



**City Council**  
**January 20<sup>th</sup>, 2026**  
**6pm**

**Newberg Public Safety Building 401 E. Third Street**  
**Denise Bacon Community Room**

**Online: <https://us06web.zoom.us/j/89536547180>**

**[Public Comment Registration](#)**

**[View Slides](#)**

- 
1. Call to Order
  2. Roll Call
  3. Pledge of Allegiance
  4. [City Manager Report](#)
    - 4.1. [Narrative for December 2025 Events](#)
  5. Public Comments
    - 5.1. [Written Comment 1](#)
    - 5.2. [Written Comment 2\\*](#)
    - 5.3. [Written Comment 3\\*](#)
  6. Presentations
    - 6.1. [TVF&R Presentation on Station 20](#)
    - 6.2. [Newberg Workforce Housing Consortium Update](#)
  7. Public Hearing
    - 7.1. [Partition of Un-incorporated Parcel](#)
      - a. [Exhibit A: Partition & Future Development Plan](#)
      - b. [Exhibit B: Location Map with Urban Reserve Area](#)
      - c. [Exhibit C: Findings](#)
      - d. [Exhibit D: Yamhill County Partition Application and Applicant Materials](#)
      - e. [Presentation](#)
  8. Continued Business
    - 8.1. [Sister City Non-Profit Support](#)



## 9. New Business

### 9.1. [PASER Code Change](#)

- a. [Exhibit A: PASER Data and Proposed Ordinance Language to add to NMC 3.45.060](#)
- b. [Exhibit B: Ord 2016-2811](#)

## 10. Council Business

- 10.1. Election of Council President

### Adjournment

ADA Statement: Contact the City Recorder's Office for physical or language accommodation at least 2 business days before the meeting. Call (503) 537-1283 or email [cityrecorder@newbergoregon.gov](mailto:cityrecorder@newbergoregon.gov). For TTY services please dial 711.

\*Indicates supplementary item

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: (January 20, 2026)**

Order <input type="checkbox"/>	Ordinance <input type="checkbox"/>	Resolution <input type="checkbox"/>	Motion <input type="checkbox"/>	Information <input checked="" type="checkbox"/>	Proclamation <input type="checkbox"/>
Subject: CM narrative for December 2025 events			Staff: Will Worthey CM Department: Administration		
Work Session <input type="checkbox"/> Business Session <input checked="" type="checkbox"/>			Order On Agenda: CM report		

**Is this item state mandated?** Yes  No

**If yes, please cite the state house bill or order that necessitated this action:** NA

**Recommendation:** NA

**Executive Summary:** The summary of events conducted by city departments in December of 2025.

**Fiscal Impact:** All were conventionally budgeted items.

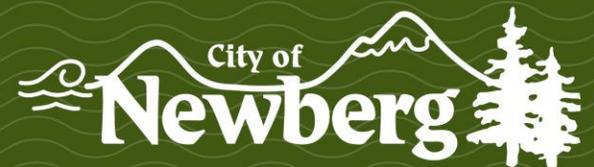
**Council Goals:**

**Goal 4: Create and maintain a high level of transparency with our residents in order to build trust.**

O1: Expand communication outreach in regard to regular city events and additional involvement with city businesses by the end of 2026.

# Newberg CM report

Monthly Events for December 2025



## Community Engagement December Highlights

- Highest performing posts for December were updates on the Springbrook Road sanitary sewer overflow south of Fernwood/2nd St. and a post featuring the City's 311 reporting app, See Click Fix.
- Storm preparedness and updates went out to the community via the city website and socials during the atmospheric river events.
- Street Sweeper contest resulted in the winner: **Sir Sweeps-a-Lot!**
- Refreshed some old emergency alerts content with updated links and information.

## CR - December Events

- Onboarded new Board, Committee, and Commission members
- Released an updated inclement weather policy
- Began training committees on new council and committee rules
- Interviews for our new grant writer
- Completed Engineering Data Cleanup
- Finalized Public Meeting Calendars for 2026
- Wrapping up a busy 2025 and preparing to serve our city in 2026!

## Engineering - Groundwater Treatment Plant Filter Covers

- Steel buildings that will cover the six filter basins are anticipated for delivery in late December / early January
- Keller approved final submittal for the fabric building that will cover the two contact basins in mid-December
- Anticipated delivery date for the structure is early 2026
- Final completion date for construction is April 16, 2026, and Cedar Mill Construction are on schedule (assuming the parts arrive as promised)

## Engineering - River Street

- Keller continues development of alternative typical sections, corridor plans, and intersection designs to evaluate design impacts and project costs for River Street
- The concept alternatives will include a review of the high-level costs and impacts associated with each alternative
- Preliminary design alternatives will be presented to City Councilors in February to gain early input
- NURA now has its federal tax ID number – thanks to James for doing the federal filing work

For the month of December Finance did the following:

- Court online payment portal is up and running!!!
- Attended 400 Level FEMA Training
- Lots of catch-up work and reviewing what policies need to be updated in the new year
- Meetings to support the building of our new rates model

## Public Works Operations Water:

- Daily max for 2025 = 4.81 mg
- November Water production = 49.55 MG
- Average Daily Water Demand = 2.16 MGD
- Total production for 2025 = 815.40 MG
- 2025 water consumption was down 0.4% from the previous 5 years (such a long dry summer)

Wellhouse 3 being reassembled after  
the well was abandoned →

It is used for communications with  
other wells at the well field



## Public Works Operations Wastewater

- Peak Day Flow = 7.110 mg on November 6th
- 5.79 inches of rainfall per our weather station at the WWTP !!
- 224 yards of compost given away in November

1st and School Street utility abandonment associated with the new ODOT ADA ramp project and required water asset replacements →



## PW Maintenance:

- Big focus on sweeping and cleaning right now.
- Sweeping Debris – 118 cubic yds (12 dump truck loads)
- Sweeping Miles – 65 mi
- New Meters Installed – 2



The night photo shows the sewer crew assisting the water crew after hours with a water service leak on 3rd Street:



**Clean-Up and Facility Improvements:** The PWM Yard at 500 W. 3rd Street was cleaned up, new turf was added, and broken irrigation was repaired. The Library and PSB were pressure washed. A new drinking fountain was installed at the PSB.



A Sewage Spill occurred on Fernwood Road on 12/09/25 due to high volumes of inflow and infiltration (I&I) entering the pump station. The City's Maintenance Department is actively investigating to identify and verify sources of I&I →

Staff are also coordinating with the Engineering Department to prioritize the most significant I&I areas for inclusion in the City's Capital Improvement Program.

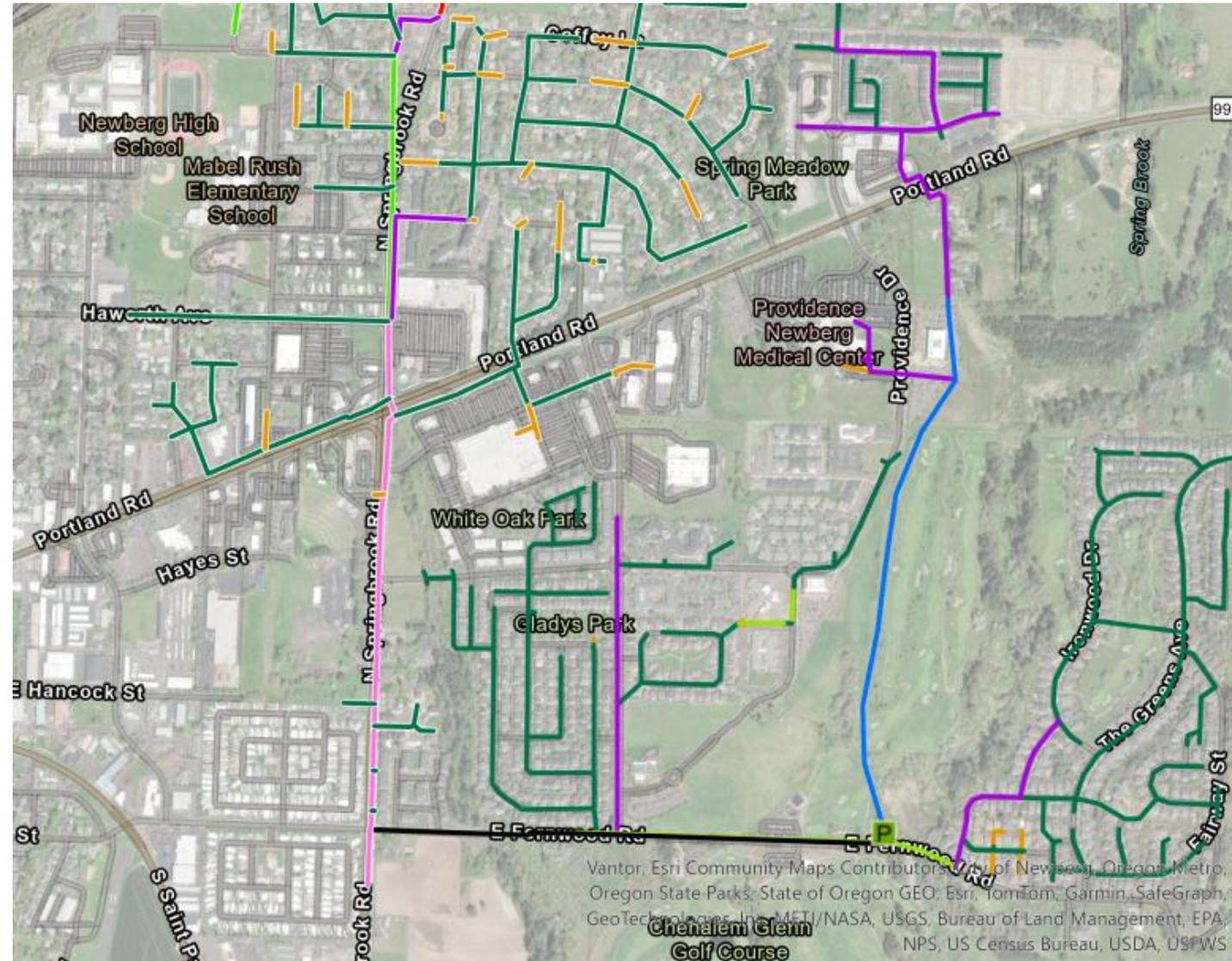


This has occurred twice so far this year.

Now often I focus on the many, many good things that happen in the city, but I feel it's important to cover the not-so-great things also  
– this is the basis of Integrity.

The sewage spill details:

- New development has adding to the flow from severe I & I
- We need to focus I & I funds and set up a CIP project to better address this and do it in the near future
- It is my opinion that we should have upsized this line long before now



I will take a moment to explain the sewage pipes shown above

I have discovered from Russ that this line was under consideration to be upsized in 2012 but for reasons I don't know it was not done. Perhaps the people in those days did not want to spend the money.

I take responsibility for this and will be seeking the funds to fix it.

Here is what we are going to do about it:

- I & I laterals this spring
- New idea for running an upsized line affordably (From Fernwood / N Springbrook intersection)



## **HR Report**

HR collaborated with the Library to put on the final Lunch and Learn of the year.

Running Many Recruitments right now:

6 (Finance Clerical Assistant, Utility Technician II, Oregon DPSST Certified 911 Communications Officer, Entry-Level Communications Officer, Public Works Director, Grant Writer/Archivist/Special Projects Coordinator)

## Library December highlights:

- Nearly 400 people attended this year's Kids' Craft Sale
- Over 70 people joined us at the library to celebrate author Jane Austen's 250th birthday on December 16th.
- A special thanks to the Jane Austen players for their performance  
→
- Winter crafting at the library entertained over 60 people on Saturday, December 20th.



## Community Development December:

- Planning approved two new 8,000 sq ft light industrial flex buildings at 2500 E Hancock
- First Certificate of Occupancy for Collina issued
- OpenGov 7-month review held with departments.
- Staff continue to collaborate with OpenGov on system enhancements for even greater customer service
- Director Siegel appointed to LOC Housing, Land Use, and Community Development Policy Committee where he will continue to advocate for local control and practical solutions

## **NDPD Events**

Shop with a Cop occurred on Saturday, 12/20/25.

- Officers shopped with 30 kids at Fred Meyer.
- We received over \$6,000.00 in donations from residents and businesses.
- M. Anderson was sworn-in on 12/15/25. She will attend the academy in January for 16 weeks.



M. Anderson and Chief Kosmicki swearing-in

# So that's it for December events!

As you can see, residents' tax dollars have been hard at work as usual and will be in the future.

Questions?

## Rachel Thomas

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**From:** noreply@revize.com  
**Sent:** Wednesday, January 7, 2026 12:58 PM  
**To:** City Recorder  
**Subject:** New Public Comment

Date = 2026-01-20  
Meeting-Body = City Council  
Agenda-Item = ICE in Newberg  
Subject-Matter-to-Comment-On =  
Name = David Klaus  
Representing = Myself  
Email-Address = [REDACTED]  
Phone Number = [REDACTED]  
Contact-Info-release[] = Yes  
Is-this-a-public-hearing[] = Yes  
Written-or-Spoken[] = Written

Written-Comment = I am writing in support of ICE operations in Newberg. Enforcement of our federal immigration laws is a vital part of upholding our national sovereignty and I'm happy that it's happening here. I want to encourage our mayor and city council to continue to follow state law on this issue as they are doing and not cave to pressure by the left to interfere with federal agents.

Sincerely,

David Klaus  
Newberg  
Client IP = 2607:fb90:33a9:6e44:38ba:e0ff:fef9:509c

## Rachel Thomas

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**From:** noreply@revize.com  
**Sent:** Monday, January 12, 2026 2:07 PM  
**To:** City Recorder  
**Subject:** New Public Comment

Date = 2026-01-12

Meeting-Body = City council meeting

Agenda-Item =

Subject-Matter-to-Comment-On =

Name = MarySue Rosener

Representing =

Email-Address = [REDACTED]

Phone Number = [REDACTED]

Contact-Info-release[] = Yes

Is-this-a-public-hearing[] = Yes

Written-or-Spoken[] = Written

Written-Comment = I expect the city council to affirm the due process rights of immigrants. In no way does having masked agents intimidating citizen and noncitizen alike adhere to those standards, I expect our police to work under sanctuary limits. The permeating fear in our community is unacceptable.

Client IP = 50.39.245.82

## Rachel Thomas

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**From:** noreply@revize.com  
**Sent:** Thursday, January 15, 2026 7:55 PM  
**To:** City Recorder  
**Subject:** New Public Comment  
**Attachments:** City Council Meeting 1-20-26.docx

Date = 2026-01-20  
Meeting-Body = City Council  
Agenda-Item = Newberg police to verify identities of ICE agents  
Subject-Matter-to-Comment-On =  
Name = Sheila Hannen  
Representing =  
Email-Address = [REDACTED]  
Phone Number =  
Contact-Info-release[] = Yes  
Is-this-a-public-hearing[] = Yes  
Written-or-Spoken[] = Written  
Written-Comment =  
Client IP = 15.218.6.151

Thank you for taking my comments regarding the Newberg police request to verify identities of ICE agents.

I think it is important to state that we are a country governed by laws and to keep our society at peace, we need to strictly follow our laws, whether they are federal, state or local laws.

Our law enforcement in Newberg/Dundee have always been there whenever our community has called them and they have done a stellar job over the years that I have resided here and I commend them for the work they have done.

Our local law enforcement has absolutely no jurisdiction to interfere with federal law enforcement. Federal law supersedes state law as established by the Supremacy Clause in the U.S. Constitution. This means that if a state law contradicts federal law, the federal law takes priority and must be followed.

The contradiction is with our immigration laws and I do believe that everyone would agree that these laws need to be rewritten at the federal level. But that is not up to interpretation by our local law enforcement.

I do appreciate this council listening to the communities concerns and hope that you continue to provide a calm and steady approach to these types of concerns. As long as we adhere to following the laws as they are written, we will continue to have peace in our community.



