

NOTICE OF DECISION
Variance to the Vision Clearance Setback Requirement
703 N Main Street – File No. VAR23-0004

January 29, 2024

LM Nodine General Contracting LLC
9825 NE Hillview Court
Newberg, OR 97132

Sent via email: Luke@LMNodine.com

Dear Applicant,

The Community Development Director has approved the variance application VAR23-0004 for a variance to the vision clearance setback requirement of the driveway at 703 N Main Street. The decision will become effective on **February 13, 2024**, unless an appeal is filed.

You may appeal this decision to the Newberg Planning Commission within 14 calendar days of this decision in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. If you wish to appeal, you must submit the written appeal form together with the required fee of \$582 (plus a 5% technology fee) to the Planning Division within 14 days of the date of this decision.

The deadline for filing an appeal is 4:30 pm on February 12, 2024.

Variance approval must be exercised within one year from the effective date above. If approval for your project is approaching its expiration date, contact the Planning Division regarding extension opportunities.

If you have any questions; please contact me at 503-554-7764 or james.dingwall@newbergoregon.gov.

Sincerely,

A handwritten signature in blue ink that reads "James Dingwall".

James Dingwall, Assistant Planner
City of Newberg, Community Development Department

STAFF REPORT
Variance to the Vision Clearance Setback Requirement
703 N Main Street – File No. VAR23-0004

FILE NO: VAR23-0004

REQUEST: A variance to the vision clearance setback requirement for the driveway onto W Illinois Street.

LOCATION: 703 N Main Street

TAX LOT: R3218DC 13000

APPLICANT: LM Nodine General Contracting LLC

OWNER: Kate Menninger & Nathan McCoy

ZONE: R-1 (Low Density Residential)

PLAN DISTRICT: LDR (Low Density Residential)

OVERLAY: Airport Conical Surface

CONTENTS

Section I: Application Information
Section II: Findings
Section III: Conditions of Approval

ATTACHMENTS:

Attachment 1: Application and Supplemental Materials
Attachment 2: Agency Comments

SECTION I: APPLICATION INFORMATION
Variance to a Required Vision Clearance Setback
703 N Main Street – File No VAR23-0004

DESCRIPTION OF APPLICATION:

LM Nodine General Contracting (Applicant) has requested a variance to the vision clearance setback for the private driveway onto W Illinois Street at 703 N Main Street. The property owner is seeking to replace a detached garage accessory building on the property and install a “T” turnaround to eliminate the need to back onto W Illinois Street when exiting the driveway. Existing landscaping, including tree limbs and a hedge on either side of the driveway, lies within the vision clearance triangle formed by the driveway and W Illinois Street. The Applicant has proposed limbing the trees from 2.5 to 9 feet above the ground on the west side of the driveway to meet the vision clearance requirements and is requesting a variance to retain the hedge in its existing condition on the east side of the driveway.

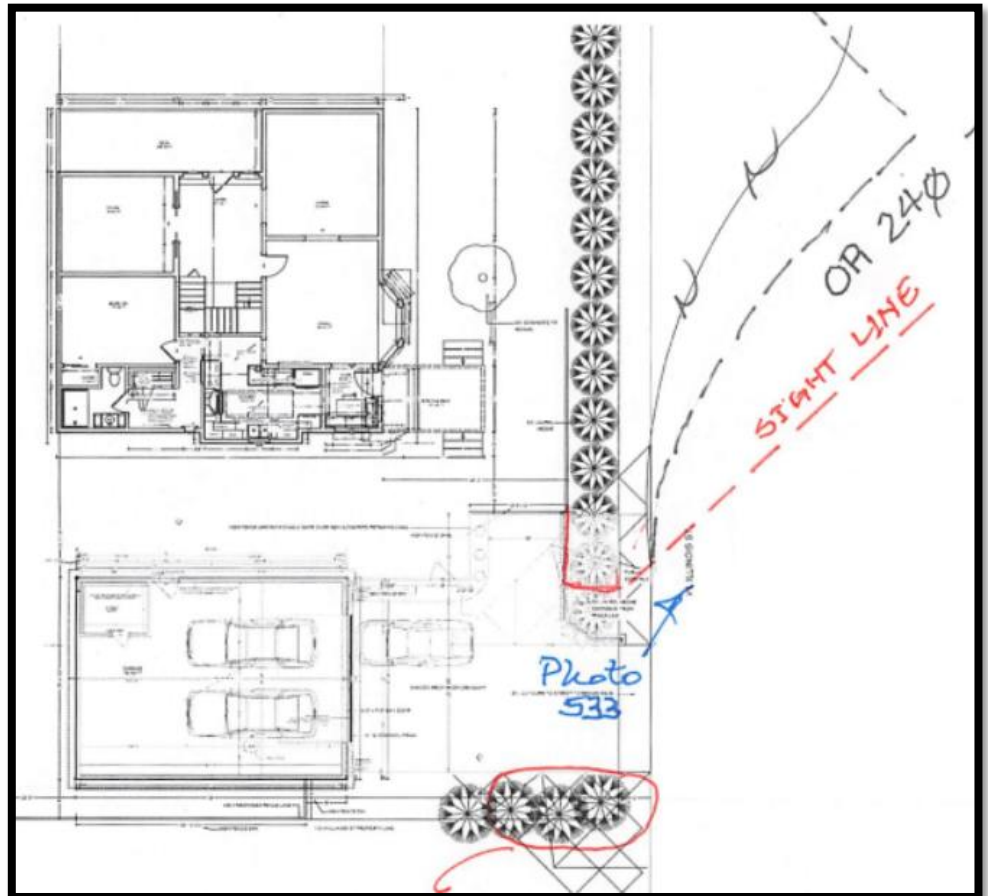
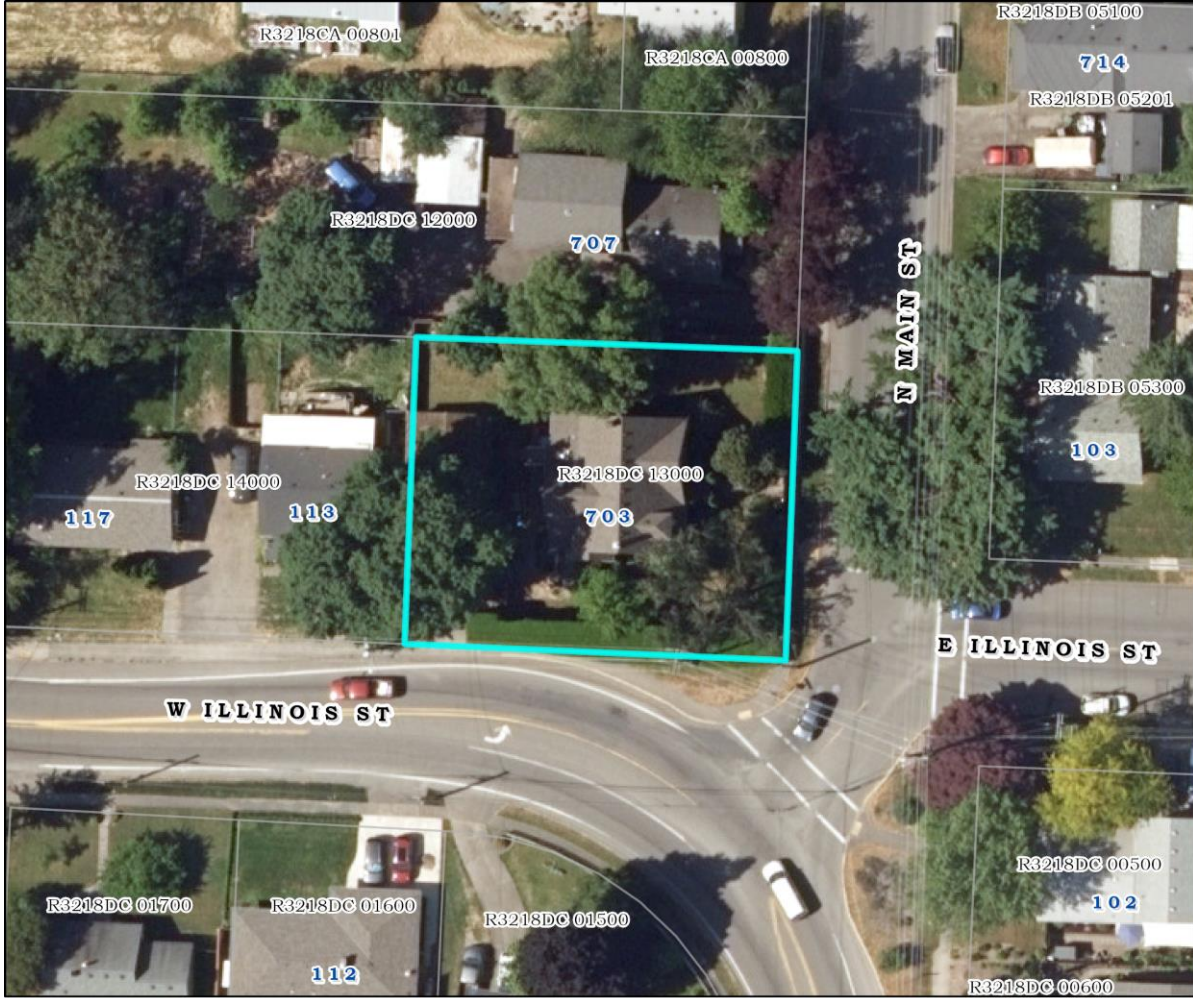


Figure 1. Excerpt of Application Materials (Revised Site Plan)

Aerial Photo of Site

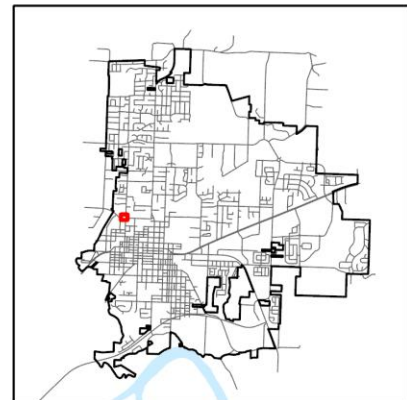


703 N Main Street

- Subject Property
- Taxlots



0 50 100 Feet



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 Map updated: 11/13/2023

Zoning Map



703 N Main Street - Zoning

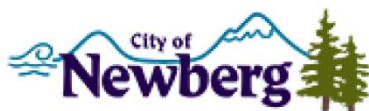
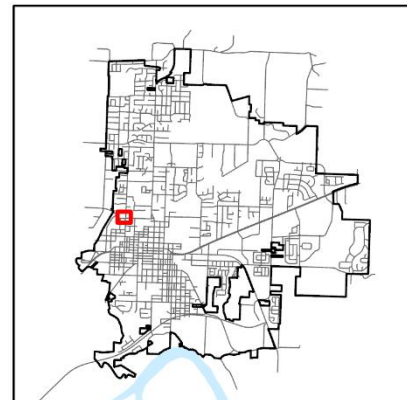
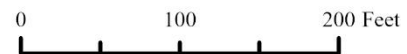
Subject Property

