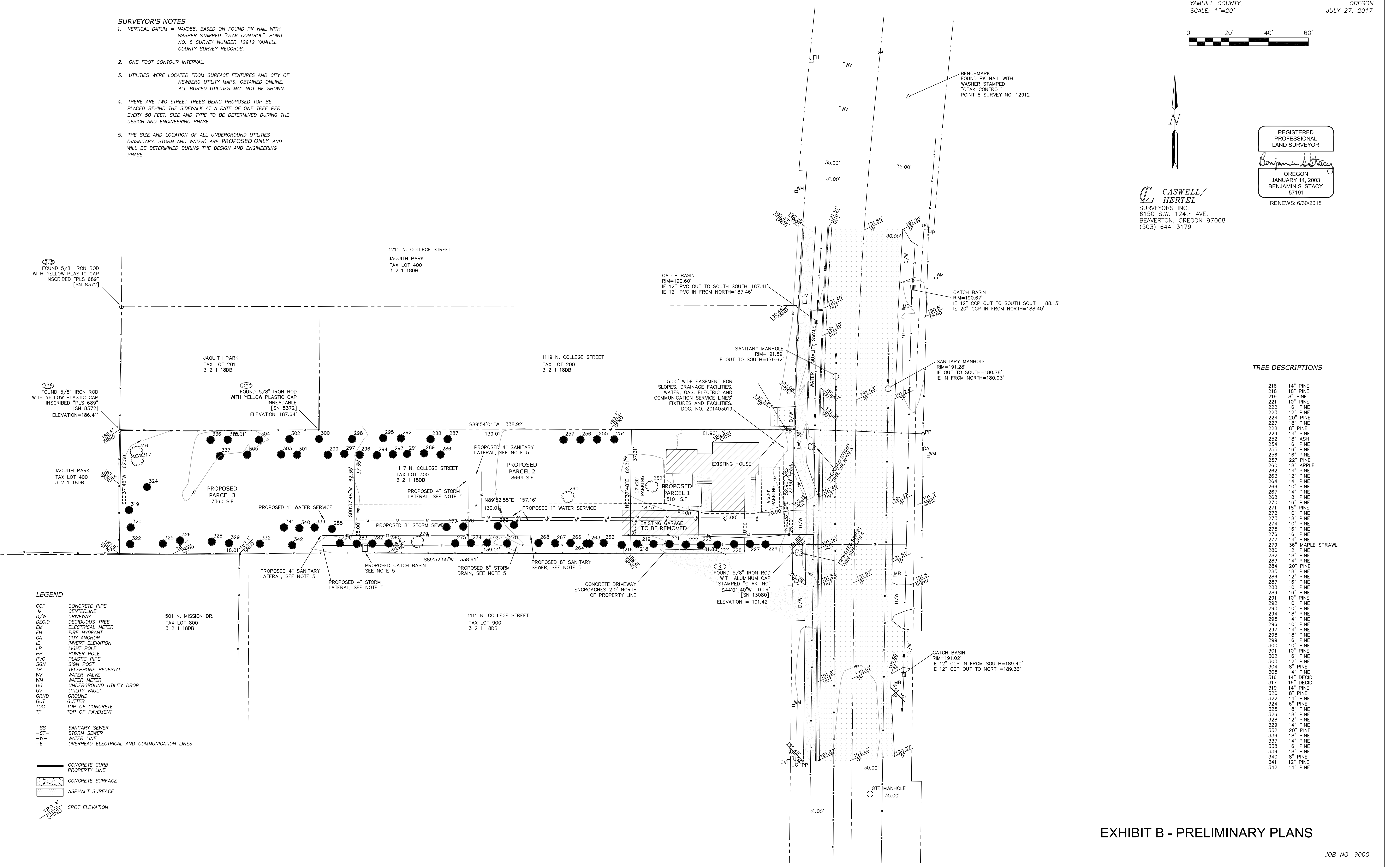


REGISTERED
PROFESSIONAL
LAND SURVEYOR
Benjamin S. Stacy
OREGON
JANUARY 14, 2003
BENJAMIN S. STACY
57191
RENEWS: 6/30/2018

**CASWELL/
HERTEL**
SURVEYORS INC.
6150 S.W. 124th AVE.
BEAVERTON, OREGON 97008
(503) 644-3179

SURVEYOR'S NOTES

- VERTICAL DATUM = NAVD83, BASED ON FOUND PK NAIL WITH WASHER STAMPED "OTAK CONTROL", POINT NO. 8 SURVEY NUMBER 12912 YAMHILL COUNTY SURVEY RECORDS.
- ONE FOOT CONTOUR INTERVAL.
- UTILITIES WERE LOCATED FROM SURFACE FEATURES AND CITY OF NEWBERG UTILITY MAPS, OBTAINED ONLINE. ALL BURIED UTILITIES MAY NOT BE SHOWN.
- THERE ARE TWO STREET TREES BEING PROPOSED TO BE PLACED BEHIND THE SIDEWALK AT A RATE OF ONE TREE PER EVERY 50 FEET. SIZE AND TYPE TO BE DETERMINED DURING THE DESIGN AND ENGINEERING PHASE.
- THE SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES (SANITARY, STORM AND WATER) ARE PROPOSED ONLY AND WILL BE DETERMINED DURING THE DESIGN AND ENGINEERING PHASE.