# Station 20 Rebuild

Newberg City Council

Tuesday, January 20, 2026



TVF&R  
NEWBERG FIRE DEPARTMENT

STATION 20  
414

TVF&R  
NEWBERG FIRE

NEWBERG FIRE



- Modular unit for temporary station  
(pictured: Station 35 in King City)

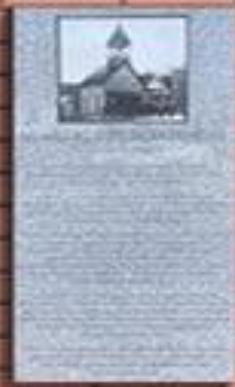


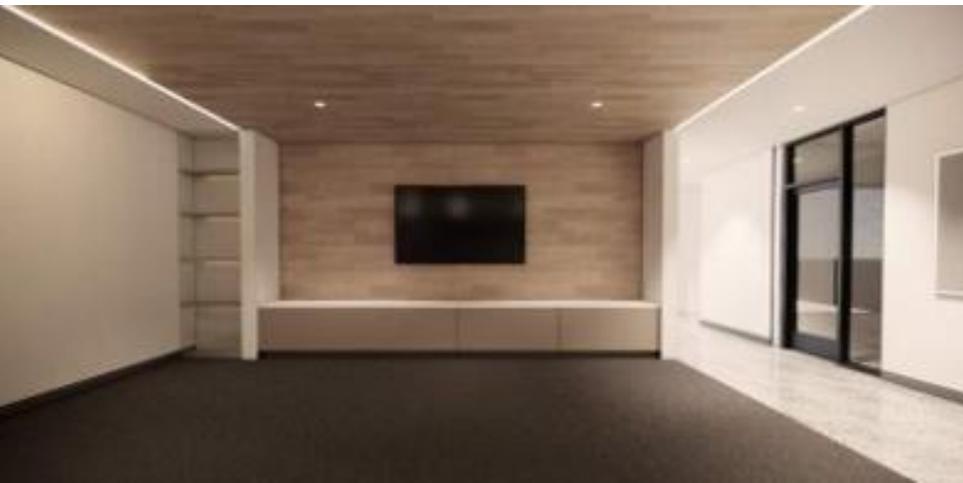
TVF&R  
STATION 20

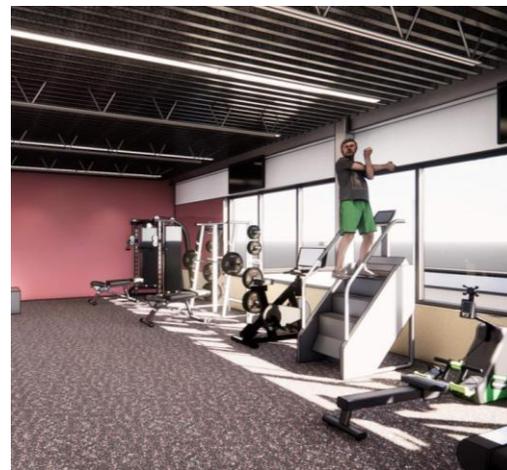
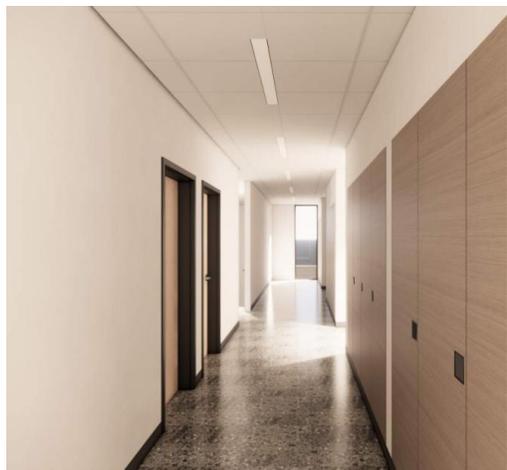


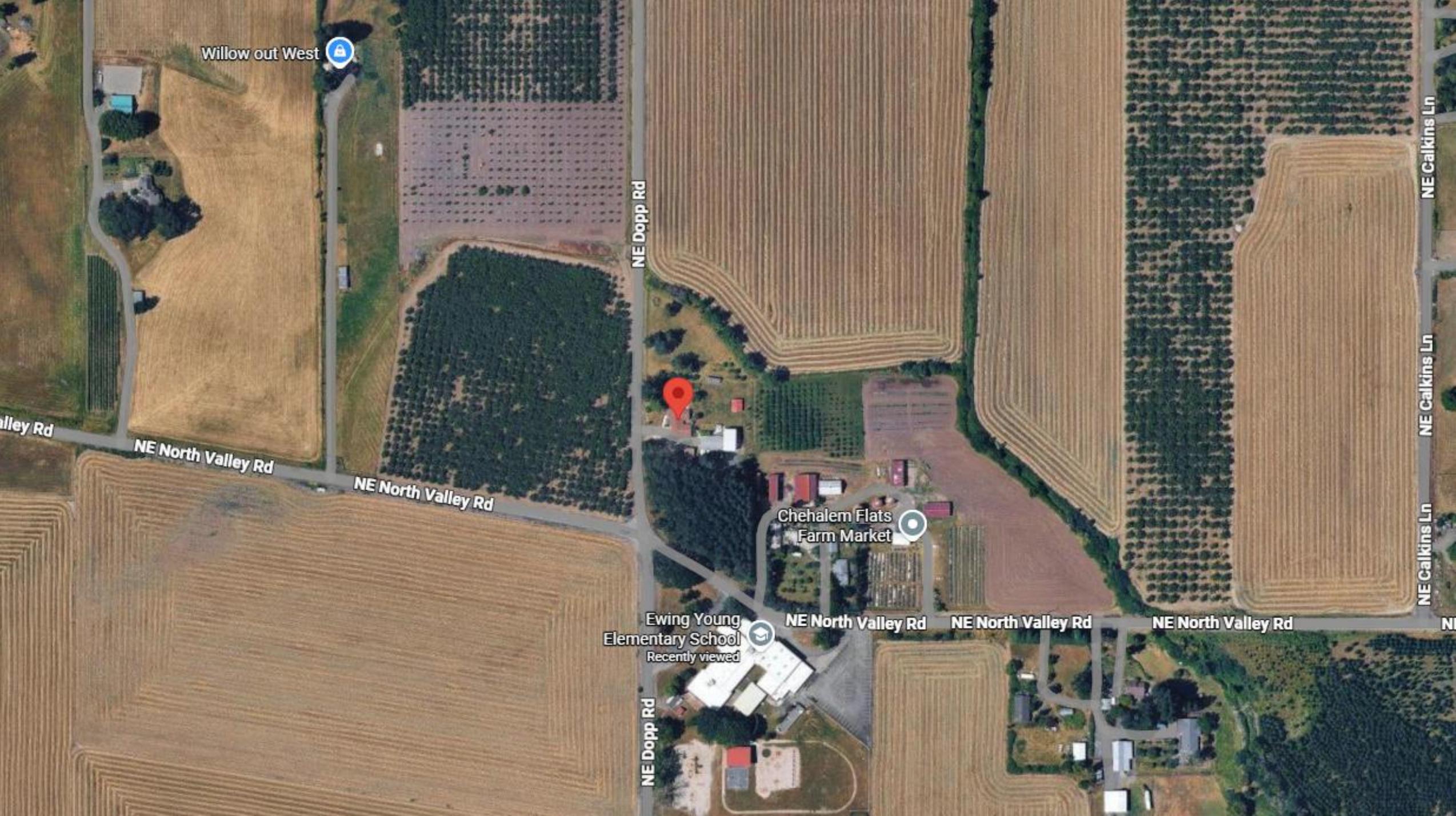
TVF&R  
STATION

20









Willow out West

NE Dopp Rd

NE Calkins Ln

NE Calkins Ln

NE Calkins Ln

Valley Rd

NE North Valley Rd

NE North Valley Rd

Chehalem Flats Farm Market

Ewing Young Elementary School  
Recently viewed

NE North Valley Rd

NE North Valley Rd

NE North Valley Rd

NE Dopp Rd

NE





Questions?



**Housing Innovation Village Experience (HIVE)**  
in support of  
**The Newberg Workforce Housing Consortium**



# Missing Middle Housing Fund Overview



## PROBLEM:

- Not enough housing, especially for our workforce

## CORE BELIEF:

- Enough housing at the right price points means people, places, and economies reach their potential

## WHO WE ARE:

- Statewide 501(c)(3) non-profit that might someday expand beyond Oregon
- Network, accelerator, investor, commercialize at scale

## WHAT WE DO:

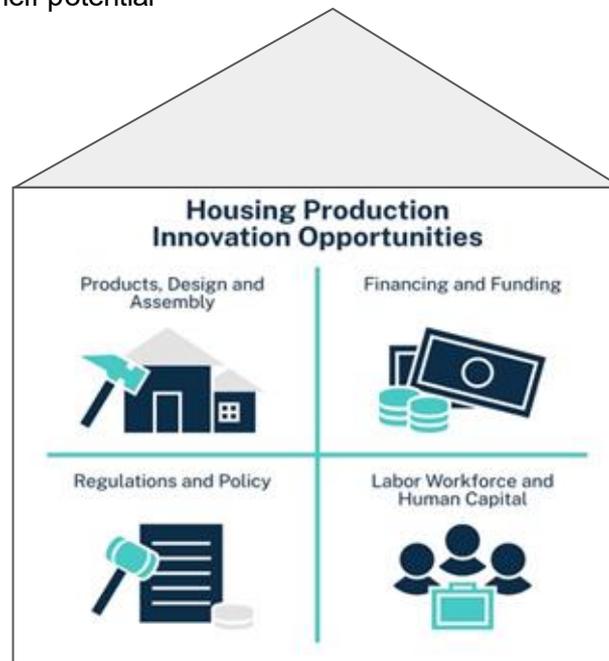
- CATALYZE housing production by:
  - Reducing barriers – cut development cost and time
  - Introducing innovation to the marketplace

## HOW WE DO IT:

- REIMAGINE how housing gets built in four ways:
  1. **Identify** innovators across the housing production opportunity quadrants →
  2. **Nurture/Advise** select innovators to help them grow
  3. **Invest** in innovator company creation and product development
  4. **Commercialize** and deploy innovations with “coalition of the enthusiastic” (i.e. cities, economic development agencies, employer consortiums)

## RESULT:

- Increase volume and velocity to scale production *profitably*, at the right price points



## Housing Production Innovation Opportunities

Products, Design and  
Assembly



Financing and Funding



Regulations and Policy



Labor Workforce and  
Human Capital



# Some history – Newberg Workforce Housing Consortium (NWHC)

## 2019 origins...Industry driven:

- City of Newberg
- A-dec
- Friendsview
- School District
- George Fox University
- Providence Healthcare
- Habitat for Humanity Newberg

**State Support:** Rep Scharf - \$3M

**Feb 2023** – SEDCOR hires MMHF to support the NWHC, RFP is released to generate project ideas

Build consensus and define goals

Raise resources

Bring in technical expertise

Invite innovation

Build!



# Some history – Newberg Workforce Housing Consortium (NWHC)

## April 5, 2023 – Let’s Build Newberg

- Working groups launched

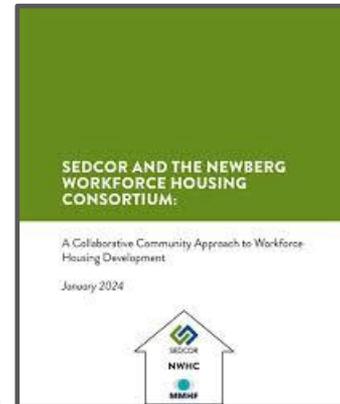
## Summer 2023 – Two projects chosen

- Quantum/Edlen
- Higgins/Redding Construction

## August 2023 – State grant from SEDCOR to MMHF

**Late 2023/early 2024** – Two chosen projects stall;  
case study released; Fund governance set up

**Spring/Summer 2024** – Pivot to runner up (HumanKind Homes), start laying groundwork for UrbanForm, and start searching for land



# Some history – Newberg Workforce Housing Consortium (NWHC)

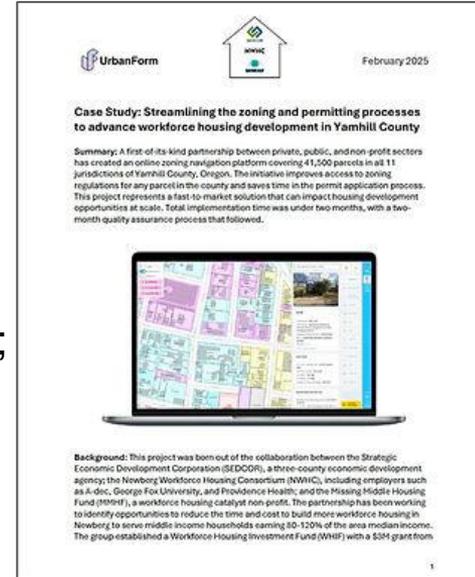
**Fall 2024** – HIVE conceived, search for land begins in earnest

**Winter 2024/2025** - Investments in innovation companies; land prospects identified and negotiations; UrbanForm Yamhill project launched

**Spring 2025** – UrbanForm Yamhill County complete; offers on land made and accepted; Let's Build Mid-Valley

**Summer 2025** – Land due diligence; Boardman fund launched; Polk/Coos/Morrow County UF

**Fall 2025** – Land purchased, companies finalized.



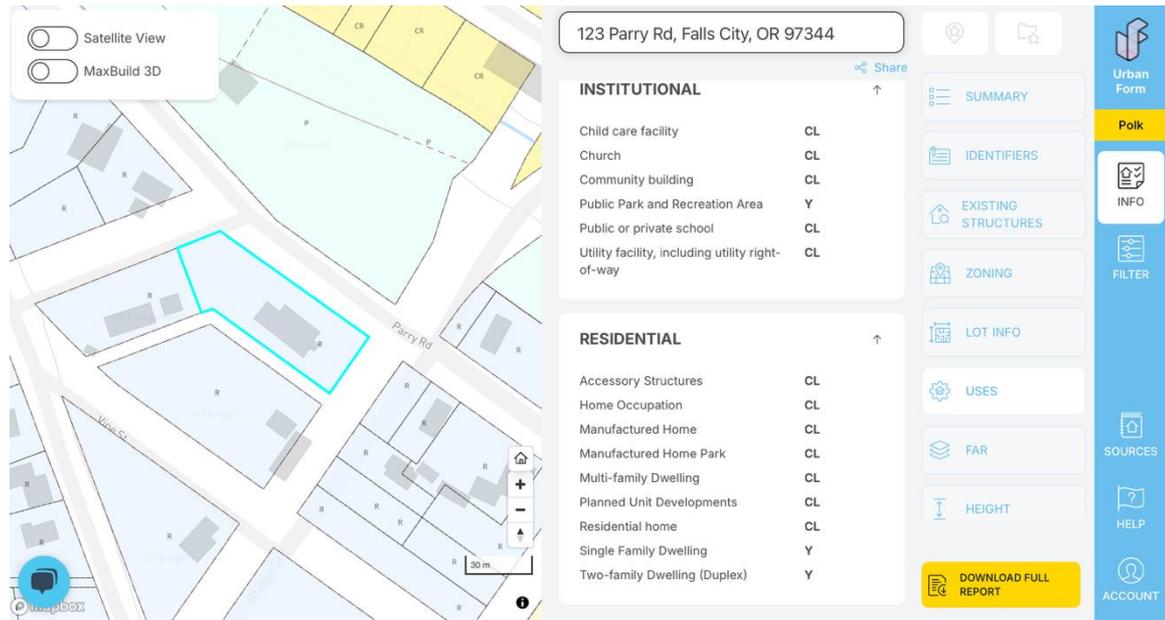
**Dec 5 10:00AM = Groundbreaking**



- Digitizing zoning codes across Oregon counties, starting in Yamhill County – the FIRST county in USA to have all zoning codes digitized
- Has now spread to Polk, Coos, and Morrow Counties

### Results:

- ~18,000 parcels digitized; streamlines access to zoning codes, improves permit application quality, adds capacity to municipal staff, and reduces time to develop housing



123 Parry Rd, Falls City, OR 97344

Satellite View  
 MaxBuild 3D

**INSTITUTIONAL**

Child care facility	CL
Church	CL
Community building	CL
Public Park and Recreation Area	Y
Public or private school	CL
Utility facility, including utility right-of-way	CL

**RESIDENTIAL**

Accessory Structures	CL
Home Occupation	CL
Manufactured Home	CL
Manufactured Home Park	CL
Multi-family Dwelling	CL
Planned Unit Developments	CL
Residential home	CL
Single Family Dwelling	Y
Two-family Dwelling (Duplex)	Y

Navigation and utility icons: Home, Zoom (+/-), Share, SUMMARY, IDENTIFIERS, EXISTING STRUCTURES, ZONING, LOT INFO, USES, FAR, HEIGHT, DOWNLOAD FULL REPORT, POLK, INFO, FILTER, SOURCES, HELP, ACCOUNT.