Taxlots

ZONING

R-1 Low Density Residential

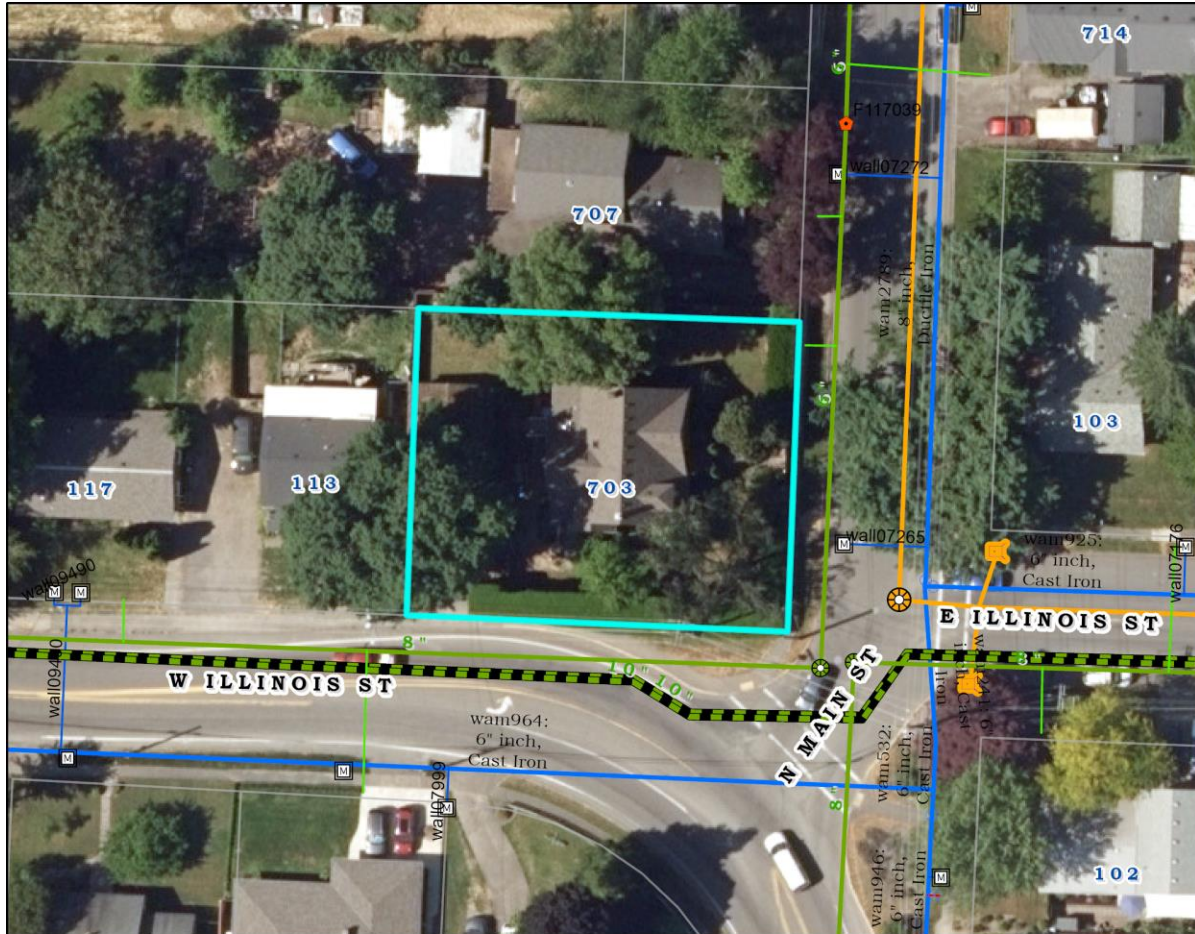
R-2 Medium Density Residential



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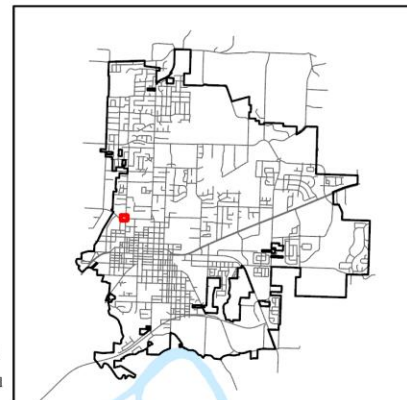
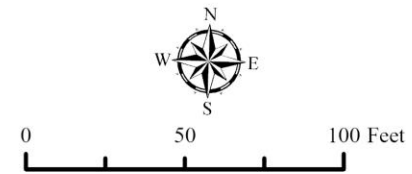
The map is created from various data sources and is subject to change without notice.
 This map is intended for general planning purposes only.
 Map updated: 9/21/2023

Site Utilities Map

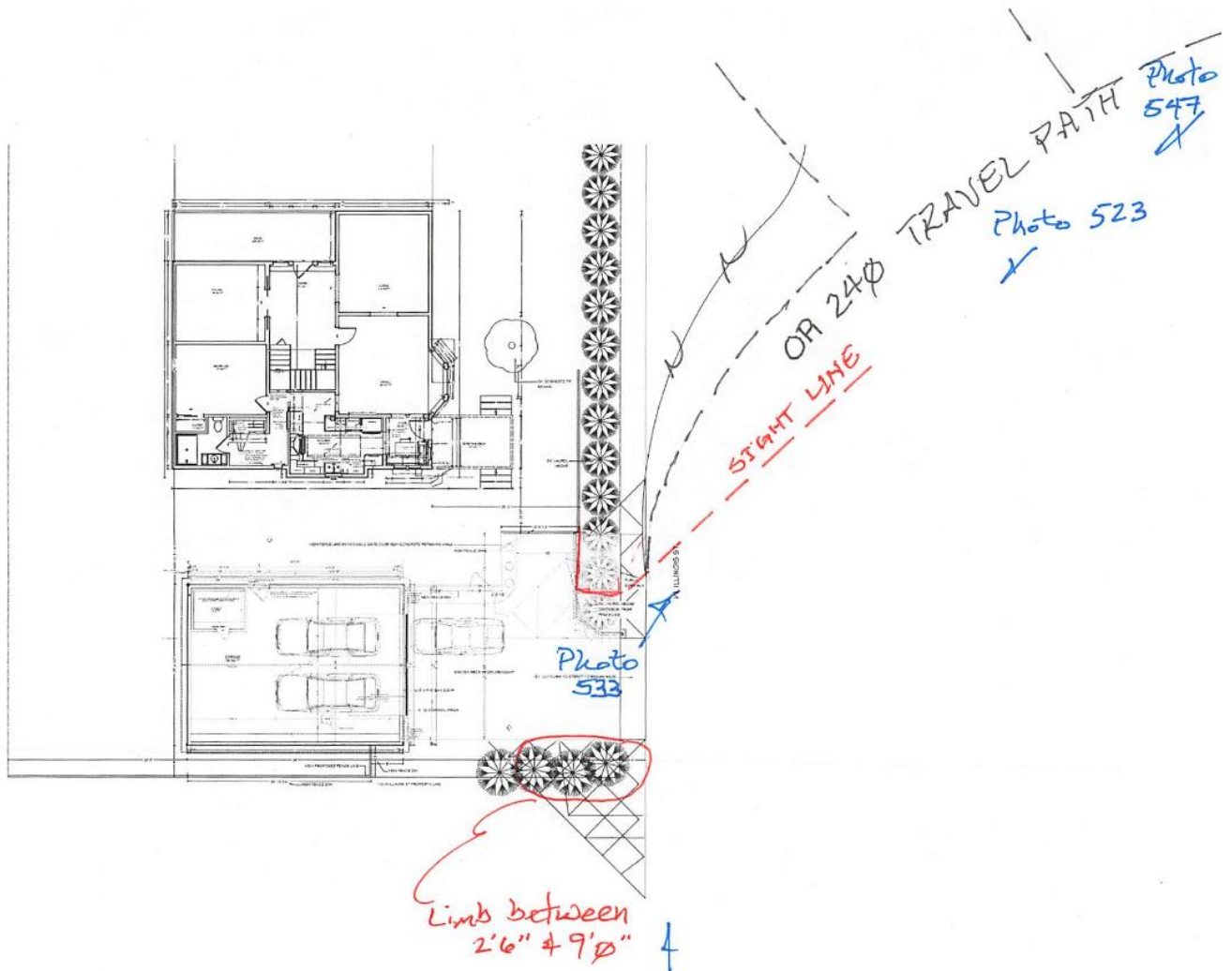


703 N Main Street - Utilities

- | | | |
|------------------|----------------------|-------------------------------|
| Subject Property | Force Main | Water Meter |
| Taxlots | Gravity Main | Water Valves |
| Sewer CleanOut | Storm Manhole | CITY OF NEWBERG, Potable Main |
| Sewer Manholes | Active Storm Inlet | Hydrant Lateral |
| Sewer Laterals | Collector Storm Pipe | Service Lateral |



Site Plan & Elevations



L/M Nodine - Menninger
Revised Plot Plan

SITE INFORMATION:

1. Location: 703 N Main Street (R3218DC 13000)
2. Size: ±0.27 acres (±11,646 square feet)
3. Current Land Uses: Residential (Single-family Dwelling)
4. Natural Features: Flat terrain, landscaping
5. Adjacent Land Uses:
 - a. North: Residential
 - b. South: Residential
 - c. East: Residential
 - d. West: Residential
6. Zoning: The following zoning districts abut the subject property.
 - a. North: R-1 (Low Density Residential)
 - b. East: R-1 (Low Density Residential)
 - c. South: R-2 (Medium Density Residential)
 - d. West: R-1 (Low Density Residential)
7. Access and Transportation: The property's boundaries have frontage on the public right-of-way including W Illinois Street to the south and N Main Street to the east. Vehicular access is available from W Illinois Street.
8. Utilities:
 - a. Water: A .75-inch lateral to an eight-inch water main in N Main Street provides potable water to the property.
 - b. Wastewater: Sewer service is provided via a lateral to a six-inch sewer main in N Main Street.
 - c. Stormwater: An 18-inch stormwater pipe and one inlet runs along the western property line N Main Street.
 - d. Overhead Lines: The site is served by overhead lines. Any new connection to the property will need to be undergrounded. See NMC 15.430.010 for exception provisions.

PROCESS:

The variance request is a Type II application and follows the procedures in Newberg Development Code 15.100.040. Following a 15-day referral comment period, the Community Development Director makes a decision 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:

1. 11/27/2023: The Community Development Director deemed the application complete.
2. 12/12/2023: The Applicant provided a 30-day extension to the NMC and ORS timelines to provide additional information with the application.
3. 12/15/2023: The Applicant mailed and posted public notice pursuant to NMC 15.100.200.
4. 1/3/2024: The Applicant submitted additional sight distance certification information for review.
5. 1/6/2024: Application was routed for a 15-day referral review.
6. 1/29/2024: The Community Development Director issued a decision on the application.