TREE DESCRIPTIONS

216	14" PINE
218	18" PINE
219	8" PINE
221	10" PINE
222	16" PINE
223	12" PINE
224	20" PINE
227	18" PINE
228	8" PINE
229	14" PINE
252	18" ASH
254	16" PINE
255	16" PINE
256	16" PINE
257	22" PINE
260	18" APPLE
262	14" PINE
263	12" PINE
264	14" PINE
266	10" PINE
267	14" PINE
268	18" PINE
270	16" PINE
271	18" PINE
272	10" PINE
273	18" PINE
274	10" PINE
275	16" PINE
276	16" PINE
277	14" PINE
279	36" MAPLE SPRAWL
280	12" PINE
282	18" PINE
283	14" PINE
284	20" PINE
285	18" PINE
286	12" PINE
287	16" PINE
288	10" PINE
289	16" PINE
291	10" PINE
292	10" PINE
293	10" PINE
294	18" PINE
295	14" PINE
296	10" PINE
297	14" PINE
298	18" PINE
299	16" PINE
300	10" PINE
301	10" PINE
302	16" PINE
304	8" PINE
305	14" PINE
316	14" DECID
317	16" DECID
319	14" PINE
320	8" PINE
322	14" PINE
324	6" PINE
325	18" PINE
326	18" PINE
328	12" PINE
329	14" PINE
332	20" PINE
336	18" PINE
337	14" PINE
338	16" PINE
339	18" PINE
340	8" PINE
341	12" PINE
342	14" PINE

LEGEND

- CCP CONCRETE PIPE
 - CL CENTERLINE
 - D/W DRIVEWAY
 - DECID DECIDUOUS TREE
 - EM ELECTRICAL METER
 - FH FIRE HYDRANT
 - GA GUY ANCHOR
 - IE INVERT ELEVATION
 - LP LIGHT POLE
 - PP POWER POLE
 - PVC PLASTIC PIPE
 - SGN SIGN POST
 - TP TELEPHONE PEDESTAL
 - WV WATER VALVE
 - WM WATER METER
 - UG UNDERGROUND UTILITY DROP
 - UV UTILITY VAULT
 - GRND GROUND
 - GUT GUTTER
 - TOC TOP OF CONCRETE
 - TP TOP OF PAVEMENT
-
- SS- SANITARY SEWER
 - ST- STORM SEWER
 - W- WATER LINE
 - E- OVERHEAD ELECTRICAL AND COMMUNICATION LINES
-
- CONCRETE CURB
 - PROPERTY LINE
 - CONCRETE SURFACE
 - ASPHALT SURFACE
 - SPOT ELEVATION

EXHIBIT B - PRELIMINARY PLANS

PROPOSED PARTITION PLAT NO. _____

IN THE NW 1/4 OF THE SE 1/4 OF SECTION 18, T. 3 S., R. 2 W., W.M.
 CITY OF NEWBERG
 YAMHILL COUNTY,
 SCALE: 1"=30'
 OREGON
 JULY , 2017

SHEET 1 OF 2



CASWELL/HERTEL
 SURVEYORS INC.
 6150 S.W. 124th AVE.
 BEAVERTON, OREGON 97008
 (503) 644-3179

REGISTERED PROFESSIONAL LAND SURVEYOR
Benjamin Stacy
 OREGON
 JANUARY 14, 2003
 BENJAMIN S. STACY
 57191
 RENEWS: 6/30/2018

372
 (504+92.32 P.C. 18.30 RT)
 (POINT 5023 CS 13080)
 [CS 13080]

2
 FOUND 1" BRASS DISC
 STAMPED "OTAK CONTROL"
 (POINT 8 CS 13080)
 [CS 112912]
 512+60.35 16.39' LT

CENTERLINE
 LENGTH=174.95'
 RADIUS=1909.86'
 DELTA=05°14'55"
 CHORD LENGTH=174.89'
 CHORD BEARING=N03°14'46"E

377
 CALCULATED POSITION OF
 IRON ROD FOUND IN CS 12912
 (POINT 1035 CS 12912)
 N89°54'01"E 0.99'
 HELD NORTH-SOUTH

370
 (506+67.27 P.T. 18.30 RT)
 (POINT 5025 CS 13080)
 [CS 13080]

LENGTH=9.38'
 RADIUS=1940.86'
 DELTA=00°16'37"
 CHORD LENGTH=9.38'
 CHORD BEARING=N00°45'37"

355
 CALCULATED POSITION OF
 IRON PIPE FOUND IN CS 12912
 (POINT 1032 CS 12912)
 HELD AS CALLED FOR BY DEED.
 510+28.41 19.91' RT

4
 510+28.27 31.00' RT
 FOUND 5/8" IRON ROD
 WITH ALUMINUM CAP
 STAMPED "OTAK INC"
 S44°01'40"W 0.09'
 [CS 13080]

5
 FOUND 1" BRASS DISC
 STAMPED "OTAK CONTROL"
 (POINT 19 CS 13080)
 [CS 13080]
 507+25.01 36.48 RT

369
 (512+56.12 P.C. 18.00 RT)
 (POINT 5013 CS 13080)
 [CS 13080]

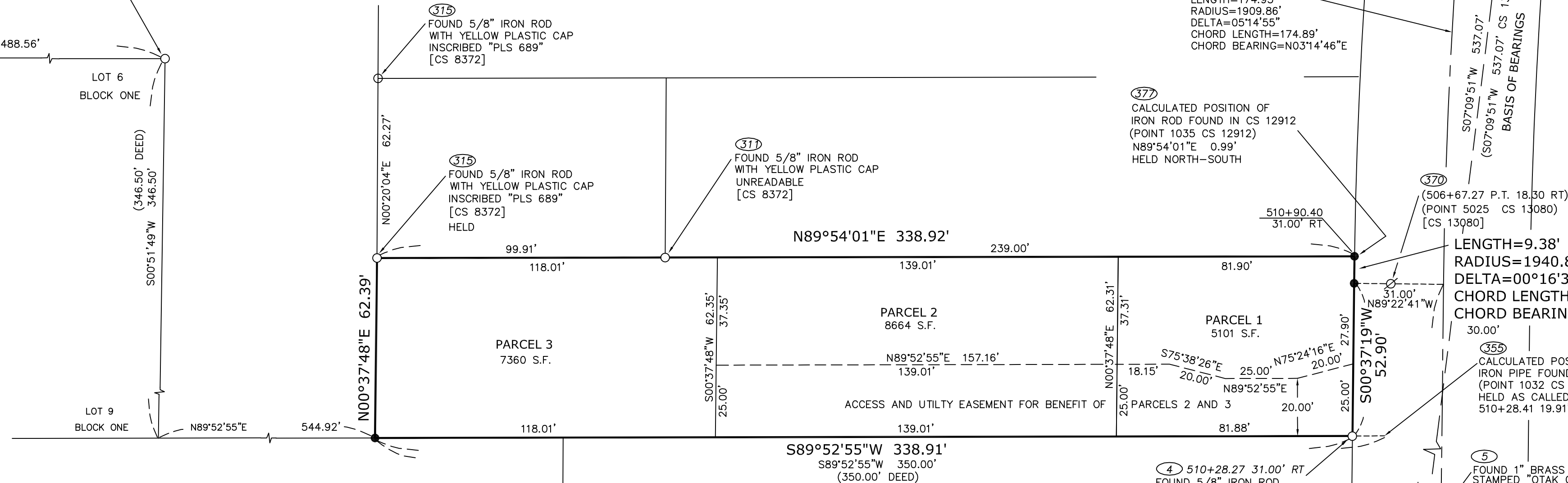
357
 FOUND 2" IRON PIPE
 INITIAL POINT "REED PARK"
 [REED PARK]