# Oregon is Buzzing: The HIVE is Coming to Newberg Cottage Cluster + Show (and other Marketing Events)



**OVERVIEW:** The Housing Innovation Village Experience (HIVE) includes a cottage cluster and future housing innovation exhibits. The Village will be open to the public through a “Street of Dreams” style show, the first of its kind in the entire Pacific Northwest.

## Village Overview

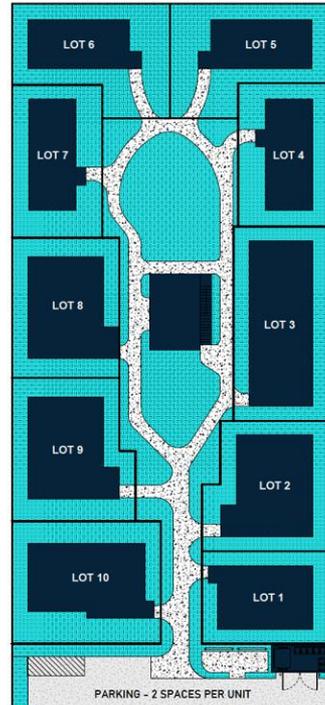
10 cottage cluster units, ranging from 800-1,500 square feet. 2 and 3 bedrooms.

Sales price per unit: from the \$300's

Each unit incorporates new build technologies, including automated construction, carbon negative concrete, modular wood and steel, and onsite assembly.

Development will be supported by additional innovations in financing, labor, and policy.

Units will be sold to serve Newberg area employers with middle-income housing, targeted at 80-120% area median income.



## Show Overview

HIVE will be marketed with a series of promotional events leading up to a “street of dreams” style showcase in Summer 2026. Programming includes:

- Groundbreaking
- Sneak Peak
- Showcase – 3 weekends of ticketed tours in entertainment; regional food and beverage

Audience will include:

- City/Government/Employer stakeholders and VIPs
- Housing developers
- Anyone interested in innovation

# HIVE's Five Innovators Represent the Future of Housing



HumanKind  
Homes



MAHONIA NW  
NORTHWEST COMMUNITY DEVELOPMENT



Unbrick

Elemental  
Building  
Technologies

## HumanKind Homes

builds fire-, flood-, and hurricane-resistant homes and buildings faster and at lower costs than existing methods using automated on-site assembly of carbon-negative concrete masonry.

## MODS PDX/HONE

integrates Mass Plywood Panels into modular home construction, partnering with Freres Engineered Wood's manufacturing process to create efficient, consistent, and repeatable volumetric units.

## Mahonia NW

develops sustainable cottage cluster communities using panelized construction methods that reduce time and cost to build to meet the needs of middle-income workers.

Unbrick USA brings cutting edge Dutch innovation to the U.S. with next generation, factory-built housing that is sustainable, durable, and environmentally friendly.

Elemental Building Technologies is a modular innovator using steel frame construction to build non-combustible, climate-resilient, and sustainable housing. They deliver scalable systems that exceed seismic and energy standards while reducing embodied carbon.

These innovation companies will be supported by AKS Engineering, SUM Design Studio + Architecture, Patriot Excavation and Fencing, Straw to Gold Branding, and Higgins Signs, among other small OR companies.



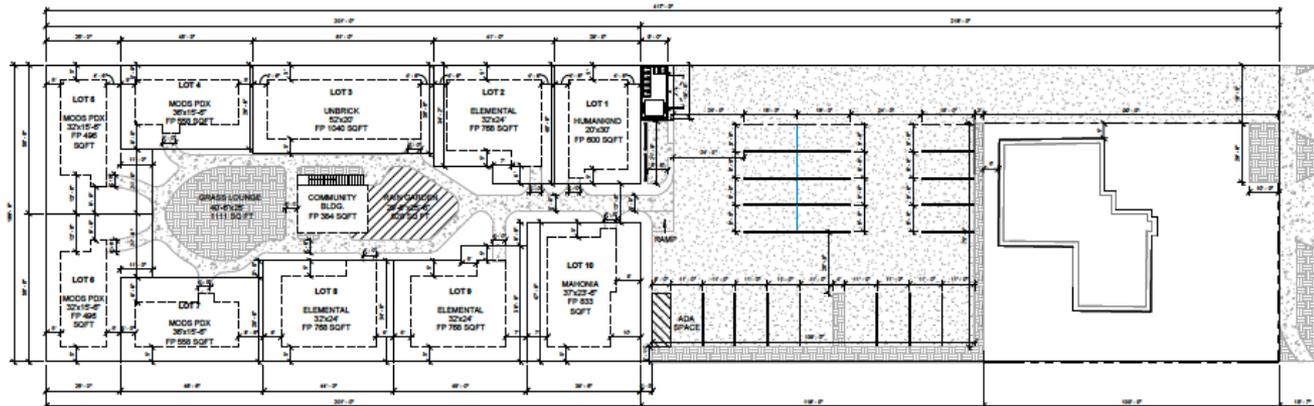
THE HOUSING INNOVATION VILLAGE EXPERIENCE - COMING TO NEWBERG SUMMER 2026  
AN INNOVATIVE 10 UNIT COTTAGE CLUSTER COMMUNITY



N COLLEGE ST

- |                                                                  |                                                                    |                                                          |                                                                    |
|------------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------|
| "HUMANOID HOMES"<br>2 BED / 2.5 BATH<br>1,200 SQ. FT.<br>2 STORY | "ELEMENTAL"<br>3 BED / 2.5 BATH<br>1,050 SQ. FT.<br>2 STORY        | "UNBRICK"<br>2 BED / 1 BATH<br>800 SQ. FT.<br>1 STORY    | COMMUNITY BUILDING<br>WITH ROOF TOP DECK<br>780 SQ. FT.<br>2 STORY |
| "MOODS POD" TYPE 1<br>1 BED / 1 BATH<br>520 SQ. FT.<br>1 STORY   | "MOODS POD" TYPE 2<br>2 BED / 2.5 BATH<br>1,050 SQ. FT.<br>2 STORY | "MAHONA"<br>3 BED / 2.5 BATH<br>1,300 SQ. FT.<br>2 STORY | TRASH AND RECYCLING<br>150 SQ. FT.<br>COVERED                      |

MARKETING PLAN - MIDDLE HOUSING LAND  
DIVISION  
②  
1" = 20'-0"



N COLLEGE ST











**MMHF**  
MISSING MIDDLE HOUSING FUND

# The Coalition of the Enthusiastic

## Cities:

- Newberg
- Monmouth
- Falls City
- Lafayette
- Dayton
- Independence
- Sheridan
- Yamhill
- Carlton
- Dundee
- Amity
- Willamina
- McMinnville
- Coos Bay
- North Bend
- Bandon
- Boardman

## New:

- Sisters
- Madras
- Baker City
- Portland (Gateway)

## Direct Investment:

- UrbanForm – zoning tech
- HumanKind Homes – geopolymer concrete
- Unbrick – CLT modular pre-fab
- Mahonia NW – Kit of Parts
- Elemental – Metal modular pre-fab

## Ed Dev:

- Business Oregon
- Ivory Innovations
- EDD’s – Statewide
- Home Builders Foundation
- Bend Chamber of Commerce
- Tallwood Design Institute/ODF
- SEDCOR
- MWVCOG
- CCD
- iSector
- Terner Center
- Metro Chamber

## Innovators, Development, Finance, and more

- |                  |                 |                              |                             |                        |
|------------------|-----------------|------------------------------|-----------------------------|------------------------|
| • MWV Group      | • Citizens Bank | • Scoreboard AI              | • Iris Design Group         | • Larry Wigger         |
| • Robb Crocker   | • Maps FCU      | • Alpha Ledger               | • AKS Engineering           | • Clutch Industries    |
| • CD Redding     | • OR Homeworks  | • Simplicity by Hayden Homes | • Community Impact Partners | • Nick Green           |
| • Walsh Const.   | • MODS PDX      | • Autodesk                   | • Gorman Company            | • Michael Morter       |
| • Hoffman Const. | • Prophetic     | • 3PO Networks               | • Green Canopy NODE         | • Truly Accounting     |
| • SKANSKA        | • Cedarstone    | • Outerlabs                  | • Single Widget             | • Hiatus Homes         |
| • Pavillion      | • Snug          | • Big River CLT              | • HONE                      | • Edlen Habitat        |
| • Umpqua Bank    | • Corbu         | • SUM Architecture           | • Base Architecture         | • Habitat for Humanity |
| • Summit Bank    | • CivCheck      |                              |                             | • Assemblage Works     |

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: January 20, 2026**

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/> Proclamation <input type="checkbox"/> No. 2026-4008	
Subject: Partition of Unincorporated Parcel	Staff: James Dingwall Department: Community Development
Business Session	Order On Agenda: Public Hearings
Hearing Type: Legislative	

**Is this item state mandated?** Yes  No

**If yes, please cite the state house bill or order that necessitated this action:**

**Recommendation:** Adopt Resolution No. 2026-4008.

**Executive Summary:** On November 12, 2025, the City of Newberg received notice of a proposed Yamhill County partition application to divide a property (Yamhill County Tax Lot R3208 01000) at 3301 NE Zimri Drive into three parcels. The City received the required application materials for a recommendation per the Newberg Urban Area Management Agreement on December 12, 2025. The property is located outside the city limits, but inside the Newberg Urban Reserve area and is currently zoned Yamhill County AF-10 (Rural Residential – Agriculture/Forestry Small Holding).

Yamhill County has jurisdiction over the property and will make the final decision on the partition application. The Newberg Urban Area Growth Management Agreement states that the City Council shall make a recommendation to the County on land use applications, including partitions, within the Urban Reserve Area. The City has 60 days from the receipt of the application to make a recommendation. The City most recently made recommendations via this process in 2022 (recommending a three-lot partition in the Urban Reserve Area, Resolution No. 2022-3787) and 2019 (recommending a three-lot partition in the Urban Reserve Area, Resolution No. 2019-3538).

The site is located at 3301 NE Zimri Drive, Yamhill County Tax Lot R3208 01000, is 9.1 acres, and is developed with a single-family dwelling. The proposal is to divide the property into three parcels of 3.58 acres, 2.58 acres, and 3.16 acres in size. The application shows future building envelopes for each parcel. According to Yamhill County Zoning Ordinance, Section 501.06, the minimum parcel size for the AF-10 zone is 10 acres, except that lots containing preexisting dwellings may be divided into smaller parcels pursuant to Section 501.06(B)(4). City staff have not independently verified whether this application meets County zoning standards.

The purpose of the Urban Area Growth Management Agreement (UGMA) procedure that refers development applications to the City for comment is to ensure coordination of development in the Urban Reserve Area such that future urbanization may occur consistent with city standards. The City therefore typically recommends the County only allow development that, 1) complies with County standards, and 2) does not preclude future urban development of the property including extension of urban services consistent with City standards.

The site is in the Urban Reserve Area, so at some point in the future it is anticipated that the property may be brought into the Urban Growth Boundary and annexed into the city. The proposed partition would not preclude the future urbanization and development of the rest of the property. The Applicant's conceptual future development plan shows an example of how the site could be developed if someday annexed into the city. The applicant is not bound by this future development plan; however, it shows one way the site could be developed to city development standards in the future.

The proposal was reviewed by the Community Development Director and Development Engineering staff. No conflicts with the UGMA were noted.

**Fiscal Impact:** There is no fiscal impact to the City from the proposed partition.

**Council Goals:** The Council Goals are not applicable to this recommendation.

**Attachments:**

Resolution No. 2026-4008

Exhibit A: Partition & Future Development Plan

Exhibit B: Location Map with Urban Reserve Area

Exhibit C: Findings

Exhibit D: Yamhill County Partition Application and Applicant Materials



# RESOLUTION NO. 2026-4008

**A RESOLUTION RECOMMENDING THAT YAMHILL COUNTY APPROVE A PROPOSED THREE PARCEL PARTITION OF 3301 NE ZIMRI DRIVE, YAMHILL COUNTY TAX LOT NO. R3208 01000**

## **Recitals:**

1. On December 12, 2025, the City of Newberg received materials for a partition application to divide a property at 3301 NE Zimri Drive into three parcels. The property is located outside the city limits and Urban Growth Boundary, but inside the Newberg Urban Reserve Area. The current zoning is Yamhill County AF-10.
2. Yamhill County will make the final decision on the partition application. Under the terms of the Newberg Urban Area Growth Management Agreement, the City Council shall hold a legislative hearing and make a recommendation to the County within 60 days of receiving a copy of the application.
3. The site is located at 3301 NE Zimri Drive, Yamhill County Tax Lot R3208 01000, and is 9.1 acres. It is developed with a single-family dwelling. The proposal is to divide the property into three parcels of 3.58 acres, 2.58 acres, and 3.16 acres in size. The application shows a future building envelope on each parcel. The future development plan shows how the site could potentially be developed to city development standards if it was brought into the Urban Growth Boundary and annexed into the city.
4. Notice of the public hearing was posted in the Newberg Graphic and in four public places on December 22, 2025.
5. The Newberg City Council held a legislative public hearing on January 20, 2026, to consider the partition proposal. The City Council finds that the proposal is limited in scope, and consistent with the future urban development of the property.

## **The City of Newberg Resolves as Follows:**

1. The City Council finds that the proposed partition, as shown in Exhibit “A”, meets the Newberg Urban Area Growth Management Agreement criteria for development within the Newberg Urban Reserve Area and adopts the findings, which are attached hereto as Exhibit “C”. Exhibits “A”, “B” and “C” are hereby adopted and by this reference incorporated.
2. The City Council has no objection to the proposed partition at 3301 NE Zimri Drive, Yamhill County tax lot R3208 01000, provided all applicable county land use requirements are met.

**Effective Date** of this resolution is the day after the adoption date, which is: January 21, 2026. **Adopted** by the City Council of Newberg, Oregon, this 20<sup>th</sup> day of January, 2025.

---

Rachel Thomas, City Recorder

**Attest** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

---

Bill Rosacker, Mayor

Partition Application Map for: *Preliminary Plat* Legend

# Arendt Family Trust

LOCATION: SE 1/4 SECTION 8, T. 3 S., R. 2 W., W.M.  
HEATER DLC #48  
YAMHILL COUNTY, OREGON

Tax Lot: 3208 - 1000

Date: 20 OCTOBER, 2025

APPLICANT: PEGGY HUFF  
PH: (727)-688-9227  
EMAIL: kjhpln@yahoo.com  
ADDRESS: 3301 ZIMRI DRIVE, NEWBERG, OR  
ZONE: AF-10

*OWNER*  
Gilbert ARENDT  
878 GREENWOOD DR. NE  
KEIZER, OR 97303  
503 390-2085

- = PROPERTY LINE
- = PUBLIC RIGHT-OF-WAY
- = EXISTING OVERHEAD POWER
- = EXISTING EDGE OF GRAVEL
- = EXISTING SANITARY SEWER LINE
- = CENTERLINE OF PUBLIC ROAD
- = EXISTING EASEMENT
- = EXISTING FENCE
- = PROPOSED EASEMENT
- = PROPOSED DRIVEWAY
- = PROPOSED BUILDING PAD
- = PROPOSED PROPERTY LINE
- = MONUMENT FOUND
- = EXISTING WELL
- = EXISTING IRRIGATION VALVE
- = EXISTING WATER JUNCTION BOX
- = EXISTING WATER METER
- = EXISTING POWER METER
- = EXISTING POWER POLE
- = EXISTING SEPTIC CLEANOUT
- = EXISTING PHONE RISER
- = PROPOSED TEST HOLE
- = EXISTING BUILDING
- = EXISTING GRAVEL

North

Scale: 1" = 100'