AGENCY COMMENTS:

The application was routed to several public agencies for review and comment which are provided in Attachment 2. 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. Building Official: Reviewed – Reviewed, no conflict.
2. City Manager: Reviewed – Reviewed, no conflict.
3. Finance: Reviewed – Reviewed, no conflict.
4. Oregon Department of Transportation: The following comment was provided:
 - *The property has one highway approach at MP 11.13, which is presumed to be permitted.*
 - *The replacement garage does not trigger any requirements from ODOT.*

- *Regarding the vision triangle concerns, ODOT measures sight distance from a point in the center of the approach, 15' behind the fog line. For existing approaches, the sight distance should exceed ten times the posted speed. In this case there is a curve advisory speed of 20 mph, so a driver exiting the site should be able to see an oncoming vehicle 200' away in both directions.*
- *Looking to the east of the approach, the sight distance is benefitted by the horizontal curvature of the roadway and likely exceeds 200'.*
- *Looking to the west of the approach, the sight distance might not be sufficient (no measurements were taken by ODOT on site). However the applicant has indicated that they plan to trim the vegetation on the west side of the approach which will likely improve the sight distance to 200'.*
- *ODOT supports the T-turnaround to prevent backing into the highway, the benefits of which will greatly outweigh any sight distance issues that may still exist after trimming.*
- *The property owner is responsible for keeping the full width of the sidewalk clear of vegetation.*

Overall ODOT is supportive of the property owner's proposal to add a T-turnaround and to trim the vegetation on the west side of the driveway. Nothing further is needed from ODOT.

5. Public Works Maintenance Superintendent: Reviewed – Reviewed, no conflict.
6. Public Works Wastewater: Reviewed – Reviewed, no conflict.
7. Public Works Water Operations: Reviewed – Reviewed, no conflict.
8. Public Works Engineering: Reviewed – Reviewed, no conflict, and the following comment was provided:

No conflicts have been identified with the conclusions of the sight distance certification.

ANALYSIS

The subject property is owned by Kate Menninger and Nathan McCoy and includes an existing single-family dwelling. The Applicant submitted a building permit application (NSTR23-0121) for the replacement of a garage accessory building and installation of a "T" turnaround to assist entering W Illinois Street from the property. Planning review of the building permit noted the existing non-conformance with the vision clearance setback requirement of the subject property's private driveway and W Illinois Street. The Applicant has also submitted a sight distance certification performed by a licensed engineer.

The subject property is located in the R-1 zoning district. The Single-Family Dwelling use category is permitted outright in the R-1 zoning district. The subject property is within the

Conical Surface of the Airport Overlay Subdistrict. Because the proposed variance does not address any building or site design standards impacting the airport imaginary surfaces defined in NMC 15.340, the procedures and limitations of the Airport Overlay Subdistrict are not applicable and are not addressed in this staff report.

SECTION II: FINDINGS
Variance to a Required Vision Clearance Setback
703 N Main Street – File No VAR23-0004

The Newberg Municipal Code (NMC) criteria and development standards 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.

Findings of fact with underlined font indicate subsequent inclusion into Conditions of Approval.

A. FINDINGS FOR LAND USE PROCESSES AND PROCEDURES (NMC DIVISION 15.100)

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.030 Type II procedure.

A. Type II development actions shall be decided by the director.

Finding: The application was deemed to be a Type II application per NMC 15.100.030, and a decision shall be made by the Director. A Notice of Decision shall be provided to the Applicant.

This criterion is met.

B. Type II actions include, but are not limited to:

1. Site design review.

2. Multifamily dwellings in the R-2, R-3, RP, AR, C-3 (except along Hancock Street), C-4 or I zone meeting the objective process requirements of NMC 15.220.060.

3. Multifamily dwellings in the R-3, AR, C-3 (except along Hancock Street), or I zone not meeting the objective process requirements of NMC 15.220.060.

4. Variances.

5. Manufactured dwelling parks and mobile home parks.

6. Partitions, including middle housing land divisions.

7. Subdivisions, including middle housing land divisions, except for subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).

Finding: This is an application for a Variance and will be processed using the City's Type II procedures.

This criterion is met.

C. The applicant shall provide notice pursuant to the requirements of NMC 15.100.200 et seq.

[...]

Finding: The Applicant mailed and posted notice complying with NMC 15.100.200 on December 15, 2023. The Applicant's affidavit of noticing was received by the Community Development Department on December 15, 2023.

Because the Applicant provided noticing pursuant to the requirements of NMC 15.100.200, the criteria is met.

B. FINDINGS FOR LAND USE APPLICATIONS (NMC DIVISION 15.200)

Chapter 15.215 VARIANCE PROCEDURES

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 this code.

Finding: NMC 15.410.060 states that vision clearance standards shall apply in all zones, and that at the intersection of a private drive and a street, the vision clearance setback is a triangle formed by the intersection of the curb lines with each leg a minimum of 25 feet in length. The subject property is located at the intersection of W Illinois Street, N Main Street, and E Illinois Street. The subject property's private driveway provides access to W Illinois Street, approximately 20 feet from the intersection of W Illinois Street, N Main Street, and E Illinois Street. On either side of the driveway, existing trees are at the southwest corner of the property and an existing hedge runs along the southern frontage.

The intersection of N Main and W Illinois roadway configuration includes a curve to the southeast away from the property line reaching a maximum of approximately 20 feet in width from the property line. This roadway configuration limits the strict or literal interpretation of the vision clearance setback, which presumes a perpendicular intersection between two public streets or a private drive and public street, following the adjacent property line. This curve, as an element of the broader intersection, is currently under evaluation by the City as part of the N Main at Illinois (HWY 240) Intersection Study for future improvements and configuration alteration. The presence of the curb limits the practicality of identifying a vision clearance setback, as changing angles along the curb would change the required setback along the triangle leg length. In addition, the application materials indicate that the existing hedge along the property's southern frontage provides safety from traffic at the intersection of N Main Street and W Illinois Street, and removing the hedge would create a hazard for the use of the property.

Applying a strict or literal interpretation of the vision clearance setback triangle along the curb line of the curve would distort the triangle beyond the adjacent property line and potentially expand the area subject to the required setback. This altered vision clearance triangle would

increase the required mitigation by the Applicant, resulting in unnecessary physical hardship inconsistent with the objective of the vision clearance setback requirement.

The Applicant has proposed limbing the existing trees on the west side of the driveway between the 2.5- to 9-foot requirement of the vision clearance triangle and submitted a sight distance certification indicating that the location of the current hedge provides vision clearance meeting ODOT Highway Design Manual standards. The City's Engineering Department indicated that there are no conflicts identified with the conclusions of the sight distance certification. This mitigation (limbing of trees west of the driveway) and the confirmation of sufficient sight distance meet the objectives of the vision clearance setback requirement.

Because a strict or literal interpretation of the vision clearance setback requirement when applied to the curve along the intersection of W Illinois Street and N Main Street would result in unnecessary physical hardship and the objectives of the vision clearance setback requirement are met by the proposed mitigation and sight distance certification, this 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 intersection of W Illinois Street and N Main Street contains a curve to the southeast from the property line reaching a maximum width of approximately 20 feet. This curve impacts the required setback created by drawing the vision clearance triangle to the standards of NMC 15.410.060 which does not apply generally to other properties in the same zoning district.

Because there are exceptional conditions in the configuration of the intersection of W Illinois Street and N Main Street which do not apply generally to other properties classified in the same zoning district, this 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: The configuration of the intersection of W Illinois Street and N Main Street results in the curb line extending beyond the southern property line of the subject property. Other properties classified in the same zoning district are able to calculate the required vision clearance setback given public infrastructure running adjacent to their property. Strict or literal interpretation and enforcement of NMC 15.410.060 would require the property owner to remove existing hedges to meet an altered curb line configuration, where owners of other properties classified in the same zoning district may be permitted to have hedges for safety and privacy setback from the curb line – as the subject property does along the length of the southern frontage.

Because strict or literal interpretation of NMC 15.410.060 would limit the ability of the owners to develop and maintain existing hedges in proximity to the curb line enjoyed by owners of other properties classified in the same zoning district, this 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: Granting the variance to the required vision clearance setback will not constitute a grant of special privilege, as the primary purpose of the variance is to allow for the maintenance of existing hedges given the extraordinary configuration of the intersection, mitigation proposed by the Applicant, and conclusions of the sight distance certification that the existing landscaping configuration meets ODOT standards for vision clearance. Other properties in the same zoning district are required to meet the objectives of NMC 15.410.060, and the findings in this staff report indicate that the subject property is meeting the objectives of NMC 15.410.060 required of other properties.

Because 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 by meeting the objectives of NMC 15.410.060 required of other properties, this 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. [Ord. 2451, 12-2-96. Code 2001 § 151.163.]

Finding: The configuration of the driveway intersecting W Illinois Street is an existing condition, and the proposed variance does not increase risk or hazard at this location. Because the vision clearance is not currently met for the location west of the driveway and the Applicant has committed to mitigating this issue by limbing existing trees that obstruct the sightline, the Applicant will limb the trees to the west of the driveway between 2.5 and 9 feet as required to comply with NMC 15.410.060. The Applicant also submitted a sight distance certification indicating that the current configuration meets ODOT Highway Design Manual standards in Table 200-9. The City's Engineering Department has reviewed the conclusions of the sight distance certification and identified no conflicts.

The proposed variance is requested in conjunction with building permit NSTR23-0121 to replace the garage on the subject property and add a "t"-turnaround to the parking surface to eliminate the need to back into W Illinois Street when exiting the property. ODOT provided comments in support of this addition, indicating that the T-turnaround to prevent backing into the highway would provide benefits which will greatly outweigh any sight distance issues that may still exist after trimming. The granting of this variance and subsequent improvements associated with NSTR23-0121 will improve the safety of the intersection of W Illinois Street and N Main Street.

Because the proposed variance and driveway improvements lead to improved safety outcomes, 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.

The criterion will be met with adherence to the aforementioned condition of approval.

15.215.050 Conditions may be attached.

The director may attach any condition to the variance if such condition relates directly and specifically to the request for variance. [Ord. 2451, 12-2-96. Code 2001 § 151.164.]

Finding: Applicable Conditions of Approval for this variance application are listed in Section III of this staff report.

This criterion is met.

CONCLUSION:

The proposed site design review will meet all of the applicable criteria for a Type II variance if the aforementioned conditions of approval are adhered to.

SECTION III: CONDITIONS OF APPROVAL
Variance to a Required Vision Clearance Setback
703 N Main Street – File No VAR23-0004

THE FOLLOWING MUST BE COMPLETED BEFORE THE CITY WILL ISSUE A BUILDING PERMIT:

The Applicant will limb the trees to the west of the driveway between 2.5 and 9 feet as required to comply with NMC 15.410.060.