352
 FOUND 5/8" IRON ROD
 [CS 7466]

315
 FOUND 5/8" IRON ROD
 WITH YELLOW PLASTIC CAP
 INSCRIBED "PLS 689"
 [CS 8372]

315
 FOUND 5/8" IRON ROD
 WITH YELLOW PLASTIC CAP
 INSCRIBED "PLS 689"
 [CS 8372]
 HELD

311
 FOUND 5/8" IRON ROD
 WITH YELLOW PLASTIC CAP
 UNREADABLE
 [CS 8372]



- LEGEND**
- MONUMENT FOUND AS NOTED.
 - ⊗ FOUND 1 INCH BRASS DISC STAMPED "OTAK INC." SET IN CS 13080.
 - 5/8 X 30 INCH IRON REBAR SET WITH YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1896"
 - () RECORD BEARING AND/OR DISTANCE BY SURVEY NUMBER OR PLAT NAME
 - [] PROBABLE ORIGIN OF MONUMENT BY SURVEY NUMBER OR PLAT NAME.
 - ① COMPUTER POINT NUMBER.
 - ⊕ CENTERLINE
 - CS SURVEY NUMBER, COUNTY SURVEY RECORDS.
 - DEED DOCUMENT NUMBER 201617223

SURVEYOR'S NOTES

1. REFERENCE MATERIAL:
 PLAT: REED PARK
 SURVEY NUMBERS: CS 3820, CS 3889, CS 3890, CS 7466, CS 8372, CS 9936, CS 12912, CS 13080.
 DEEDS: 201403019, 201617223