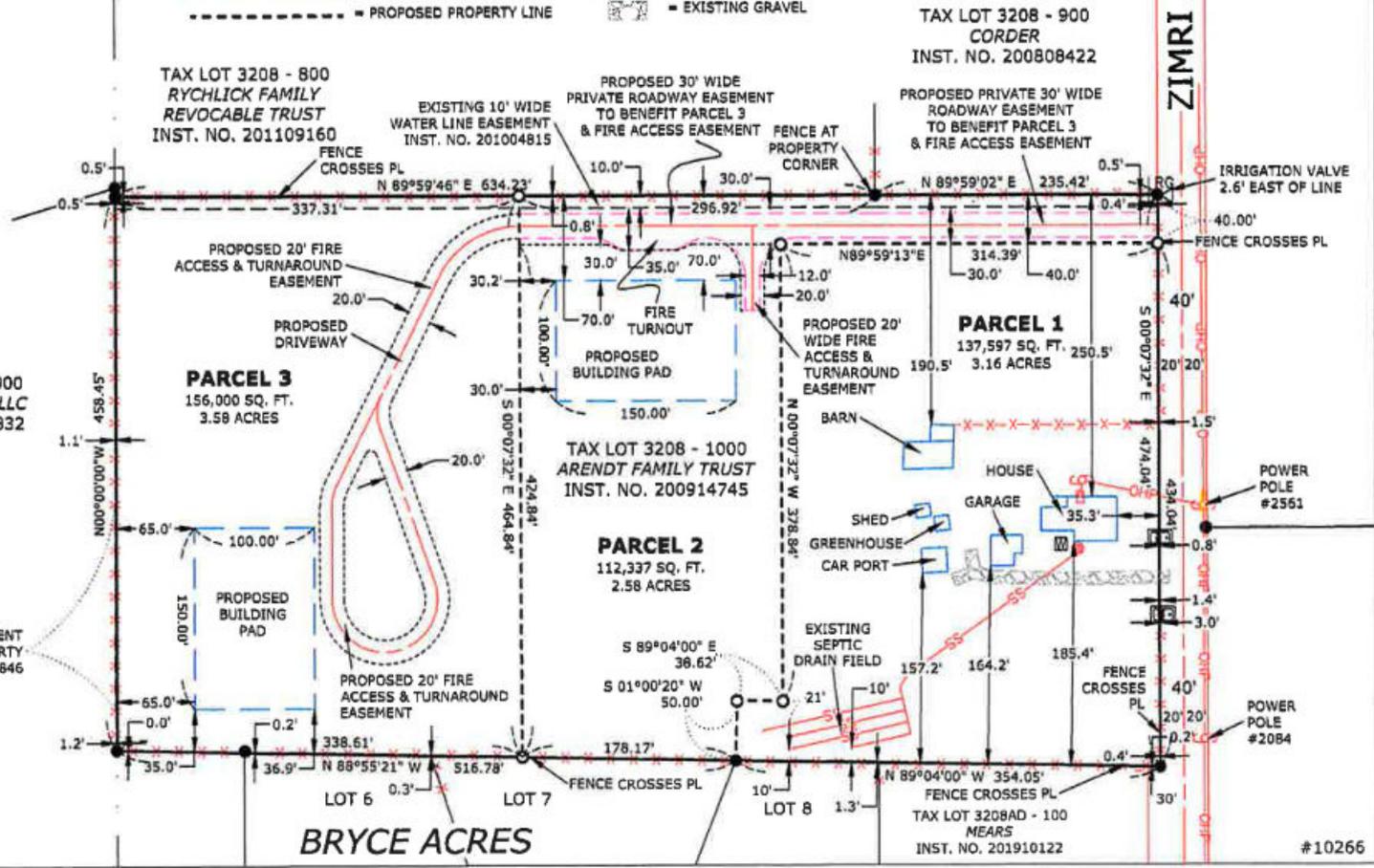


REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
January 16, 2002  
LELAND A. MACDONALD  
53226

By : Leland MacDonald & Assoc., LLC  
Formerly dba Matt Dunckel & Assoc.  
3885 Riverside Drive  
McMinnville, Oregon 97128  
Phone : 503-472-7904  
Fax: 503-472-0367  
Email: lee@macdonaldsurveying.com

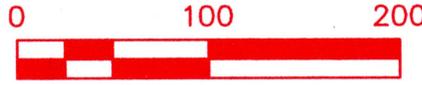
Renews 31 December 2026



#10266

# Future Development Concept Plan for: Arendt Family Trust

Scale: 1" = 100'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
January 16, 2002  
LELAND A. MACDONALD  
53226

Renews 31 December 2026

ZIMRI DRIVE

LOCATION: SE 1/4 SECTION 8, T. 3 S., R. 2 W., W.M.

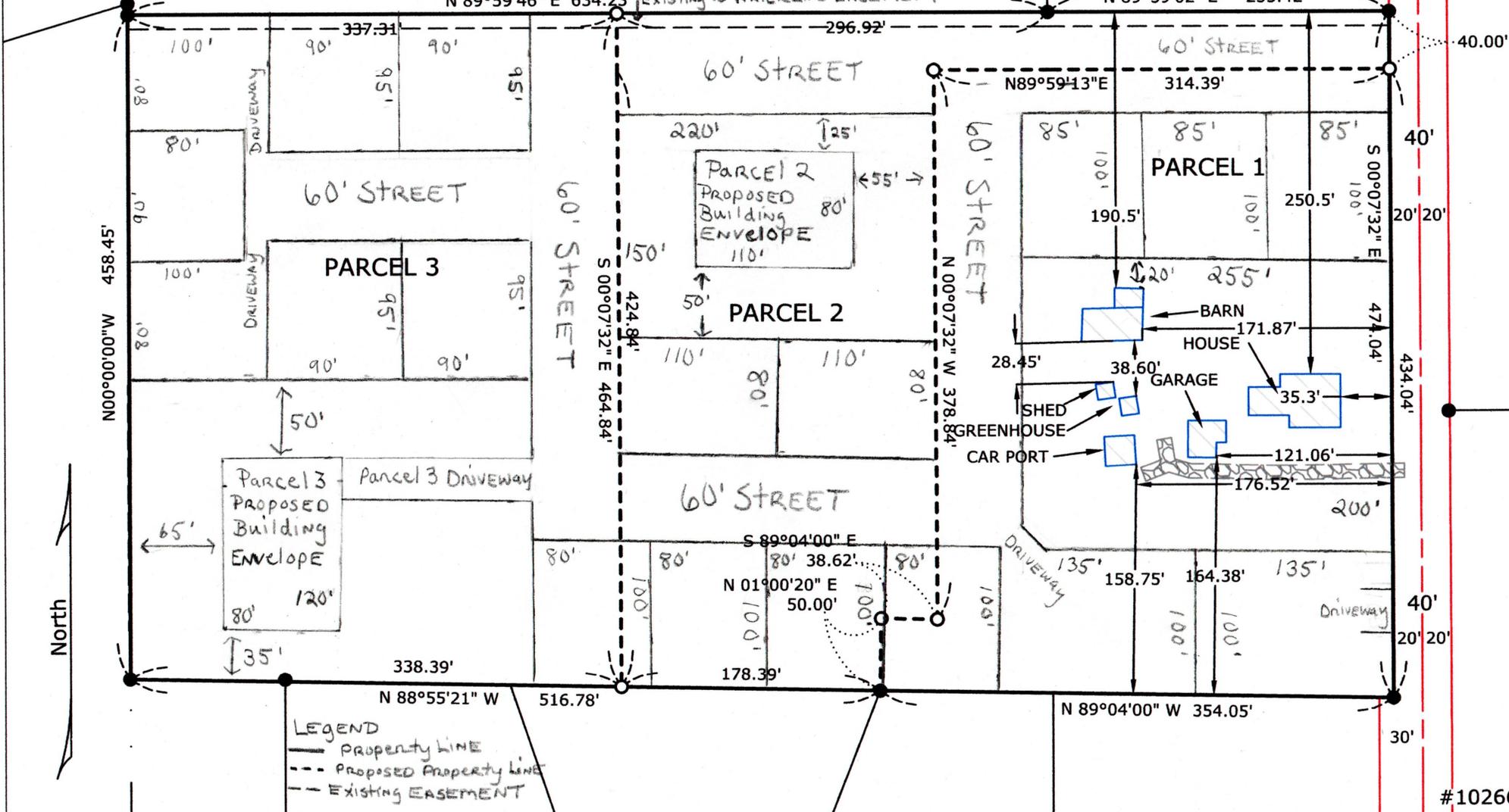
Applicant HEATER DLC #48  
Peggy Huff YAMHILL COUNTY, OREGON  
(727)688-9227  
KJHPLH@yahoo.com Tax Lot: 3208 - 1000  
3301 NE ZIMRI DRIVE  
Newberg, OR  
AF-10

By : Leland MacDonald & Assoc., LLC  
Formerly dba Matt Dunckel & Assoc.  
3885 NE Riverside Drive  
McMinnville, Oregon 97128  
Phone : 503-472-7904  
Fax: 503-472-0367  
Email:lee@macdonaldsurveying.com

Date: 5 DECEMBER, 2025

N 89°59'46" E 634.23' EXISTING 10' WATERLINE EASEMENT

N 89°59'02" E 235.42'



LEGEND  
 — Property line  
 - - - Proposed Property line  
 ···· Existing EASEMENT

#10266

# Exhibit. B: Location Map with Urban Reserve Area

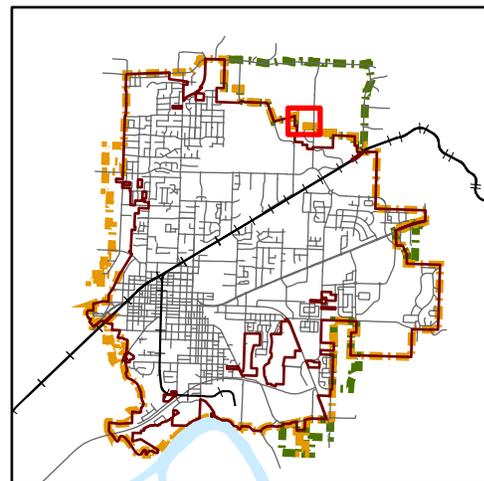


## 3301 NE Zimri Drive

- Subject Property
- Taxlots
- City Limits
- Urban Growth Boundary
- Urban Reserve Area



0 200 400 Feet



**IMPORTANT NOTICE TO ALL USERS:**

**DISCLAIMER AND LIMITATION OF LIABILITY**  
 This information is not guaranteed to be accurate and may contain errors and omissions. The City of Newberg provides NO WARRANTY AS TO THE MERCHANTABILITY OR FITNESS FOR THE PARTICULAR PURPOSE FOR ANY INFORMATION HEREIN.

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: 11/13/2023

## EXHIBIT C: Findings

Resolution No. 2026-4008 – Recommendation on Yamhill County Partition  
3301 NE Zimri Drive – File No. GEN25-0008

---

### *NEWBERG URBAN AREA GROWTH MANAGEMENT AGREEMENT*

#### *VII. Establishment of Land Use Review Procedures*

[...]

##### *5. Other Items Affecting Land Use Under Yamhill County's Jurisdiction*

[...]

- b. Items having a substantial impact upon land use under the jurisdiction of Yamhill County within Newberg's Urban Reserve area shall be reviewed by the City of Newberg for recommendation. Prior to filing an application with Yamhill County, the applicant shall apply for and receive a recommendation from the City of Newberg concerning the requested land use action. Requests shall be processed following the procedures outlined in the Addendum to this agreement, Section 2, item 5 (b). No fee shall be charged for processing a recommendation from the City of Newberg. Applications submitted without this recommendation will be deemed incomplete.*

[...]

- d. Items having a substantial impact upon land use shall include but are not limited to the following:*

[...]

##### *i. Subdivisions and Partitions*

[...]

**Finding:** The subject property is within the Newberg Urban Reserve Area. The City received notice of the proposed Yamhill County partition application on November 12, 2025, and received the required application materials to make a recommendation to Yamhill County on December 12, 2025. The City followed the procedures outlined in Section 2, item 5(b) of the Newberg Urban Area Management

Agreement to make a recommendation. Because the City received application materials and made a recommendation per the Newberg Urban Area Management Agreement, this criterion is met.

*ADDENDUM TO NEWBERG URBAN AREA GROWTH MANAGEMENT AGREEMENT*

[...]

***Section 2. Compliance with OAR Chapter 660, Division 21. In accordance with the applicable requirements of Chapter 660, Division 21, City and County agree as follows:***

[...]

- 5. As required by OAR 660-021-0050(4), procedures for notification and review of land use actions to ensure involvement by all affected local governments and special districts:***

[...]

- b. Upon request or application for a recommendation on a requested land use decision in the URA, the City shall use the following procedure in developing a recommendation (see Exhibit 1C for criteria to be used by the City in the recommendation process):***
  - 1. Applicant shall file with the City a substantially complete Yamhill County application and include a future development plan as provided in this agreement.***
  - 2. The City staff or City Council may refer the application to the City Planning Commission for a recommendation to the City Council.***
  - 3. The recommendation to Yamhill County shall be from the City Council.***
  - 4. Notice of any hearings shall be to the general public and any hearings shall be legislative in nature. Additional notice may be provided as the City deems necessary. This shall not be a quasi-judicial hearing since the City of Newberg is making a recommendation.***
  - 5. The City of Newberg shall furnish to the applicant its recommendation to Yamhill County within 60 days of the date that the request for recommendation is filed with the City of Newberg. City staff may request additional information from the applicant concerning the application prior to making a recommendation. Unless otherwise agreed between City and applicant, failure to furnish the recommendation within 60 days will waive the requirement to have a recommendation accompany the application.***
  - 6. The City reserves the right to make additional recommendations and comments concerning the application to Yamhill County during the Yamhill County process.***

7. *Nothing in this agreement limits the rights of either party in participating in the land use process before either jurisdiction.*
8. *Nothing in this agreement shall be construed as mandatory county approval criteria.*

**Finding:** The Applicant submitted a substantially complete Yamhill County partition application, which the County referred to the City of Newberg. City staff then requested a future development plan which the applicant provided. Public notice was published in the Newberg Graphic and in four public places on December 22<sup>nd</sup>, 2025, and the City Council held a public hearing on January 5, 2026, to make a recommendation on the proposed partition to Yamhill County. Because the City followed the procedure outlined in Section 2, item 5(b) of the Newberg Urban Area Management Agreement to make a recommendation, this criterion is met.

***EXHIBIT IC CRITERIA AND SUBMITTAL REQUIREMENTS FOR CITY RECOMMENDATION REGARDING DEVELOPMENT IN THE URA***

***A. Criteria: Generally, the following criteria will be used by the City of Newberg in developing City recommendations regarding land use development in the Urban Reserve Area. It is the City's intent to recommend that the County only allow development in the Urban Reserve Area that is limited in scope and that is consistent with the future urban development of the property.***

***1. Future Development Plan: The City Council shall recommend approval, recommend approval with conditions, or recommend against the future development plan in accordance with the following criteria:***

- (a) The current development shall not cause more than 10 percent of the property to be used for site improvements including buildings, parking areas, improved recreation areas, and storage areas, unless the City agrees the development intensity will not prohibit future urban development.***
- (b) The future development plan shall allow for the efficient future urban development of the remainder of the property. It shall allow for construction of future urban streets and utilities, and shall allow for required setbacks to current and future property lines.***
- (c) The plan is consistent with adopted plans and policies for the area, such as street or utility plans and policies in this agreement.***

***B. Submittal Requirements***

***1. A future development plan shall be required for any development in the Urban Reserve Area requiring a Yamhill County Type B or Type C review, excluding any development that involves a change in use to existing buildings only. The future development plan shall be used solely to evaluate the current proposal's compatibility with potential future urban development. It does***

*not bind or commit the applicants, property owners, review bodies, or governing bodies to approve or carry out the proposed future development.*

*2. The future development plan shall show how the property could be fully developed when incorporated into the city. The plan shall be drawn to scale and shall include the following:*

- (a) The location of potential future streets within and surrounding the site.*
- (b) The location of potential future sewer, water and storm drainage facilities within and surrounding the site.*
- (c) The location and approximate dimensions of potential future lot lines.*
- (d) Setback lines for proposed structures from current and proposed property lines.*

**Finding:** The site is located at 3301 NE Zimri Drive, Yamhill County tax lot no. R3208 01000. It is approximately 9.1 acres and is developed with a single-family home. The property is outside of the Newberg Urban Growth Boundary and city limits but within the Newberg Urban Reserve Area. Current Yamhill County zoning is Rural Residential – Agriculture/Forestry Small Holdings (AF-10).

The applicant is applying to Yamhill County for approval to partition the property into three parcels which will be 3.58 acres, 2.58 acres, and 3.16 acres in size. The County will need to determine if the number and size of parcels proposed in the partition comply with County requirements. The application materials indicate building envelopes where future single-family dwellings are proposed. Approximately 12.7 percent of the property will be used for site improvements including buildings, parking areas, improved recreation areas, and storage areas as proposed at this time.