DEVELOPMENT NOTES:

City of Newberg Building Department:

City Hall
414 E First St
Newberg, OR 97132
(503) 537-1240

Permit submittal and general questions

permits@newbergoregon.gov

Attachment 1: Application Materials



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: _____

ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

EMAIL ADDRESS: _____ PHONE: _____ MOBILE: _____

OWNER (if different from above): _____ PHONE: _____

ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

ENGINEER/SURVEYOR: _____ CONTACT: _____

EMAIL ADDRESS: _____ PHONE: _____ MOBILE: _____

GENERAL INFORMATION:

PROJECT LOCATION: _____ PROJECT VALUATION: \$ _____

PROJECT DESCRIPTION/USE: _____

MAP/TAX LOT NO. (i.e.3200AB-400): _____ SITE SIZE: _____ SQ. FT. ACRE

COMP PLAN DESIGNATION: _____ CURRENT ZONING: _____

CURRENT USE: _____

SURROUNDING USES:

NORTH: _____ SOUTH: _____

EAST: _____ WEST: _____

ATTACHED PROJECT CRITERIA AND REQUIREMENTS (check all that apply)

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature
1 Digital copy of complete Application Packet 2 Hard copies of complete Application Packet

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

- Design Review p. 13
- Land Division (Partition & Subdivision Tentative Plat) p. 15
- 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. 9713
2 physical copies of the Applications must be mailed or brought into the Community Development Department

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.

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief.

Applicant Signature Date

Owner Signature Date

Print Name

Print Name

Type II Variance request

Project location : 703 N Main st. Newberg, OR 97132

Owners: Kate Menninger and Nathan McCoy

Prime : LM Nodine General Contracting OR CCB #189034

Contact information : Luke Nodine CEO (503)277-9000 Luke@LMNodine.com

Introduction

Kate Menninger and Nathan McCoy (the “Owners”), through their general contractor LM Nodine General Contracting (CCB No. 189034) (“LM Nodine”), are applying for a Type II variance to NMC § 15.410.060(B) (and continue the alignment of and existing east sightlines to the driveway in question) to prevent or to lessen practical difficulties, maintain the safety provided by the existing mature laurel hedge row (the “Hedge” as depicted on the Plot Plan), and avoid unnecessary physical hardships associated with the renovation of their personal residence located at **703 N. Main Street, Newberg, Oregon** (the “Property”) (see Property Plot Plan) and reconstruction of the dilapidated (and structurally failing) garage (the “Project”). The objective of the Project is to (1) improve safety and use of the garage, (2) move the Owners’ vehicles further north away from the roadway and allow a turnaround (improving their safety in entering the roadway), and (3) to maintain safety to the residential structure and yard by protecting against impacts from traffic accidents on the adjacent roadway (the importance of which was made abundantly clear when the Hedge deflected a drunk driver who failed to navigate the bend in Oregon Route 240 (“OR 240”) immediately in front of the home protecting the house and yard).

Specifically, at issue is the vision clearance at the curvature in OR 240 (created where the state highway transitions from North Main Street to West Illinois Street—see Diagram 1) (the “Curve”) (and the impacts of traffic from those roads and East Illinois Street on the Property). The Property contains a current legal non-conformity of the vision clearance at the Curve caused by an old growth laurel hedge row that provides a noise barrier and privacy screen for use of the personal single-family residence on a busy intersection. The Hedge long predates the highway improvements (and the current visibility code), is healthy, and provides a physical and sonic barrier from the roadway. Moreover, the Property has been previously renovated over the years with the vision clearance nonconformity and accepted by the City. Given the heavy traffic on Main and Illinois streets, notable accidents, and existing traffic safety concerns (currently being studied by the City (see Diagram 2), the Property would be substantially devalued as a residence, be substantially less safe for residential use, and create an undue hardship on the Owners.

Statement of Precise Nature of the Variance Requested

The Owners seek a variance from a literal interpretation of NMC § 15.410.060(B), which would result in practical difficulties, unnecessary hardship, and expose the Owners, their family, and the Property to hazards presented by traffic on the Curve. As part of the Project, the Owners propose to enhance the visibility to the west of the driveway by limbing the vegetation at the southwest corner of the driveway between 2 and 9 feet. The Owners contend that visibility to the east of the driveway is within the current code because of the sightlines of the curvature of OR 240 (see Photographs 523, 533, 547 and 709 as referenced on the plot plan). Nonetheless, even if the east sightlines are not within the current code requirements, a variance is appropriate because of the protection provided by the Hedge, the substantial safety concerns posed by the history of traffic accidents on the Curve, and the existing accepted non-conforming use. The applied for Type II Variance for the Property should be granted.

Variance 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.

As noted in the introduction, a literal interpretation of NMC § 15.410.060(B) to the east of the driveway is inappropriate and would create a substantial hazard, thus creating an unnecessary hardship. Trimming or removing the Hedge to meet 25' vision triangles to the east of the driveway entrance would cause a safety concern. The City acknowledges that the Curve and associated intersection is a dangerous location. Moreover, the Oregon Department of Transportation is studying the traffic and accident-prone nature of this location. The Hedge provides a critical barrier to protect the Property, its residents (including children) from vehicles inadvertently leaving the roadway (as was recently exactly the case with the drunk driver that veered off the road and destroyed one of the Owners' automobiles but where the Hedge deflected that car protecting the other vehicle and the house itself).

Additionally, removing or trimming the Hedge would substantially decrease the livability of the Property. The Owners' home is located on a very busy roadway in town. OR 240 combines traffic from Main and Illinois Streets just north of downtown. The Hedge provides a much-needed sound and visual barrier from all traffic and travelers passing the home allowing and preserving for privacy and comfort to the Owners.

A literal interpretation of the 25' vision triangle to the east of the Property driveway would be inappropriate. A literal application of the code assumes that Illinois Street is a straight east-west road. This is incorrect. The actual travel lane of OR 240 is a curve, which the City's diagram makes clear. The drivers of vehicles traveling west on OR 240 can readily see vehicles entering from the Property driveway. Moreover, drivers in vehicles entering OR 240 can readily see west-bound oncoming vehicles traveling on OR 240.

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.

The Property is a residential home on a busy corner where OR 240 curves from Main Street to Illinois Street. The Hedge protects the home and its inhabitants from dangers posed by the failure of drivers to negotiate the Curve and from the noise created by automobiles and, especially, heavy truck traffic breaking and accelerating coming into and out of the Curve.

Moreover, the residence long predated the highway designation and imposition of the Code restriction. This home was built in 1904 long before OR 240 was designated in 1956, which subjected the home to a substantially increased volume of traffic. Prior owners of the Property had the excellent forethought decades ago to plant the Hedge to protect the home's privacy and provide a sound barrier for generations to come. It would be inequitable to subject this Property to a literal and strict application of NMC § 15.410.060(B) because of its unique situation that simply does not apply to the majority of other parcels in the zoning district.

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.

Strict application of NMC § 15.410.060(B) would deprive the Owners of the benefits they currently have and that neighboring residential homeowners have. The neighborhood is a beautiful older residential area. Other homes, including immediate neighbors to the Property, enjoy the relative quiet and tranquility of the area. The Hedge protects and shields the Property giving the Owners the benefits enjoyed by their neighbors. Removal or reduction of the Hedge would, therefore, uniquely harm the Owners relative to their immediate neighbors by depriving those very benefits.

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.

Allowing the Hedge to remain does not create a special privilege to the Property or Owners. It is an existing condition that has been instrumental to the occupancy of the Property for decades. The existence of the Hedge is also an accepted non-conforming use of the Property, just like the myriad of other prior and non-conforming uses that exist across the older parts of the City.

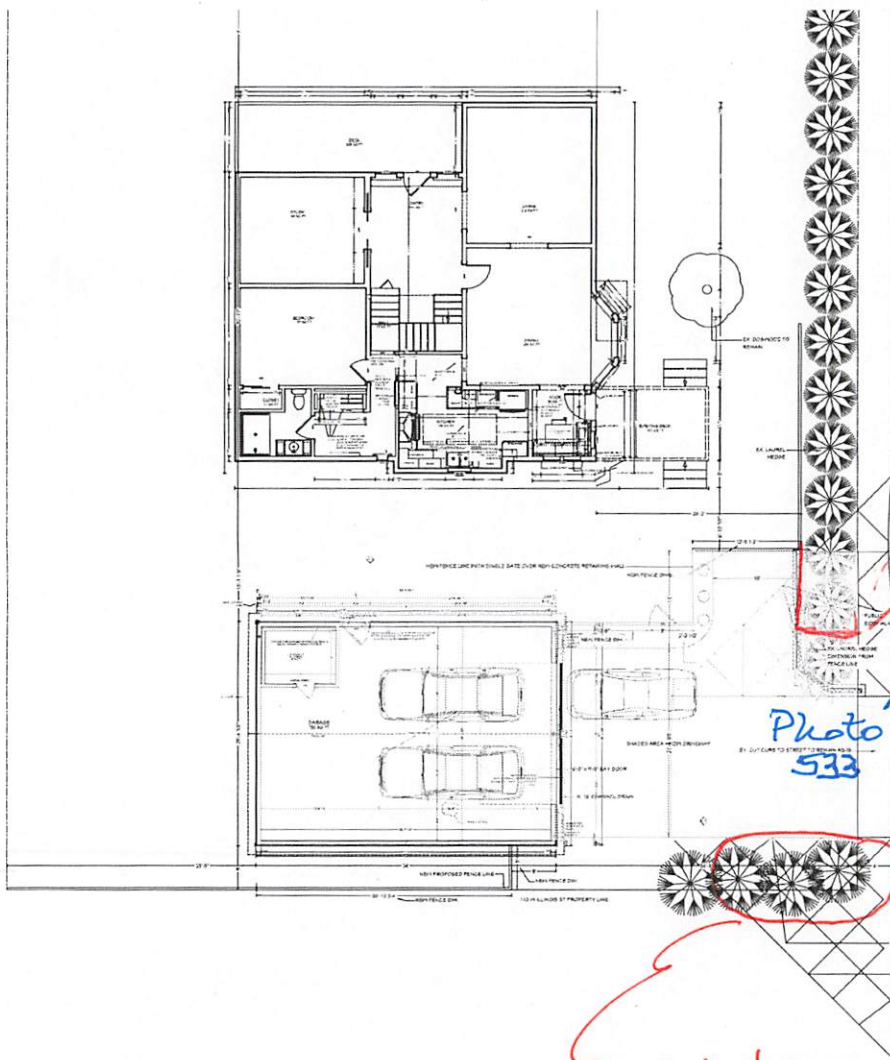
E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

A granting of the requested variance will have no negative effect on other Properties in the vicinity. The sightlines to the east of the Property driveway will be maintained exactly as they have been for a half century. Thus, there is no change whatsoever in that direction. Additionally, the Owners will trim the vegetation to the west of the Property driveway, thus improving the sightlines in that direction. Finally, the Hedge beautifies the roadway for all, and any removal would be a detriment to the community at large.