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

R3218DA 01000	1108 EVERGREEN DR	NEWBERG	97132	PROFFER JOE G	1108 EVERGREEN DR	NEWBERG	97132	OR	NEWBERG	97132
R3218DA 01500	1109 EVERGREEN DR	NEWBERG	97132	BRUNK GARY L	1109 EVERGREEN DR	NEWBERG	97132	OR	NEWBERG	97132
R3218DA 01400	1118 N COLLEGE ST	NEWBERG	97132	JENTGES RAYMOND J	1118 N COLLEGE ST	NEWBERG	97132	OR	NEWBERG	97132
R3218DA 00900	1110 EVERGREEN DR	NEWBERG	97132	HARDAWAY SCOTT W	1110 EVERGREEN DR	NEWBERG	97132	OR	NEWBERG	97132
R3218DB 00100	1211 N COLLEGE ST	NEWBERG	97132	GABALDON RUDOLFO	1211 N COLLEGE ST	NEWBERG	97132	OR	NEWBERG	97132
R3218DB 00102				CHEHALEM PARK & RECREATION DISTRICT	1802 HAWORTH AVE	NEWBERG	97132	OR	NEWBERG	97132
R3218DB 00101	0 N COLLEGE ST	NEWBERG	97132	CHEHALEM PARK & RECREATION DISTRICT	1802 HAWORTH AVE	NEWBERG	97132	OR	NEWBERG	97132
R3218DA 01303	710 SIERRA VISTA DR	NEWBERG	97132	TORREY MICHAEL	710 SIERRA VISTA DR	NEWBERG	97132	OR	NEWBERG	97132
R3218DA 01301	1212 N COLLEGE ST	NEWBERG	97132	ALEXANDER LANCE E	1212 N COLLEGE ST	NEWBERG	97132	OR	NEWBERG	97132
R3218DA 00700	814 SIERRA VISTA DR	NEWBERG	97132	SCOTT CHERYL Y	814 SIERRA VISTA DR	NEWBERG	97132	OR	NEWBERG	97132
R3218DA 01302	720 SIERRA VISTA DR	NEWBERG	97132	CROMWELL ALEXANDREA	720 SIERRA VISTA DR	NEWBERG	97132	OR	NEWBERG	97132
R3218DA 00800	1112 EVERGREEN DR	NEWBERG	97132	MARTIN LESLIE K TRUSTEE	1112 N EVERGREEN DR	NEWBERG	97132	OR	NEWBERG	97132
R3218DA 01300	1220 N COLLEGE ST	NEWBERG	97132	DOHERTY JASON	1220 N COLLEGE ST	NEWBERG	97132	OR	NEWBERG	97132
R3218DA 01200	806 SIERRA VISTA DR	NEWBERG	97132	JEFFERY BENJAMIN L 50%	806 SIERRA VISTA DR	NEWBERG	97132	OR	NEWBERG	97132
R3218DB 00400	1215 N COLLEGE ST	NEWBERG	97132	NEWBERG CITY OF	535 NE 5TH ST	MCMINNVILLE	97128	OR	NEWBERG	97128
R3218AD 07635	510 BRANDON DR	NEWBERG	97132	DAN DANIEL	510 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07636	508 BRANDON DR	NEWBERG	97132	PAULY MATTHEW G	508 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07637	504 BRANDON DR	NEWBERG	97132	SOLLMAN BRITNEE	504 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 06503	601 SIERRA VISTA DR 1/2	NEWBERG	97132	HOUSTON RICK D	601 1/2 SIERRA VISTA DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07638	500 BRANDON DR	NEWBERG	97132	JAGGI WADE G	500 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07642	404 BRANDON DR	NEWBERG	97132	MUDIGONDA SHAILA B	404 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07639	412 BRANDON DR	NEWBERG	97132	JOHNSON MERRILL L	412 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07640	410 BRANDON DR	NEWBERG	97132	CZUK TIMOTHY M &	410 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07641	408 BRANDON DR	NEWBERG	97132	SECRET MICHAEL J	408 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07634	600 BRANDON DR	NEWBERG	97132	TUSE ABDURASHID	600 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07643	400 BRANDON DR	NEWBERG	97132	DORITY DIANE M	400 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD NONTL										
R3218AD 06500	601 SIERRA VISTA DR	NEWBERG	97132	HANSON SILVIA	601 SIERRA VISTA DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07633	604 BRANDON DR	NEWBERG	97132	MARK 2 MINISTRIES INC	PO BOX 176	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07632	509 BRANDON DR	NEWBERG	97132	HAINLINE MICHAEL &	509 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07631	503 BRANDON DR	NEWBERG	97132	TAYLOR JEFFREY B	6333 SW SPRING HILL RD	GASTON	0	OR	NEWBERG	0
R3218AD 07628	1301 BRITTANY DR	NEWBERG	97132	BROWNFIELD TRA	4248 LINCOLN ST	NEWBERG	0	OR	NEWBERG	0
R3218AD 07630	1301 BROOKE DR	NEWBERG	97132	LILIENTHAL BRADY	1301 BROOKE DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07629	407 BRANDON DR	NEWBERG	97132	HEISTER DANIEL D	407 BRANDON DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 06700	811 SIERRA VISTA DR	NEWBERG	97132	BENNETT BRUCE E TRUSTEE	16840 SW PARRETT MTN RD	SHERWOOD	97140	OR	NEWBERG	97140
R3218AD 06501	703 SIERRA VISTA DR	NEWBERG	97132	TRIER ORLANDO E	703 E SIERRA VISTA DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 06600	809 SIERRA VISTA DR	NEWBERG	97132	MCMURRIN JOEL L	809 SIERRA VISTA DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 06502	1304 N COLLEGE ST	NEWBERG	97132	ANTHONY THOMAS J	1304 N COLLEGE ST	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07621	606 BRANDON DR	NEWBERG	97132	OLLIS DONNA M	1920 VILLA RD	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07622	508 SARAH DR	NEWBERG	97132	PITTMAN CYNTHIA A	508 SARAH DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07623	500 SARAH DR	NEWBERG	97132	HICKS TYLER	500 SARAH DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07624	1307 BROOKE DR	NEWBERG	97132	MORENO CELIA	1307 BROOKE DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AD 07625	1308 BRITTANY DR	NEWBERG	97132	PENA ANDRES	1308 BRITTANY DR	NEWBERG	97132	OR	NEWBERG	97132
R3218AC 00800	1215 N COLLEGE ST	NEWBERG	97132	CHEHALEM PARK & RECREATION DISTRICT	1802 HAWORTH AVE	NEWBERG	97132	OR	NEWBERG	97132

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: August 25, 2023
Please refer questions and comments to: Leanne Wagener

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

APPLICANT: Garrett Rupp
REQUEST: 3 Lot Partition with variance to reduce existing House Driveway width
SITE ADDRESS: 1117 N College St
LOCATION: N/A
TAX LOT: R3218DB 00300
FILE NO: PAR23-0001 & VAR23-0003
ZONE: R-1(Residential Low Density Zoning)
HEARING DATE: NA



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
DNE, CN=US, OU=Will 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: 2023.08.11 16:53:12-07'00'
Foxit PhantomPDF, Version: 10.1.10

8/11/23

Reviewed By:

Date:

Will Worthey CM

Organization:



COMMUNITY DEVELOPMENT
LAND USE APPLICATION REFERRAL

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: August 25, 2023
Please refer questions and comments to: Leanne Wagener

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

APPLICANT: Garrett Rupp
REQUEST: 3 Lot Partition with variance to reduce existing House Driveway width
SITE ADDRESS: 1117 N College St
LOCATION: N/A
TAX LOT: R3218DB 00300
FILE NO: PAR23-0001 & VAR23-0003
ZONE: R-1(Residential Low Density Zoning)
HEARING DATE: NA



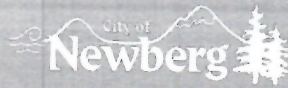
Project Information is Attached:

- 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)

Brooks Bateman
Reviewed By:

8-14-23
Date:

Organization:



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: August 25, 2023
Please refer questions and comments to: Leanne Wagener

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

APPLICANT: Garrett Rupp
REQUEST: 3 Lot Partition with variance to reduce existing House Driveway width
SITE ADDRESS: 1117 N College St
LOCATION: N/A
TAX LOT: R3218DB 00300
FILE NO: PAR23-0001 & VAR23-0003
ZONE: R-1(Residential Low Density Zoning)
HEARING DATE: NA



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)

[Signature]

Reviewed By:

8/15/23

Date:

Finance
Organization:



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: August 25, 2023
Please refer questions and comments to: Leanne Wagener

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

APPLICANT: Garrett Rupp
REQUEST: 3 Lot Partition with variance to reduce existing House Driveway width
SITE ADDRESS: 1117 N College St
LOCATION: N/A
TAX LOT: R3218DB 00300
FILE NO: PAR23-0001 & VAR23-0003
ZONE: R-1(Residential Low Density Zoning)
HEARING DATE: NA



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)

Reviewed By:

8/14/20
Date:

Newberg-Dundee Police Dept.
Organization:



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: August 25, 2023

Please refer questions and comments to: Leanne Wagener

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

APPLICANT: Garrett Rupp
REQUEST: 3 Lot Partition with variance to reduce existing House Driveway width
SITE ADDRESS: 1117 N College St
LOCATION: N/A
TAX LOT: R3218DB 00300
FILE NO: PAR23-0001 & VAR23-0003
ZONE: R-1(Residential Low Density Zoning)
HEARING DATE: NA

RECEIVED

8/15/2023

batesf

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)

Reviewed By: 

8/14/23

Date:

Maintenance Superintendent

Organization:



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: August 25, 2023
Please refer questions and comments to: Leanne Wagener

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

APPLICANT: Garrett Rupp
REQUEST: 3 Lot Partition with variance to reduce existing House Driveway width
SITE ADDRESS: 1117 N College St
LOCATION: N/A
TAX LOT: R3218DB 00300
FILE NO: PAR23-0001 & VAR23-0003
ZONE: R-1(Residential Low Density Zoning)
HEARING DATE: NA



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)

Reviewed By:

8/14/23

Date:

City of Newberg - Operations

Organization:



COMMUNITY DEVELOPMENT
LAND USE APPLICATION REFERRAL

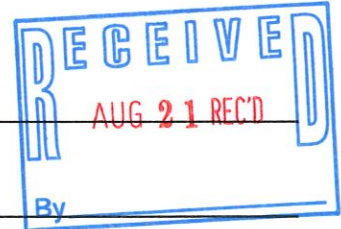
Doug Rupp

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: August 25, 2023

Please refer questions and comments to: Leanne Wagener

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

APPLICANT: Garrett Rupp
REQUEST: 3 Lot Partition with variance to reduce existing House Driveway width
SITE ADDRESS: 1117 N College St *1. Parking is not permitted between the house + N College St*
LOCATION: N/A *2. Easement width variance is acceptable if TVF & R is ok with width.*
TAX LOT: R3218DB 00300
FILE NO: PAR23-0001 & VAR23-0003
ZONE: R-1(Residential Low Density Zoning)
HEARING DATE: NA



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)

Doug Rupp
Reviewed By:

8/21/23
Date:

City of Newberg
Organization:

Leanne Wagener

From: KNECHT Casey <Casey.KNECHT@odot.oregon.gov>
Sent: Thursday, August 17, 2023 10:00 PM
To: Leanne Wagener
Cc: WILLIAMS Brandon
Subject: ODOT Comments for City of Newberg PAR23-0001 VAR23-0003 - Rupp

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.

Leanne,

The property has frontage on College Street, which is part of the Hillsboro-Silverton Highway No. 140 (OR-219). The property has an existing approach to the highway at MP 19.65. Based on the site plan and description, no modifications to the highway approach are proposed and the additional residences will not cause a significant increase in traffic. The highway approach can continue to be used for the proposed use of the property. The applicant will need to record the proper access easements so that all three parcels will have access to the approach at MP 19.65.

If the applicant needs to perform any work in the highway right-of-way (utilities, construction access, etc.) or if the city conditions the applicant to improve the highway frontage (sidewalks, planter strips, etc.), an ODOT permit will be required. The applicant can contact the ODOT District 3 Permits office at 503-986-2900.

Thanks,

Casey Knecht, P.E.

Development Review Coordinator
ODOT Region 2

From: Fe Bates <Fe.Bates@newbergoregon.gov>
Sent: Friday, August 11, 2023 4:16 PM
Cc: Fe Bates <Fe.Bates@newbergoregon.gov>; Leanne Wagener <Leanne.Wagener@newbergoregon.gov>
Subject: City of Newberg Referral Request for: PAR23-0001&VAR23-0003

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.

Good Day,

Below is a link to : Referral PAR23-0001 & VAR23-0003 for a 3 lot Partition with a request to reduce existing house driveway width:

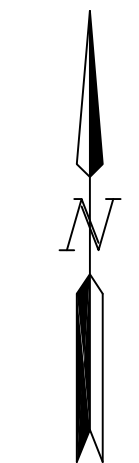
 [Referral - PAR23-0001&VAR23-0003.pdf](#)

Please fill out the Referral Sign Off sheet and email it back no later than **August 25, 2023** to Planning@newbergoregon.gov.

Please reach out if you have any questions.

TOPOGRAPHIC SURVEY

FOR GARRETT RUPP
IN THE SE 1/4 OF SECTION 18, T. 3 S., R. 2 W., W.M.
CITY OF NEWBERG
YAMHILL COUNTY,
OREGON
SCALE: 1"=20'
JULY 27, 2017



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Benjamin Stacy
OREGON
JANUARY 14, 2003
BENJAMIN S. STACY
57191
RENEWS: 6/30/2024