A future development plan was submitted by the applicant. The plan shows how the site could potentially be developed to urban densities at a future date. As represented, there could be a new east/west future street connection off NE Zimri Drive. Public infrastructure would be within the future streets to serve future lots. The future development plan identifies 20 lots. Some of the lot sizes are larger than what Newberg would allow thus there could be additional lots if the area is brought into the Urban Growth Boundary and developed to urban densities. The future development plan conceptually shows a potential street network for future development.

The purpose of the Urban Area Growth Management Agreement (UGMA) procedure that refers development applications to the City for comment is to ensure coordination of development in the Urban Reserve Area such that future urbanization may occur consistent with city standards. The City therefore typically recommends the County only allow development that, 1) complies with County standards, and 2) does not preclude future urban development of the property including extension of urban services consistent with City standards. The potential development concept outlined in the application materials indicate that the development intensity will not prohibit future urban development. The City of Newberg

has no adopted plans and policies for the area, such as street or utility plans, but the partition is consistent with the policies in the Newberg Urban Area Growth Management Agreement.

Because the development intensity on the site of the proposed partition will not prohibit future development, allows for the efficient future urban development of remainder of the property through the construction of future urban streets and utilities, and for required setbacks, and is consistent with the policies of the Newberg Urban Area Growth Management Agreement, the criteria are met.

December 11, 2025

Dear Newberg City Council,

Thank you for taking up the issue of offering a recommendation to Yamhill County for our proposed partition request.

My family's farm has been in our family starting with my great grandmother and grandparents. We're coming up on 100 years so I don't take great pleasure in requesting to partition it. Unfortunately with the land prices up so high and the Oregon Estate tax that has not been adjusted for inflation since 2002; many farmers and land owners are in our position. Of course not all the blame can be put on that because settling the estate so that it's fair to all the kids is also part of it.

We have a measure 37/49 that allows us to partition into 3 parcels with the existing house and 2 additional houses. Where we are proposing the two additional houses to be built in the future are in areas that would allow for future development if the property is annexed into the city. We have made up a concept plan as requested to show this. Parcel 3 has a circular drive that will be gravel and would be easily removed.

In closing I do want to say to all our neighbors and friends that we have no plans to subdivide now or in the future.

Thank you to James for all his time and patience explaining this procedure to us.

I would like to request a quick recommendation if possible, this procedure put our partition application with the County on hold for 2 months. My dad is 93 years with medical issues so we need to finalize this as quickly as possible.

Thank you.

Sincerely,  
Peggy Huff  
Arendt Family Trust  
727 688-9227

979-25-000933-PLNG

Yamhill County Department of Planning & Development

**APPLICATION FOR PARTITION**

400 NE Baker Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Docket P-11-25  
 Date 10/29/25  
 Rec'd by [Signature]  
 Receipt # 939185  
 Fee \$2717.00  
 2926.20

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
Huff	Peggy	L	ARENOT	Gilbert	A
Last name	First	MI	Last name	First	MI
11057 90TH AVE N.			878 GREENWOOD DR. NE		
Mailing address (Street or PO Box)			Mailing address (Street or PO Box)		
Seminole	FL	33772	Keizer	OR	97303
City	State	Zip	City	State	Zip
727 688-9227			503 390-2085		
Telephone:			Telephone:		
KJHPLHQ@yahoo.com			E-mail address:		
E-mail address:			E-mail address:		

**PROPERTY INFORMATION**

Tax Lot(s) 3208-1000 Zone: AF10  
 Size of original parcel: 9.78 Acres Plan designation: AFSH District

**PROPOSED PARTITION**

Measure 49-Attached

Parcel #	Acres	Dimensions (Average)	Width	Depth
Parcel #1	<u>3.16</u>		<u>320</u>	<u>430</u>
Parcel #2	<u>2.58</u>		<u>217 + Road Easement</u>	<u>425</u>
Parcel #3	<u>3.58</u>		<u>338</u>	<u>461</u>

**PROPERTY INFORMATION:**

- Is there a septic system on the property?  Yes  No  
 If yes, which parcel(s) is the septic system on? 1
- How will water be provided?  Well:  existing  proposed  
 On-site spring or creek  Water Association (name) Springbrook Water or Well
- What road or easement will be used as access? Partition 1, ZIMRI DR. to driveway for 3301<sup>NE</sup> Zimri Dr. Northern Boundary EASEMENT for Partition 2 and 3
- Is the property in a Fire District? Yes Name of Fire District: Tualatin Valley Fire + Rescue
- Is the property within two miles of any city limits? Yes If yes, name of city: Newberg



Preliminary Plat

Partition Application Map for:

# Arendt Family Trust

LOCATION: SE 1/4 SECTION 8, T. 3 S., R. 2 W., W.M.  
HEATER DLC #48  
YAMHILL COUNTY, OREGON

Tax Lot: 3208 - 1000

Date: 20 OCTOBER, 2025

APPLICANT: PEGGY HUFF  
PH: (727)-688-9227

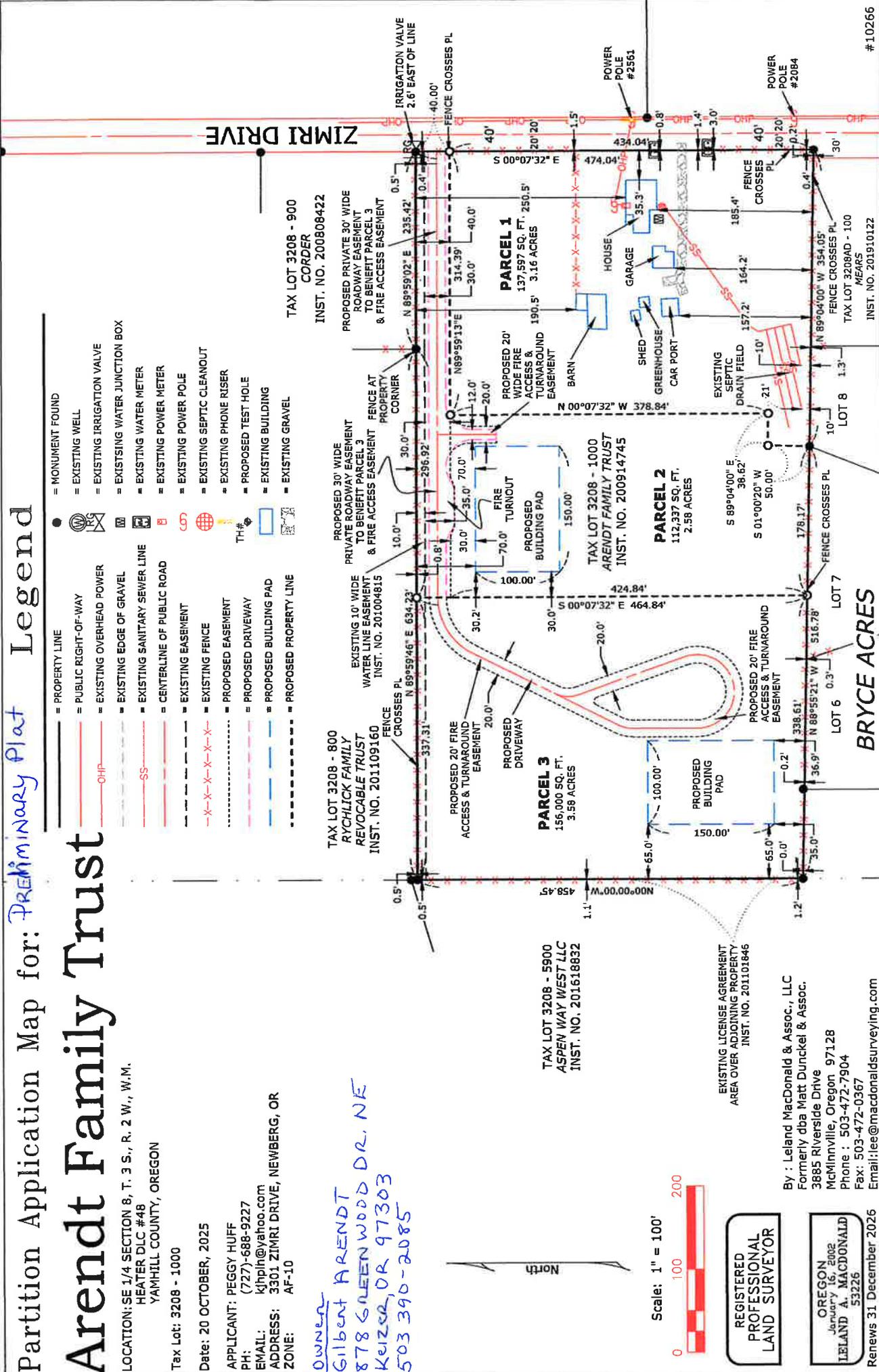
EMAIL: kjhpin@yahoo.com

ADDRESS: 3301 ZIMRI DRIVE, NEWBERG, OR

ZONE: AF-10

*OWNERS*  
*Gilbert ARENDT*  
*878 GREENWOOD DR. NE*  
*KEIZER, OR 97303*  
*503 390-2085*

- Legend**
- = PROPERTY LINE
  - = PUBLIC RIGHT-OF-WAY
  - = EXISTING OVERHEAD POWER
  - = EXISTING EDGE OF GRAVEL
  - = EXISTING SANITARY SEWER LINE
  - = CENTERLINE OF PUBLIC ROAD
  - = EXISTING EASEMENT
  - = EXISTING FENCE
  - = PROPOSED EASEMENT
  - = PROPOSED DRIVEWAY
  - = PROPOSED BUILDING PAD
  - = PROPOSED PROPERTY LINE
  - = MONUMENT FOUND
  - ⊗ = EXISTING WELL
  - ⊗ = EXISTING IRRIGATION VALVE
  - ⊗ = EXISTING WATER JUNCTION BOX
  - ⊗ = EXISTING WATER METER
  - ⊗ = EXISTING POWER METER
  - ⊗ = EXISTING POWER POLE
  - ⊗ = EXISTING SEPTIC CLEANOUT
  - ⊗ = EXISTING PHONE RISER
  - ⊗ = PROPOSED TEST HOLE
  - ⊗ = EXISTING BUILDING
  - ⊗ = EXISTING GRAVEL



Scale: 1" = 100'  
0 100 200

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
January 16, 2002  
LELAND A. MACDONALD  
53226

By : Leland MacDonald & Assoc., LLC  
Formerly dba Matt Duncel & Assoc.  
McMinnville, Oregon 97128  
Phone : 503-472-7904  
Fax: 503-472-0367  
Email: lee@macdonaldsurveying.com

Renews 31 December 2026

#10266



\$26.00

00333509200900147450010016

200914745

11:49:11 AM 9/11/2009

DMR-DDMR Cnt=1 Stn=3 SUSIE  
\$5.00 \$10.00 \$11.00

# Statutory Warranty Deed

September 8, 2009

BY AND BETWEEN: Gilbert A. Arendt and Margaret A. Arendt, husband and wife, hereinafter referred to as GRANTORS, and Gilbert A. Arendt and Margaret A. Arendt, as Co-Trustees of the Arendt Family Trust, hereinafter referred to as GRANTEES.

GRANTORS CONVEY AND WARRANT TO GRANTEES, all of Grantors' interest in the following-described real property, free of encumbrances except as specifically set forth herein:

See Exhibit A attached hereto and by this reference incorporated herein

The true and actual consideration for this conveyance, stated in terms of dollars, is: Zero Dollars (\$0.00), although the actual consideration may consist of or include other property or value given or promised.

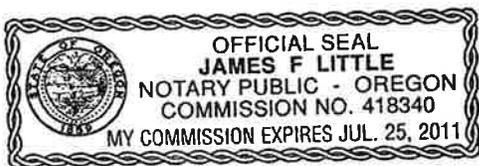
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES. ORS 93.040.

  
Gilbert A. Arendt, Grantor

  
Margaret Anne Arendt, Grantor

STATE OF OREGON            )  
                                          ) SS.  
County of Marion            )

The foregoing instrument was acknowledged before me this September 8, 2009, by Gilbert A. Arendt and Margaret A. Arendt, husband and wife, as Grantors.



  
Notary Public for Oregon  
My Commission Expires: 7/25/11

AFTER RECORDING RETURN TO:  
Gilbert A. Arendt and Margaret A. Arendt  
Trustees of the Arendt Family Trust  
878 Greenwood Dr. NE.  
Keizer OR 97303

SEND ALL TAX STATEMENTS TO:  
Gilbert A. Arendt and Margaret A. Arendt  
Trustees of the Arendt Family Trust  
878 Greenwood Dr. NE.  
Keizer OR 97303



1987 DEC 23 AM 10:13 E218P2081

DA

DEED CREATING ESTATE BY THE ENTIRETY



KNOW ALL MEN BY THESE PRESENTS, That Margaret Anne Arendt

(hereinafter called the grantor), the spouse of the grantee hereinafter named, for the consideration hereinafter stated, has bargained and sold and by these presents does grant, bargain, sell and convey unto her husband, Gilbert Allen Arendt (herein called the grantee),

an undivided one-half of the following described real property situate in Yamhill County, Oregon, to-wit: Situated in the County of Yamhill, State of Oregon and being a part of the Donation Land Claim of Solomon Heater and Jane Heater, his wife, Notification No. 1471, and Claim No. 48, in Sections 8, 9, 16 and 17, in Township Three (3) South of Range Two (2) West of the Willamette Meridian in Yamhill County, Oregon, and the part of said Claim hereby conveyed being particularly described as follows, to-wit:

Beginning on the West line of said Donation Land Claim at a point 10.836 chains South of the Southwest corner of land formerly owned by Thomas Roberts; thence East and parallel with the South line of said Roberts' land 13.84 chains; thence South 7.224 chains; thence West 13.84 chains to West line of said Donation Land Claim; thence North 7.224 chains to the place of beginning, containing ten acres of land, more or less;

Excepting, however, the rights reserved by Frank Carlisle and Stella G. Carlisle, in deed dated July 29, 1930, executed by them in favor of the grantor therein, which deed was recorded on July 31, 1930, in Book 103 at page 622 of the Records of Deeds for Yamhill County, Oregon;

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining;

TO HAVE AND TO HOLD said undivided one-half of said real property unto the said grantee forever.

The above named grantor retains a like undivided one-half of said real property and it is the intent and purpose of this instrument to create and there hereby is created an estate by the entirety between husband and wife as to said real property.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ NINE

~~HOWEVER, THE ACTUAL CONSIDERATION PAID OR RECEIVED FOR THIS TRANSFER MAY BE DIFFERENT FROM THAT STATED ABOVE. THE TRUE AND ACTUAL CONSIDERATION PAID OR RECEIVED FOR THIS TRANSFER IS INDICATED BY THE SYMBOLS (D) IN THE FOLLOWING SENTENCE. (The sentence between the symbols (D), if not applicable, should be deleted. See ORS 93.030.)~~

WITNESS grantor's hand this 15 day of December, 1987.

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Margaret Anne Arendt

Dec 15, 1987

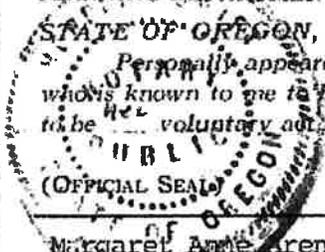
STATE OF OREGON, County of Yamhill ) ss.

Personally appeared the above named Margaret Anne Arendt who is known to me to be the spouse of the grantee in the above deed and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

*Charles Stern*

Notary Public for Oregon—My commission expires: 11/15/89



Margaret Anne Arendt  
878 Greenwood Drive, N.E.  
Salem, OR 97303

GRANTOR'S NAME AND ADDRESS

Gilbert Allen Arendt  
878 Greenwood Drive, N.E.  
Salem, OR 97303

GRANTEE'S NAME AND ADDRESS

After recording return to:

Swift & Swift  
P.O. Box 268  
Newberg, OR 97132

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

Send to Grantor as above

NAME, ADDRESS, ZIP

STATE OF OREGON )

County of Yamhill )

ss.

I hereby certify that the within was received and duly recorded by me in Yamhill County records:

CHARLES STERN, COUNTY CLERK

*Charles Stern*  
County affixed.