Have you met the criteria for a variance? Use these questions to help you determine whether your application meets the above criteria.

- 1) What code requirement and code section applies to the proposed variance (i.e. setback, lot coverage,height,etc.) **15.410.060 Vision clearance setback**
- 2) What is the reason for the Variance **To maintain safety, privacy and sound mitigation to the home from the major thoroughfare it neighbors by retaining all of the hedges at the perimeter of the home that borders the roads/streets. Hedges that were established decades ago.**
- 3) What difficulty or hardship would result from complying with the standard in the code. **By creating the vision clearance triangle, we would be eliminating nearly half of established hedges on the South side of the property which provides safety, privacy and sound mitigation to the property which provides an unquantifiable value to the home.**
- 4) How is your situation unique or exceptional and how is this different from other properties that have the same zoning (i.e. unusual lot shape, steep topography, stream on the property, etc.) **The home is located at a busy intersection with North bound traffic on Main headed for the south side of the home, East Bound traffic from OR 240 headed for the West side of the home and West bound traffic from Illinois headed at the East side of the home. The hedges around this property are integral to the safety, privacy, beauty and comfort of this property. The hedges provide sound mitigation from all of the aforementioned roads. LM Nodine has explored all options for this property. This property does not have the luxury of many options for a driveway or off street parking given the lots size, shape and location that would maintain the safety, privacy and sound mitigation for the home. The owners do not want to cut down the hedge at any cost.**

- 5) What type of impacts would granting the variance have on the neighboring properties? **As far as most of the neighboring properties are concerned, it would remain status quo as it has for the past few decades. The neighbor to the west will enjoy knowing the old garage is not going to fall onto their parking space. They will lose some of their privacy when the trees on the SW corner are pruned to meet the vision triangle but have also stated they are okay with this to my client. The hedge would remain beautifying the corner of W. Illinois/240 and Main while providing value to the home owners. The variance would allow my client to construct a new garage on the property while retaining their hedge increasing property values for the home as well as surrounding properties. Additionally it would relieve street parking on Main st. for 703 N Main st. allowing the owners to park their vehicles in a safe and structurally sound garage off street.**
- 6) Are you aware of any concerns previously voiced by the neighbors and if so what are they? **None to my knowledge. This home is well maintained and cared for. The owners have cordial relationships with their immediate neighbors. My comment in question 5 regarding a safe parking space for the neighbor is a personal observation I made while evaluating the garage for replacement.**
- 7) What can you offer to minimize or mitigate the requested variance (i.e. Landscaping, screening, public improvements, etc.) **The current design for the replacement garage integrates a hammerhead style turnaround. My client is more than happy to include a convex traffic mirror to a power pole or tree on the South West corner of the property and is willing to trim, prune or remove the trees located at this corner to meet the 2'6" - 9' pruning requirements thus alleviating the 25' vision clearance on the SW corner of the property.**



Limb between
2'6" & 9'0"

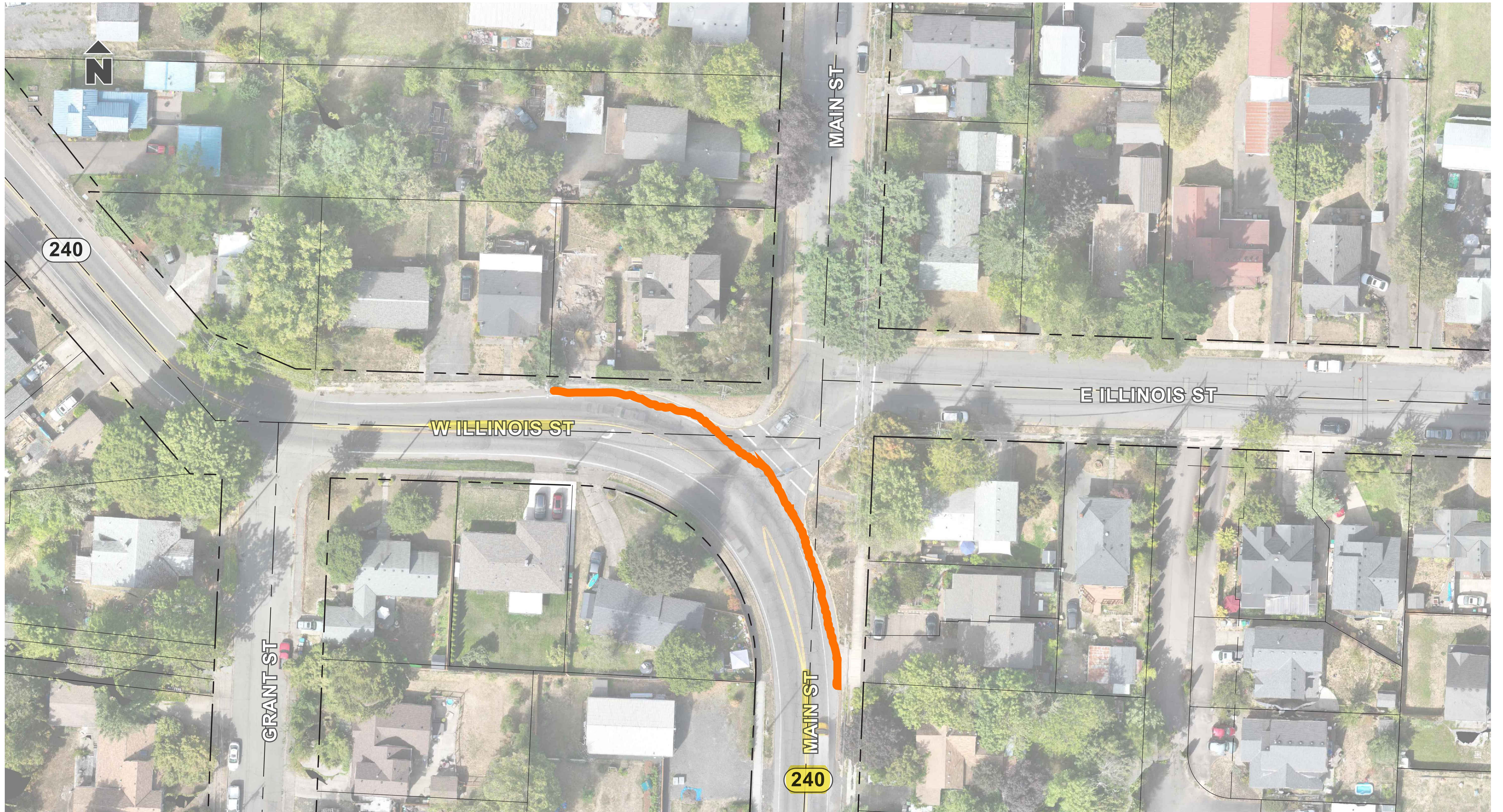
Photo
709

LM Nodine - Menninger
Revised Plot Plan

TRAVEL PATH
Photo 523
Photo 547

SIGHT LINE
OR 24\phi

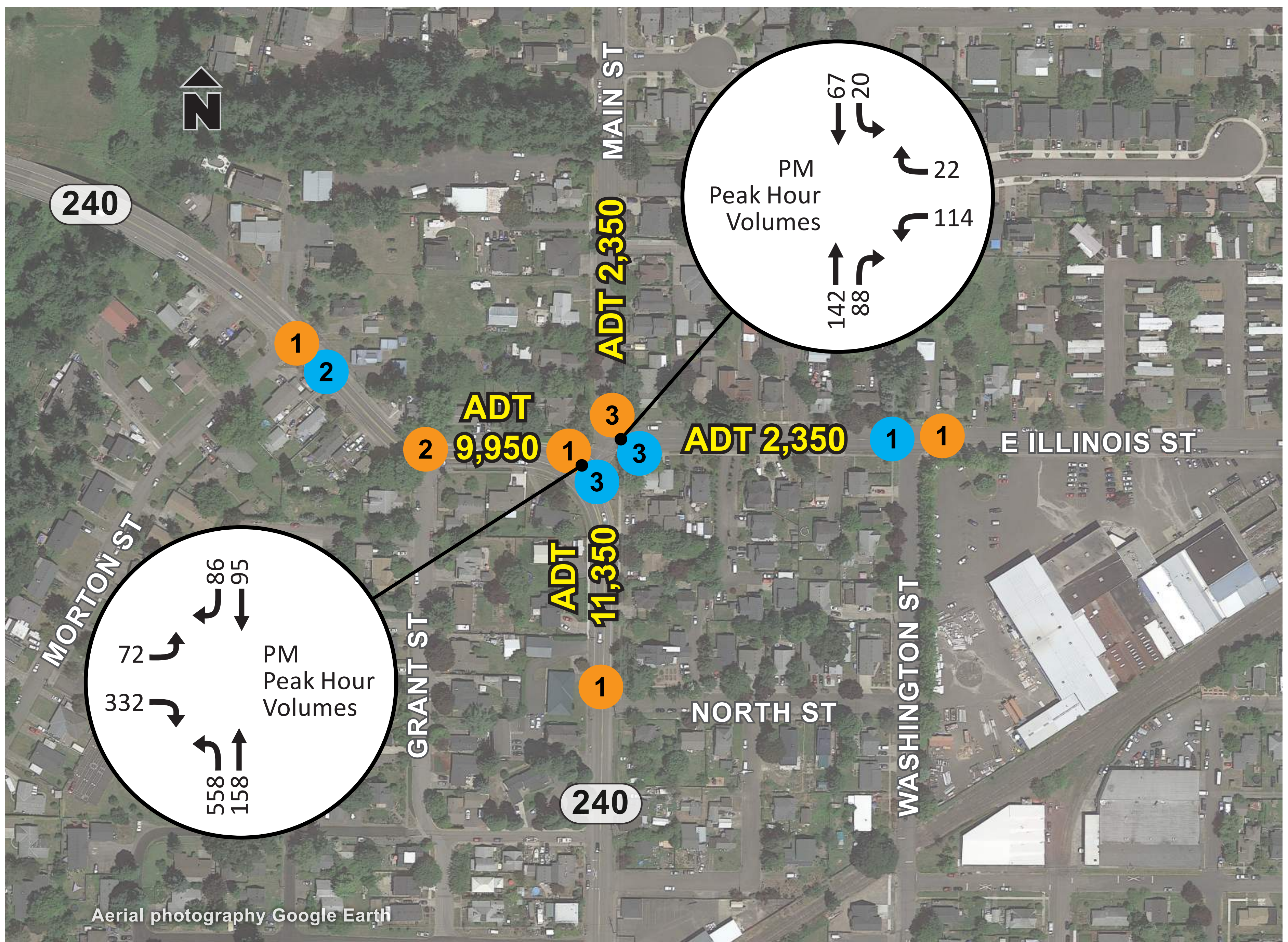
Project Area



Crash and Volume Data

Intersection	Crash Type						Total	Severity		
	Rear-End	Fixed Object	Turning	Side Swipe	Angle	Other		PDO*	Injury	Unknown
Main Street / HWY 240	-	-	1	-	-	-	1	1	-	-
Main Street / Illinois Street	1	1	2	-	1	1	6	3	3	-
Washington Street / Illinois Street	-	1	-	-	-	-	1	-	1	-
HWY 240 / E North Street	-	-	-	-	-	-	0	-	-	-
Segment										
Main Street (Columbia Drive to Illinois Street)	-	-	-	1	-	-	1	-	1	-
HWY 240 (Morton Street to E North Street)	6	2	-	-	-	-	8	4	4	-
Illinois Street (Main Street to College Street)	-	-	1	-	-	-	1	1	-	-
Total	7	4	4	1	1	1	18	9	9	-