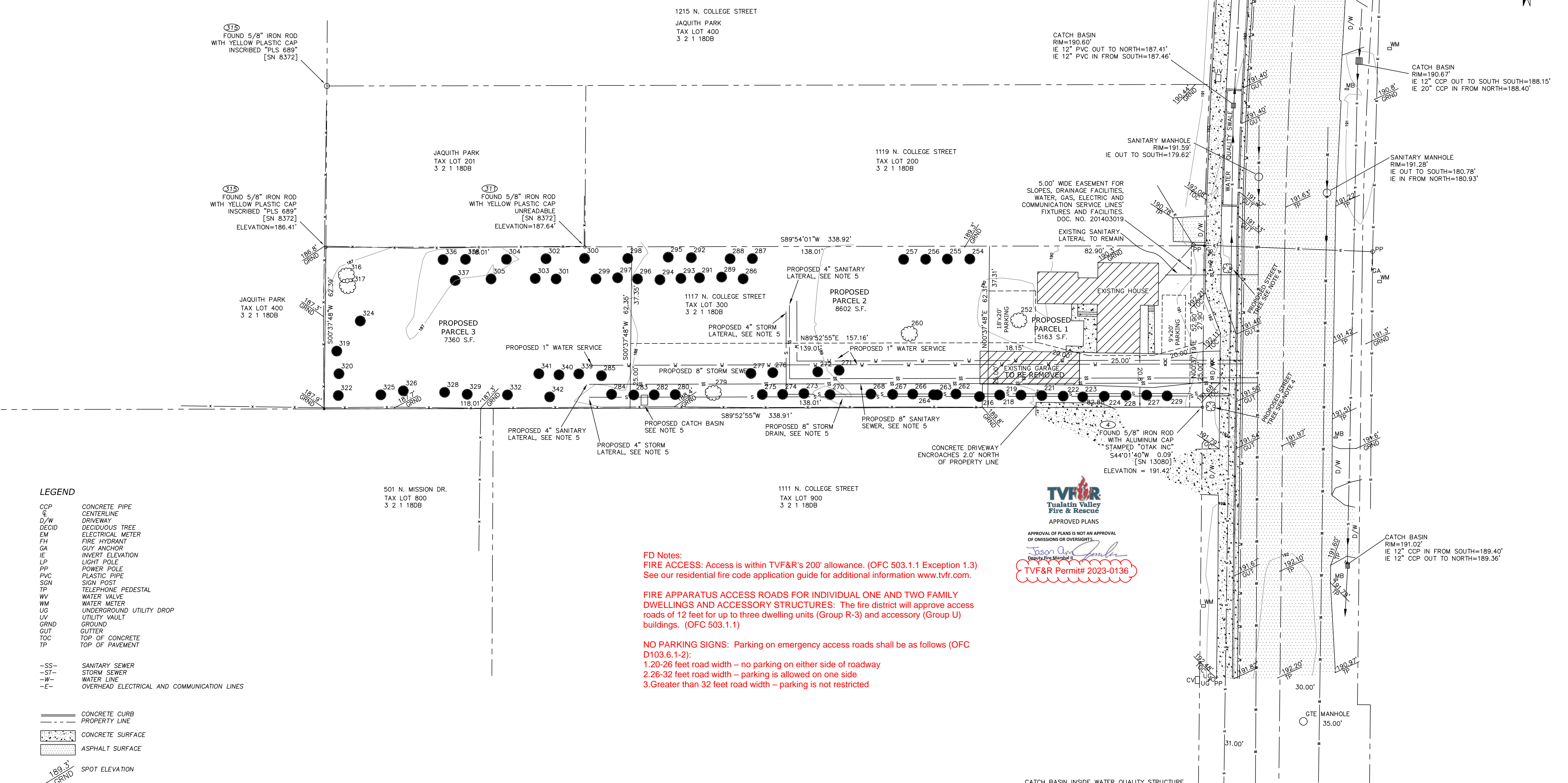
CASWELL/HERTEL
SURVEYORS INC.
6150 S.W. 124TH AVE.
BEAVERTON, OR 97008
(503) 644-3179
info@caswellsurveyors.com
www.caswellherfelsurveyors.com

TREE DESCRIPTIONS

216	14" PINE
218	18" PINE
219	8" PINE
221	10" PINE
222	16" PINE
223	12" PINE
224	20" PINE
227	18" PINE
228	8" PINE
229	14" PINE
232	18" ASH
254	16" PINE
255	16" PINE
256	16" PINE
257	22" PINE
260	18" APPLE
262	14" PINE
274	20" PINE
264	14" PINE
266	10" PINE
267	14" PINE
268	18" PINE
270	16" PINE
271	18" PINE
272	10" PINE
273	18" PINE
274	10" PINE
275	16" PINE
276	16" PINE
277	14" PINE
279	36" MAPLE SPRAWL
280	12" PINE
282	18" PINE
283	14" PINE
284	20" PINE
285	18" PINE
286	12" PINE
287	16" PINE
288	10" PINE
289	16" PINE
291	10" PINE
292	10" PINE
293	10" PINE
294	18" PINE
295	14" PINE
296	10" PINE
297	14" PINE
298	18" PINE
299	16" PINE
300	10" PINE
301	10" PINE
302	16" PINE
303	12" PINE
304	8" PINE
305	14" PINE
316	14" DECID
317	16" DECID
319	14" PINE
320	8" PINE
322	14" PINE
324	6" PINE
325	18" PINE
326	18" PINE
328	12" PINE
329	14" PINE
332	20" PINE
336	18" PINE
337	14" PINE
338	16" PINE
339	18" PINE
340	8" PINE
341	12" PINE
342	14" PINE

SURVEYOR'S NOTES

- VERTICAL DATUM = NAVD88, BASED ON FOUND PK NAIL WITH WASHER STAMPED "OTAK CONTROL", POINT NO. 8 SURVEY NUMBER 12912 YAMHILL COUNTY SURVEY RECORDS.
- ONE FOOT CONTOUR INTERVAL.
- UTILITIES WERE LOCATED FROM SURFACE FEATURES AND CITY OF NEWBERG UTILITY MAPS, OBTAINED ONLINE. ALL BURIED UTILITIES MAY NOT BE SHOWN.
- THERE ARE TWO STREET TREES BEING PROPOSED TO BE PLACED BEHIND THE SIDEWALK AT A RATE OF ONE TREE PER EVERY 50 FEET. SIZE AND TYPE TO BE DETERMINED DURING THE DESIGN AND ENGINEERING PHASE.
- THE SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES (SANITARY, STORM AND WATER) ARE PROPOSED ONLY AND WILL BE DETERMINED DURING THE DESIGN AND ENGINEERING PHASE.