NAME

TITLE

By Deputy

500  
600  
10582



**OREGON DEPARTMENT OF LAND CONSERVATION AND  
DEVELOPMENT**

**ORS 195.300 to ORS 195.336 (MEASURE 49) SUPPLEMENTAL REVIEW  
OF MEASURE 37 CLAIM  
Final Order and Home Site Authorization**

**STATE ELECTION NUMBER:**

E134133<sup>1</sup>

**CLAIMANTS:**

Gilbert A. and Margaret A. Arendt  
878 Greenwood Drive NE  
Keizer, OR 97303-4628

**MEASURE 37 PROPERTY  
IDENTIFICATION:**

Township 3S, Range 2W, Section 8  
Tax lot 1000  
Yamhill County

The claimants, Gilbert and Margaret Arendt, filed a claim with the state under ORS 197.352 (2005) (Measure 37) on December 4, 2006, for property located at 3301 NE Zimri Drive, near Newberg, in Yamhill County. ORS 195.300 to ORS 195.336 (Measure 49) entitles claimants who filed Measure 37 claims to elect supplemental review of their claims. The claimants have elected supplemental review of their Measure 37 claim under Section 6 of Measure 49, which allows the Department of Land Conservation and Development (the department) to authorize up to three home site approvals to qualified claimants.

This Final Order and Home Site Authorization is the conclusion of the supplemental review of this claim.

**I. ANALYSIS OF CLAIM**

**A. Maximum Number of Home Sites for Which the Claimants May Qualify**

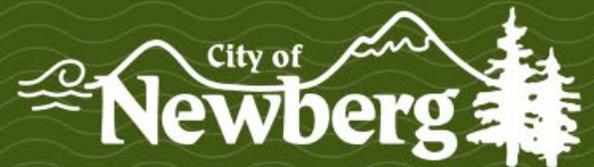
Under Section 6 of Measure 49, the number of home site approvals authorized by the department cannot exceed the lesser of the following: three; the number stated by the claimant in the election materials; or the number described in a Measure 37 waiver issued by the state, or if no waiver was issued, the number of home sites described in the Measure 37 claim filed with the state. The claimants have requested three home site approvals in the election material. No waiver was issued for this claim. The Measure 37 claim filed with the state describes five home sites. Therefore, the claimants may qualify for a maximum of three home site approvals under Section 6 of Measure 49.

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<sup>1</sup> The claimants also have a claim, E134132, for property that is not contiguous to tax lot 1000.

# Partition of Unincorporated Parcel Recommendation

City Council Public Hearing  
January 20, 2026

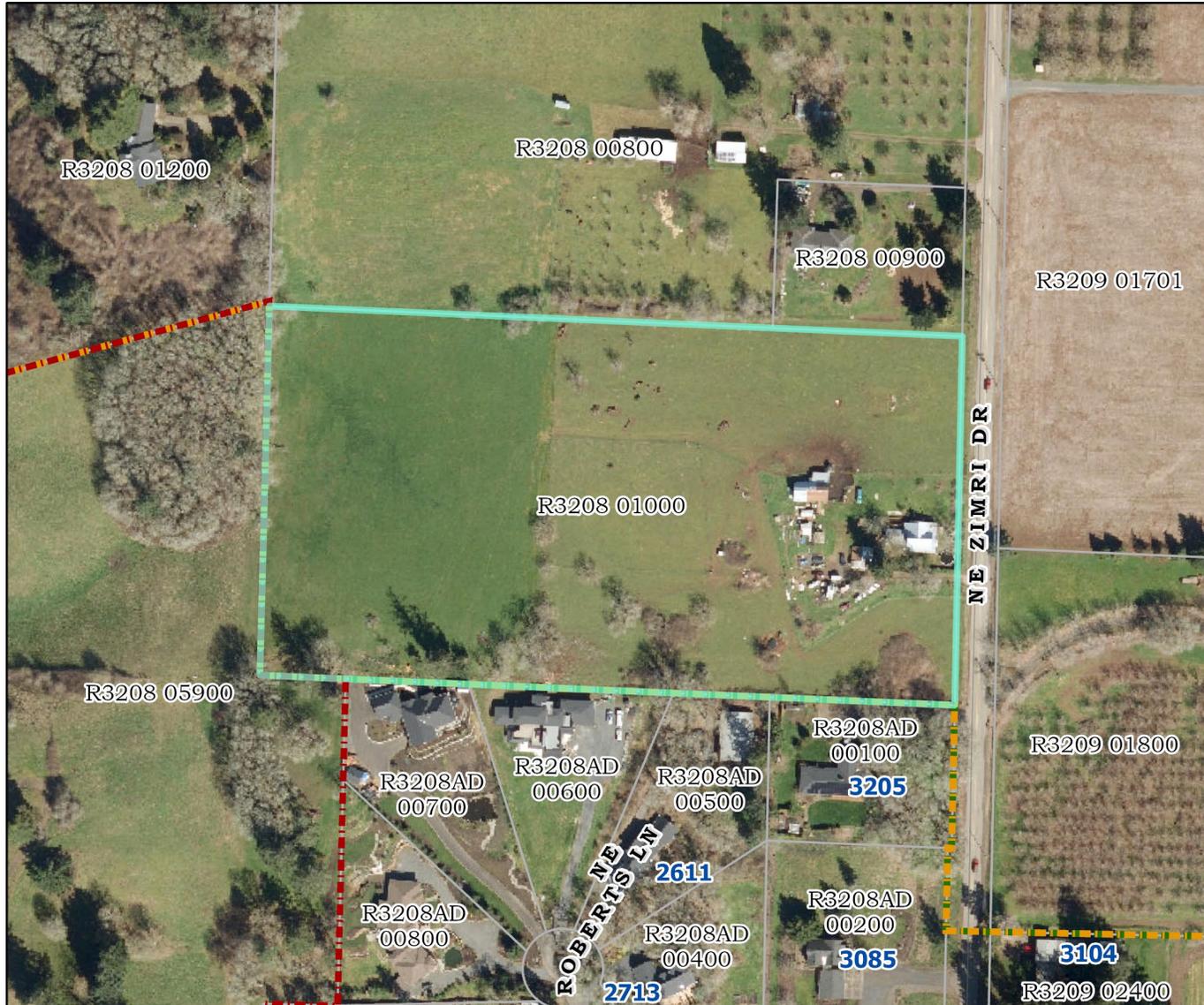


## Staff Recommendation

- Adopt Resolution No. 2026-4008.

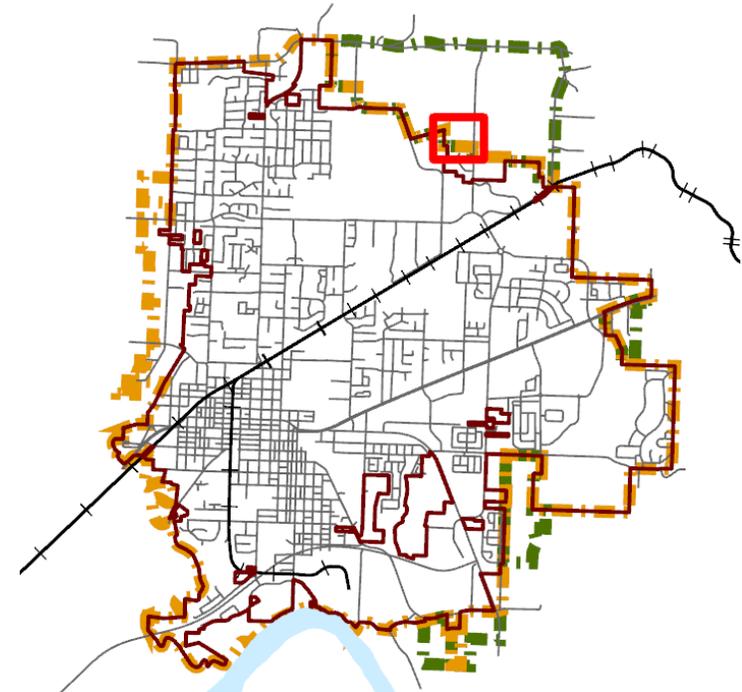
## Background

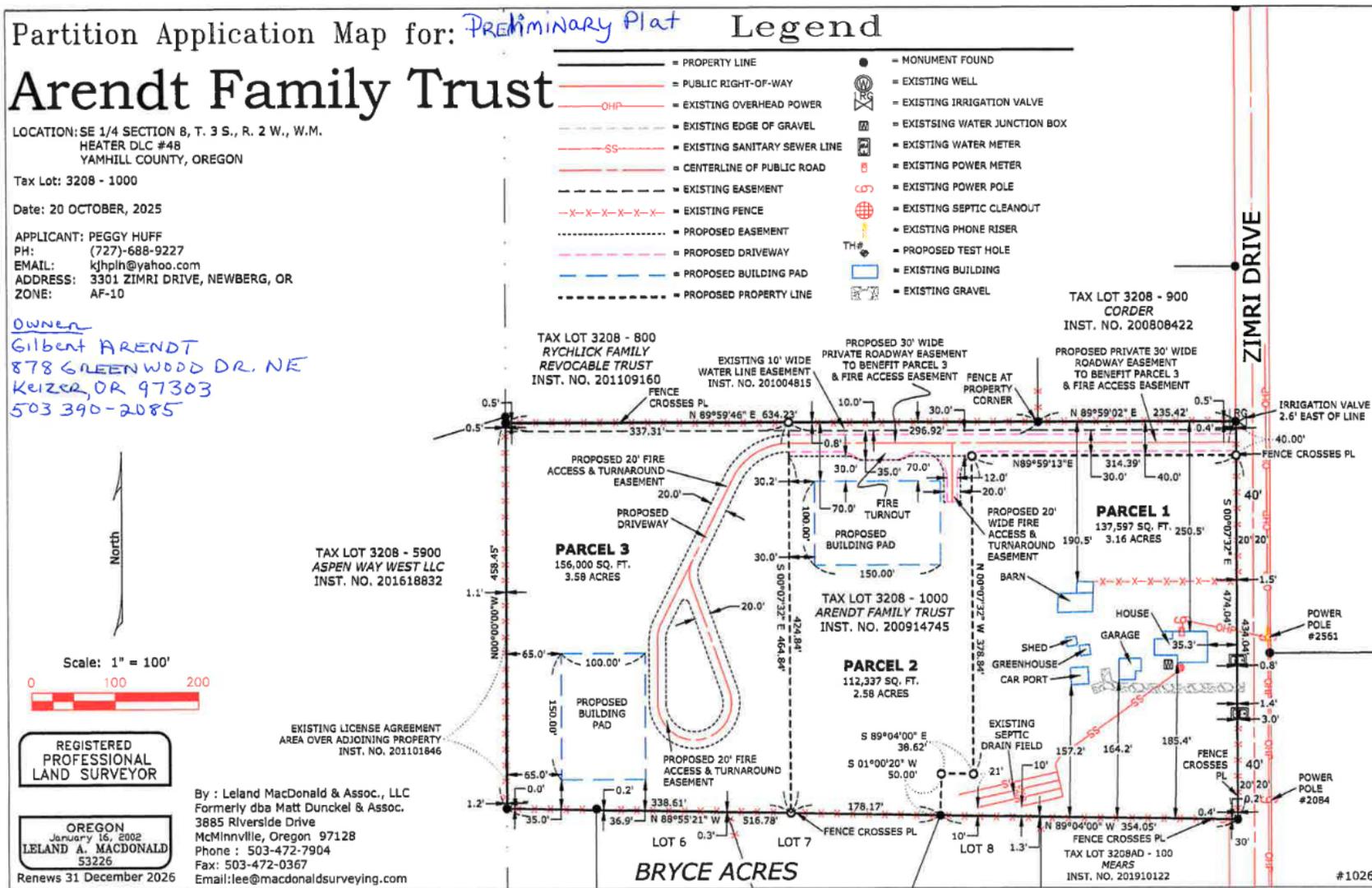
- Proposed 3-lot partition of unincorporated parcel within the Urban Reserve Area.
- Newberg Urban Area Management Agreement requires the City to make a recommendation on “items having a substantial impact upon land use” under the jurisdiction of Yamhill County within Newberg’s Urban Reserve Area.
- Yamhill County will make the final decision.



## 3301 NE Zimri Drive

-  Subject Property
-  Taxlots
-  City Limits
-  Urban Growth Boundary
-  Urban Reserve Area





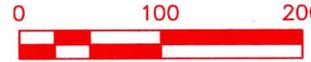
## Criteria

*Future Development Plan: The City Council shall recommend approval, recommend approval with conditions, or recommend against the future development plan in accordance with the following criteria:*

- a) The current development shall not cause more than 10 percent of the property to be used for site improvements including buildings, parking areas, improved recreation areas, and storage areas, unless the City agrees the development intensity will not prohibit future urban development.*
- b) The future development plan shall allow for the efficient future urban development of the remainder of the property. It shall allow for construction of future urban streets and utilities, and shall allow for required setbacks to current and future property lines.*
- c) The plan is consistent with adopted plans and policies for the area, such as street or utility plans and policies in this agreement.*

## Future Development Concept Plan for: Arendt Family Trust

Scale: 1" = 100'



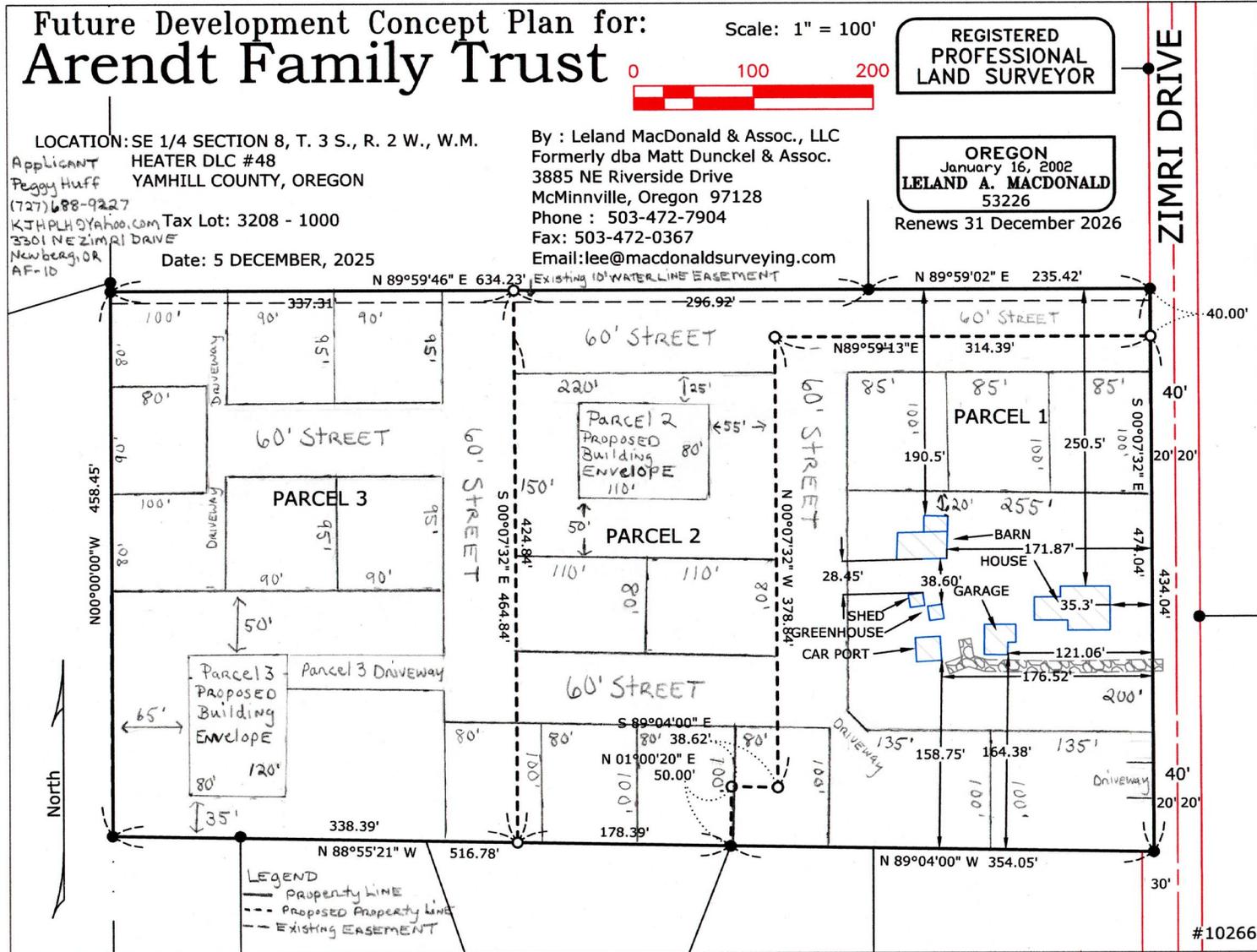
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
January 16, 2002  
**LELAND A. MACDONALD**  
53226  
Renews 31 December 2026

LOCATION: SE 1/4 SECTION 8, T. 3 S., R. 2 W., W.M.