*PDO = Property Damage Only



Property Damage Only

Injury

Diagram 2











First American Title™

First American Title Insurance Company

775 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

YAMHILL COUNTY TITLE UNIT

FAX (866)800-7294

Title Officer: Clayton Carter
(503)376-7363
ctcarter@firstam.com

LOT BOOK SERVICE

LM Nodine General Contractor
9825 NE Hillview Court
Newberg, OR 97132

Order No.: 1039-4109167
October 10, 2023

Attn: Luke Nodie
Phone No.: (503)277-9000 - Fax No.:
Email: luke@lmnodine.com

Re: na

Fee: \$350.00

We have searched our Tract Indices as to the following described property:

A PART OF THE NORTH HALF OF THE DONATION LAND CLAIM OF JOHN H. HESS AND WIFE, NOTIFICATION NO. 1419, CLAIM NOS. 39 AND 60 IN TOWNSHIP 3 SOUTH OF RANGES 2 AND 3 WEST OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON AND SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED BY ELIJAH HUTCHENS AND WIFE TO WILLIAM P. RUDDICK AND DAVID J. WOOD, BY DEED RECORDED FEBRUARY 16, 1881 IN BOOK "U" AT PAGE 3, DEED RECORDS; THENCE NORTH 96.5 FEET; THENCE WEST 150 FEET; THENCE SOUTH 96.5 FEET; AND THENCE EAST 150 FEET TO THE PLACE OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

and as of September 28, 2023 at 8:00 a.m.

We find that the last deed of record runs to

Nathaniel K. McCoy and Kathryn L. Menninger, as tenants by the entirety

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

2. Deed of Trust and the terms and conditions thereof.
 Grantor/Trustor: Nathaniel K. McCoy and Kathryn L. Menninger, as tenants by the entirety
 Grantee/Beneficiary: Mortgage Electronic Registration Systems, Inc., MERS solely as a nominee for Guild Mortgage Company, its successors and assigns
 Trustee: Clear Recon Corp
 Amount: \$322,000.00
 Recorded: March 27, 2020
 Recording Information: Instrument No. 202004989, Deed and Mortgage Records

3. Deed of Trust and the terms and conditions thereof.
 Grantor/Trustor: Nathaniel K. McCoy and Kathryn L. Menninger, as tenants by the entirety
 Grantee/Beneficiary: Umpqua Bank
 Trustee: First American Title Insurance Co
 Amount: \$249,600.00
 Recorded: July 31, 2023
 Recording Information: Instrument No. 202307059, Deed and Mortgage Records

Note: This Deed of Trust contains Line of Credit privileges. If the current balance owing on said obligation is to be paid in full in the forthcoming transaction, confirmation should be made that the beneficiary will issue a proper request for full reconveyance.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We find the following unpaid taxes and city liens:

1. Taxes for the year 2023-2024
 Tax Amount \$ 3,349.74
 Unpaid Balance: \$3,349.74, plus interest and penalties, if any
 Code No.: 29.0
 Map & Tax Lot No.: R3218DC 13000
 Property ID No.: 42634

2. City liens, if any, of the City of Newberg.

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

TICOR TITLE 47185042768

GRANTOR:
Sue Lampson
GRANTEE:
Nathaniel K. McCoy and Kathryn L. Menninger

SEND TAX STATEMENTS TO:
Nathaniel K. McCoy and Kathryn L. Menninger
703 N Main Street
Newberg, OR 97132
AFTER RECORDING RETURN TO:
Nathaniel K. McCoy and Kathryn L. Menninger
703 N Main Street
Newberg, OR 97132

Yamhill County Official Records	201513360
DMR-DDMR	08/24/2015 12:43:27 PM
Stn=4 MILLSA	
1Pgs \$5.00 \$11.00 \$5.00 \$20.00	\$41.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

Escrow No: 471815042768-TTMIDWIL16

STATUTORY WARRANTY DEED

Sue Lampson, also known as Sue Ellen Lampson, Grantor, conveys and warrants to Nathaniel K. McCoy and Kathryn L. Menninger, * Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

A part of the North Half of the Donation Land Claim of John H. Hess and wife, Notification No. 1419, Claim Nos. 39 and 60 in Township 3 South, Ranges 2 and 3 West of the Willamette Meridian in Yamhill County, Oregon, and said part being more particularly described as follows:

BEGINNING at the Northeast corner of that certain tract of land conveyed by Elijah Hutchens and wife to William P. Ruddick and David J. Wood, by Deed recorded February 16, 1881 in Book "U" at Page 3, Deed Records; thence North 96.5 feet; thence West 150 feet; thence South 96.5 feet; thence East 150 feet to the Point of Beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$381,650.00. (See ORS 93.030)

*as tenants by the entirety,

Subject to and excepting:
CCRs, reservations, set back lines, power of special districts and easements of record.
2015/2016 Taxes a lien, but not yet payable.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: August 20, 2015

Sue Lampson
Sue Lampson

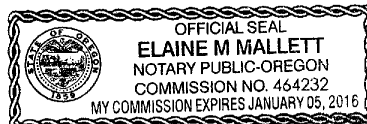
State of OREGON

COUNTY of Clackamas

This instrument was acknowledged before me on August 20, 2015
Sue Lampson

Elaine M Mallett
Elaine M Mallett, Notary Public - State of Oregon
My commission expires: 1-5-2016

471815042768-TTMIDWIL16
Deed (Warranty-Statutory)





First American Title[™]

First American Title Insurance Company
775 NE Evans Street
McMinnville, OR 97128

Illegal Restrictive Covenants

Please be advised that any provision contained in this document, or in a document that is attached, linked, or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

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

A property owner in your neighborhood submitted an application to the city of Newberg for a variance to code section 15.410.060 Vision clearance setback code. This request is with concerns to the visibility required by the city for the home owners when leaving the driveway at the property located at 703 N Main st. The homeowners at this address are requesting a building permit to reconstruct their garage that is accessed from the W. Illinois st./ OR 240 side of the home. The city is stating that the hedge to the East of the driveway impedes visibility and must be trimmed down to 30" tall approximately 25' back from the eastern edge of the driveway eliminating the property owner's privacy and natural noise barrier. You're invited to take part in the city's review of this project by sending in your written comments. For more details about giving comments, Please see the back of this sheet.

The project would include the construction of a new detached garage that will replace the dilapidated garage structure and move it within the appropriate setbacks of the property.

APPLICANT: LM Nodine General Contracting OR CCB#189034

TELEPHONE: (503)277-9000

PROPERTY OWNER: Nathan McCoy and Kate Menninger

LOCATION: 703 N Main st. Newberg, OR 97132

TAX LOT NUMBER:3.2.18CA-13000



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

If you mail your comments to the city, Please put the following information on the outside of the envelope.

Written comments: File No. **ADD FILE NUMBER HERE**
City of Newberg
Community Development Department
PO BOX 970
Newberg, OR 97132

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

All written comments must be turned in by 4:30 p.m. on **NEED TO ENTER DATE HERE**

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the city in writing before this date. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for variance approval is found in the Newberg Development Code 15.215.040.

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

Date Mailed: **NEED TO ENTER DATE HERE**

Land Use Notice

FILE #

PROPOSAL: Alter driveway to include a T turn around for forward egress of the driveway. Relocate and construct a new garage structure to allow for safer off street parking. Poor new driveway.

FOR FURTHER INFORMATION, CONTACT:

City of Newberg

Community Development Department

414 E First Street

Phone: 503-537-1240

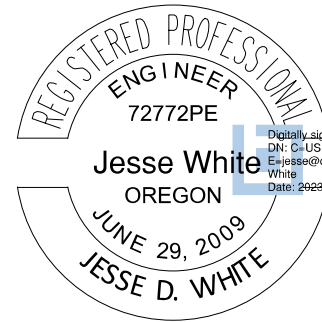
Address Number	Street information	Talot ID
102	E Illinois St. Newberg, OR 97132	3.2.18DC-00500
103	E Illinois St. Newberg, OR 97132	3.2.18DB-05300
108	E Illinois St. Newberg, OR 97132	3.2.18DC-00400
111	E Illinois St. Newberg, OR 97132	3.2.18DB-05200
115	E Illinois St. Newberg, OR 97132	3.2.18DB-04500
120	E Illinois St. Newberg, OR 97132	3.2.18DC-00304
122	E Illinois St. Newberg, OR 97132	3.2.18DC-00305
124	E Illinois St. Newberg, OR 97132	3.2.18DC-00303
126	E Illinois St. Newberg, OR 97132	3.2.18DC-00302
130	E Illinois St. Newberg, OR 97132	3.2.18DC-00300
134	E Illinois St. Newberg, OR 97132	3.2.18DC-00301
201	E Illinois St. Newberg, OR 97132	3.2.18DB-04701
204	E Illinois St. Newberg, OR 97132	3.2.18DC-00200
205	E Illinois St. Newberg, OR 97132	3.2.18DB-00100
206	E Illinois St. Newberg, OR 97132	3.2.18DC-04500
208	E Illinois St. Newberg, OR 97132	3.2.18DC-00201
209	E Illinois St. Newberg, OR 97132	3.2.18DB-04500
110	W Illinois st. Newberg, OR 97132	3.2.18DC-01500
112	W Illinois st. Newberg, OR 97132	3.2.18DC-01600
113	W Illinois st. Newberg, OR 97132	3.2.18CA-14000
116	W Illinois st. Newberg, OR 97132	3.2.18DC-01700
117	W Illinois st. Newberg, OR 97132	3.2.18CA-1400
121	W Illinois st. Newberg, OR 97132	3.2.18CA-15000
204	W Illinois st. Newberg, OR 97132	3.2.18DC-03000
208	W Illinois st. Newberg, OR 97132	3.2.18DC-03700
211	W Illinois st. Newberg, OR 97132	3.2.18CA-16000
212	W Illinois st. Newberg, OR 97132	3.2.18DC-03500
215	W Illinois st. Newberg, OR 97132	3.2.18CA-01400
217	W Illinois st. Newberg, OR 97132	3.2.18CA-01500
301	W Illinois st. Newberg, OR 97132	3.2.18CA-01600
304	W Illinois st. Newberg, OR 97132	3.2.18CD-00400
305	W Illinois st. Newberg, OR 97132	3.2.18CA-01601
314	W Illinois st. Newberg, OR 97132	3.2.18CD-00300
500	N Main st. Newberg, OR 97132	3.2.18DC-11200
602	N Main st. Newberg, OR 97132	3.2.18DC-00500
608	N Main st. Newberg, OR 97132	3.2.18DC-00700
611	N Main st. Newberg, OR 97132	3.2.18DC-02501
612	N Main st. Newberg, OR 97132	3.2.18DC-00701
614	N Main st. Newberg, OR 97132	3.2.18DC-00501
616	N Main st. Newberg, OR 97132	3.2.18DC-00600