LEGEND

CCP	CONCRETE PIPE
C	CENTERLINE
D/W	DRIVEWAY
DECID	DECIDUOUS TREE
EM	ELECTRICAL METER
FH	FIRE HYDRANT
GA	GUY ANCHOR
IE	INVERT ELEVATION
LP	LIGHT POLE
PP	POWER POLE
PVC	PLASTIC PIPE
SON	SIGN POST
TP	TELEPHONE PEDESTAL
WV	WATER VALVE
WM	WATER METER
UG	UNDERGROUND UTILITY DROP
UV	UTILITY VAULT
GRND	GROUND
GUT	GUTTER
OC	TOP OF CONCRETE
TP	TOP OF PAVEMENT
-SS-	SANITARY SEWER
-ST-	STORM SEWER
-W-	WATER LINE
-E-	OVERHEAD ELECTRICAL AND COMMUNICATION LINES
---	CONCRETE CURB
---	PROPERTY LINE
---	CONCRETE SURFACE
---	ASPHALT SURFACE
---	SPOT ELEVATION

FD Notes:
FIRE ACCESS: Access is within TVF&R's 200' allowance. (OFC 503.1.1 Exception 1.3)
See our residential fire code application guide for additional information www.tvf.com.

FIRE APPARATUS ACCESS ROADS FOR INDIVIDUAL ONE AND TWO FAMILY DWELLINGS AND ACCESSORY STRUCTURES: The fire district will approve access roads of 12 feet for up to three dwelling units (Group R-3) and accessory (Group U) buildings. (OFC 503.1.1)

NO PARKING SIGNS: Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
1.20-26 feet road width – no parking on either side of roadway
2.26-32 feet road width – parking is allowed on one side
3.Greater than 32 feet road width – parking is not restricted

TVF&R
Tualatin Valley
Fire & Rescue
APPROVED PLANS
APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS
Jason A. [Signature]
Deputy Fire Marshal
TVF&R Permit# 2023-0136

REVISED 01/24/2018	ADDED ADDITIONAL STORM DRAIN INFORMATION, CATCHBASIN TO SOUTH AND MANHOLE/CULVERT/DITCH TO NORTH.
REVISED 06/15/2020	REVISED PROPOSED SANITARY AND STORM SEWER LATERALS FOR PARCELS 2 AND 3
REVISED 07/18/2023	ADDED POSITION OF WATER LINE IN COLLEGE STREET

EXHIBIT A - PRELIMINARY PLANS



APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS

Jason Ann [Signature]
Deputy Fire Marshal II

TVF&R Permit# 2023-0136

PROPOSED PARTITION PLAT NO. _____

IN THE NW 1/4 OF THE SE 1/4 OF SECTION 18, T. 3 S., R. 2 W., W.M.
CITY OF NEWBERG
YAMHILL COUNTY,
SCALE: 1"=30'
OREGON
JULY , 2017

SHEET 1 OF 2



CASWELL/HERTEL
SURVEYORS INC.
6150 S.W. 124th AVE.
BEAVERTON, OREGON 97008
(503) 644-3179

REGISTERED PROFESSIONAL LAND SURVEYOR
Benjamin Stacey
OREGON
JANUARY 14, 2003
BENJAMIN S. STACY
57191
RENEWS: 6/30/2018

372
(504+92.32 P.C. 18.30 RT)
(POINT 5023 CS 13080)
[CS 13080]

2
FOUND 1" BRASS DISC
STAMPED "OTAK CONTROL"
(POINT 8 CS 13080)
[CS 112912]
512+60.35 16.39' LT

CENTERLINE
LENGTH=174.95'
RADIUS=1909.86'
DELTA=05°14'55"
CHORD LENGTH=174.89'
CHORD BEARING=N03°14'46"E

377
CALCULATED POSITION OF
IRON ROD FOUND IN CS 12912
(POINT 1035 CS 12912)
N89°54'01"E 0.99'
HELD NORTH-SOUTH

370
(506+67.27 P.T. 18.30 RT)
(POINT 5025 CS 13080)
[CS 13080]

LENGTH=9.38'
RADIUS=1940.86'
DELTA=00°16'37"
CHORD LENGTH=9.38'
CHORD BEARING=N00°45'37"

355
CALCULATED POSITION OF
IRON PIPE FOUND IN CS 12912
(POINT 1032 CS 12912)
HELD AS CALLED FOR BY DEED.
510+28.41 19.91' RT

4
510+28.27 31.00' RT
FOUND 5/8" IRON ROD
WITH ALUMINUM CAP
STAMPED "OTAK INC"
S44°01'40"W 0.09'
[CS 13080]

5
FOUND 1" BRASS DISC
STAMPED "OTAK CONTROL"
(POINT 19 CS 13080)
[CS 13080]
507+25.01 36.48 RT

369
(512+56.12 P.C. 18.00 RT)
(POINT 5013 CS 13080)
[CS 13080]

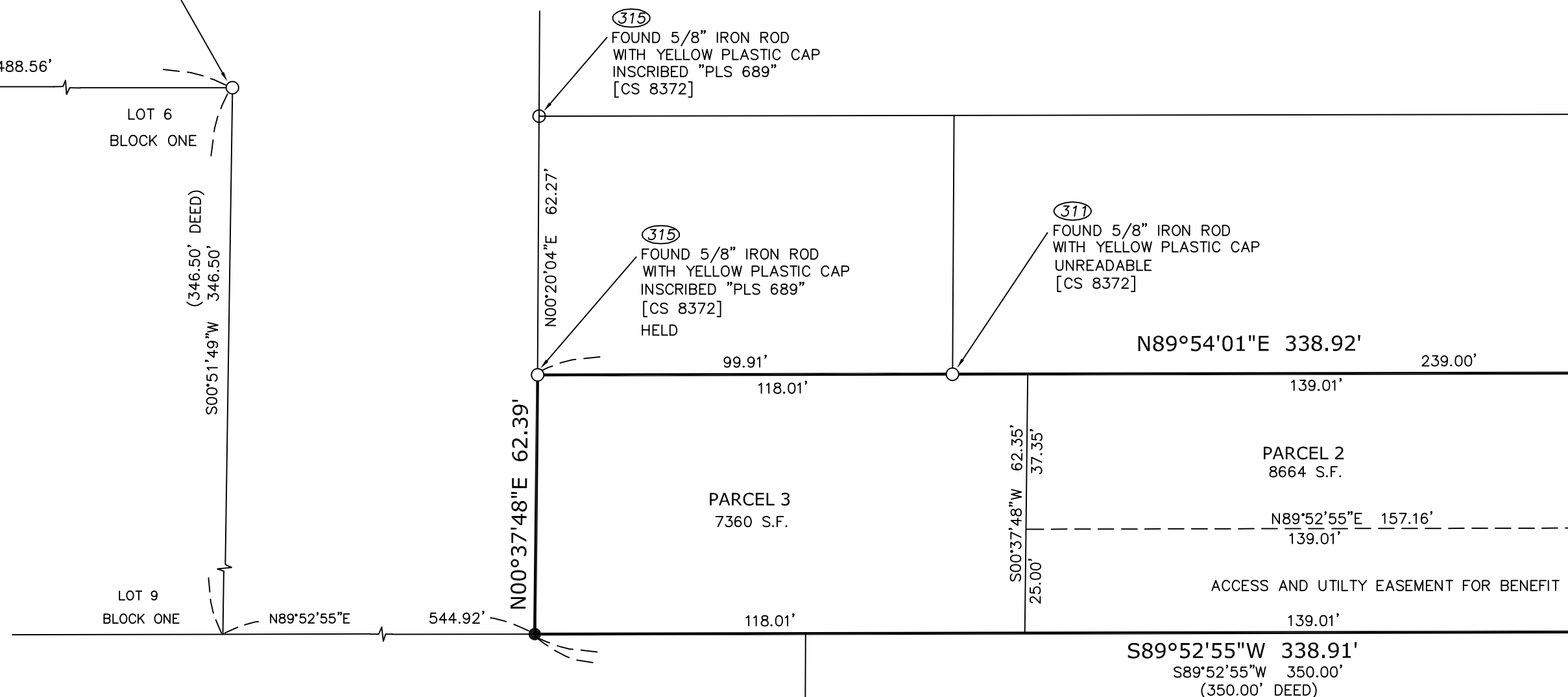
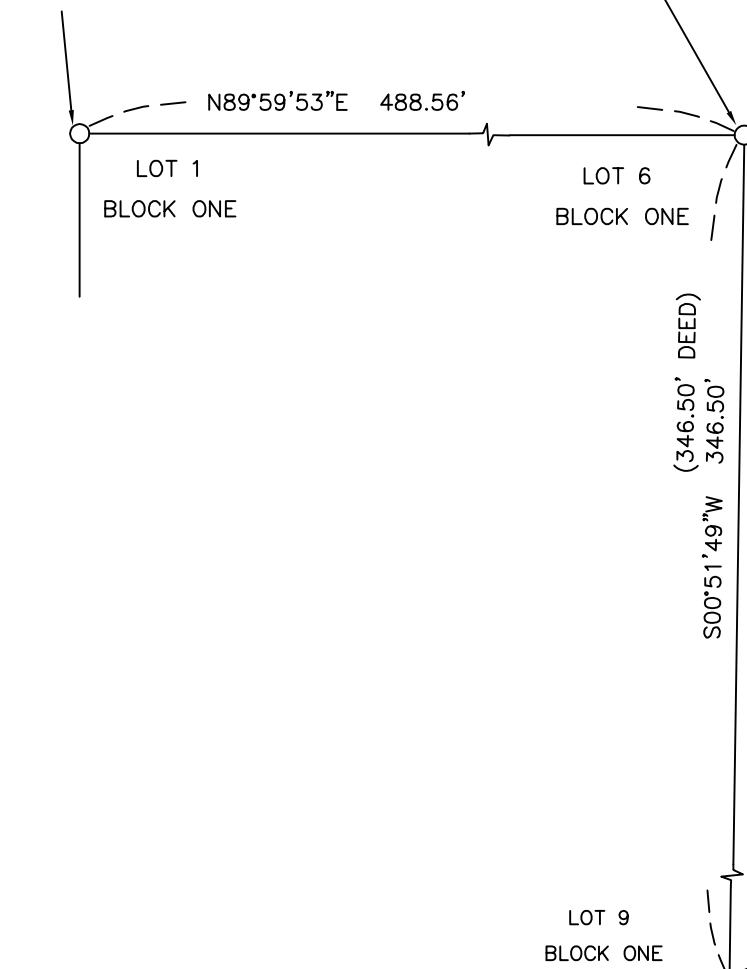
357
FOUND 2" IRON PIPE
INITIAL POINT "REED PARK"
[REED PARK]

352
FOUND 5/8" IRON ROD
[CS 7466]
[REED PARK]

315
FOUND 5/8" IRON ROD
WITH YELLOW PLASTIC CAP
INSCRIBED "PLS 689"
[CS 8372]

315
FOUND 5/8" IRON ROD
WITH YELLOW PLASTIC CAP
INSCRIBED "PLS 689"
[CS 8372]
HELD

311
FOUND 5/8" IRON ROD
WITH YELLOW PLASTIC CAP
UNREADABLE
[CS 8372]



- LEGEND**
- MONUMENT FOUND AS NOTED.
 - ⊗ FOUND 1 INCH BRASS DISC STAMPED "OTAK INC." SET IN CS 13080.
 - 5/8 X 30 INCH IRON REBAR SET WITH YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1896"
 - () RECORD BEARING AND/OR DISTANCE BY SURVEY NUMBER OR PLAT NAME
 - [] PROBABLE ORIGIN OF MONUMENT BY SURVEY NUMBER OR PLAT NAME.
 - ① COMPUTER POINT NUMBER.
 - ⊕ CENTERLINE
 - CS SURVEY NUMBER, COUNTY SURVEY RECORDS.
 - DEED DOCUMENT NUMBER 201617223

SURVEYOR'S NOTES

1. REFERENCE MATERIAL:
PLAT: REED PARK
SURVEY NUMBERS: CS 3820, CS 3889, CS 3890, CS 7466, CS 8372, CS 9936, CS 12912, CS 13080.
DEEDS: 201403019, 201617223

JOB NO. 9000