Applicant HEATER DLC #48  
Peggy Huff YAMHILL COUNTY, OREGON  
(727)688-9227  
KJHPLH@yahoo.com Tax Lot: 3208 - 1000  
3301 NE ZIMRI DRIVE  
Newberg, OR  
AF-1B  
Date: 5 DECEMBER, 2025

By : Leland MacDonald & Assoc., LLC  
Formerly dba Matt Dunckel & Assoc.  
3885 NE Riverside Drive  
McMinnville, Oregon 97128  
Phone : 503-472-7904  
Fax: 503-472-0367  
Email: lee@macdonaldsurveying.com



#10266

## Staff Recommendation

- Adopt Resolution No. 2026-4008.

# Thank you!

Questions?

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: (January 20, 2026)**

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Information <input checked="" type="checkbox"/> Proclamation <input type="checkbox"/>	
Subject:  Seeking the will of council on support for the Sister City nonprofit.	Staff: Introduced by CM Department: NA
Work Session <input type="checkbox"/> Business Session <input checked="" type="checkbox"/>	Order On Agenda: Continuing Business

**Is this item state mandated?** Yes  No

**If yes, please cite the state house bill or order that necessitated this action:**

## **Recommendation:**

None, this RCA is seeking the will of council.

## **Executive Summary:**

In a recent council meeting the honorable councilors declined to end the sister city relationship(s) but also indicated that they were not in favor of spending funds on in or outbound travel. To further clarify this position the honorable mayor has asked for this informational RCA to be placed upon the agenda.

While it seems clear that the majority of the council does not want to directly support delegates (in or out bound), the mayor believes that this relationship is important to the economic growth of Newberg, therefore he wishes to give the wine industry leaders an opportunity to present their reasons for continued support of the Poysdorf relationship.

This RCA permits room for debate on this issue.

## **Fiscal Impact:**

Either nil or perhaps \$10,000 per year.

## **Council Goals:**

Continuous Goal D: Develop ways to help tourism and the wine industry flourish.

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: (January 20, 2026)**

Order <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/> Proclamation <input type="checkbox"/>	
No. 2026-2942	
Subject: An Ordinance to Recognize PASER Data in Newberg Municipal Code	Staff: Will Worthey Department: Capital Engineering
Business Session – Continuing Business	Order On Agenda:
Hearing Type: Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Administrative <input type="checkbox"/> Not Applicable <input type="checkbox"/>	

**Is this item state mandated?** Yes  No

**If yes, please cite the state house bill or order that necessitated this action:**

## **Recommendation:**

Staff recommend the passage of this ordinance with the following motion:

“I move that Ordinance 2026-2942 be adopted to add PASER data to Chapter 3 of our municipal code”

## **Executive Summary:**

In 2024 the entirety of the city of Newberg underwent road surface scanning using LiDAR technology. One of the objectives of this effort was to create a richer understanding of what road sections were badly degraded or altogether failing with a new type of data. The end product of this analysis was a PASER data set - Pavement Surface Evaluation and Rating (PASER).

This data set will enable better decision making about future road repair decisions. In November of 2025 the city GIS analyst brought to my attention that to make best use of the new LiDAR - PASER data Newberg would need to make a minor ordinance change to recognize the new technology. The code change that sits before you tonight does not replace PCI with PASER. Instead, this ordinance adds PASER to our municipal tool kit for the assessment of road surface conditions to help make better informed decisions on where to dedicate scarce resources.

Exhibit A illustrates the use of PASER and contains the proposed text insertions. Exhibit B contains Ord 2016-2811 that set the PCI standard.

## **Fiscal Impact:**

While there is no direct fiscal impact. PASER will allow the road repair resources we have to be better deployed.

## **Council Goals: N/A**

Goal 5: Implement a careful and prudent fiscal policy.



# ORDINANCE NO. 2026-2942

## An Ordinance to Recognize PASER Data in Newberg Municipal Code

### Recitals:

1. In 2016 the city of Newberg adopted the PCI data standard via Ordinance 2016-2811
2. In 2024 the Capital Engineering team completed a LiDAR scan of the entire city.
3. In November of 2025 the city GIS analyst recommended that the city add the PASER standard to Newberg Municipal Code.

### The City of Newberg Ordains as Follows:

1. To adopt Ordinance 2026-2942 to recognize PASER data within Newberg Municipal Code and therefore update NMC 3.45.060 with PASER data for road repair purposes

**Effective Date** of this ordinance is the day after the adoption date, which is: January 21, 2026.

**Adopted** by the City Council of Newberg, Oregon, this 20th day of January, 2026, by the following votes: **AYE:**      **NAY:**      **ABSTAIN:**

\_\_\_\_\_  
Rachel Thomas, City Recorder

**Attest** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Bill Rosacker, Mayor

### **PASER to PCI General Condition Comparison\***

While a direct conversion is not possible, the general condition ratings overlap conceptually:

<b>PASER Rating (1-10)</b>	<b>PCI Range (0-100)</b>	<b>Condition Class</b>	<b>Needed Maintenance/Repair</b>
9-10	86-100	Good	None to little maintenance required.
7-8	71-85	Satisfactory	Routine crack filling and minor patching.
5-6	56-70	Fair	Sealcoat or nonstructural overlay.
3-4	41-55	Poor	Major patching & structural overlay or complete recycling.
1-2	0-40	Failed/Very Poor	Reconstruction needed.

\* Barrette, Timothy P., "Comparison of PASER and PCI pavement distress indices ", Master's report, Michigan Technological University, 2011.

<https://doi.org/10.37099/mtu.dc.ets/502>

## Proposed Ordinance Change

The proposed ordinance change would create two insertions into NMC chapter 3:

### **3.45.060 Prioritization of improvements (Current Text).**

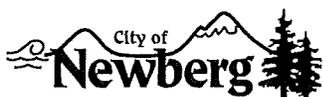
A maximum of 70 percent of the annual revenue will be allocated for maintaining streets that have been determined to be in fair to good condition, with a pavement condition index (**PCI**) of 60 to 100, as determined by standard engineering practices. A minimum of 30 percent of the annual revenue will be allocated to restoration or reconstruction of residential streets with a pavement condition index (**PCI**) below 60.

### **3.45.060 Prioritization of improvements, Underline is inserted text:**

A maximum of 70 percent of the annual revenue will be allocated for maintaining streets that have been determined to be in fair to good condition, with a pavement condition index (**PCI**) of 60 to 100 or (**PASER**) 5+, as determined by standard engineering practices. A minimum of 30 percent of the annual revenue will be allocated to restoration or reconstruction of residential streets with a pavement condition index (**PCI**) below 60 or (**PASER**) > 5.

### **3.45.060 Prioritization of improvements (Post Adoption Clean Version)**

A maximum of 70 percent of the annual revenue will be allocated for maintaining streets that have been determined to be in fair to good condition, with a pavement condition index (**PCI**) of 60 to 100 or (**PASER**) 5+, as determined by standard engineering practices. A minimum of 30 percent of the annual revenue will be allocated to restoration or reconstruction of residential streets with a pavement condition index (**PCI**) below 60 or (**PASER**) > 5.



## *ORDINANCE No. 2016-2811*

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**AN ORDINANCE AMENDING NEWBERG MUNICIPAL CODE TITLE 3 TO  
ADD A NEW CHAPTER ADOPTING A TRANSPORTATION UTILITY FEE**

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### **RECITALS:**

WHEREAS, the condition of the City of Newberg's street network has been declining as demonstrated by engineering analysis to calculate the pavement condition index (PCI) conducted in 2014 and updated in 2016;

WHEREAS, regular maintenance of streets is cost-effective for the city and for citizens because deteriorated streets are increasingly expensive to repair and maintain, cause increased wear on vehicles, and pose increased safety hazards to the public;

WHEREAS, it is the responsibility of the City of Newberg to ensure safe passage for its citizens on public right-of-way falling within its jurisdiction;

WHEREAS, The city council has indicated a desire to maintain and modernize the city's transportation and utilities infrastructure by creating a stable road maintenance funding source, by looking at alternative funding mechanisms, by developing a street maintenance plan, and secure adequate and stable funding with citizen input and community outreach;

WHEREAS, a well maintained street network enhances the livability, property values and economic vitality of the community;

WHEREAS, revenues from existing sources (including the state motor fuel tax and the Oregon Transportation Investment Act), are not adequate to maintain the City of Newberg's street network to meet these standards;

WHEREAS, it is the intent of the city council to create a utility with all lawful powers to manage, plan, design, construct, maintain, use, and where necessary, alter the transportation system in the City of Newberg by the creation of a funding mechanism that provides the resources necessary to carry out the objectives of a street maintenance program, which is equitable for all citizens and businesses in the City of Newberg;

WHEREAS, all citizens and businesses in the City of Newberg will be served by the program and receive the long-term benefits of such service;

WHEREAS, additional funding is required in order to fund increased maintenance and replacement of the City of Newberg's street system; and

WHEREAS, the Newberg City Council held public hearings on December 5, 2016, January 3, 2017, and May 2, 2017, regarding the adoption of a transportation utility fee;

**THE CITY OF NEWBERG ORDAINS AS FOLLOWS:**

**Section 1:** A new chapter adopting a transportation utility fee (TUF) 3.45, is added to and made a part of Title 3, Revenue and Finance, of the Newberg Municipal Code as set forth in attached Exhibit A to this ordinance.

**Section 2:** Exhibit B to this ordinance, rate schedule, lists the categories, trip rates and unit charges for developed residential and non-residential land use classes within the corporate limits of the City of Newberg, and shall be effective until modified by future resolution of the Council. Section 3.35.080 of attached Exhibit A, outlines the methodology to calculate, collect and adjust the rates and charges outlined in Exhibit B.

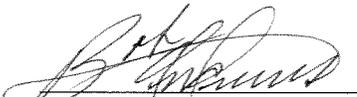
**Section 3:** The city manager is the delegated authority to implement the TUF created by this title when administratively feasible, but not sooner than July 1, 2017

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: June 2, 2017.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 2<sup>nd</sup> day of May, 2017, by the following votes: **AYE: 6    NAY: 1    ABSENT: 0    ABSTAIN: 0**

  
\_\_\_\_\_  
Sue Ryan, City Recorder

**ATTEST** by the Mayor this 5<sup>th</sup> day of May, 2017.

  
\_\_\_\_\_  
Bob Andrews, Mayor

**Chapter 3.45 Transportation Utility Fee**

Sections:

- 3.45.010 Purpose.
- 3.45.020 Definitions.
- 3.45.030 Administration.
- 3.45.040 Street Fund.
- 3.45.050 Fee imposed.
- 3.45.060 Prioritization of improvements.
- 3.45.070 Annual street maintenance program report.
- 3.45.080 Fee determination, adjustments and termination.
- 3.45.090 Mixed use and related properties.
- 3.45.100 Implementation rules.
- 3.45.110 Billing and collection.
- 3.45.120 Commencement of charges.
- 3.45.130 Waiver of fees.
- 3.45.140 Appeals.
- 3.45.150 Inspection of developments.
- 3.45.160 Severability.

**3.45.010 Purpose.**

A transportation utility fee (TUF) is created to operate and administer the pavement system maintenance and capital improvement programs. This program will manage, plan, design, construct, preserve and maintain the street pavement system in the City of Newberg, excepting county roads and state highways within the city limits. This includes but is not limited to, patching, crack sealing, fog sealing, slurry sealing, chip sealing, grinding, inlaying, overlaying and reconstructing public streets and ADA improvements within the rights-of-way.

The TUF is a fee based on the direct and indirect use of or benefit derived from the use of public transportation facilities and is reasonably related to the cost of providing these services. For purposes of ORS Volume 8 (Revenue and Taxation), the Transportation Utility Fee is not intended to be a tax on property or a property owner as a direct consequence of ownership, but instead is a fee or charge not subject to the limits of Section 11(b), Article XI, of the Oregon Constitution.

**3.45.020 Definitions.**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“**City manager**” means the city manager or person designated or appointed by the city manager to perform functions or tasks under this chapter.

“**City street or street**” means a public street, alley and/or right-of-way within the city that is subject to the authority or control of the city.

“**Class**” means the billing group of similar trip generating uses that the individual categories are assigned.

**“Developed property or developed use”** means a parcel or portion of real property on which an improvement exists or has been constructed. Improvement on developed property includes but is not limited to, buildings, parking lots, landscaping, commercial agricultural, open space, parks, and outside storage.

**“Gross square footage”** means the calculation of the area of all structures and stories of structures located on a parcel or lot, measured along the exterior walls of the structures. This includes enclosed courtyards and stairwells, but does not include fences and parking areas that are not enclosed within a structure.

**“ITE Manual”** means The Institute of Transportation Engineers Trip Generation Manual, latest edition.

**“Mixed-use property”** means a developed multi-use and/or multi-tenant property with common or separate utility accounts for the individual uses on the property or where condominium ownership establishes common and separate ownership with the same parcel.

**“Multi-family residential property”** means residential property with more than three separate living units or spaces such as apartment complexes.

**“Non-residential property”** means a business, commercial, industrial, institutional or nonprofit use of real property that is not used primarily for personal or domestic accommodation.

**“Parcel”** means a unit of land that is created by a partitioning of land.

**“PROWAG”** means the Public Right-of-Way Accessibility Guideline as published by the United States Access Board. These guidelines cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking and other components of public rights-of-way.

**“Residential property”** means a use of real property primarily for personal or domestic accommodation, including single-family and multi-family residential property, but not including hotels, motels and other commercial establishments that provide temporary shelter.

**“Responsible party”** means the person or persons who by occupancy or by contractual arrangement are responsible to pay for utility and other services provided to a developed property or developed use. The person(s) paying the municipal services statement for the developed property or developed use shall be deemed the responsible party. For any developed property or developed use not otherwise required to pay a municipal services statement, “responsible party” shall mean the property owner.

**“Single-family residential”** means residential real property including single -family detached homes, duplexes and triplexes.

**“Trip generation”** means the average number of daily vehicle trips as determined by reference to the most recently published edition of the manual, *Trip Generation*, published by the Institute of Transportation Engineers (ITE; ITE manual).

**“Unit rate”** means the dollar amount charged per adjusted average daily trip. There shall be a unit rate applied to residential land uses identified as the residential unit rate, and a unit rate applied to all other land uses, identified as the non-residential unit rate.

**“Use category or category of use”** means the code number and resulting trip generation estimate determined with reference to the ITE manual, and applicable to a developed property.

**“Vacant”** means that the entire developed property building, or unit has no occupant for more than 30 continuous days; when the property use is suspended for a seasonal closure lasting more than 30 days; or property remodel, repair, or reconstruction. An unoccupied portion of a developed property having no separate water meter does not qualify under this definition as vacant.

**“Waiver”** means partial or full waiving of TUF.

### **3.45.030 Administration.**

A. Authority and Effective Date. The city manager is the delegated authority to implement the TUF created by this title when administratively feasible, but not sooner than July 1, 2017. The city manager may interpret all terms, provisions and requirements of this chapter and determine the appropriate TUF category. A property owner desiring an interpretation or other examination of the TUF category must submit a written application to the city manager. The application must provide sufficient detail to allow an interpretation. The city manager may require additional information, including an engineering study prepared by a licensed professional engineer using ITE manual methodology.

B. Categories of Use. The city manager will establish the assignment of categories of use subject to appeal to the city council.

C. Decisions. Following implementation of the TUF program, within 30 days of the submission of an application with the required information, the city manager will make a final decision on the application. The decision will be written and include findings of fact and conclusions based upon applicable criteria. A copy of the decision will be mailed to the applicant. The city manager will maintain a file containing all decisions. Except as provided under subsection (2) below, decisions of the city manager are final.

1. Categories. If a city manager decision affects the trip generation rate and/or category of the developed property for which an interpretation is requested, the city will assign the proper category to the developed property. An appropriate TUF category will be assigned and applied to the developed property. No back charges or refunds will be made.

2. Appeal. The decision of the city manager under this subsection may be appealed to the city council in accordance with section 3.45.140.

D. Programs. The city manager will develop and maintain programs for the maintenance of city transportation facilities and capital improvement programs to upgrade substandard facilities to current engineering standards for the safety and welfare of the community. Said program is subject to the city budget committee review and city council approval for the allocation and expenditure of budget resources for the transportation facility improvement and maintenance.

E. Fees. The city manager is responsible for the collection of fees under this chapter.

### **3.45.040 City street fund.**

A. All funds collected under this chapter will be deposited into the city street fund. If the TUF collected are insufficient for the intended purpose, the city council may allocate other non-dedicated city funds to pay such costs. All amounts in the street fund may be invested in accordance with state law. Earnings from such investments will be also credited to the street fund.

B. The administration, maintenance and operations expenditures from the city street fund need not relate

to the real property from which the TUF is collected. The TUF may not be used for other city purposes. TUF revenues will be used solely to pay items as noted in 3.45.010.

**3.45.050 Fee imposed.**

A. A transportation utility fee is imposed upon the owners of all developed property within the corporate limits of the City of Newberg.

B. Property owners with specific activities and uses of property that result in extraordinary wear and tear or structural damage to a city transportation facility may be assessed a special damage assessment fee, which is determined by the city manager on a case by case basis.

C. The TUF may be paid by the owner, occupant or anyone designated by the owner or occupant provided that person is listed as the responsible party on the city utility accounts system.

**3.45.060 Prioritization of improvements.**

A maximum of seventy percent of the annual revenue will be allocated for maintaining streets that have been determined to be in fair to good condition, with a pavement condition index (PCI) of 60 to 100, as determined by standard engineering practices. A minimum of thirty percent of the annual revenue will be allocated to restoration or reconstruction of residential streets with a pavement condition index (PCI) below 60.

**3.45.070 Annual street maintenance program report.**

Each year the public works department shall prepare and present to the city council the "Annual Street Maintenance Program Report." This report shall include a narrative description of the overall condition of the street network, the findings of any new condition assessments, a detailed project schedule for the upcoming year, an updated 5-year project schedule, the project selection criteria employed, a report on the previous year's projects, and workload impacts and overall program progress. The report shall include revenues received relative to revenue projections, project cost inflation trends and any other developments that impact the adequacy of the program funds to meet program goals.

**3.45.080 Fee determination, adjustments and terminations.**

A. The TUF will be calculated as a monthly service charge and collected from owners or occupants of developed property in a manner similar to the collection of city water or sewer fees. Fees need not be invoiced monthly but will not be invoiced for intervals longer than three months.

B. Adjustment or termination of the TUF will be approved by city council resolution. The TUF may be modified biennially based on one or more of the following factors:

1. Cost of service adjustment. A rate adjustment reflecting a change in the amount of revenue required to maintain the city transportation pavement facilities defined by this chapter net of other city revenue that may be pledged for that purpose.
2. Inflationary index adjustment. A rate adjustment reflecting the changes in the cost of labor, materials and other services linked to changes to broader economic conditions as measured by the Oregon Department of Transportation Four-Quarter Moving Average Construction Cost Index.
3. New revenue adjustment. An adjustment based on revenue received from outside sources (not locally generated) to provide street maintenance.
4. Road condition assessments. Assessments that forecast reduced costs to maintain the condition of

the road system.

5. Fee termination. The fee can be terminated by the city council if it is determined that the funding is no longer needed to maintain the street system.

C. TUF program review. The adjustment to the TUF determined by Section 3.45.080(B) will not be automatic or pre-determined. The citizen rate review committee will review the TUF program on a biennial basis as defined in Newberg Municipal Code sections 2.15.120 through 2.15.210 and recommend any modification to the amount of TUF collected to the city council.

D. Establishment of Service Fees. Monthly service fees will be established for the following types and classes of developed property or developed use:

1. Residential properties.

a. Single family. Includes developed property with one, two, or three separate dwelling units. Each attached or separate dwelling unit is subject to the TUF for this class.

b. Multi-family. Includes developed property with four or more attached dwellings, condominiums, and town homes including accessory dwelling units. Each dwelling is subject to the TUF for this class.

c. Mobile homes. Property located in parks as defined in ORS 446.003(23).

2. Non-residential properties.

a. Class 1. Those categories generating fewer than eighteen (18) average daily trips per 1000 gross square feet of developed area.

b. Class 2. Those categories generating from eighteen (18) to thirty (30) average daily trips per 1000 gross square feet of developed area.

c. Class 3. Those categories generating more than thirty (30) to fifty-one (51) average daily trips per 1000 gross square feet of developed area.

d. Class 4. Those categories generating more than fifty-one (51) to eighty (80) average daily trips per 1000 gross square feet of developed area.

e. Class 5. Those use categories generating more than eighty (80) average daily trips per 1000 gross square feet of developed area.

f. Class 6. Categories with trip generating characteristics that either are not documented in the ITE manual or have special circumstances that merit separate fee calculation. Examples include: gas stations, hospitals, universities, schools, parks, assisted living centers, fairgrounds, golf courses, and aviation facilities.

3. Non-residential class distribution. The trip ranges described for classes 1 through 5 are established equally, as close as possible by the following steps:

a. Sort all non-class 6 categories from lowest to highest daily trip generation.

- b. Set the break line between each class as close as possible to equally distribute the total trips generated by classes 1 through 5.

E. Fee Minimum. The minimum monthly fee for non-residential accounts shall be equal to the fee imposed for a single family residential home.

### **3.45.090 Mixed-use and related properties.**

A. Special standards may apply for determining the appropriate customer category where developed properties share or utilize common transportation facilities such as walkways, driveways or parking areas. Except as provided in this section, no TUF will be apportioned among mixed-use or related developments or combinations of mixed-use and related developments.

B. Mixed-uses with multiple use categories that share a single water meter will be assessed a total combined TUF based on the sum of each use category fee. Although these standards generally apply to non-residential uses, they also will be used to determine the appropriate customer category in properties with mixed uses of residential and non-residential developments.

C. The following procedure may be used to apportion TUF fees within mixed-use properties for the separate uses:

1. Residential uses. Each equivalent residential unit will be assessed a TUF in accordance with the applicable residential rate for that unit.
2. Non-residential uses. For developed properties with at least one common boundary where the uses would be assigned separate categories if the uses did not share common driveways, walkways or parking areas, and where the property design reduces the number of trip destinations that normally would be assigned to that use, a combined TUF may be established. Related properties may have more than a single water meter and sewer utility service established, and the combined TUF will be apportioned by the city manager between uses as follows:
  - a. Establish a collective trip assignment for the mixed-uses based on the lowest applicable trip generation factors that could be applied to the subject properties. The assignment may include individual trip calculations for some uses and combined trip calculations for other uses.
  - b. Establish the appropriate customer category and related cost-per-trip rate for that category and apply that rate to the collective trip assignment.
  - c. Establish an allocation of the combined fee amount to the water meter/sewer accounts that serve the collective properties using one or more of the following methods:
    - i. Building area square footage.
    - ii. ITE manual daily trip generation factors.
    - iii. Internal traffic counts.
    - iv. Other factors deemed suitable for apportioning the fee commensurate with use.

### **3.45.100 Implementation rules.**

A. The following rules apply to the application of this chapter and the TUF:

1. No fee parking lots are not subject to the TUF as they do not themselves generate traffic. Parking lots that charge for parking (such as a storage or sales lot that charges a fee) are subject to the TUF.
2. Publicly owned undeveloped park land, open spaces and greenways are not subject to the TUF unless there is off-street parking for users.
3. Areas for commercial farming or forestry operations are subject to the TUF as a class 6 trip generation. Where there is more than one developed property on the site, the category will be determined based on Section 3.45.090, mixed-use and related properties.
4. Railroad and public rights-of-way are not subject to the TUF. However, railroad property containing structures, such as maintenance areas, non-rolling storage areas and property used for the transfer of rail transported goods to non-rail transport are subject to the TUF.
5. Categories within the ITE manual will be determined by reference to weekday average trip generation rates.
6. For non-residential developed properties with an ITE manual analysis by acreage rather than square footage, the city manager will convert the ITE manual trip generation rates to a square footage calculation and assign the appropriate TUF. If conversion to a square footage calculation is not practical, the city manager may assign a special trip generation rate for that developed property.
7. Developed property structure area will be multiplied by the number of stories, designed for development use.
8. The TUF applies to all developed property, including developed property owned by local, state, and federal governments, non-profit organizations and to all developed properties that are not subject to ad valorem property tax levies.
9. A developed property that undergoes a change in use must continue to pay the existing TUF. After receiving information about the change in use, the city manager may determine that a different category applies to the developed property. Thereafter, the city will charge and collect the TUF that applies to the revised designation. The city will charge and collect the TUF in accordance with correct information concerning developed properties.
10. The ITE trip rate for public Elementary (code #520), Middle (code #522), and High (code #530) Schools, shall be reduced by 50%, which results in a reduction of the rate per student per month by ½.

B. The city manager will review the operation of this chapter and may make appropriate recommendations for amendments to this chapter or the adoption of administrative rules by city council resolution. Administrative rules may provide guidance to property owners concerning the application and interpretation of the terms of this chapter. Rules adopted by the city council will have full force and effect, unless clearly inconsistent with this chapter.

### **3.45.110 Billing and Collection.**

A. The TUF will be billed and collected with the monthly municipal service statement for developed properties using city water and sewer, and may be billed and collected separately for developed properties not utilizing city water and sewer as follows:

1. For a developed residential property and subject to water and sewer utility charges, the TUF bill will be sent to the responsible party.
2. For a developed non-residential property that is subject to water and sewer utility charges, a common TUF bill will be sent to the responsible party. See subsection 3.45.090 for special rate calculation procedures related to mixed-use properties for exceptions to this rule.
3. For a developed residential or non-residential property that is not subject to water and sewer utility charges, the TUF bill will be sent to the property owner.
4. All TUF bills become due and payable per date noted on the bill.
5. If payments received from city utility billings are inadequate to satisfy in full all balances, credit will be applied proportionately between funds, unless directed otherwise by the city manager.

### **3.45.120 Commencement of charges and collection**

A. For new construction, service charges will commence with the issuance of a building permit or installation of a water meter, whichever comes first. Developed real property annexed to the city shall begin paying the fee the first month following annexation, regardless of whether or not the parcel is connected to city water or sewer.

B. For existing structures, service charges will commence upon the effective date noted in Section 3.45.030.A.

### **3.45.130 Waiver of Fees.**

A. Applying for a waiver. Any person desiring a waiver must submit an application on city forms and be submitted not less than 14 days prior to the billing date of the period for which the waiver will be applied. Persons requesting a waiver must document that they meet the criteria and pay any associated application fee. Only one discount or waiver will be granted at a time for individual properties. Waivers will only be applied prospectively; no retroactive waiver or refund will be issued. Except as set forth below, waivers expire after 12 monthly billing cycles. Those who qualify may reapply within the 60 days prior to the expiration of the waiver.

B. Vacancy Waiver.

1. When any developed property within the city becomes vacant, as defined in section 3.45.020, and water service remains in effect, upon written application of the property owner, the TUF will be billed at the lowest available rate upon the approval of the city manager.
2. When any developed property within the city becomes vacant, as defined in section 3.45.020, and water service is discontinued, upon written application of the property owner, the TUF will not be billed if all current and outstanding water, sanitary sewer, storm sewer and transportation utility fee charges have been paid in full.
3. The city manager is authorized to investigate any developed property for which a fee reduction or waiver application is submitted to verify any of the information contained in the application. The city manager is also authorized to develop and use a standard form of application for fee reduction or waiver.

The form will provide space for verification of the information and the person signing the form must affirm under penalty of perjury the accuracy of the information provided.

C. Hardship Waiver.

1. The responsible party may qualify for a waiver if the person meets the income criteria, which is defined as a household earning less than 80 percent of the HUD median household income in Newberg.
2. The principal owner of a multi-family residential property may qualify for a waiver if the property is identified as a low income qualified housing identified by the Housing Authority of Yamhill County.

D. Unemployment waiver. An unemployment waiver provides a six-month waiver to residents who have had the responsible party recently laid off from their job. Evidence of receipt of current unemployment benefits and proof of residency at the service address is required. Residents can reapply for the waiver if still receiving unemployment benefits after six months.

E. Motor vehicle discount. A discount can be obtained for residential class households in which no one owns a motor vehicle. The discount is good for one full year after the discount is approved or until a vehicle is acquired by the household. Residents must demonstrate that each member of the household of driving age does not have a vehicle. Qualifying residents must reapply each year to receive a waiver for the next 12 months.

F. The amount of transportation utility hardship waivers will be as follows:

1. Vacancy – 100% waiver
2. Hardship – 50% waiver
3. Unemployment – 50% waiver
4. Motor Vehicle Discount -50% waiver

**3.45.140 Appeals.**

A. Section 3.45.030, Administration, outlines the process to establish and adjust categories. Any responsible party who disputes any interpretation by the city manager regarding the category assigned to the developed property or developed use, may appeal that interpretation under this section. The appeal will be denied unless it is made within the time allowed, as stated below, and follows the process provided by this section. Appeals that result in changes in the TUF become effective with the next billing cycle.

B. A responsible party who disputes the assigned category may submit a written appeal to the city manager within fifteen business days from the date of the city manager's decision. The appeal must specify the basis for appeal and include an engineering study prepared by a licensed professional engineer using ITE manual methodology, excepting that the pass-by and diverted trip analyses do not apply to this TUF program. Appeals are limited to the facts relating to the developed property improvements and area, traffic generations rates, category of use, and other factors material to the calculation of the TUF.

C. The city manager will place the appeal on a city council meeting agenda and provide the appellant with at least ten business days' written notice of the meeting at which the appeal will be heard. The city council will conduct a hearing and determine whether there is substantial evidence in the record to support the decision of the city manager. The city council may continue the hearing to gather additional information. The city council will make a tentative oral decision and later adopt a final written decision with appropriate findings. The

decision of the city council will be limited to the facts cited in 3.45.140.B above. The city council will base their decision on the relevant testimony and facts provided, but there will be no refund of TUF's previously paid. All city council decisions are final.

**3.45.150 Inspection of Developments.**

The city manager is authorized to enter upon private property for purposes of conducting any studies or collecting information bearing upon the determination of the assignment of the appropriate TUF under this chapter.

**3.45.160 Severability.**

If any provision of this ordinance or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this ordinance or the application of the provisions to other persons or circumstances shall not be affected.

**Exhibit B** – Ordinance 2016-2811

ITE	Description	Trip Rate	Examples/Units	Rate: \$/Unit/ Month
<b>Residential Land Uses</b>				
210	Single-Family Detached Housing	Refer to ITE Manual for current residential trip rates	Residential Home, per Dwelling Unit (DU)	\$ 4.99
220/230	Multi-Family		Apartment Sites, Per DU	\$ 3.37
240	Mobile Home		Mobile Home Park, Per DU	\$ 2.61
<b>Non-Residential Land Uses</b>				
		<b>Per 1000 sf (ksf)</b>		
	Class 1	Less than 18	Manufacturing	\$ 3.72
	Class 2	From 18 to 30	Office	\$ 14.66
	Class 3	More than 30 to 51	Auto Repair, Clinic	\$ 21.35
	Class 4	More than 51 to 80	Sit Down Restaurant	\$ 33.46
	Class 5	More than 80	Convenience Store, Drive Thru	\$ 97.16
<b>Class 6 - Others</b>		<b>Special Units</b>		
251	Senior Adult Housing Attached	Refer to ITE Manual for current Class 6 trip rates	Per DU	\$ 2.04
253	Congregate Care		Per DU	\$ 1.12
254	Assisted Living		Per Bed	\$ 1.47
255	Continued Care Retirement Community		Per Unit	\$ 1.33
310	Hotel		Per Room	\$ 4.52
320	Motel		Per Room	\$ 3.12
411	City Park		Per Acre	\$ 1.05
412	County Park, Farmland, Commercial Agriculture		Per Acre	\$ 1.25
430	Golf Course		Per Hole	\$ 19.77
520	*Public Elementary School		Per Student	\$ 0.36
522	*Public Middle/Junior High School		Per Student	\$ 0.45
530	*Public High School		Per Student	\$ 0.48
536	Private School (K-12)		Per Student	\$ 1.37
540	Junior/Community College		Per Student	\$ 0.68
550	University/College		Per Student	\$ 0.95
941	Quick Lubrication Veh. Shop		Per Service Position	\$ 12.87
944	Gas/serve Station		Per Fueling Position	\$ 54.10
945	Gas/Serv. Station with Conv. Market		Per Fueling Position	\$ 39.64
	*Refer to Exhibit A, Section 3.45.100.A.10			