	625 N Main st. Newberg, OR 97132	3.2.18DC-02700
	703 N Main st. Newberg, OR 97132	3.2.18CA-13000
	707 N Main st. Newberg, OR 97132	3.2.18CA-12000
	713 N Main st. Newberg, OR 97132	3.2.18CA-00500
713#2	N Main st. Newberg, OR 97132	3.2.18CA-00501
	714 N Main st. Newberg, OR 97132	3.2.18DB-05201
	715 N Main st. Newberg, OR 97132	3.2.18CA-05100
	716 N Main st. Newberg, OR 97132	3.2.18DB-05100
	719 N Main st. Newberg, OR 97132	3.2.18CA-00703
	720 N Main st. Newberg, OR 97132	3.2.18DB-05000
	721 N Main st. Newberg, OR 97132	3.2.18CA-00702
	724 N Main st. Newberg, OR 97132	3.2.18DB-02403
	725 N Main st. Newberg, OR 97132	3.2.18CA-00700
	726 N Main st. Newberg, OR 97132	3.2.18DB-02402
	728 N Main st. Newberg, OR 97132	3.2.18DB-02500
	730 N Main st. Newberg, OR 97132	3.2.18DB-02500
	740 N Main st. Newberg, OR 97132	3.2.18DB-02401
	760 N Main st. Newberg, OR 97132	3.2.18DB-00700
	905 N Main st. Newberg, OR 97132	3.2.18CA-00225
	116 N Grant st. Newberg, OR 97132	3.2.18DC-01700
	605 N Grant st. Newberg, OR 97132	3.2.18DC-03001
	608 N Grant st. Newberg, OR 97132	3.2.18DC-02200
	614 N Grant st. Newberg, OR 97132	3.2.18DC-02100
	616 N Grant st. Newberg, OR 97132	3.2.18DC-02000
	617 N Grant st. Newberg, OR 97132	3.2.18DC-02500
	621 N Grant st. Newberg, OR 97132	3.2.18DC-03301
	622 N Grant st. Newberg, OR 97132	3.2.18DC-01900
	626 N Grant st. Newberg, OR 97132	3.2.18DC-01500
	627 N Grant st. Newberg, OR 97132	3.2.18DC-03400
	629 N Grant st. Newberg, OR 97132	3.2.18DC-03403
	631 N Grant st. Newberg, OR 97132	3.2.18DC-03402
	633 N Grant st. Newberg, OR 97132	3.2.18DC-03405
	635 N Grant st. Newberg, OR 97132	3.2.18DC-03404
	110 E North st. Newberg, OR 97132	3.2.18DC-11300
	115 E North st. Newberg, OR 97132	3.2.18DC-00900
	119 E North st. Newberg, OR 97132	3.2.18DC-01000
	201 E North st. Newberg, OR 97132	3.2.18DC-01001
	207 E North st. Newberg, OR 97132	3.2.18DC-01100
	514 E North st. Newberg, OR 97132	3.2.18DC-11200

	605	N Washington St. Newberg, OR 97132	3.2.18DC-01300
	609	N Washington St. Newberg, OR 97132	3.2.18DC-01301
	613	N Washington St. Newberg, OR 97132	3.2.18DC-01400
	625	N Washington St. Newberg, OR 97132	3.2.18DC-00101
	640	N Morton St. Newberg, OR 97132	3.2.18DC-04100
	644	N Morton St. Newberg, OR 97132	3.2.18DC-04000
	647	N Morton St. Newberg, OR 97132	3.2.18CD-00400
647A		N Morton St. Newberg, OR 97132	3.2.18CD-00400
647B		N Morton St. Newberg, OR 97132	3.2.18CD-00401
	648	N Morton St. Newberg, OR 97132	3.2.18CD-03900
	104	Clifford Ct. Newberg, OR 97132	3.2.18DB-00712
	110	Clifford Ct. Newberg, OR 97132	3.2.18DB-00711
	116	Clifford Ct. Newberg, OR 97132	3.2.18DB-00710
	120	Clifford Ct. Newberg, OR 97132	3.2.18DB-00709
	180	Mission Dr. Newberg OR 97132	3.2.18DB-02313
	190	Mission Dr. Newberg OR 97132	3.2.18DB-02314
	979	Mission Dr. Newberg OR 97132	3.2.18DB-02300



CIVIL ENGINEERING SERVICES
 CONSTRUCTION MANAGEMENT



Digitally signed by Jesse White
 DN: C=US,
 E=jesse@cobarllc.com, CN=Jesse
 White
 Date: 2023.12.26 10:54:20-08'00'

City of Newberg
 Community Development Department
 414 E First St.
 Newberg, OR 97132

ATTN: ASSURANCES

RENEWS: 06/30/2024

RE: **VAR23-0004 – Application for a Variance at 703 N Main St.**
 PRELIMINARY Sight Distance Certification **Main & West Illinois St.**

The proposed access for this project is located **105 feet WEST** of the site's **EAST** property line, onto **W. Illinois St.**

Speed used for sight distance	25 MPH	Source: POSTED
Sight Distance Requirement	155	Source: ODOT Highway design manual, Table 200-9
Height used for measurement	Object Height: Driver Eye Height: 3'6"	Source: ODOT Highway design manual, Table 200-9
Setback Measurement	15'	From: STRIPING
Sight Distance Measurement	294' West	Direction: looking West from the access
Sight Distance Measurement	252' SW	Direction: looking Southwest from the access
Sight Distance Measurement	278' SE	Direction: looking Southeast from the access
Sight Distance Measurement	165' East	Direction: looking East from the access

See attachments for distance measurements and photos.

In conclusion, I hereby certify that the intersection sight distance at the access for **703 N Main St.** conforms to the requirements for sight distance as set forth in the City of Newberg Community Development Code, subject to the following improvements:
Trees on the West side of the property will be trimmed up to 9' above the ground.
Hedges to the East will be pruned and maintained as they are.

Jesse D. White, PE

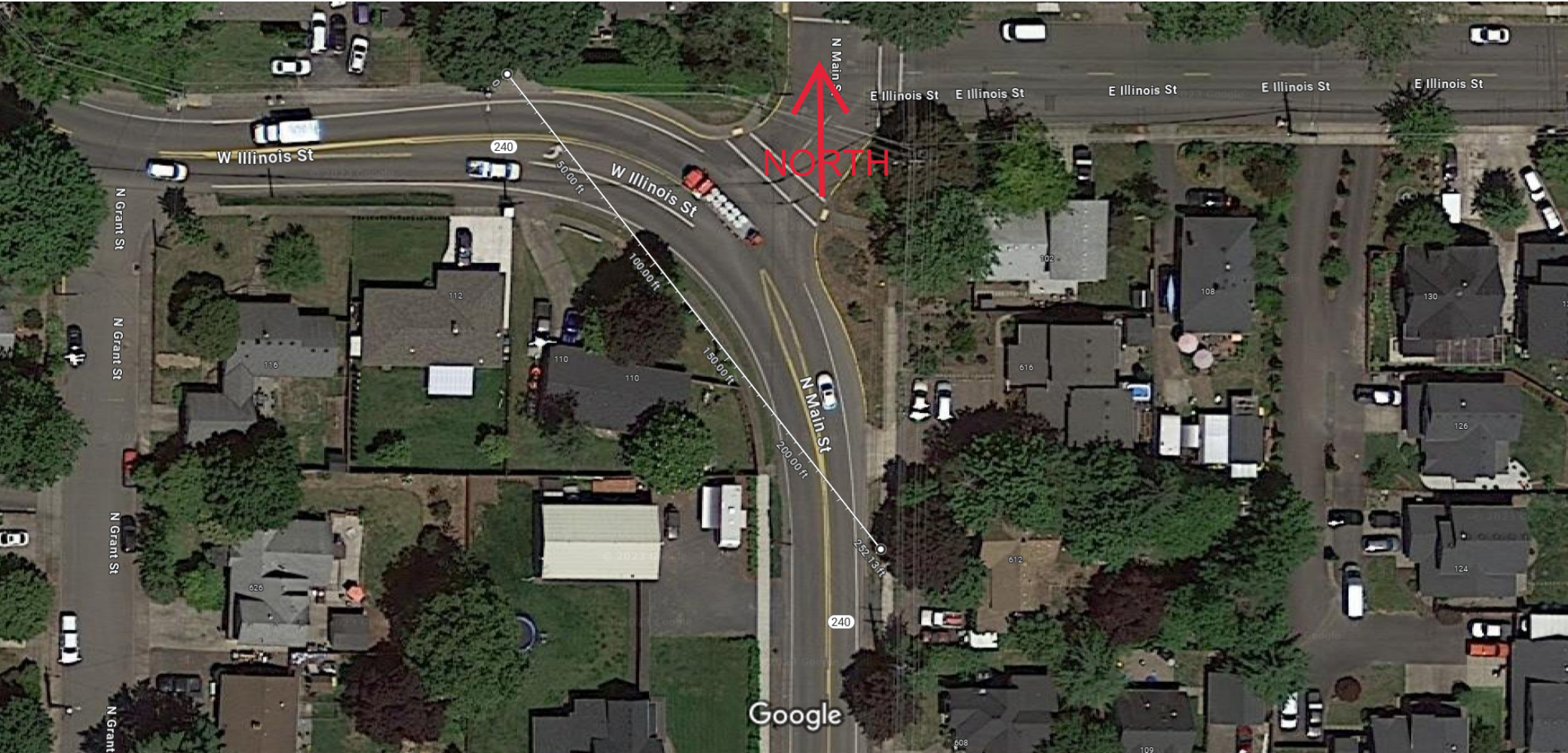


Measure distance
Total distance: 294.22 ft (89.68 m)



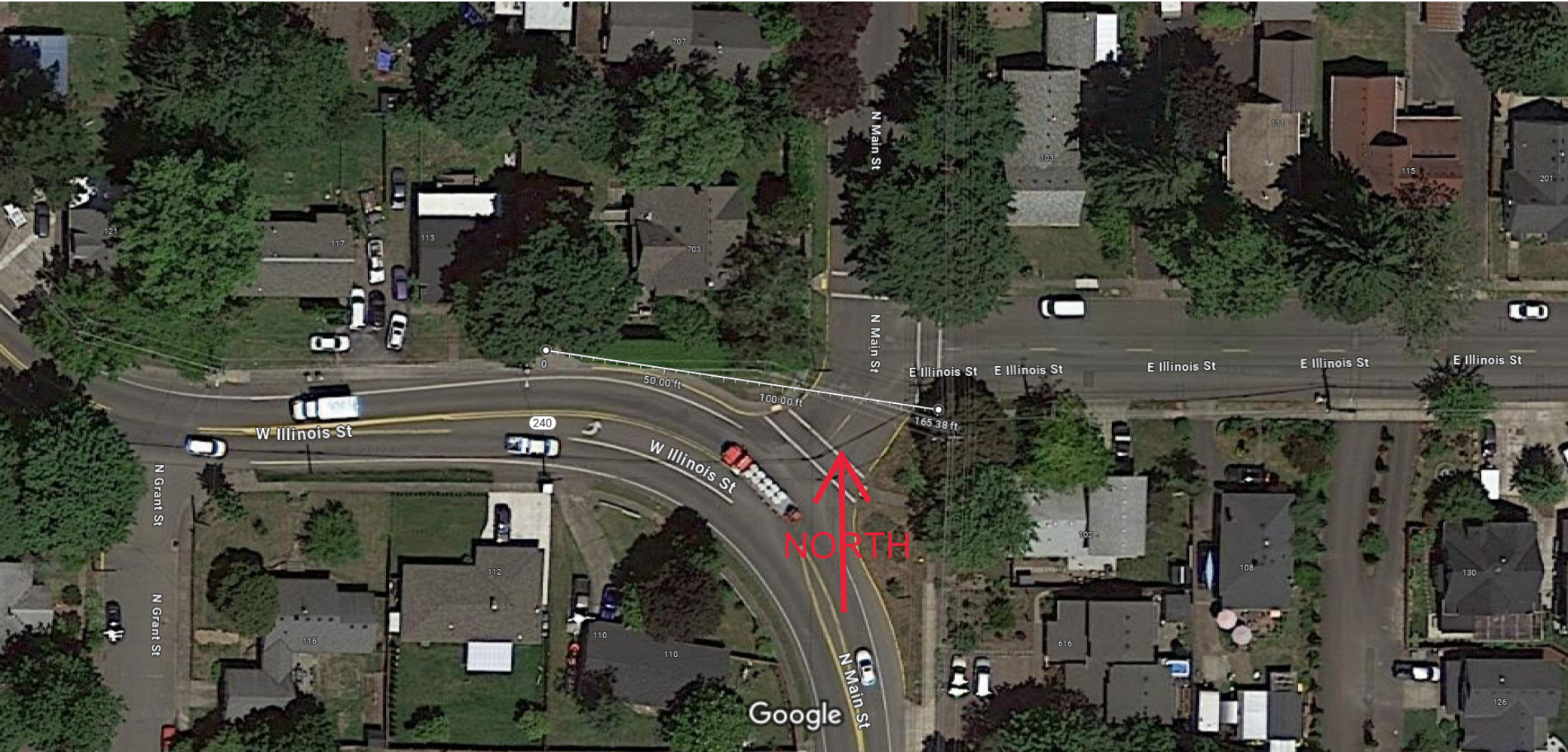
Imagery ©2023 Airbus, Metro, Portland Oregon, Map data ©2023 20 ft

Measure distance
Total distance: 243.02 ft (74.07 m)



Imagery ©2023 Airbus, City of Newberg, Maxar Technologies, Metro, Portland Oregon, State of Oregon, U.S. Geological Survey, Map data ©2023 20 ft

Measure distance
Total distance: 252.13 ft (76.85 m)



Imagery ©2023 Airbus, City of Newberg, Maxar Technologies, Metro, Portland Oregon, State of Oregon, U.S. Geological Survey, Map data ©2023 20 ft

Measure distance
Total distance: 165.38 ft (50.41 m)





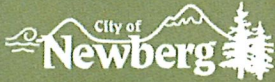


352253
MEMBERG GARBAGE
AND
RECYCLING SERVICE



352253
NEWBERG GARBAGE
AND
RECYCLING SERVICE

Attachment 2: Agency Comments



AFFIDAVIT OF ROUTING

FILE #: VAR23-0004

REFERRAL OF APPLICATION

INFO: Variance to the required vision Triangle

CITY OF NEWBERG AFFIDAVIT OF ROUTING

REFERENCE ATTACHED LIST(S)/NOTICE(S)

I, Fé Bates, for the City of Newberg, Oregon, do hereby certify that the attached referral was;

- A. Routed/mailed referral to the following list, by Email or United States mail, postage prepaid & interoffice mail Jan 9, 2024.

Administrative Assistant

1/9/24

Signature

Title

Date

Fe Bates

From: Fe Bates
Sent: Tuesday, January 9, 2024 3:43 PM
Cc: Fe Bates; James Dingwall
Subject: City of Newberg Referral Request: VAR23-0004

Good Day,

Below is a link to : Referral VAR23-0004 for a Variance to the required vision Triangle:

 [Referral -VAR23-0004.pdf](#)

Please fill out the Referral Sign Off sheet and email it back no later than **January 23, 2023** to Planning@newbergoregon.gov .

Please reach out if you have any questions.

Thank you,

Fe Bates

Community Development

Administrative Assistant

City of Newberg

City Hall: 503-537-1240

Direct: 503-554-7788

Members:

andress@newberg.k12.or.us

Brown, Jason

Comcast Business (Jason_carroll@cable.comcast.com)

Don Clements

jwille@wm.com

Newberg Postmaster

NW Nat-Brian Kelley

ODOT - Planing

ODOT Rail-Manager Rail Safety

PGE-Service & Design

Sportsman Airpark-Jason

Sportsman Airpark-Jerry

thompsonc@co.yamhill.or.us

TVFR Deputy Fire Marshall-Ty Darby

Yamhill County Planning-Ken Friday

Yamhill County Roads Dept

Zipty Fiber Engineering

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jerry@sportsmanairpark.com

thompsonc@co.yamhill.or.us

Ty.darby@tvfr.com

fridayk@co.yamhill.or.us

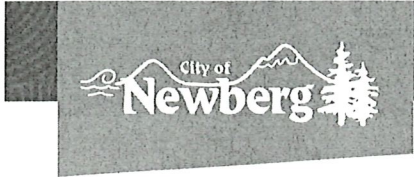
haffnerg@co.yamhill.or.us

scott.albert@ziply.com

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April Catan	april.catan@newbergoregon.gov
Barbara Davis	barbara.davis@newbergoregon.gov
Brett Musick	Brett.Musick@newbergoregon.gov
Brooks Bateman	brooks.bateman@newbergoregon.gov
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Karyn Hanson - personal email	kgkheatingeng@gmail.com
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Russ Thomas	russ.thomas@newbergoregon.gov
Vance Barton	vance.barton@newbergoregon.gov
Will Worthey	Will.Worthey@newbergoregon.gov

971 246 6690



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: January 23, 2024
Please refer questions and comments to: James Dingwall

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

APPLICANT: LM NODINE SERVICES & GENERAL CONTRACTING LLC
REQUEST: Variance to the required vision Triangle
SITE ADDRESS: 703 N Main St
LOCATION: N/A
TAX LOT: R3218DC 13000
FILE NO: VAR23-0004
ZONE: R-1(Residential Low Density Zoning)
HEARING DATE: N/A



Project Information is Attached:

- Reviewed, no conflict.
- Reviewed; recommend denial for the following reasons:
- Require additional information to review. (Please list information required)
- Meeting requested.
- Comments. (Attach additional pages as needed)

BROOKS BATEMAN

Reviewed By:

1.10.24

Date:

BUILDING

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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FILE NO: VAR23-0004
ZONE: R-1(Residential Low Density Zoning)
HEARING DATE: N/A



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Digitally signed by Will Worthey
DN: cn=US, ou=Newberg, o=City of Newberg, cn=Will Worthey,
E=will.worthey@newbergoregon.gov
Reason: I have reviewed this document
Location: your signing location here
Date: 2024.01.10 17:20:12-0800
Foxit PhantomPDF Version: 10.1.12

1/10/24

Reviewed By:

Date:

Will Worthey CM

Organization:

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HEARING DATE: N/A

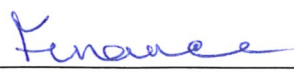


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- Meeting requested.
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Reviewed By:

1/10/24
Date:


Organization:

James Dingwall

From: KNECHT Casey <Casey.KNECHT@odot.oregon.gov>
Sent: Thursday, January 18, 2024 1:24 PM
To: PLANNING
Cc: WILLIAMS Brandon
Subject: ODOT Comments for City of Newberg File VAR23-0004 - Menninger

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.

James,

Thank you for the notification about the variance request at 703 N Main Street. ODOT reviewed the location and here are our comments:

- The property has one highway approach at MP 11.13, which is presumed to be permitted.
- The replacement garage does not trigger any requirements from ODOT.
- Regarding the vision triangle concerns, ODOT measures sight distance from a point in the center of the approach, 15' behind the fog line. For existing approaches, the sight distance should exceed ten times the posted speed. In this case there is a curve advisory speed of 20 mph, so a driver exiting the site should be able to see an oncoming vehicle 200' away in both directions.
- Looking to the east of the approach, the sight distance is benefitted by the horizontal curvature of the roadway and likely exceeds 200'.
- Looking to the west of the approach, the sight distance might not be sufficient (no measurements were taken by ODOT on site). However the applicant has indicated that they plan to trim the vegetation on the west side of the approach which will likely improve the sight distance to 200'.
- ODOT supports the T-turnaround to prevent backing into the highway, the benefits of which will greatly outweigh any sight distance issues that may still exist after trimming.
- The property owner is responsible for keeping the full width of the sidewalk clear of vegetation.

Overall ODOT is supportive of the property owner's proposal to add a T-turnaround and to trim the vegetation on the west side of the driveway. Nothing further is needed from ODOT.

Casey Knecht, P.E.

Development Review Coordinator
ODOT Region 2



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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- Comments. (Attach additional pages as needed)

April Catan

Digitally signed by April Catan
DN: cn=US, ou=Operations, o=City of Newberg, cn=April Catan,
E=april.catan@newbergoregon.gov
Reason: I am the author of this document
Location: your signing location here
Date: 2024.01.10 07:03:47-08'00'
Foxit PhantomPDF Version: 10.1.10

1/10/24

Reviewed By:

Date:

City of Newberg

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Reviewed By:

1/9/24

Date:

Maintenance Superintendent

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Reviewed By:

1/10/24

Date:

City of Newberg - Operations

Organization: