

**CITY COUNCIL AGENDA
JULY 7, 2014, 7:00 PM
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

Mission Statement

The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.

Vision Statement

Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. SPECIAL PRESENTATIONS

1. Consider a motion approving a proclamation declaring July 24-27, 2014, as Newberg Old Fashioned Festival Week. (Pgs. 3-4)
2. Presentation from American Legion Adjutant Faith Gerstel and Veterans of Foreign Wars Commander Wayne Miller giving certificates of appreciation to the Newberg-Dundee Police Department Honor Guard for their participation in the Memorial Day Services.

V. CITY MANAGER'S REPORT

VI. PUBLIC COMMENTS

(30 minutes maximum, which may be extended at the Mayor's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2014-3155** approving the updated city's 2014 Stormwater Master Plan. (Pgs. 5-19)
2. Consider a motion adopting **Resolution No. 2014-3156** approving the city's 2014 Citywide Pavement Condition Evaluation and Street Maintenance Prioritization Plan. (Pgs. 21-45)
3. Consider a motion approving April 21, May 5, & May 19, 2014, city council meeting minutes. (Pgs. 47-66)

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

VIII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2014-2773** amending the Newberg Municipal Code § 8.15.150 (C) pertaining to noise. (Pgs. 67-70)
(Legislative Hearing)
2. Consider a motion adopting **Ordinance No. 2014-2774** declaring property located at 2525 Allison Lane meets development code criteria and is to go before the electorate on November 4, 2014 for consideration to be annexed into the city. (Pgs. 71-97)
(Legislative Hearing)
3. Consider a motion adopting **Ordinance No. 2014-2775** declaring property located at 2716 Wynooski Road meets development code criteria and is to go before the electorate on November 4, 2014 for consideration to be annexed into the city. (Pgs. 71-97)
(Legislative Hearing)

IX. COUNCIL BUSINESS

X. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. The exception is land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 4:30 p.m. on the preceding Wednesday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

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The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 7, 2014

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Adopt a Proclamation declaring July 24-27, 2014, as Newberg Old Fashioned Festival Week.

Contact Person (Preparer) for this Motion: **Marlene Grant and Deanna Rice-NOFF Court Chaperones**

Dept.: **Administration**

RECOMMENDATION:

Adopt a proclamation declaring July 24-27, 2014 as Newberg Old Fashioned Festival Week.

EXECUTIVE SUMMARY:

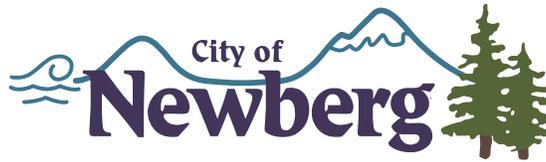
Every year the Newberg Old Fashioned Festival is put on in the city of Newberg the last full weekend in July, this year the festival will be held July 24-27, 2014

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

Approving this proclamation supports the council's goal of enhancing Newberg's community and being actively involved in community events.



PROCLAMATION

A PROCLAMATION DECLARING JULY 24-27, 2014, AS THE NEWBERG OLD FASHIONED FESTIVAL WEEK

WHEREAS, the city of Newberg is a family friendly community that hosts many gatherings, numerous celebrations, and a variety of entertainment venues where old friends and new ones can get together; and

WHEREAS, each year the city of Newberg and many members of the community participate by celebrating community spirit, during the last full weekend in July; and

WHEREAS, the city of Newberg participates in many ways and welcomes the community and visitors each year to join them in the Newberg Old Fashioned Festival activities, and enjoy the camaraderie and sense of community built by a festival of this extent; and

WHEREAS, the many Newberg Old Fashioned Festival events that take place during the week, bring the community together for fun and entertainment. This is the Thirty-Fourth (34th) Anniversary Year of the festival and is a special time for everyone involved in this event. The theme for this year is, "*Feelin' Groovy*".

NOW, THEREFORE, IT IS PROCLAIMED by the mayor and city council of the city of Newberg, that July 24-27, 2014, is hereby designated:

NEWBERG OLD FASHIONED FESTIVAL WEEK IN THE CITY OF NEWBERG

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the city of Newberg to be affixed on this 7th day of July, 2014.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 7, 2014

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2014-3155	Motion ___	Information ___
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SUBJECT: A resolution approving the updated city's 2014 stormwater master plan.

Contact Person (Preparer) for this Motion: Paul Chiu, P.E., Senior Engineer
Dept.: Engineering Services Department
File No.:

RECOMMENDATION:

Adopt Resolution No. 2014-3155 approving the updated stormwater master plan.

EXECUTIVE SUMMARY:

The Drainage (Stormwater) Master Plan for Newberg was last updated in September, 2001, by Thomas/Wright, Inc. The city recognizes changes in land use, zoning, urban growth, and new environmental requirements that have occurred since the completion of the 2001 Drainage Master Plan, and the need for an update to guide the city's growth for the next 20 years.

The city hired Brown and Caldwell, Inc. (B&C) to perform the stormwater master plan update (by Resolution No. 2013-3038) in March, 2013. A month earlier, the city hired Pacific Habitat Services, Inc. in advance, to collect storm drainage flow data in existing creeks in Newberg, and to provide the flow data to B&C for the stormwater master plan update.

Project information for the stormwater master plan update was regularly updated on the city's website. A public information meeting/open house was held on February 24, 2014.

A working progress update for the stormwater master plan was given to the City Council on April 21, 2014.

The work to update the master plan is now completed, and the master plan update meets its original goals as noted below:

- (a) To provide an assessment of the current stormwater system;
- (b) To sustain construction, operation, and maintenance of essential stormwater facilities by a structured financial and management methodology;
- (c) To identify and incorporate regulatory requirements for compliance; and
- (d) To prioritize system needs within the urban growth boundary (UGB).

A copy of the executive summary for the updated stormwater master plan is attached as Exhibit "A", and by this reference incorporated. The entire stormwater master plan is available on city's website, subject to City Council's approval.

FISCAL IMPACT:

The updated stormwater master plan provides recommendations for improving the current stormwater program, and produces a list of stormwater capital improvement projects. One of the recommendations would be to perform the system development charge (SDC) rate consultant study, and staff has recommended this project for fiscal year 2014-2015. Implementation of the stormwater master plan recommendations and projects that meet the future needs requires funding by stormwater system development charges (SDC) and rates, and this SDC rate study will provide a timely review of these

fundings. Future stable funding is a council priority.

STRATEGIC ASSESSMENT:

The drainage master plan requires periodic updates to ensure adequate system capacity for future growth, allows for the review of priorities for stormwater capital improvement projects, and the compliance with existing environmental regulations. A well maintained stormwater program and infrastructure is a valuable asset to the Newberg community that increases livability and may attract new business investments and increase the overall property values in the city.



RESOLUTION No. 2014-3155

**A RESOLUTION APPROVING THE UPDATED CITY'S 2014 STORMWATER
MASTER PLAN**

RECITALS:

1. On May 2, 2013, the city executed a professional services agreement with Brown and Caldwell, Inc. (B&C) in the amount of \$198,698.00, as authorized by Resolution No. 2013-3038 passed by council on April 1, 2013, to perform the stormwater master plan update. A month earlier, the city hired Pacific Habitat Services, Inc. in advance, to collect storm drainage flow data in existing creeks in Newberg, and to provide the flow data to B&C for the stormwater master plan update.
2. On April 21, 2014, the consultant gave a working progress update for the stormwater master plan to the City Council. The work to update the master plan is completed, and the master plan update meets its original goals as noted below:
 - (a) To provide an assessment of the current stormwater system;
 - (b) To sustain construction, operation, and maintenance of essential stormwater facilities by a structured financial and management methodology;
 - (c) To identify and incorporate regulatory requirements for compliance; and
 - (d) To prioritize system needs within the urban growth boundary (UGB).
3. The updated stormwater master plan provides recommendations for:
 - (a) Small projects to address minor areas of erosion and to reduce potential future stream channel impacts;
 - (b) Maintenance and program enhancements where staff resources are dwindling;
 - (c) A total of 23 capital improvement projects that have a combined value of just over \$8.1M (2014 dollars) that will address existing and predicted future conditions flooding problems, integrate water quality elements in stormwater runoff, and replace deteriorating pipe segments in the existing stormwater conveyance system.
4. One of the recommendations would be to perform the system development charge (SDC) rate consultant study, and this SDC rate study is included in the fiscal year 2014-2015 budget for Council consideration. The SDC rate study will provide a timely review of the fundings required for the implementation of the stormwater master plan recommendations and projects that meet the future stormwater infrastructure needs.
5. The executive summary for the updated stormwater master plan is attached as Exhibit "A", and by this reference incorporated.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The Newberg City Council does hereby approve the updated 2014 stormwater master plan, which is hereby attached as Exhibit A and by this reference adopted.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 8, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of July, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 10th day of July, 2014.

Bob Andrews, Mayor



City of Newberg
Stormwater Master Plan

Prepared for
City of Newberg, Oregon
June 5, 2014

City of Newberg Stormwater Master Plan

Prepared for
City of Newberg, Oregon
June 5, 2014



This document was prepared solely for the City of Newberg in accordance with professional standards at the time the services were performed and in accordance with the contract between the City of Newberg and Brown and Caldwell dated April 29, 2013. This document is governed by the specific scope of work authorized by the City of Newberg; it is not intended to be relied upon by any other party except for regulatory authorities contemplated by the scope of work. We have relied on information or instructions provided by the City of Newberg and other parties and, unless otherwise expressly indicated, have made no independent investigation as to the validity, completeness, or accuracy of such information.



Table of Contents

- List of Figures iv
- List of Tables..... v
- List of Abbreviations..... vi
- Executive Summaryvii
 - Master Plan Technical Analyses.....vii
 - Integrated Management Strategyviii
- 1. Introduction1-1
 - 1.1 Need for the Plan.....1-1
 - 1.2 Plan Objectives1-1
 - 1.3 Approach1-2
 - 1.4 Plan Organization1-3
- 2. Study Area Characteristics2-1
 - 2.1 Location.....2-1
 - 2.2 Topography2-1
 - 2.3 Soils 2-2
 - 2.4 Land Use2-3
 - 2.5 Climate and Rainfall.....2-5
 - 2.6 Drainage System2-5
- 3. Stormwater System Capacity Evaluation.....3-1
 - 3.1 Model Development3-1
 - 3.1.1 Horizontal and Vertical Datum.....3-1
 - 3.1.2 Design Storms3-2
 - 3.1.3 System Nomenclature.....3-2
 - 3.1.4 Hydrologic Data3-2
 - 3.1.5 Hydraulic Data3-3
 - 3.1.5.1 Nodes3-4
 - 3.1.5.2 Conduits.....3-4
 - 3.1.5.3 Storage.....3-5
 - 3.1.5.4 Outfalls.....3-5
 - 3.2 Evaluation Criteria3-5
 - 3.3 Model Validation.....3-6
 - 3.4 Model Results.....3-6
 - 3.4.1 Initial Identification of Flooding Problems3-6
 - 3.5 Reported Problem Areas3-9
- 4. Stream Channel Vulnerability Assessment4-1
 - 4.1 Methods4-1
 - 4.1.1 Data Review4-1



- 4.1.2 Field Assessment 4-2
- 4.1.3 Flow modeling 4-3
- 4.2 Results 4-3
 - 4.2.1 Geologic Conditions and Erosivity 4-3
 - 4.2.1.1 Specific Problem Areas 4-3
 - 4.2.2 Channel Geomorphology 4-5
 - 4.2.3 Future Conditions 4-7
- 4.3 Recommendations 4-7
- 5. Maintenance and Programmatic Evaluation 5-1
 - 5.1 Stormwater Program History 5-1
 - 5.2 Regulatory Conditions 5-1
 - 5.2.1 Willamette River TMDL 5-1
 - 5.2.2 Future NPDES MS4 Program 5-2
 - 5.3 Maintenance Program Review 5-2
 - 5.3.1 Current Activities 5-2
 - 5.3.2 Maintenance Program Analysis 5-4
 - 5.4 Programmatic Activity Review 5-4
 - 5.4.1 Current Activities 5-4
 - 5.4.2 Future Needs 5-5
 - 5.5 Development Standards Review 5-6
 - 5.5.1 Design Standards Recommendations 5-7
 - 5.6 Staffing Analysis 5-7
 - 5.6.1 Current Maintenance and Program Staffing 5-7
 - 5.6.2 Evaluation of Staffing Levels 5-8
- 6. Integrated Management Strategy 6-1
 - 6.1 Programmatic Recommendations 6-1
 - 6.1.1 Maintenance Recommendations 6-1
 - 6.1.2 Program Recommendations 6-2
 - 6.1.3 Staffing Recommendations 6-2
 - 6.1.4 Engineering Projects and Studies 6-3
 - 6.2 Integrated CIP Development 6-3
 - 6.2.1 Project Identification 6-3
 - 6.2.2 Unit Cost Estimates 6-4
 - 6.2.3 CIP Sizing and Conceptual Design 6-4
 - 6.2.4 CIP Project Summary 6-5
 - 6.3 Ongoing Capital Projects 6-5
 - 6.3.1 Annual Pipe Replacement Program 6-5
 - 6.3.2 Water Quality Retrofit Program 6-6
- 7. Implementation Plan 7-1
 - 7.1 Capital Improvement Project (CIP) Priority Evaluation 7-1
 - 7.1.1 Prioritization Criteria 7-1



7.1.2 CIP Prioritization7-2

7.2 Financial Analysis7-3

7.2.1 Current Funding.....7-3

7.2.2 Personnel Services.....7-4

7.2.3 Capital Projects.....7-4

Appendix A: Modeled Drainage System MapsA-1

Appendix B: Hydrologic and Hydraulic Modeling Inputs/Results Tables B-1

Appendix C: Channel Vulnerability Data.....C-1

Appendix D: CIP Fact Sheets and Cost Estimate D-1

List of Figures

Figure ES-1. Capital Improvement Projects x

Figure 1-1. Stormwater master plan approach1-2

Figure 2-1. Vicinity map.....2-1

Figure 2-2. Topographic map.....2-5

Figure 2-3. Soils map2-5

Figure 2-4. Existing impervious areas.....2-5

Figure 2-5. Future conditions land use2-5

Figure 2-6. Drainage system and study area.....2-5

Figure 3-1. Predicted flooding: existing land use, 10-year design storm.....3-6

Figure 3-2. Predicted flooding: future land use, 10-year design storm3-6

Figure 3-3. Reported stormwater system problem areas 3-12

Figure 4-1. Mapped stream channels, floodplains, and stream corridor zoning4-2

Figure 4-2. Drainage area versus channel width4-5

Figure 4-3. Existing 2-year discharge versus bankfull width4-6

Figure 4-4. Existing 2-year discharge versus channel cross-sectional area4-6

Figure 6-1. Capital improvement projects6-8

Figure 6-2. Potential Water Quality Retrofit Locations.....6-8



List of Tables

Table ES-1. CIP Prioritization and Implementation Timeline.....	ix
Table 2-1. Soil Characteristics	2-2
Table 2-2. Future Conditions Land Use Categories	2-4
Table 3-1. Design Storm Depths.....	3-2
Table 3-2. Subcatchment Model Attributes	3-3
Table 3-3. Pervious Curve Numbers	3-3
Table 3-4. Model Node Attributes.....	3-4
Table 3-5. Model Conduit Attributes.....	3-4
Table 3-6. Outfall Model Attributes.....	3-5
Table 3-7. Flooding Problem Areas.....	3-7
Table 3-8. Reported Problem Areas.....	3-11
Table 4-1. Summary of Stream Channel Characteristics	4-4
Table 5-1. City of Newberg, Stormwater System Maintenance Activities.....	5-3
Table 5-2. Historic FTE Levels	5-7
Table 5-3. Stormwater Management Maintenance and Program Staffing Requirements	5-9
Table 6-1. Engineering Projects and Studies	6-3
Table 6-2. Comprehensive CIP Summary.....	6-8
Table 7-1. CIP Prioritization and Implementation Timeline.....	7-2



List of Abbreviations

CIP	capital improvement project
City	City of Newberg
cfs	cubic feet per second
CRRRC	Citizen Rate Review Committee
DEQ	Oregon Department of Environmental Quality
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
GIS	geographic information system
HDPE	high density polyethylene
H/H	hydrologic and hydraulic
IDDE	Illicit Discharge Detection and Elimination
LID	low impact development
Master Plan	stormwater master plan
MS4	Municipal Separate Storm Sewer System
NAD83	North American Datum of 1983
NAVD88	North American Vertical Datum of 1988
NGVD29	National Geodetic Vertical Datum of 1929
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
Hwy 99W	Oregon Highway 99W
RCP	reinforced concrete pipe
SWMM	Surface Water Management Model
TMDL	Total Maximum Daily Load
UGB	urban growth boundary
URA	urban reserve area
WQ	water quality



Executive Summary

In 2013, the City of Newberg (City) initiated development of a multi-objective Stormwater Master Plan (Master Plan) to provide a clear understanding of the existing stormwater system and provide a capital improvement project (CIP) program to address deficiencies in the system. The main objectives of this plan are as follows:

- Update the City's stormwater system's hydrologic and hydraulic models to evaluate system capacity.
- Develop an integrated stormwater system capital improvement program to address storm system capacity needs and water quality.
- Evaluate stream channel conditions with respect to erosion and impacts from future development.
- Continue to comply with water quality regulations.
- Review the City's stormwater management program and make recommendations on activities and staffing where applicable.
- Identify implementation priorities and impacts to the program budget.
- Develop a Master Plan document that is useful and easy to read, reference, and update.

Master Plan Technical Analyses

Development of the Master Plan involved four primary technical analyses to evaluate the stormwater infrastructure and programs.

Stormwater System Capacity Evaluation – Chapter 3 documents the development of a hydrologic and hydraulic model to simulate rainfall and runoff characteristics within Newberg. The model simulates stormwater flows through pipe networks, drainage ditches, and culverts to identify areas that are over capacity. The model considered both current conditions and the impacts of future development on stormwater flows. Stormwater infrastructure capacity concerns are presented in Table 3.7.

Problem Areas Survey – Surveys of City staff, compilation of public complaints, and review of past reports were used to identify additional problem areas within the stormwater infrastructure. The aim was to identify problem areas that would not be identified through hydraulic modeling, such as deteriorating pipes, frequent maintenance concerns, inadequate maintenance access, or underserved areas resulting in flooding. Problem areas are documented in Table 3.8.

Stream Channel Vulnerability Assessment – Field walks were conducted between October 15 and 17, 2013 to evaluate and assess existing and potential future channel conditions in the streams within Newberg. The City's existing stream channels are already well protected through development restrictions in the zoning code. Section 4.3 includes recommendations for small projects to address minor areas of erosion and adjustments to the City's stormwater design standards to reduce potential future channel impacts.

Maintenance and Program Evaluation – The City's stormwater management program was formed around addressing drainage capacity and flooding problems. In the last decade, the program has shifted to include addressing increased water quality regulations, such as the Total Maximum Daily Load (TMDL) program. Section 5 documents the current maintenance practices and programmatic activities within the City's stormwater management program and provides recommendations for maintenance and program enhancements.



Integrated Management Strategy

The recommendations in Chapter 6 present an integrated strategy of programs, projects, and maintenance activities to address stormwater management concerns. Recommendations include increasing staff by approximately 1.2 full-time equivalents (FTEs) to 6.60 FTEs within the stormwater program to support preventative maintenance activities and full implementation of the City's stormwater ordinance. Section 6 also identifies and recommends the following one-time projects and studies:

- Develop a Water Quality Sensitive O&M Manual at an estimated cost of \$25,000.
- Conduct a System Development Charge (SDC) Rate Study at an estimated cost of \$15,000.
- Plan for a future Stormwater Master Plan update in 2025 at an estimated cost of \$250,000.

Capital Improvement Projects (CIPs) have been developed to address existing and predicted future conditions flooding problems, integrate water quality elements, and replace deteriorating pipe segments. The recommended CIP plan includes 15 specific projects (some divided into smaller phases) and two ongoing programs for annual pipe replacement and water quality retrofits. Section 6 documents the process used in developing the city-wide CIP plan.

Figure ES-1 shows the location of the proposed CIPs. Table ES-1 summarizes the identified CIPs, estimated costs, priority ranking, and an estimated timeline for implementation. Detailed cost estimates and scoring information are provided in Appendix D. As described in Section 7, highest priority has been given to projects that address safety and liability concerns. Short-term projects are targeted to be completed in the first 5 years of this Master Plan implementation, while the timing for mid-term and long-term projects will be dependent on available funding. Detailed fact sheets and planning level cost estimates for each CIP can be found in Appendix D.



Table ES-1. CIP Prioritization and Implementation Timeline

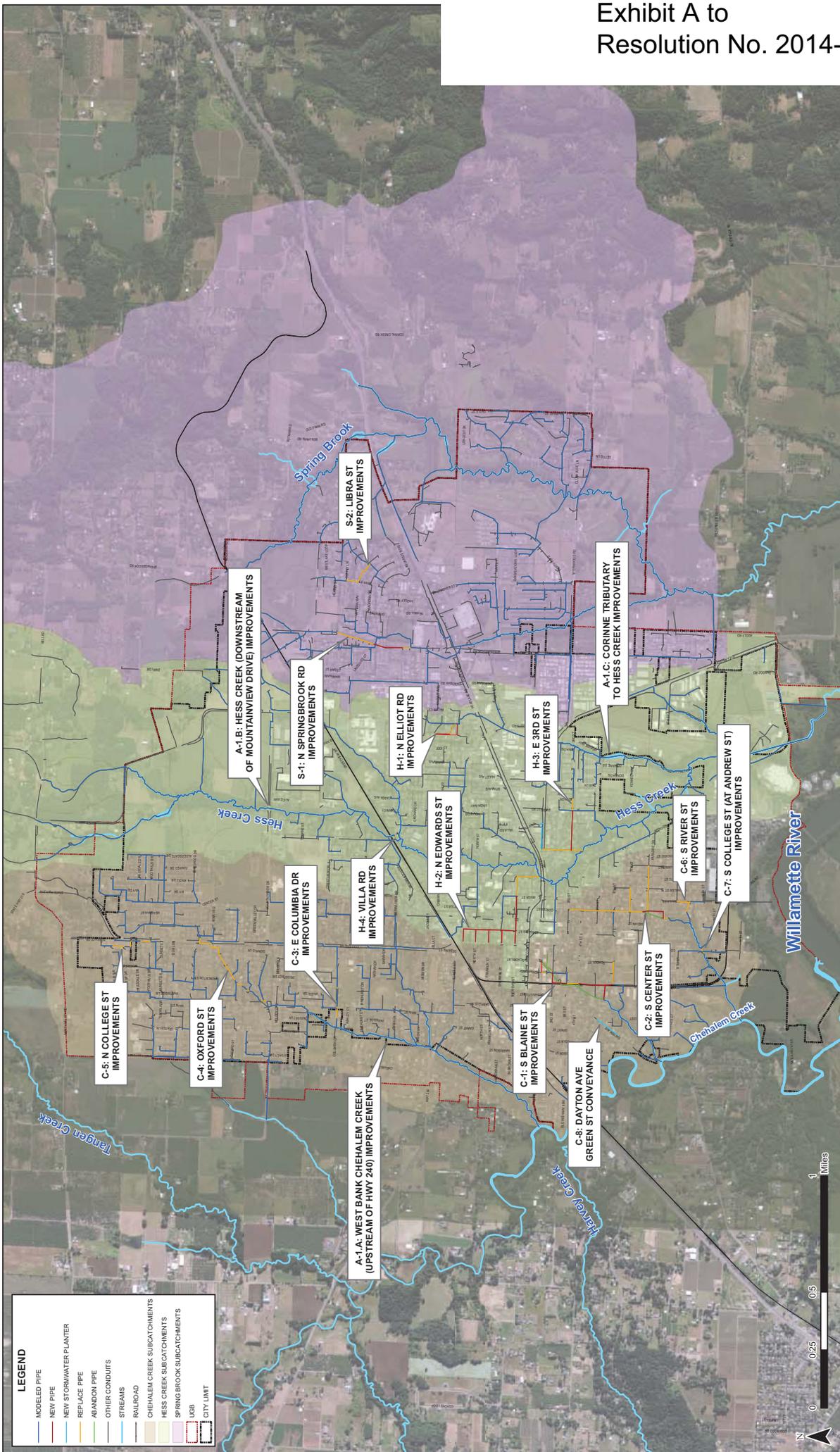
Basin	CIP number	Project name	Cost, \$	Prioritization score	Estimated timeline
Chehalem Creek	C-1	Blaine Street Improvements: Design	180,000	n/a ^a	Short-term
	C-1A	Highway 99W to 2nd Street Parking Lot Pipe Replacement	131,000	10.0	Short-term
	C-1B	S Blaine Street Pipe Replacement	384,000	9.0	Short-term
	C-1C	E 2nd Street to E 5th Street Pipe Decommissioning/Replacement	291,000	10.0	Short-term
	C-1D	E 6th and S Blaine Streets Pipe Replacement	176,000	6.5	Long-term
	C-2	S Center Street Improvements: Design	180,000	n/a ^a	Short-term
	C-2A	E 9th Street to S Center Street Pipe Decommissioning	294,000	10.5	Short-term
	C-2B	S Center, E 8th, and E 7th Streets Pipe Replacement	930,000	7.0	Long-term
	C-3	E Columbia Drive Improvements near Main Street	79,000	8.0	Mid-term
	C-4	Oxford Street Improvements	1,092,000	7.5	Mid-term
	C-5	N College Street Improvements, north of Foothills Drive	260,000	6.5	Long-term
	C-6	S River Street Improvements at E 11th Street	160,000	9.0	Short-term
	C-7	S College Street at Andrew Street Improvements	196,000	7.0	Long-term
	C-8	Dayton Avenue Green Streets	125,000	7.5	Mid-term
Hess Creek	H-1	N Elliot Road Improvements	239,000	5.5	Long-term ^b
	H-2	N Edwards Street Improvements from Vermillion to Sheridan	1,217,000	6.0	Long-term
	H-3	E 3rd Street Improvements: Design	142,000	n/a ^a	Long-term
	H-3A	S Church and E 1st Street Improvements	404,000	6.0	Long-term
	H-3B	E 3rd Street between S Everest Road and S Church Street	341,000	5.5	Long-term
	H-4	Villa Road Culvert Improvements	104,000	8.0	Mid-term ^b
Spring Brook	S-1	N Springbrook Road Improvements from Middlebrook to Haworth	777,000	6.5	Long-term ^c
	S-2	Libra Street Improvements at Vittoria Way	246,000	7.0	Long-term
City-wide	A-1	Stream Bank Protection Projects	190,000	8.0	Mid-term
		Total	8,137,000		

^a Design work for phased projects should be prioritized based on the highest scoring construction phase.

^b Project to be constructed with roadway improvement project. Schedule dependent on transportation program priorities.

^c Project to be designed and constructed with water and wastewater system improvements. Schedule based on joint priorities.





STORMWATER MASTER PLAN UPDATE
FIGURE ES-1. CAPITAL IMPROVEMENT PROJECTS

NEWBERG, OREGON

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 7, 2014

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2014-3156	Motion ___	Information ___
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SUBJECT: A resolution approving the city's 2014 citywide pavement condition evaluation and street maintenance prioritization plan.

Contact Person (Preparer) for this Motion: Paul Chiu, P.E., Senior Engineer
Dept.: Engineering Services Department
File No.:

RECOMMENDATION:

Adopt Resolution No. 2014-3156 approving the citywide pavement condition evaluation and street maintenance prioritization plan.

EXECUTIVE SUMMARY:

The City of Newberg needs a comprehensive roadway asset management program that keeps track of, and for the maintenance and replacement of the city's existing right of way infrastructure that includes, but not limited to, the city's pavement, street trees and sidewalk facilities. City Council is supportive of this right of way infrastructure preservation effort after the needs were presented to the council at the meeting on May 6, 2013.

The city subsequently hired Pavement Services, Inc. (PSI) to perform the pavement condition evaluation and prioritization project (by Resolution No. 2013-3090) in November, 2013. A work in progress report was given to the City Council on February 18, 2014. The work to evaluate the pavement condition and to prioritize street maintenance has now been completed. This work meets the objectives for the project as noted below:

- (a) To implement a pavement management system that utilizes the city's geographic information system (GIS);
- (b) To establish the current conditions of the existing street system;
- (c) To determine the immediate and future maintenance and rehabilitation needs; and
- (d) To supplement the inventory of street information on the existing pavement structure within the city limits.

The resulting pavement evaluation and prioritization plan provides the first step for the city to keep track of, and maintain the city's right of way assets in a sustainable manner.

The executive summary and pertinent information for the pavement condition evaluation and prioritization plan is attached as Exhibit "A", and by this reference incorporated. The entire plan will be available on the city's website, subject to City Council's approval.

FISCAL IMPACT:

There is no fiscal impact to adopt the completed pavement condition evaluation and prioritization plan other than the costs for the consultant to complete the work. This pavement condition evaluation and prioritization plan provides a detailed budget analysis of several funding scenarios, and includes a street utility fee survey compiled from 23 Oregon cities. The analysis indicates that an annual budget of \$1.89M will be required to maintain the city's current pavement condition index at 73. This wealth of information allows the City Council to discuss and determine a future stable funding source, which is a council priority.

STRATEGIC ASSESSMENT:

Acquiring and updating pavement condition data and traffic volume information is an essential part of the ongoing preservation effort for the largest asset of the city. The completed work prioritizes city streets for future pavement preservation projects, and provides detailed cost estimates for needed preservation projects, allowing staff to plan future projects, and to potentially acquire additional funding. The street preservation projects will keep the city streets in good condition, which will attract new business investments in the community, and increase overall property values.



RESOLUTION No. 2014-3156

**A RESOLUTION APPROVING THE CITY'S 2014 CITYWIDE PAVEMENT
CONDITION EVALUATION AND STREET MAINTENANCE PRIORITIZATION
PLAN**

RECITALS:

1. The City of Newberg needs a comprehensive roadway asset management program to keep track of and prioritize the maintenance, and replacement of the city's right of way infrastructure that includes, but not limited to, the city's pavement, street trees and sidewalk facilities. City Council is supportive of this right of way infrastructure preservation effort after the needs were first presented to the council at the meeting on May 6, 2013.
2. On November 4, 2013, the city executed a professional services agreement with Pavement Services, Inc. (PSI) in the amount of \$92,726.00, as authorized by Resolution No. 2013-3090 on October 21, 2013, to perform the citywide pavement condition evaluation and street maintenance prioritization project. The consultant work included pavement coring for structural analysis, traffic analysis, a field survey of existing conditions, and a maintenance priority analysis.
3. On February 18, 2014, the consultant gave a work progress report of the citywide pavement conditions and street maintenance prioritization projects to the City Council. The work to evaluate the pavement condition and to prioritize street maintenance has now been completed, and the project meets its objectives as noted below:
 - (a) To implement a pavement management system that utilizes the city's geographic information system (GIS);
 - (b) To establish the current conditions of the existing street system;
 - (c) To determine the immediate and future maintenance and rehabilitation needs; and
 - (d) To supplement the inventory of street information on the existing pavement structure within the city limits.
4. The pavement condition evaluation and street maintenance prioritization plan provides a detailed budget analysis of several funding scenarios, and includes a street utility fee survey compiled from 23 Oregon cities. The analysis indicates that an annual budget of \$1.89M will be required to maintain the city's current pavement condition index at 73.
5. The executive summary and pertinent information for the pavement condition evaluation and prioritization plan is attached as Exhibit A.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The Newberg City Council does hereby approve the citywide pavement condition evaluation and street maintenance prioritization plan, which is hereby attached as Exhibit A and by this reference adopted.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 8, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of July, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 10th day of July, 2014.

Bob Andrews, Mayor

PROJECT REPORT

Pavement Management System Implementation

Prepared For:
City of Newberg
414 E. First Street
Newberg, OR 97132

May 16, 2014

Prepared By:
PAVEMENT SERVICES, INC.
3835 NE Tillamook Street
Portland, Oregon 97212
(503) 235-0377

Table of Contents

EXECUTIVE SUMMARY	1
INTRODUCTION	5
OBJECTIVES.....	6
PAVEMENT MANAGEMENT METHODOLOGY	6
PCI SURVEY RESULTS.....	9
BUDGET SCENARIO ANALYSIS.....	12
PRIORITIZED M&R PLAN	16
PAVEMENT CORING.....	42
TRAFFIC COUNTS AND FEDERAL FUNCTIONAL CLASSIFICATION UPDATE	46
PAVEMENT STRUCTURAL CONDITION.....	55
SUMMARY	60
APPENDIX A - INVENTORY AND CONDITION DATA	
APPENDIX B – SECTION CONDITION MAP	
APPENDIX C - MAINTENANCE AND REPAIR ANALYSIS	
APPENDIX D - MAINTENANCE AND REPAIR RECOMMENDATIONS	
APPENDIX E - COST DATA	
APPENDIX F - PAVEMENT CORE PHOTOS AND LOGS	
APPENDIX G - TRAFFIC COUNT DATA	
APPENDIX H - PAVEMENT STRUCTURAL CONDITION DATA	
APPENDIX I - GLOSSARY	

EXECUTIVE SUMMARY

Pavement Services, Inc. (PSI) produced this Pavement Management Report to establish a pavement management system and a baseline condition of the City of Newberg, OR street network. This report provides surface condition descriptions, reviews current treatment programs and costs, projects future treatment needs based on several funding scenarios, and formulated multiyear maintenance and repair (M&R) project list. In addition to the listed pavement management activities, pavement coring was conducted to determine the in situ pavement structure layers, and traffic counts were performed to update Federal Functional Classification (FFC).

The street network is conservatively valued at \$500 million (April 2013 Newberg Council Meeting). This asset is typically described in lane miles and/or centerline miles. Currently, Public Works manages 69.4 centerline miles within the City limits. This report includes a breakdown of the street transportation system in terms of pavement type, level of improvement, and functional classification. Comparative statistical data is based on area (square feet).

In order to establish the baseline pavement condition, PSI staff collected the street condition data by conducting a walking inspection based on the procedure outlined in ASTM International D6433-11: *Standard Practice for Roads and Parking Lots Pavement Condition Index Surveys*. The Pavement Condition Index (PCI) rating was then generated using MicroPAVER pavement management software (PMS). The PCI is a numerical indicator that rates the condition of the pavement. The scale ranges from zero to 100, where zero is the worst possible condition and 100 is the best possible condition. The MicroPAVER analysis helps establish efficient treatment requirements and identify financial implications of various budget strategies. This PMS also provides street inventory and condition trends using the street condition information and street maintenance and rehabilitation (M&R) history.

The overall area weighted average condition of the Newberg street system is rated as 73 or "Good". The PCI scale used was Good, Fair, and Poor; where Good is from 100 to 71, Fair is from 70 to 56, and Poor is 55 to 0. The pavement condition distribution in Newberg is 66% Good, 12% Fair, and 22% Poor. Figure 1 presents a map with the baseline street condition resulting from the 2014 PCI survey.

Depending on design life and preventive maintenance, the typical pavement condition trend is to deteriorate slightly right after construction and then the deterioration levels off. The leveling off period is where the deterioration condition slows relative to time. The location of slower deterioration is the time where the majority of the desired condition, use, and life of the pavement occurs. At the end of the leveling off period, there is a transition point referred to as the critical PCI. After the critical PCI is reached, the pavement condition deteriorates more quickly into a poor condition state. An example of typical pavement deterioration is presented in Figure 2.

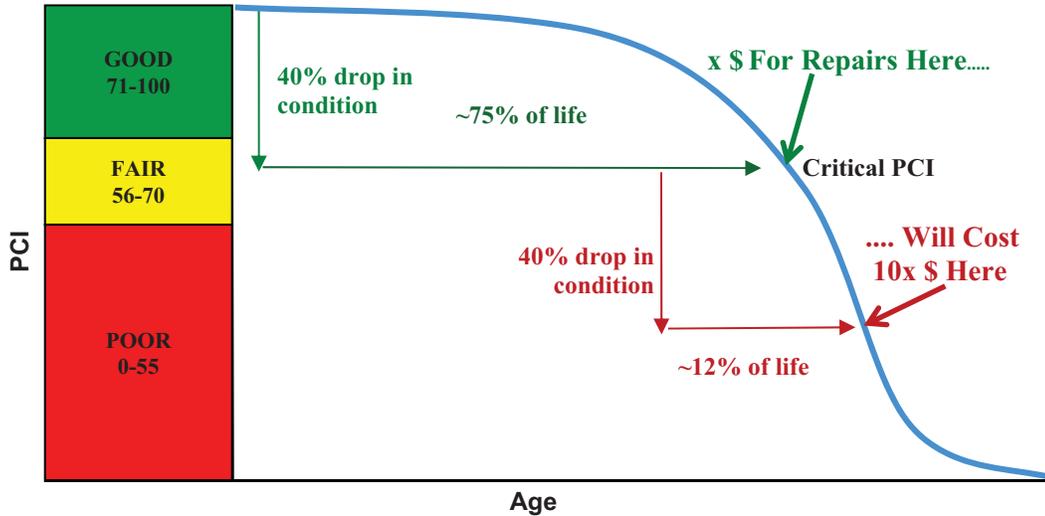


Figure 2 – Typical Pavement Deterioration Curve

Ideally, if preventive maintenance is performed before the critical PCI is reached the life and use of the pavement can be extended in the leveling off period. Also, any major restoration work, such as an overlay, that is done before a pavement deteriorates below the critical PCI usually costs substantially lower due to the better condition of the pavement.

For some time, street repair funding levels for the City have not kept pace with rehabilitation needs. To help address this need, the City is interested in establishing supplementary funding. Supplementary funding could be generated from the implementation of a gas tax, street utility fee, user mileage fee, a bond, or other means. The revenue from supplementary funding will assist in reducing the backlog of street repair projects. Specifically, based on the 2014 pavement condition ratings, the City has a backlog of \$14.3 million. By maintaining the current M&R budget of \$150,000, the backlog is projected to continue to grow unless funding levels are increased.

PSI analyzed four different budget scenarios based on either a specific budget requirement or a pavement condition constraint. Based on our analysis, we offer the following conclusions:

- Scenario 1. An annual expenditure of \$2.8M over the next seven years would eliminate the M&R backlog for the entire street system.
- Scenario 2. At the current funding level of \$150,000 annually, the M&R backlog will grow to \$21.0M by the year 2022.
- Scenario 3. Supplementary funding of \$336,000 per year increases the annual budget to \$486,000. At an annual investment level of \$486,000, the M&R backlog will grow to \$17.9M by 2022.
- Scenario 4. In order to stabilize the condition of the street system at the current PCI of 73, an annual budget of \$1.87M is required during the period of 2014-2022. At this level of investment, the M&R backlog shrinks to \$9.8 million by 2022.

Figure 3 shows the effect of the four budget scenarios on the resulting condition of the Newberg street system.

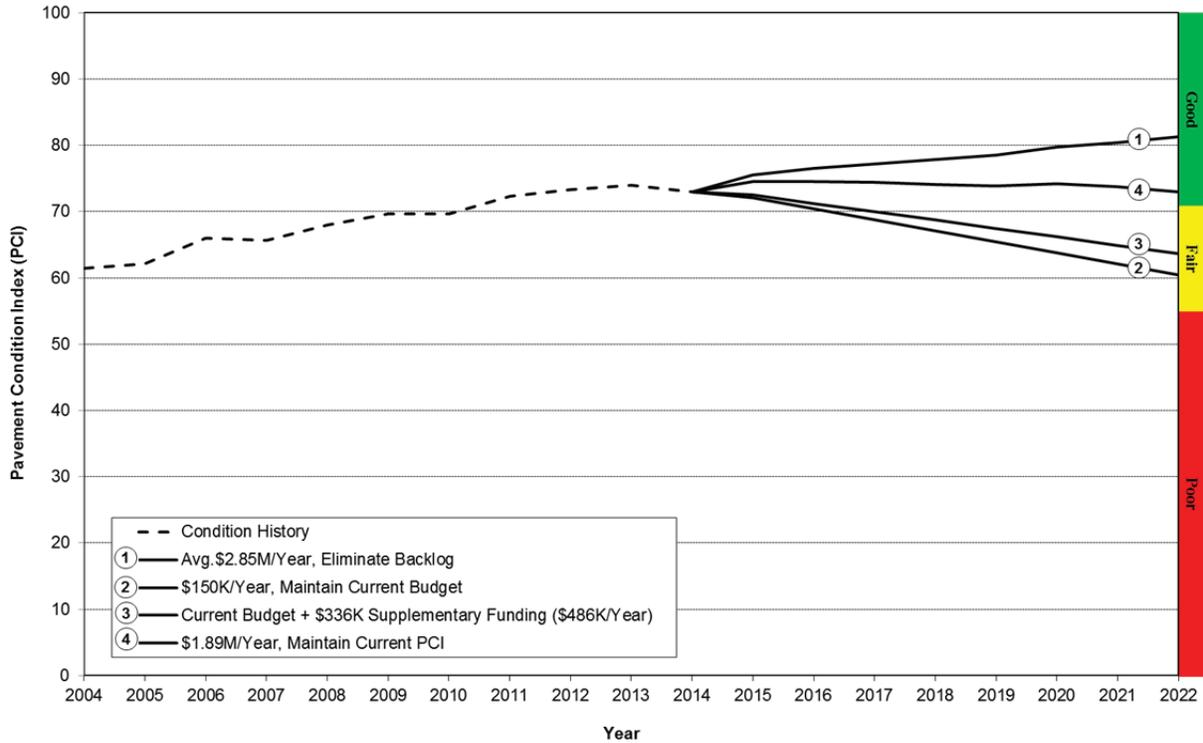
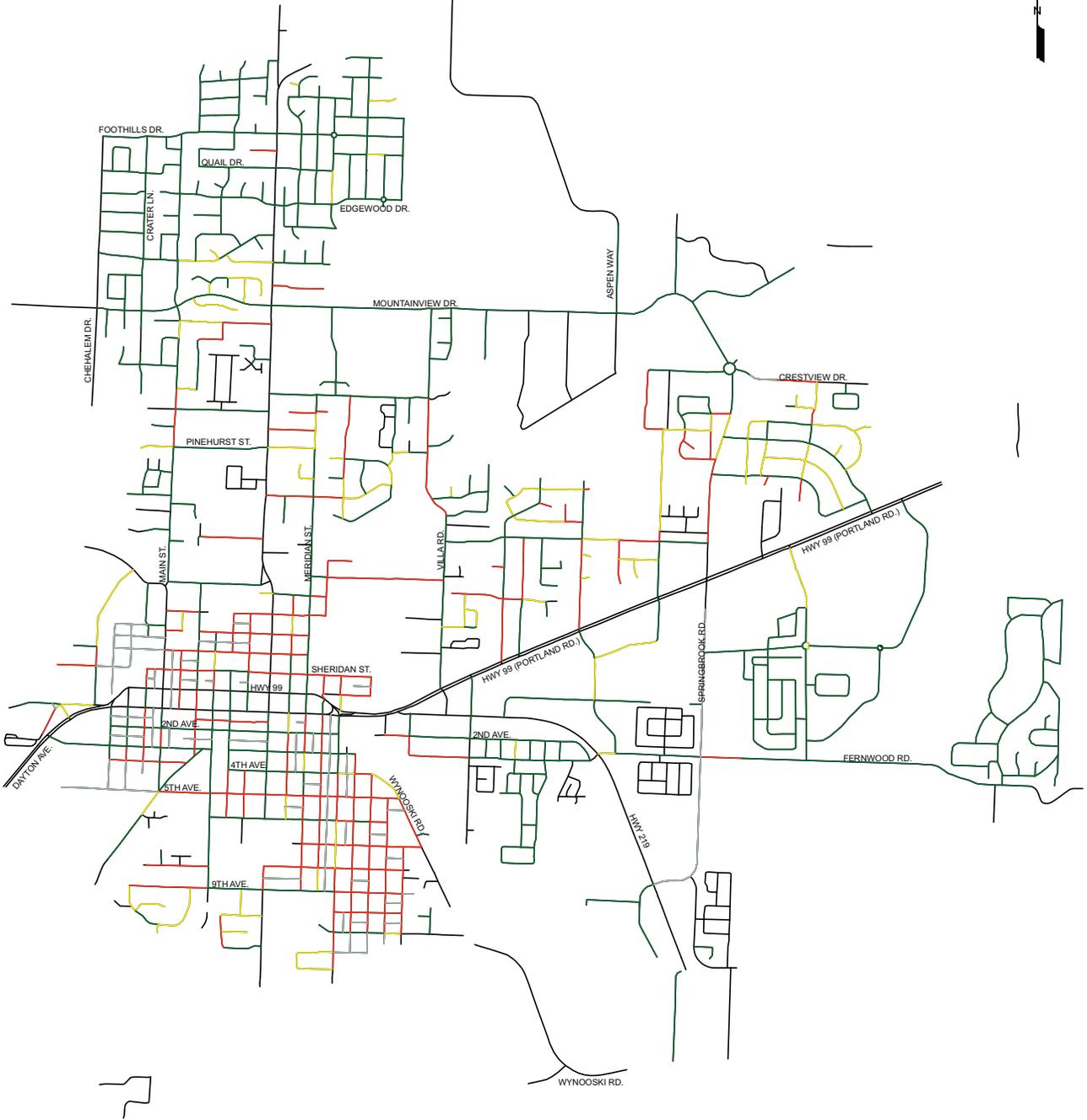


Figure 3 – Various Budget Effects on PCI



Legend

2014 Survey PCI Results

- Good (71 - 100)
 - Fair (56 - 70)
 - Poor (0 - 55)
 - Inventoried/ Not Surveyed
 - Not Managed by Newberg
- 1 inch = 1,600 feet



PAVEMENT SERVICES, INC.
INNOVATIVE PAVEMENT SOLUTIONS

Date: 4/12/2014

Job No: 13075

**2014 PAVEMENT CONDITION INDEX
SURVEY RESULTS
Newberg, Oregon**

FIGURE
1

INTRODUCTION

City of Newberg Public Works Department maintains and operates approximately 70 centerline miles of local, collector, and arterial streets. Approximately 65 centerline miles of the existing street system is constructed of asphalt concrete (AC), with the remainder being gravel roads and portland cement concrete (PCC). The City has a desire to establish the current condition of the pavement surface and establish a maintenance and rehabilitation (M&R) plan for the next seven years.

In the past, the City has conducted pavement condition surveys using the Oregon Department of Transportation (ODOT) Good-Fair-Poor (GFP) pavement rating system. The ODOT GFP system was previously a system that used a 1-5 scale, with 5 being very good and 1 being very poor. The ODOT system was modified in 2010 to include an updated 0-100 rating scale and new descriptions of pavement distresses. The system is essentially subjective in that it allows the rater to apply considerable judgment in rating the pavement surface condition as he or she drives the pavement at speeds up to the posted speed limit. We are not aware of a pavement management system (PMS) that uses the ODOT distress survey method. This means that in order to use the GFP method, Newberg would likely have to develop an ad-hoc system for analysis and evaluation of the distress data for M&R prioritization.

In 2013, the City adopted the ASTM International Test Method D-6433 as the standard method for conducting pavement surveys. ASTM D 6433 is the Pavement Condition Index (PCI) system for local roads and streets which uses a zero to 100 rating scale. Surveys are conducted visually by foot, which provides the best vantage point for observing the actual condition of the pavement surface. By standing or walking the pavement surface, the pavement rater has the opportunity to closely observe pavement distresses such as cracks, weathering, raveling, and rutting, allowing for a better assessment of the amount of distress in a specific survey location.

In 2013, the City also adopted the MicroPAVER software as its pavement management system (PMS). MicroPAVER was selected as the pavement management system because it is based upon the ASTM D-6433 methodology and it uses a proactive management approach as opposed to a reactive management approach. A proactive approach uses a long-term, life-cycle perspective and takes advantage of sound, engineering-based procedures.

MicroPAVER is the pavement management system developed by the US Army Corps of Engineers. MicroPAVER aids pavement managers in deciding when and where to appropriate funds for pavement M&R.

The City of Newberg is considering various resources for supplementary funding in order to increase the current level of funding for street pavement M&R. The City is interested in using the PMS to understand the impact on the condition of the street system based on different funding levels, and to prioritize street M&R projects during the period of 2014-2022.

OBJECTIVES

This project for the City involves several objectives. The first was to implement a pavement management system. Second, we established the current condition of the street system. Third was to determine the immediate and future M&R needs. Additionally, the City wanted the Federal Functional Classification (FFC) of the streets to be reviewed and updated. The last objective was to supplement the inventory of information the City has on the in place pavement structure of the streets. In order to achieve these objectives, Pavement Services, Inc. performed the following tasks:

1. Conducted a visual condition survey of the street network using the ASTM D6433-11: *Standard Practice for Roads and Parking Lots Pavement Condition Index Surveys* method.
2. Determined the consequences of the current budget and the impacts of supplementary funding on the pavement condition.
3. Prioritized M&R projects for the 2014-2022 timeframe so the City can manage expenditures and begin to implement a preservation management style.
4. Advanced pavement cores on City streets to determine the pavement layer thicknesses of the in situ structure.
5. Updated the current FFC of minor arterials, major collectors, and minor collectors by using a traffic count study.

In addition to the objective desired by the City, we developed a brief structural condition report for locations where coring activities took place.

PAVEMENT MANAGEMENT METHODOLOGY

MicroPAVER Database

PSI developed a MicroPAVER database by populating an inventory with accurate information regarding the street network such as the street geometry, surface type, location, and the historical construction and maintenance data.

Currently, the Newberg street network is defined and managed in a Geographical Information System (GIS). The City provided PSI with their GIS data and maintenance records from Cartegraph. Utilizing this data, we were able directly imported the City's pavement inventory into MicroPAVER using the "Create PAVER Inventory from Shape Data" tool.

Pavement Condition Index (PCI)

PSI conducted a PCI survey from December 16, 2013 through February 2, 2014. Due to the typically wet climate in Newberg during the winter months, we performed the survey only on days when the pavements were free of standing water.

Our survey crews used the MicroPAVER FieldInspector handheld tablet devices for data collection in the field. The FieldInspector allowed us to improve the accuracy of the data by

eliminating redundant data entry. It also streamlined the data handling process by allowing us to compute the pavement condition index as soon as the day following the inspection.

Pavement Condition Prediction Models

Prediction models are used to predict future pavement condition, which is an essential component of M&R planning. The models are developed using historical PCI inspection data from a specific location (e.g., airport, city, town, etc.). A model is developed for each group of pavement sections that share similar characteristics (e.g., surface type, functional use, rank, etc.). For example, a model may be developed for asphalt surfaced minor arterial street.

In order to develop an effective prediction model, we must establish the age of each pavement section with unknown last major construction dates. Having both the last major construction date (age) and the PCI from one or multiple inspections allows us to accurately model the condition deterioration of a pavement.

The age of a pavement section is based on the last major M&R activity (e.g., structural overlay, reconstruction, etc.). The date of the last major M&R activity is referred to as the last construction date (LCD).

Newberg had a large number of sections unknown LCD due to incomplete historical work records. For pavement sections where we didn't have LCD information we were able to use the LCD. For the LCD backcalculation we assumed a deterioration rate of 2.5 PCI points per year for the minor arterials, major collectors, and minor collectors roadway pavements and 1.5 points per year for the residential pavements.

The backcalculation starts from the first inspection following the uncertain LCD, as shown in Figure 4. In this example, a pavement with a PCI of 90 in 2012 would have a backcalculated LCD of 2007, assuming a condition deterioration rate of 2.0 PCI points/year.

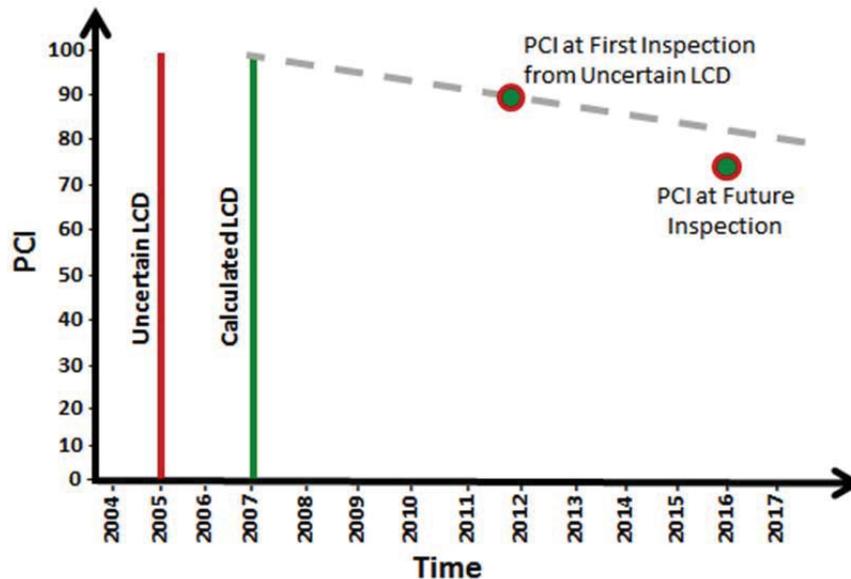


Figure 4. LCD Backcalculation Process.

To predict future condition, we used the same assumed deterioration rates of 2.5 points per year for arterials and collectors, and 1.5 points per year for residential streets. We used a straight line deterioration model because the 2013 condition rating was the first PCI inspection for the Newberg street system. Once a few PCI inspections have been conducted, the MicroPAVER prediction modeling can use the actual deterioration patterns of pavements to determine the future condition. Models using the actual deterioration patterns of the pavements are developed when each pavement sections has multiple PCI and work history data points.

For Newberg, the pavements with known LCD were used to develop deterioration rates. Deterioration rates can change over time due to changes in traffic or infrastructure development and therefore, deterioration rates and prediction models should be updated on a regular basis.

Development of M&R Plans

The MicroPAVER M&R work planning module identifies when and where M&R is required and how much it will cost. M&R plans can be developed either by assuming an annual budget or by identifying the desired pavement condition. Based on either a known annual budget or a desired overall condition level, MicroPAVER will produce a prioritized M&R plan.

PSI developed M&R plans are determined for nine budget years, where the first plan year begins in April 2014 and the last plan year begins in April 2022. The following four budget scenarios were considered:

- Scenario 1. Eliminate Backlog: This scenario eliminates all unfunded major M&R requirements by the year 2022. More specifically, it eliminates the M&R backlog and ensures that all pavement sections have PCI values greater than the critical PCI. The critical PCI is described in Appendix I.
- Scenario 2. Maintain Current Budget: This scenario assumes that the current annual budget of \$150,000 is maintained annually.
- Scenario 3. Current annual budget (\$150,000) + \$336,000 annually: This scenario represents the addition of supplementary funding from sources such as a gas tax, street utility fee, or a user mileage fee. We ran the analysis with a total annual budget of \$486,000.
- Scenario 4. Funding to Stabilize Street System at the Current PCI: This scenario maintains the average PCI of the street system at 73 through the year 2022.

MicroPAVER determines the timing to perform M&R based on predicted future pavement conditions. The anticipated cost of performing M&R is based on cost tables that relate M&R cost to PCI. The cost tables used in this analysis can be seen in Appendix E. The budget scenarios include only pavements inspection data collected during the 2014 survey. We set the critical PCI to 60 for all M&R plans. Appendix C includes detailed results for the M&R planning analysis.

M&R Recommended Projects

Project development and prioritization was based upon the current and future predicted pavement condition. The pavement sections selected for projects were first generated by optimizing the budget and performing preservation based analysis within the MicroPAVER software. We then grouped the sections into projects based upon the year the work is to be performed. Each pavement section was assigned M&R activities based upon the PCI and the distresses observed during the 2014 survey. For example, a pavement with any severity level of alligator cracking or rutting triggers a requirement for full depth patching. For pavement with only low or medium weathering, low severity patching, or low severity longitudinal/transverse cracking a surface treatment is assigned. Mill and overlay is triggered for pavements with medium and high severity cracking, patching, block cracking, weathering, or raveling. Note that these recommendations are developed at the network level. Network level work looks at the entire system as a whole in order to evaluate the large scale need such as funding or backlog. Project level work includes performing in-depth evaluation. Project level work typically occurs before preparing plans and specifications for a specific M&R project. Additional structural and project level analysis is required to implement these project recommendations.

PCI SURVEY RESULTS

A total of 69.4 centerline miles of pavements were surveyed as part of this project. This accounts for approximately 93.5% of the total centerline miles of streets in Newberg. The remaining 6.5% of street that were not surveyed was due to construction and unsurfaced streets.

The average PCI of the Newberg street system was 73 on a scale of 0 to 100. Herein, the term average indicates area-weighted average unless otherwise specified. The standard rating scale defines seven PCI categories. This scale can be customized to have as many categories as desired in order to more easily view the distribution of PCI. For Newberg, we used a three-category scale as shown in Figure 5. Having three condition categories allows for quick observation of pavements that are in need of immediate repair (56 to 70), or which pavements have fallen into the poor category (0 to 55) and may require more costly repairs.



Figure 5. PCI Rating Scales

Table 1 presents the overall PCI for the sections that were classified as minor arterial, major collector, minor collector, and residential streets.

Table 1. Newberg Pavement Network Pavement Condition Index Results

Pavement Classification	Pavement Sections	Section Area (SqFt)	Section Area (%)	Weighted Average PCI	PCI Rating
Minor Arterial	22	394,522	4%	81	Good
Major Collector	156	2,427,297	22%	79	Good
Minor Collector	57	732,393	7%	88	Good
Residential	715	7,578,696	68%	71	Good
All Inspected	950	11,132,908	100%	73	Good

Figure 6 through Figure 9 provide a graphical representation of the PCI distribution for each of the pavement classifications listed in Table 1.

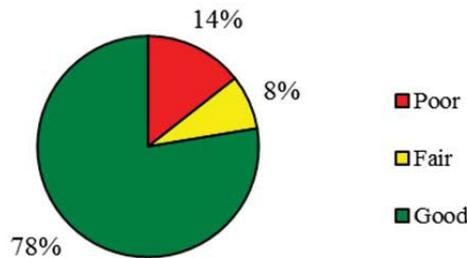


Figure 6. PCI Distribution for Minor Arterial Streets

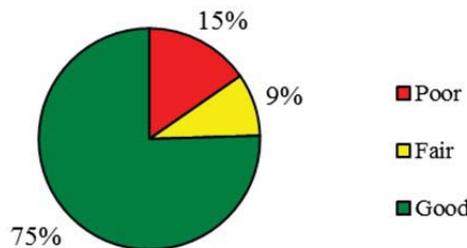


Figure 7. PCI Distribution for Major Collector Streets

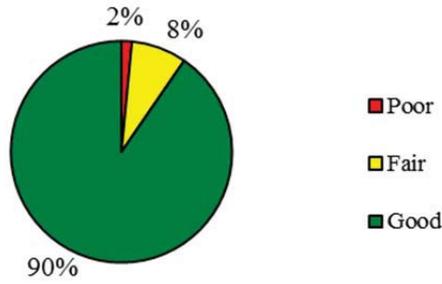


Figure 8. PCI Distribution for Minor Collector Streets

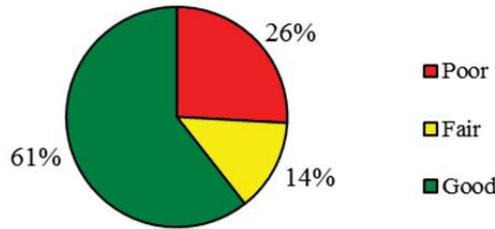


Figure 9. PCI Distribution for Residential Streets

Shown another way, Figure 10 presents the overall PCI distribution of the Newberg pavement network.

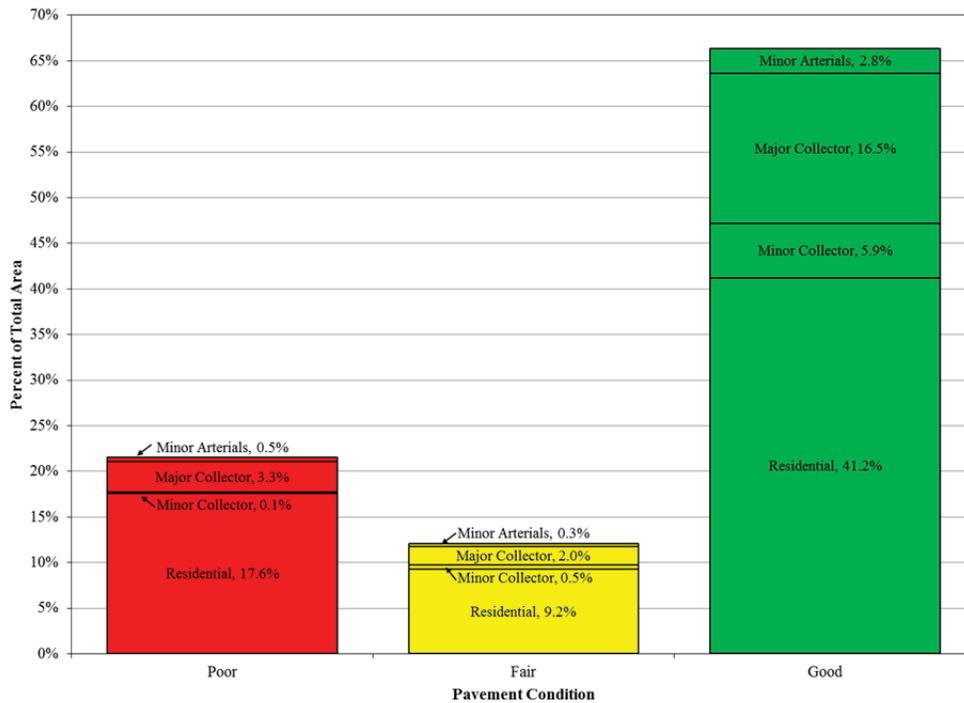


Figure 10. Overview of the Newberg Pavement Condition in 2014

For further detail, consult the following Appendices, which contain information on the condition of the Newberg street network:

- › Appendix A contains tables showing summary inventory and condition data by section.
- › Appendix B contains maps that show section identification and PCI ratings.

BUDGET SCENARIO ANALYSIS

PSI analyzed four budget scenarios for the period of 2014-2022 and the results are summarized below. Additional graphical information regarding the comparison of the budgets and the effects on the PCI are in Appendix C.

The M&R costs in the analysis are based on estimated unit prices from bid tabs that were provided by the City of Newberg. These costs are presented in constant 2014 dollars, i.e., they assume no inflation over the long term.

Scenario 1 – Eliminate M&R Backlog

M&R backlog is any major work type that is required for a pavement with a PCI below critical value. The backlog for Newberg as of 2014 is approximately \$14.3M. The results of the analysis found that an annual budget of \$2.85M dollars is needed to eliminate the backlog by the year 2022. Table 2 shows on an annual basis the resulting PCI values before and after the application of the funding, the total backlog, and the unfunded sustainment costs, which includes all stopgap, preventive, global, and major work above critical PCI.

Table 2—Scenario 1 Analysis Results

Year	PCI Before Repair	Funded M&R Cost ¹	Unfunded M&R Cost			PCI After Repair
			Major Below Critical ²	Sustainment ³	Total ⁴	
2014	73	\$2,852,572	\$14,281,552	\$1,071,631	\$15,353,183	77
2015	76	\$2,854,394	\$13,432,635	\$0	\$13,432,635	78
2016	77	\$2,853,496	\$11,354,653	\$0	\$11,354,653	79
2017	77	\$2,845,919	\$9,279,007	\$0	\$9,279,007	80
2018	78	\$2,852,116	\$7,409,031	\$0	\$7,409,031	80
2019	79	\$2,844,274	\$6,611,394	\$0	\$6,611,394	82
2020	80	\$2,852,898	\$4,640,707	\$0	\$4,640,707	82
2021	80	\$2,852,747	\$2,535,105	\$0	\$2,535,105	83
2022	81	\$2,660,486	\$0	\$0	\$0	85
Total Funded:		\$25,468,902	Total Unfunded:		\$0	

Notes: ¹Total Funding for the M&R budget scenarios. ²Any major M&R under critical PCI (60). ³Sustainment includes stopgap, preventive, global, and major above critical M&R unfunded values. ⁴The sum of the major below critical and sustainment unfunded values.

The total cost over the next nine years, including the funded and unfunded M&R cost is \$25.5M.

The resulting annual M&R cost after eliminating backlog in 2022 would be approximately \$533,000 annually for the five years following and would result in a network PCI of 79 in year 2027.

Scenario 2 – Maintain Current Budget of \$150,000 Annually

With continued funding at the current level, the average PCI is estimated to decline to 60 by 2022. It is projected that the cost of the M&R work backlog will increase to about \$21.0M in 2022. By maintaining this low annual budget, it is estimated that by 2022 the total unfunded M&R costs will exceed \$24M, which is amounts to the addition of \$0.5M annually in backlog.

A summary of this budget is shown in Table 3. The total cost over the next nine years, including the funded and unfunded M&R cost is \$25.8M if the current budget is maintained.

Table 3–Scenario 2 Analysis Results

Year	PCI Before Repair	Funded M&R Cost ¹	Unfunded M&R Cost			PCI After Repair
			Major Below Critical ²	Sustainment ³	Total ⁴	
2014	73	\$147,070	\$14,281,552	\$3,805,217	\$18,086,769	74
2015	72	\$146,569	\$14,703,500	\$3,937,831	\$18,641,331	72
2016	70	\$148,001	\$15,335,214	\$3,901,595	\$19,236,809	71
2017	69	\$146,763	\$15,832,083	\$3,956,873	\$19,788,956	69
2018	67	\$147,733	\$16,501,258	\$4,038,614	\$20,539,873	67
2019	65	\$149,628	\$17,260,011	\$3,993,041	\$21,253,052	66
2020	64	\$143,658	\$18,486,971	\$3,839,062	\$22,326,033	64
2021	62	\$144,994	\$19,418,736	\$3,716,061	\$23,134,798	62
2022	60	\$149,169	\$20,954,237	\$3,521,434	\$24,475,671	61
Total Funded:		\$1,323,585	Total Unfunded:		\$24,475,671	

Notes: ¹Total Funding for the M&R budget scenarios. ²Any major M&R under critical PCI (60). ³Sustainment includes stopgap, preventive, global, and major above critical M&R unfunded values. ⁴The sum of the major below critical and sustainment unfunded values.

Scenario 3 – Current Budget of \$150,000 + \$336,000 in Supplementary Funding, Totaling \$486,000 Annually

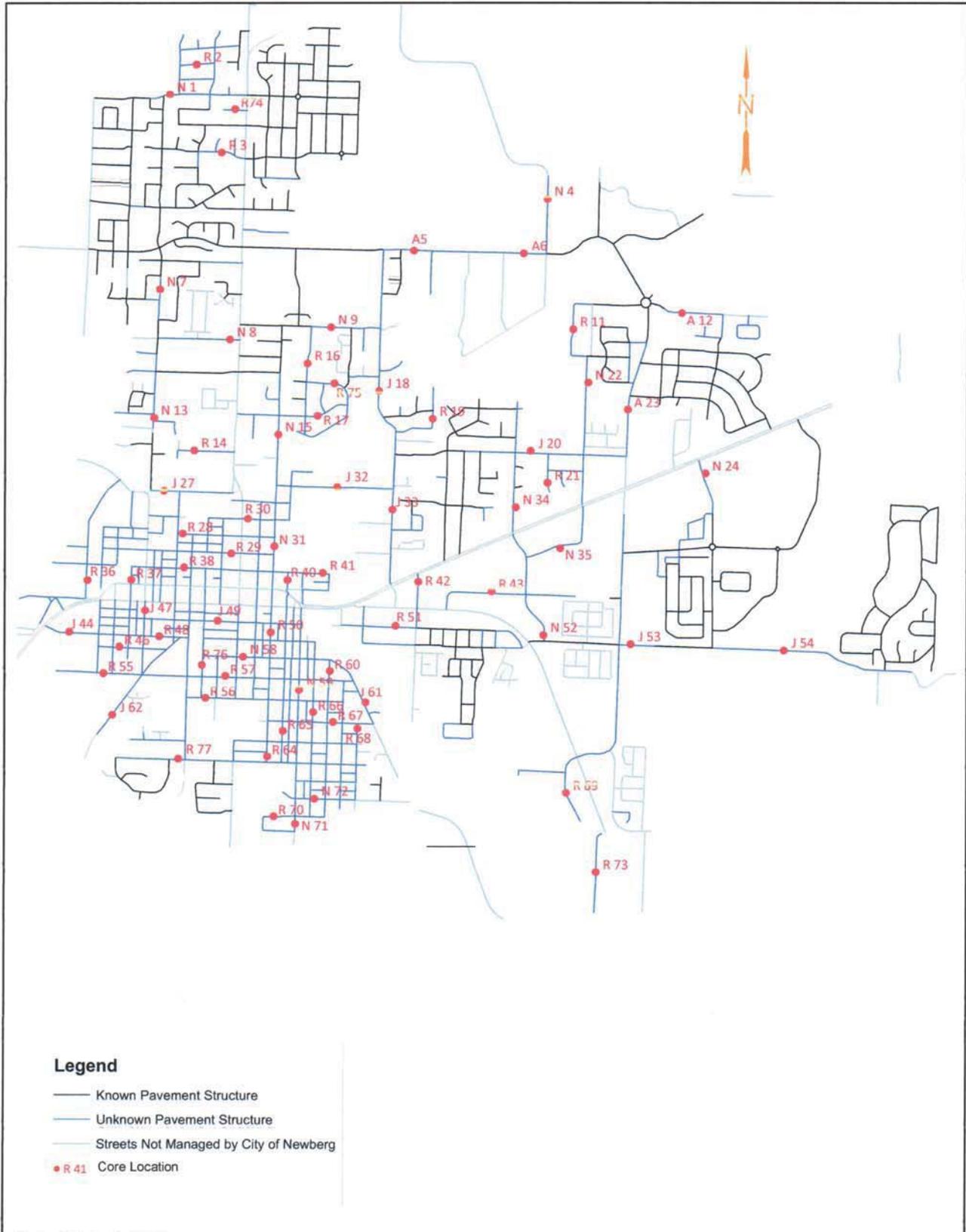
The City is exploring ways to obtain supplementary funding through several mechanisms, including a gas tax, street utility fee, or a bond. The additional funding would help the City address looming M&R requirements.

We surveyed cities in Oregon and found that many currently have a street utility fee in place. Table 4 summarizes the list of cities surveyed and their respective street utility fee.

Table 4 – Oregon City’s Street Utility Fees

Oregon City	Street Maintenance Utility Fee
Albany	No
Ashland	\$7.94
Bay City	\$5.00
Canby	\$5.00
Eagle Point	\$5.00
Grants Pass	\$3.00
Happy Valley	No
Hillsboro	\$3.10
Lake Oswego	\$4.00
McMinnville	No. TSDC (one-time fee)
Medford	\$6.55
Milwaukie	\$3.35
North Plains	\$0.90
Oregon City	\$11.56
Salem	No
Sherwood	\$2.00
Silverton	\$5.00
Springfield	No
Talent	\$3.93
Tigard	\$5.83
Tualatin	\$4.00
West Linn	\$5.89 (\$10.31 in July 2014)
Wilsonville	\$4.00
Average	\$3.74

In the case that Newberg implemented a street utility fee, we ran the budgetary analysis using a \$6 street utility fee, which would provide an additional \$336,000 annually to the maintenance budget. At a total annual budget of \$486,000, the PCI would decrease from 73 to 64 by the year 2022. The total cost over the next nine years, including the funded and unfunded M&R cost is \$24.8M. With supplementary funding, the City could reduce the back log by \$3.1M when compared to the current projected budget of \$150,000 annually. Table 5 summarizes the results of the analysis.

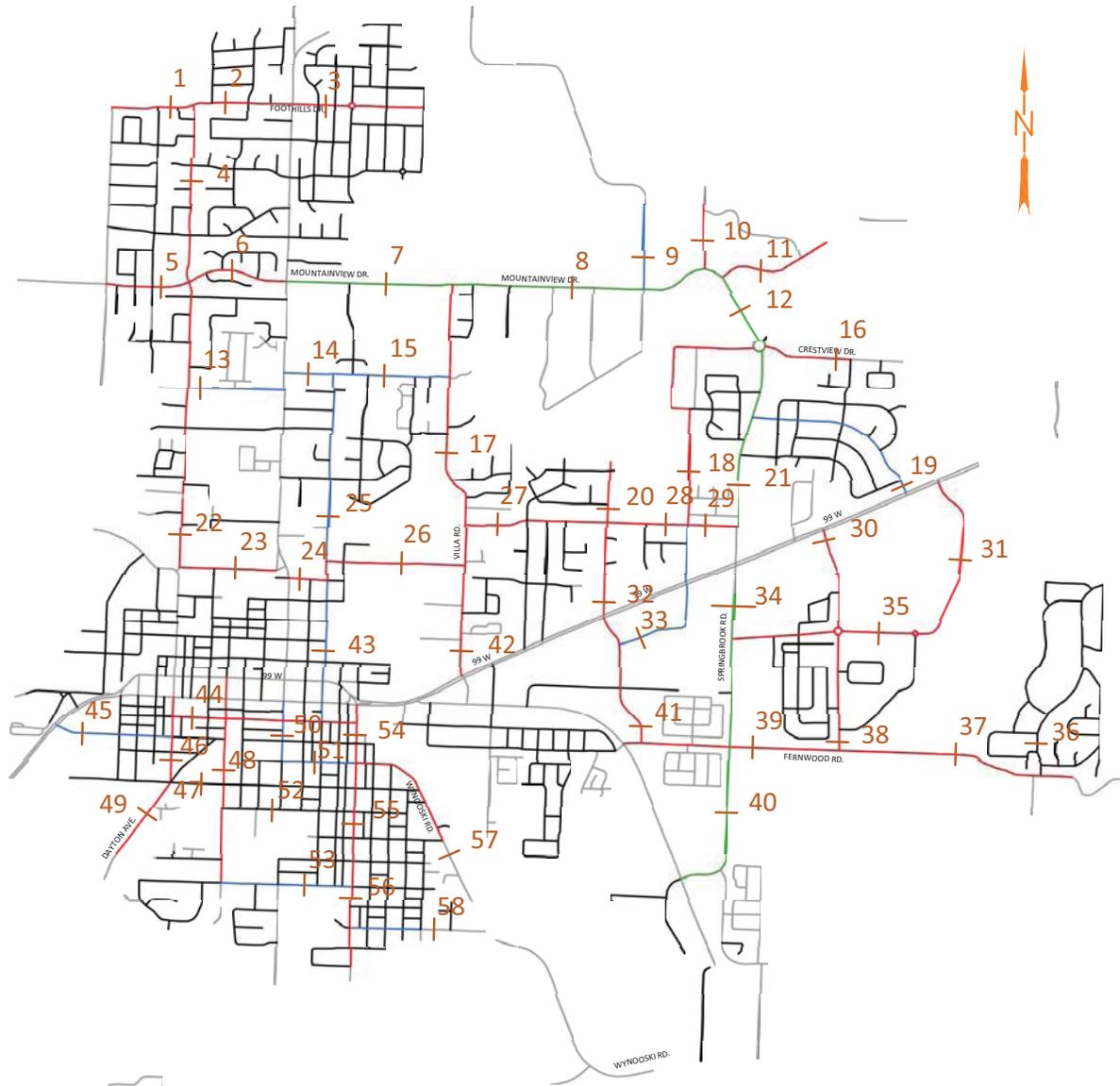


Scale: 1-inch = 1,500 feet

 PAVEMENT SERVICES, INC. INNOVATIVE PAVEMENT SOLUTIONS	Pavement Core Locations Newberg, Oregon
	FIGURE 11

Date: 3/28/2014

Job No.: 13075



LEGEND

- Major Collector
- Minor Arterial
- Minor Collector
- Residential
- Not Surveyed
- 1 TRAFFIC COUNT LOCATION

Base Map: City of Newberg GIS map of functional classification

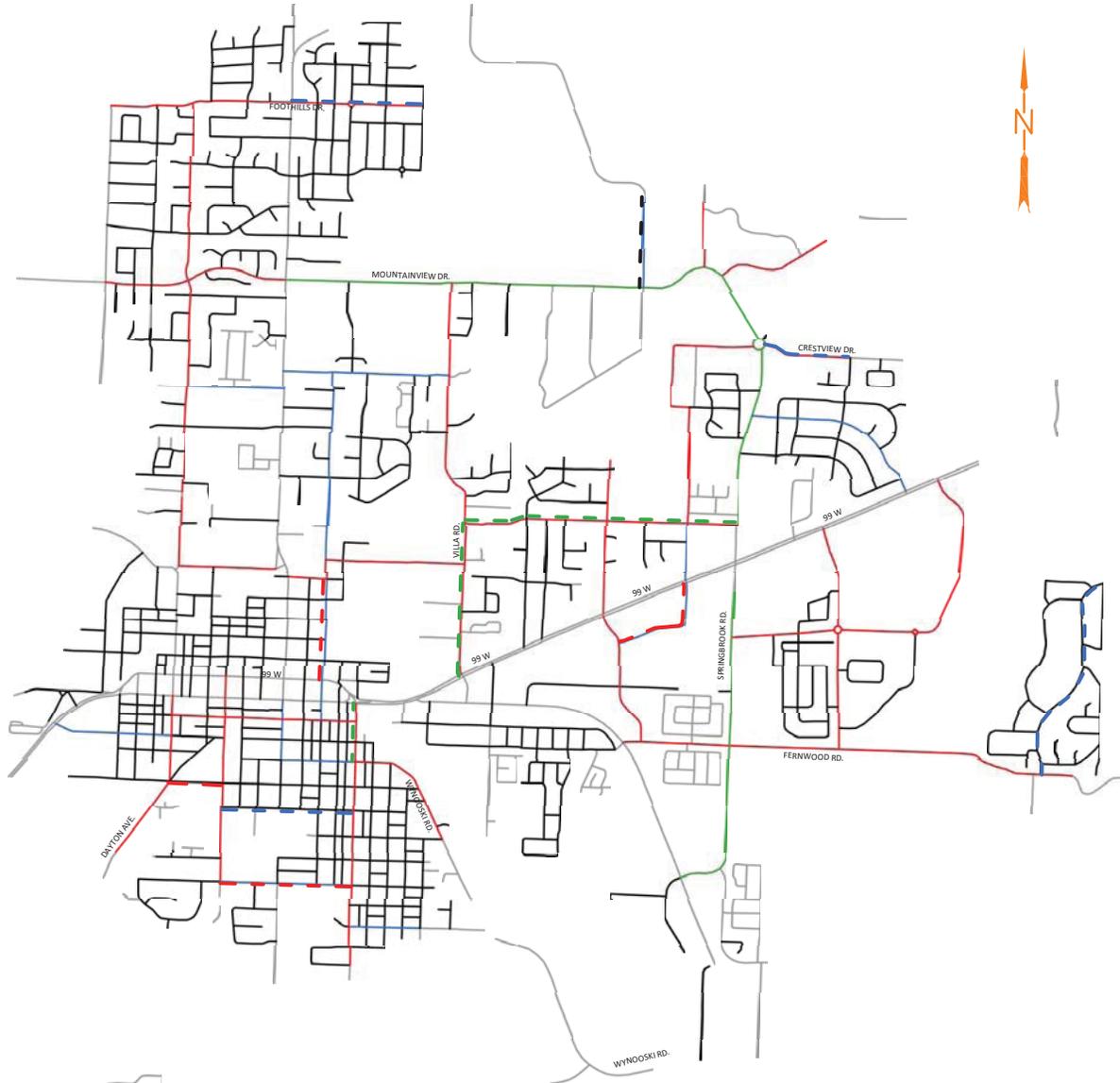
Scale: 1-inch = 1,600 feet

 **PAVEMENT SERVICES, INC.**
INNOVATIVE PAVEMENT SOLUTIONS

Date: 1/27/2014 Job No.: 13075

TRAFFIC COUNT LOCATIONS
Newberg, Oregon

FIGURE
12



LEGEND

<u>Current FFC</u>	<u>Recommended Change to FFC</u>
Major Collector	Major Collector
Minor Arterial	Minor Arterial
Minor Collector	Minor Collector
Residential	Local
Not Surveyed	

Scale: 1-inch = 1,600 feet

Base Map: City of Newberg GIS map of functional classification



PAVEMENT SERVICES, INC.
INNOVATIVE PAVEMENT SOLUTIONS

Date: 3/27/2014

Job No.: 13075

**Map of Proposed Changes
to Current Functional Classifications
Newberg, Oregon**

FIGURE
15

SUMMARY

The overall pavement condition of the streets in Newberg is GOOD. This average rating does not represent the areas in the city where there is advanced deterioration which may require complete reconstruction. With the decreasing annual budget for pavement maintenance, it will become significantly more difficult to rehabilitate pavements in poor condition. Currently, at a yearly budget of \$150,000, the City will only able to perform a minimum amount of maintenance. Now is the time to look into additional funding to supplement the current budget.

PSI conducted the budget analysis based on a preservation philosophy as opposed to a worst-first methodology. The worst-first strategy is a suboptimal method because M&R work is only applied after the pavement has structural damage. Once a pavement has significant structural damage, the only repair option is reconstruction. Preservation, on the other hand utilizes optimum timing to perform preventive treatments such as crack sealing, surface seals, and hot-mix asphalt thin overlays.

Four budget scenarios were evaluated for the time period of 2014-2022. A summary of the four budgetary scenarios is shown in Table 12.

Table 12 – City of Newberg Budget Scenarios

	Budget Scenario	PCI at Beginning of Analysis	Funded M&R Cost Over Analysis Period¹	Unfunded M&R Cost at End of Analysis²	Total Cost³	PCI at End of Analysis
1	Avg.\$2.85M/Year, Eliminate Backlog	73	\$25,468,902	\$0	\$25,468,902	85
2	\$150,000/Year, Maintain Current Budget	73	\$1,323,585	\$24,475,671	\$25,799,256	61
3	Current Budget + \$336,000 Supplementary Funding (\$486,000/Year)	73	\$4,352,243	\$20,428,549	\$24,780,791	64
4	\$1.89M/Year, Maintain Current PCI	73	\$18,155,577	\$9,779,761	\$27,935,338	74

Notes: ¹Total Funding for the M&R budget scenarios. ²Total unfunded stopgap, preventive, global, and major M&R values. ³The sum of the total funded and total last year unfunded cost.

We recommend that the City of Newberg increase annual pavement maintenance funding. At the current funding level, the average condition of the street system will fall from 73 to a 61 by 2022 based on our analysis. By increasing funding to approximately \$486,000 annually, the average PCI will only fall to a 64 in the year 2022, which keeps the average condition of the entire system above the critical PCI. As pavements that are in good condition continue to deteriorate, they will become increasingly more expensive to maintain. If preservation activities can be funded now, the cost of maintaining the pavements over their lifetime will be minimized.

Additionally, we recommend that the City perform routine pavement condition surveys every three years. Regular PCI surveys provide up-to-date information to the City staff and allow the

most cost-effective use of maintenance and rehabilitation dollars.

Our analysis of the traffic counts performed during the project found that 14 of 58 locations had increased traffic volumes when compared to streets with similar classifications. We recommend that the City revise the federal functional classification for the streets shown in Table 9.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 7, 2014

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve the April 21, May 5, and May 19, 2014 city council meeting minutes.

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder
Dept.: Administration

RECOMMENDATION:

Approve city council minutes for preservation and permanent retention in the city's historical records.

EXECUTIVE SUMMARY:

The city of Newberg City Council held public meetings and minutes were recorded in text. In accordance to Oregon State Records Management law, the city of Newberg must preserve these minutes in hard copy form for permanent retention.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

NEWBERG CITY COUNCIL MINUTES
APRIL 21, 2014 at 7:00 PM
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held at 6:01 PM preceding the meeting. A presentation was given by Mr. Brad Allen, code enforcement officer, regarding an update on code complaints. All councilors, the mayor, city manager pro tem, city attorney, deputy city recorder, minutes recorder, and department heads were present with Councilor Lesley Woodruff being absent. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:10 PM.

II. ROLL CALL

Members Present:	Mayor Bob Andrews	Denise Bacon	Mike Corey
	Bart Rierson	Ryan Howard	Stephen McKinney

Members Absent: Lesley Woodruff (excused)

Staff Present:	Lee Elliot, city manager pro tem.	Truman Stone, city attorney
	Brad Allen, code compliance officer	Jay Harris, interim public works director
	Pual Chiu, senior engineer	Steve Olson, interim planning and building director
	Jenn Nelson, deputy city recorder	Mandy Dillman, minutes recorder

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Lee Elliott, city manager pro tem, reported pavement restoration projects are being performed around the city and the basement of city hall is getting renovated due to unexpected flooding. On Friday the budget was published and he acknowledged the amount of work the assistant finance director and finance director put into meeting the publishing deadline. He concluded with sharing tomorrow and Wednesday interviews are being held for the city manager position.

V. PUBLIC COMMENTS

Mr. Terrance Mahr, former city attorney, came forward to speak high praise regarding Judge Larry Blake. He pronounced his gallant efforts to follow through and always to be available for the city was quite attainable for Newberg. Councilor Denise Bacon explained she did a ride along this week with an officer who explained he had to call Judge Blake while he was on vacation and Judge Blake never expressed contempt. Councilor Bacon mentioned 911 call workers also report similar experiences in having to call him at all hours.

VI. COUNCIL APPOINTMENTS

Consider a motion appointing Ms. Helen Brown to the Budget Committee serving a term expiring December 31, 2015.

MOTION: **Rierson/McKinney** appointing Ms. Helen Brown to the Budget Committee serving a term expiring December 31, 2015. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2014-3121** granting an easement to NW Natural Gas and extinguishing an existing easement near the west end of the Sportsman Airpark Runway extending to Wyooski Road.
2. Consider a motion adopting **Resolution No. 2014-3124** appointing Boldt Carlisle + Smith, LLC, as the city's auditors for the fiscal year ending June 30, 2014.
3. Consider a motion adopting **Resolution No. 2014-3125** approving the annual evaluation of the municipal judge.

MOTION: **Corey/Rierson** adopting Resolution No. 2014-3121 granting an easement to NW Natural Gas and extinguishing an existing easement near the west end of the Sportsman Airpark Runway extending to Wyooski Road, adopting Resolution No. 2014-3124 appointing Boldt Carlisle + Smith, LLC, as the city's auditors for the fiscal year ending June 30, 2014, and adopting Resolution No. 2014-3125 approving the annual evaluation of the municipal judge. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

VIII. PUBLIC HEARING

Consider a motion adopting **Order No. 2014-0034** requiring the removal of an unauthorized driveway at the property located at 3220 E. Hancock Street.

Mayor Andrews introduced the quasi-judicial hearing and called for any conflicts of interest or abstentions; Councilor Bart Rierson claimed ex-parte contact.

Mr. Brad Allen presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report). Staff recommends approval of Order No. 2014-0024 requiring the removal of an unauthorized driveway at the property located at 3220 E. Hancock Street.

Councilor Rierson asked if he was correct in thinking the code currently allows only two residences to be supplied with one driveway. Mr. Steve Olson, interim planning and building director, explained it has been code for a long time to allow only two residence per driveway; however, a year ago they changed the code to allow three residences per driveway. Mr. Olson assumed there was a variance when this property was built because of the easement feasibility and the requirement of having 100 feet between the driveway and Springbrook Road.

Councilor Rierson asked if eventually Hancock Street would be a through street and Mr. Olson replied it would and is in the Transportation System Plan (TSP) which implies the 100 foot setback would not be effected by Hancock Street flowing through because Springbrook Road is a higher classification.

Councilor Stephen McKinney asked if the impediment of storm water subjects the city to fines. Mr. Elliott replied he did not think so.

It was discussed the property is owner occupied, the 100 foot setback would allow for a second driveway approximately in the middle of the four residences, which is the solution staff suggests to help solve the currently impossible parking situation.

Mr. Allen handed out correspondence between the city and the property owner.

MOTION: **Rierson/Bacon** accepting additional written testimony into the record and allow time for a recess. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

Mr. John Reed explained the history on his property and when he first moved into the house parking was not an issue. Currently, in addition to the adults traveling to and from work, there are now several teenagers in the neighborhood with cars coming in and out of the tight space everyday. Mr. Reed's house is at the end and to park his large truck in his space is impossible due to the narrow driveway. Parking in the spot next to his house causes him to block part of the easement. He explained there was also an increase in traffic turning around due to the changes near Fred Meyer where you can no longer turn left into their parking lot. However, the increase has diminished now citizens know they can no longer turn left there and because of the lack of vehicles on their road he feels it is not a safety issue to continue to use his unauthorized driveway. He understands when the city first gave him the code violation letter he should have done his due diligence; however, he did not understand he was breaking a law, he was only filling the planter strip and putting in the concrete ramps to make it safer for his wife to drive directly into their driveway. Mr. Reed stated he spoke with a contractor who said they did not need a permit and if they would it would cost only \$15.00. He mentioned he takes pride in his property and unfortunately, due to hard packed clay they cannot, after making an effort, grow anything in the planter strip, which makes it difficult to make it look beautiful. Mr. Reed explained there has only been three incidences on their street. Additionally, he explained the neighbors next to him also use the constructed driveway and really appreciate having it. Mr. Reed passed out pictures that showed close up views, congestion in the driveway and some pictures showed how it looks with less than the usual amount of cars parked in the easement. Mr. Allen suggested the concrete pavers to Mr. Reed, because pouring concrete could block utilities. He feels frustrated the city has sent him a letter telling him the pavers must be removed because the city thought they would only be putting in one block. Next, he spoke about the suggestion to add a second driveway, which means the removal of a tree and the coordination of the owner next door, who does not want to improve the area because of concern it could cause an increase in property taxes. Mr. Reed concluded by stating they have used their constructed driveway for five years with no issues and feels the suggestion of adding a second driveway will not be nearly as convenient for him and his neighbors.

Councilor Mike Corey asked Mr. Reed if he received a copy of his conditions, covenants and restrictions (CCRs) when he purchased his home, which should have clearly stated the availability of only one driveway. Mr. Reed agreed he probably received one; however, he did not read the large quantity of papers involved in purchasing his home. He mentioned when he asked the previous owners about the single driveway he was informed there had been an additional driveway when the houses were built but the city ordered its removal.

Councilor Corey asked if Mr. Reed was prepared to pay for an additional driveway and willing to get permits. Mr. Reed replied he could not honestly answer because he was not sure what the cost of a new driveway would be. He mentioned he already has \$1,000.00 into his constructed driveway.

Councilor Ryan Howard asked if Mr. Reed feels he is violating the code that states a vehicle operator shall not drive on sidewalks except in the case of a permanent or temporary driveway. Mr. Reed explained his ramps are removable so he feels it is a temporary driveway. Councilor Howard asked if a temporary driveway requiring a permit should still be considered temporary. Mr. Reed said he was not aware he was breaking some of the codes mentioned but otherwise does not know the answer.

Councilor Howard expressed his frustration and concern for the amount of money it costs the city when citizens ask for forgiveness rather than asking for permission. Additionally, councilor Howard feels concern for the fact this has occurred when it is clear the location of the driveway is much closer than code allows and properties Mr. Reed referenced with similar situations more than likely went through appropriate channels to obtain variances.

Mayor Andrews asked Mr. Allen for clarification on his suggestion Mr. Reed use pavers in place of concrete. Mr. Allen explained there must have been a misunderstanding as he was under the impression the paving stones would be used as a landscaping element. He did not assume Mr. Reed would be using them as a driveway; however, Mr. Allen's understanding was the pavers were to be used for backing out of their driveway and turning around to drive out of the easement, not directly into the street from his driveway. Mayor Andrews asked if there was any prohibition to the pavers being used as landscaping. Mr. Allen said there is explicitly not.

Mayor Andrews asked if there was any history from staff about a second driveway. Mr. Allen clarified there was mention of one being there once, research was done by staff previously, but no record of a second driveway was found. Furthermore, Mr. Allen added parking had been prohibited on both sides of Hancock Street; however, after concern from the neighborhood the signs were removed to allow parking on the south side. Councilor Howard asked if the constructed driveway prohibited one parking spot on the street. Mr. Reed agreed it does eliminate one parking spot. He further explained by eliminating one of the street parking spots he creates the availability of three parking spots in the easement.

Councilor Howard asked Mr. Reed if he converted his garage to living space, which Mr. Reed confirmed, and councilor Howard pointed out that removes available parking and Mr. Reed countered the garage space was too small for even his wife's car to fit into.

Mayor Andrews closed public testimony.

Discussion commenced on the code violations Mr. Reed has been notified of and how he is not technically breaking the landscaping violation with inserting pavers; however, it is more the action of using them as a driveway. Additionally, they discussed it was unintentional that four houses would use one driveway and it is not a safe option. Using a local improvement district (LID) as a possibility was discussed but determined to not be a possible solution. Staff mentioned the best approach would be to have the neighborhood help pay for a second driveway to be installed.

MOTION: **Rierson/Corey** allowing reopening of public testimony. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

Mayor Andrews asked for clarification if the property owner adjacent to Mr. Reed did not want to go to the expense of a driveway and if she was against having one poured. Mr. Reed said the owner was not opposed to having a second driveway, she just did not want to pay the cost. Mayor Andrews asked staff how much the driveway would cost. Mr. Jay Harris, interim public works director, expected it to be approximately \$3,000.00.

Discussion commenced explaining a second driveway would not be the type of improvement which would increase property taxes and when Springbrook Road is updated it will stay a minor arterial.

Councilor Howard asked Mr. Reed if he would reconsider putting in a second driveway and Mr. Reed informed the council he would consider once he knew the final cost and how much the neighbors would contribute. Mr. Reed asked if he would be compensated for the money he spent on his constructed driveway. He was informed by several council members his situation is not one that would warrant compensation.

Mayor Andrews closed public testimony.

MOTION: Howard/Corey adopting Order No. 2014-0034 requiring the removal of an unauthorized driveway at the property located at 3220 E. Hancock Street.

MOTION: Rierson/Bacon table the issue and bring it back at June 16th, 2014 city council meeting. Motion failed (3 Yes/3 No/1 Absent [Woodruff]).

VOTE: Howard/Corey adopting Order No. 2014-0034 requiring the removal of an unauthorized driveway at the property located at 3220 E. Hancock Street. Motion failed (3 Yes/3 No/1 Absent [Woodruff]).

MOTION: Howard/Corey adopting Order No. 2014-0034 requiring the removal of an unauthorized driveway at the property located at 3220 E. Hancock Street striking paragraph two 15.2.020, striking 2A and 2C, and amending section 2B as removal of ramps and no longer violate municipal code 10.10.070.

Discussion commenced determining the city would not be liable for an accident happening in the easement because of the single driveway for four residences. Furthermore, it was determined the city does not see the pavers as a nuisance and are allowed as landscaping.

VOTE: Howard/Corey adopting Order No. 2014-0034 requiring the removal of an unauthorized driveway at the property located at 3220 E. Hancock Street striking paragraph two 15.2.020, striking 2A and 2C, and amending section 2B as removal of ramps and no longer violate municipal code 10.10.070. Motion carried (5 Yes/1 No [Rierson]/1 Absent [Woodruff]).

IX. NEW BUSINESS

1. Presentation updating council on the status of the city's stormwater master plan.

Mr. Paul Chiu, senior engineer, introduced Ms. Allisa Maxwell, water resource engineer, and Mr. Jim Harper, water resources supervising engineer, who presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report).

Councilor Howard asked if they had any input, from Ms. Maxwell and the Citizens' Rate Review Committee, which advises having additional staff on maintenance. Ms. Maxwell replied there was. Councilor Rierson asked if this information presented and their map could be imported into the Geographic Information System (GIS). Ms. Maxwell informed the council it interfaces directly with the GIS and can be taken out and imported into the system.

Discussion commenced on rate changes for stormwater, which will be changing from \$7.30 a month to \$7.96 beginning January 1, 2015 and raising again January 1, 2016 to \$8.67 per month. This raise will allow for some system development changes in the city. Furthermore, they discussed the project at hand was replacing eighteen pipes, under buildings in the city, which have begun to degrade. The pipes must be filled in and new ones put into place.

2. Discussion on revenue enhancement.

Mr. Elliot explained there is a 5% gap in the general fund, which needs to be filled in order to have positive revenue. The last three years there was a reserve to pay the gap; however, Mr. Elliot explained, they have run out of the reserve and now must make cuts in other areas. They have been deferring maintenance issues, like

the pipes that need replacing mentioned earlier and other projects to help keep this deficit small. Mr. Elliot presented a packet which made suggestions for covering the \$600,000.00 they will be short.

Discussion commenced on comparing and addressing the presented suggestions.

X. CONTINUED BUSINESS

Consider a motion adopting **Resolution No. 2014-3115** adopting a revised engineering fee schedule. (Postponed from the March 7, 2014, city council meeting)

Mr. Harris presented a packet informing the council of the changes in the engineering fee schedule and compared surrounding cities engineer fees to Newberg's.

MOTION: Rierson/McKinney adopting Resolution No. 2014-3115 adopting a revised engineering fee schedule. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

XI. EXECUTIVE SESSION

1. Executive Session pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed – Springs customer class.

Mayor Andrews called the executive session to order at 10:45 PM. Executive session was held with all councilors, except Councilor Woodruff whom was absent from the meeting; the mayor; city manager pro tem; city attorney; deputy city recorder; and city engineer present. No action was taken and no decisions were made.

Mayor Andrews closed the executive session and opened the public meeting at 11:05 PM.

MOTION: Rierson/McKinney to move toward divestiture from the Springs class and authorize the city attorney, city manager pro tem, and city engineer to begin negotiations with the Springs customers. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

2. Executive Session pursuant to ORS 192.660(2)(i) relating to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing – city attorney evaluation.

Mayor Andrews called the executive session to order at 11:07 PM. Executive session was held with all councilors, except Councilor Woodruff whom was absent from the meeting; the mayor; city attorney; and deputy city recorder. No action was taken and no decisions were made.

Mayor Andrews closed the executive session and opened the public meeting at 11:23 PM.

MOTION: Howard/Rierson to direct staff to prepare a request for council action (RCA) for the written approval of the city attorney's evaluation. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

XII. COUNCIL BUSINESS

No council business was discussed.

XIII. ADJOURNMENT

The meeting adjourned at 11:25 PM.

ADOPTED by the Newberg City Council this ____ day of _____, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this _____ day of _____, 2014.

Bob Andrews, Mayor

NEWBERG CITY COUNCIL MINUTES
MAY 5, 2014, 7:00 PM
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held at 6:00 PM preceding the meeting. Shane Ottosen and Tim Potter, ODOT gave a presentation regarding Newberg-Dundee Bypass. Councilors, the mayor, city manager, city attorney, city recorder, minutes recorder, and department heads were present with Councilor Mike Corey absent. Mayor Andrews called the executive session to order at 6:45 PM pursuant to ORS 192.660(2)(a) relating to employment of a public officer, employee, staff member or individual agent-city manager recruitment. Councilors, the mayor, city attorney, city recorder, and minutes recorder were present with Councilor Mike Corey absent. Executive session ended at 7:04PM. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Andrews called the meeting to order at 7:16 PM.

II. ROLL CALL

Members Present:	Mayor Bob Andrews Bart Rierson	Denise Bacon Stephen McKinney	Ryan Howard Lesley Woodruff
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Members Absent: Mike Corey (excused)

Staff Present:	Lee Elliott, city manager pro tem Jay Harris, interim public works director Jessica Pelz, assistant planner Steve Olsen, interim building & planning director Nicole Tannler, minutes recorder	Truman Stone, city attorney Janelle Nordyke, finance director Norma Alley, city recorder
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Others Present: David Russ, Barbara Jensen, Lewis Schaad, Deb Galardi, Chuck Zickefoose, Tony Rourke, Donald Guthrie, Robert Soppe, Phillip Smith, Art Smith, Rob Hallyburton, Dennis Gaibler, Sid Freeman, Jane Greller, Cathy Stuhr, Grace Schaad, and Brian Doyle

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Lee Elliott, city manager pro tem, reported the Newberg Fire department pancake breakfast was a success. Thursday May 27, 2014 we are beginning the pedestrian safety program and this month with the walk/bike challenge.

V. PUBLIC COMMENTS

Mr. David Russ introduced himself and testified he was running for County Commissioner.

Ms. Barbara Jensen introduced herself and testified she was running for House District 25.

Mr. Lewis Schaad reported on the condition of the land at Corral Creek Reservoir which has a noxious weed problem. He stated it is going to take some work force to remove this problem. Mayor Andrews replied the city manager and his staff have heard your comments and will look into the problem.

VI. COUNCIL APPOINTMENTS

Consider a motion appointing Crystal Garcia to the Library Board serving a term expiring June 30, 2015, and Corina Kanen to the Library Board serving a term expiring June 30, 2018.

MOTION: Bacaon/Woodruff appointing Crystal Garcia to the Library Board serving a term expiring June 30, 2015, and Corina Kanen to the Library Board serving a term expiring June 30, 2018. Motion carried (6 Yes/0 No/1 Absent [Corey]).

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2014-3129** directing staff to withdraw Newberg's current Urban Growth Boundary/Economic Opportunity Analysis application from Department of Land Conservation and Development.
2. Consider a motion adopting **Resolution No. 2014-3130** authorizing the city manager pro tem to execute an intergovernmental agreement with the city of Salem for the treatment and disposal of wastewater treatment sludge.
3. Consider a motion adopting **Resolution No. 2014-3135** granting a twelve-year agricultural lease to Harold Medici of land on the city's Oliver Springs property.
4. Consider a motion approving the March 3, March 4, March 17, and April 7, 2014, city council meeting minutes.

Items 1-3 and the March 17, 2014, minutes were pulled from Consent Calendar. Items 1 and 2 were discussed under New Business. Item 3 and the March 17, 2014, minutes were postponed to the June 2, 2014, meeting.

MOTION: Howard/Woodruff approving the March 3, March 4, and April 7, 2014, city council meeting minutes, as amended. Motion carried (6 Yes/0 No/1 Absent [Corey]).

VIII. PUBLIC HEARING

1. Consider a motion adopting **Resolution No. 2014-3131** adopting new monthly water rates, effective January 1, 2015.
2. Consider a motion adopting **Resolution No. 2014-3132** adopting new monthly wastewater rates, effective January 1, 2015.
3. Consider a motion adopting **Resolution No. 2014-3133** adopting new monthly stormwater rates, effective January 1, 2015.
4. Consider a motion adopting **Resolution No. 2014-3134** adopting new monthly springs water rates, effective January 1, 2015.

Mrs. Jay Harris, interim public works director, and Deb Galardi, Galardi Consulting LLC presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report). Staff

recommends approval of Resolution No. 2014-3131 adopting new monthly water rates, effective January 1, 2015.

Mayor Andrews introduced the administrative hearing and called for any conflicts of interest or abstentions; none appeared.

Councilor Ryan Howard asked if there was any discussion of cost overrun and who was responsible. Ms. Deb Galardi said I do not believe there was but there was discussion for the future. Councilor Howard asked if she can elaborate on the divestiture and a one year lower rate. Mr. Harris said the divestiture was added to this while the two parties are trying to transfer the rights.

Mr. Chuck Zickefoose, citizens' rate review committee (CRRC) member, stated I believe that our process was very well done and how we go through the process is very fair to the residents. I appreciate the work of the staff and the consultant. We balance what is going on in the economy and what is needed for the city.

Mr. Tony Rourke, citizens' rate review committee chair, stated he is here to speak for the decisions on the rates. This is the first time I actually did not agree with the staff on the Spring rates and we do believe the rates on these systems do balance out. I do support the interim support contingent on divestiture. The 25% increase is just taking on some of that operation and maintenance and to work towards getting that system into the homeowners hands. If it does not happen in the time given the city will need to come up with the money and any lowering of these rates would be counter to that.

Councilor Howard said if divestiture does not happen in time given then the homeowners should be responsible for it. Mr. Rourke replied if divestiture does not happen then the city of Newbergs hand will be forced to get this done. Councilor Howard asked about the decision to recommend not recouping the chlorine that has been done and how that came about. Mr. Rourke said there was debate on the resolution and whether or not it should be fully recouped. Councilor Bart Rierson said Ms. Galardi talked about allocating cost, curious if you looked at re-use projects. Mr. Rourke replied we did talk about re-use but not as a system in of itself.

Mr. Harris said we are just replacing pipe on an emergency basis, which is more reactive maintenance. Councilor Howard asked if he is comfortable not recouping any of the money for the maintenance beforehand. Mr. Harris answered we have to go and fix the problems and if that happens we will come to the Council with that.

Councilor McKinney asked about the actual cost on the Springs Chlorination. Ms. Galadari said the \$37,000.00 is based on amortization and the rates have not been recovering up to 50%. Mr. Rourke said we all support the plan to work with springs homeowners to divest but if any debt is left or forgiven then the city still has that debt.

Mr. John Gutherie stated he wanted to thank the citizens' rate review committee and appreciated their recommendations. Tonight I am speaking on behalf of the Springs customers. We are waiting for a letter of intent from the city and ask any adjustments be put on hold until we can get that letter. The 2008 resolution spoke to the city taking responsibility of 50% of the springs system. The fact that it was not estimated correctly does not say it was not an immediate need. It seems to be unnecessary at this time because we may or may not need to include the coercion control.

Mr. Robert Soppe stated in 2008 the Council passed a resolution creating a special customer class for the Springs users. Through this resolution and the discussion that preceded its passing, the Council made a promise to the citizen ratepayers of Newberg. This promise was that these ratepayers would no longer be subsidizing the springs water system. He said tonight is the Council's first real opportunity to live up to that commitment. He went on to say according to the facts presented by staff during the most recent round of CRRC meetings, the Springs rates have failed to live up to the 2008 commitment to the city ratepayers to have it self-funding. The

operation and maintenance cost calculations were too low, the unanticipated additional expenses in the Chlorine Injection project were not included, and interest or rate-of-return was not included. Before the most recent round of CRRC meetings, neither the CRRC nor the Council was given an opportunity by staff to set rates that were consistent with the 2008 resolution. Mr. Soppe stated this appears to have been rectified by the present staff who has done an excellent job in providing information to the CRRC and to the Council to allow an informed decision to be made concerning Springs rates. I urge you tonight to follow through on the commitment the Council made in 2008 to the ratepayers of Newberg and to reject the rate recommendation that the CRRC has delivered to you. I urge you to pass the rates staff provided which are consistent with your commitment. He said as a separate issue, there was quite a bit of discussion and uncertainty with regard to two issues with the 2008 resolution. Those two issues were exactly which project or projects were to be included in the citizen's 50% share and whether or not future capital improvements were to be covered by Springs rates. The uncertainty did not need to occur, as the Council was very clear about this at the original meetings. The uncertainty arose because the original resolution was not written consistently, the meeting minutes are rather sparse, and the meeting was held when the Council had a policy of destroying audio recordings. I hope the Council will keep this in mind in the future when drafting resolutions and when reviewing minutes

A revised Resolution No. 2014-3134 was handed out. Items 4 and 5 were added to stay consistent with the citizens' rate review committee recommendation.

Councilor Howard asked what percentage increase would be required to get the full cost. Ms. Deb Galardi said on the operation and maintenance side of things the 25% recovers most of that but not the pipe replacement or coercion control. You would be short \$16,000.00 on pipe replacement and \$41,000.00 on coercion control. The 2015 rate is just an interim rate.

Councilor Bart Rierson asked about timing and if it is a reasonable assumption that the city and springs users can work through this before December 2014. Mr. Harris said the formation of a water district will take up some of their time and think it would be difficult to get it done before the end of the year.

MOTION: Howard/Rierson adopting Resolution No. 2014-3131 adopting new monthly water rates, effective January 1, 2015. Motion carried (6 Yes/0 No/1 Absent [Corey]).

MOTION: Howard/Rierson adopting Resolution No. 2014-3132 adopting new monthly wastewater rates, effective January 1, 2015. Motion carried (6 Yes/0 No/1 Absent [Corey]).

MOTION: Howard/Rierson adopting Resolution No. 2014-3133 adopting new monthly stormwater rates, effective January 1, 2015. Motion carried (6 Yes/0 No/1 Absent [Corey]).

Councilor Rierson said he will be supporting Resolution No. 2014-3134 and think overall what we are doing is fair. We are all facing a citywide increase in rate cost and I would encourage them to work with staff to come to those agreements for divestiture.

Councilor McKinney said I think that users should be paying the rates. The CCRC should have been meeting on this much sooner and if it was another department people would have lost employment on this. It is with reluctance that I will be in support of this resolution. I am glad for Robert's report and this should have been taken care of years ago.

MOTION: Howard/Bacon adopting Resolution No. 2014-3134 adopting new monthly springs water rates, effective January 1, 2015 as revised. Motion carried (6 Yes/0 No/1 Absent [Corey]).

X. NEW BUSINESS

1. Consider a motion adopting **Resolution No. 2014-3129** directing staff to withdraw Newberg's current Urban Growth Boundary/Economic Opportunity Analysis application from Department of Land Conservation and Development.

Ms. Jessica Pelz, assistant planner, presented the staff report (see official meeting packet for full report).

Mayor Andrews opened public testimony.

Mr. Phil Smith stated I serve on the city planning commission and we recommended the city apply for the M4 land and since then it has been city policy to pursue the urban growth boundary (UGB). My first comment is that the city should welcome the views of special interest groups, however, the city should not only listen to them. The city should consider many goals and the important one is to listen to the citizens. It has been obvious for more than 10 years the city has not had a good supply on industrial land and the M4 designation was created for large lot industrial projects. The city has not used this designation.

Mr. Art Smith said serving as chair of the planning commission I was totally unsure what the Newberg Graphic newspaper had said. I want to clarify what the paper reported is not at all what the commission had done. Councilor McKinney said I want to commend you on coming in and correcting what was said in the paper.

Mr. Rob Hallyburton testified I am more here to provide information for the Council and take questions. I did not know staff was going to recommend going forward with the litigation. The land conservation and development commission (LCDC) is prepared to pay for the assessment and we would not ask for any assistance on that part and we can work with you in any reasonable time frames.

Mr. Dennis Gaibler said I thought we came up with a great plan including areas to be used as industrial zones. We had great access to highways and great proximity to water supply and power. The way I see it Newberg can scatter industrial throughout the city, do nothing, or go forward and find a strategy, which pursues the plan we put together. If the residents were ever given a chance to vote on the annexation, they would go for it. The environment aspect of the industrial area would keep many from driving in and out of town. The best choice is to do what is needed to get this in.

Mr. Sid Friedman stated he is representing friends of Yamhill county and we share the cities goals. If the city ends up with no UGB we will not feel like we have won. As we have repeatedly said compromise is the best thing, not to do just nothing or all. A decision to decline mediation would essentially go back to square one and is a costly and ineffective approach. Breaking up the UGB into many spaces is not going to do what is needed. The LCDC and land use board of appeals (LUBA) have left it up to the city to move forward by accepting mediation while still respecting the law and the environment. We are hopeful a balanced resolution can be reached. Mr. Truman Stone asked if he was prepared to speak on the issues Mr. Smith brought up like the M4 land. Mr. Friedman said we agree there is a need for more industrial land, but believe all the goals need to be balanced. Both of those bodies suggest a conclusion that the UGB is weighted more heavily. We do agree Newberg needs more industrial land including larger lots.

Ms. Jane Greller testified I was hoping to hear the word compromise, which is encouraging to me, and that we are willing to at least consider mediation to try to figure this out. Whatever council decides, you should be confident this is going to be workable. I would encourage council to analyze whatever decision staff comes back with making certain it is a good strategy. Thank you for considering mediation.

Ms. Cathy Stuhr stated she is here as a planning commissioner. Last Wednesday the Newberg Graphic claimed the planning commission recommended breaking the UGB into smaller pieces. No one voted on anything for the UGB. They did not speak to any staff or planning commission members. To the paper, I say shame on you. I agree there are some substantial issues with the application but give us a chance to get it right. Not everyone

is going to be happy in the process. I urge you to consider formal mediation. The economic success requires we have land for growth.

Mr. Lewis Schaad said I encourage you to work together through mediation.

Ms. Grace Schaad testified I am one of the objectors for the UGB and I am speaking as a private citizen and farmer. The compromise has been proposed previously with representatives of council and objectors. I am encouraged that perhaps this time there is compromise. I support a compromise through mediation.

Mr. Brian Doyle said one attractive place about Oregon is urban planning, so I have great respect for the land use this state has set up. I would urge the city to respect LUBA and LCDC decisions and they deserve your attention. I urge you to go forward.

Mayor Andrews closed the public testimony.

Staff recommends tabling Resolution No. 2014-3129.

MOTION: McKinney/Howard table Resolution No. 2014-3129 table pending the results of the preliminary mediation assessment. Motion carried (6 Yes/0 No/1 Absent [Corey]).

MOTION: Rierson/Woodruff directing staff to begin the mediation assessment process. Motion carried (6 Yes/0 No/1 Absent [Corey]).

2. Consider a motion adopting **Resolution No. 2014-3130** authorizing the city manager pro tem to execute an intergovernmental agreement with the city of Salem for the treatment and disposal of wastewater treatment sludge.

Mr. Jay Harris, interim public works director, presented the staff report (see official meeting packet for full report).

MOTION: Howard/Rierson adopting **Resolution No. 2014-3130** authorizing the city manager pro tem to execute an intergovernmental agreement with the city of Salem for the treatment and disposal of wastewater treatment sludge. Motion carried (6 Yes/0 No/1 Absent [Corey]).

XI. COUNCIL BUSINESS

Councilor Howard reported he wanted to remind everyone during the month of May there is a walk or bike challenge and you can track your commute on the city website.

XII. EXECUTIVE SESSION

- 1. Executive Session pursuant to ORS 192.660(2)(a) relating to employment of a public officer, employee, staff member or individual agent – City Manager Recruitment.

This session was held during work session.

MOTION: McKinney/Rierson to offer an employment contract to the top city manager candidate. Motion carried (6 Yes/0 No/1 Absent [Corey]).

- 2. Executive Session pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. – Villa Road Sidewalk

Mayor Andrews called the executive session to order at 10:05PM. Executive session was held with all councilors, except Councilor Corey, the mayor, city manager, city attorney, and city recorder present; no action was taken and no decisions were made. Mayor Andrews closed the executive session and opened the public meeting at 10:30PM.

XII. ADJOURNMENT

Meeting adjourned at 10:30 PM.

ADOPTED by the Newberg City Council this ____ day of _____, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this _____ day of _____, 2014.

Bob Andrews, Mayor

**NEWBERG CITY COUNCIL MINUTES
MAY 19, 2014, 7:00 PM
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held at 6:00 PM preceding the meeting. There was a review of the council agenda and items to be heard under council business. All councilors, except Councilor Mike Corey was absent and Councilor Bart Rierson arrived at 6:05 PM., the mayor, city manager pro tem, city attorney, deputy city recorder, and minutes recorder were present. Mayor Andrews called an executive session to order at 6:12 PM pursuant to ORS 192.660(2)(a) relating to employment of a public officer, employee, staff member or individual agent. All councilors, except Councilor Corey, the mayor, city manager pro tem, city attorney were present. The city manager pro tem was excused at 6:36 PM. Executive session ended at 7:06 PM. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:16 PM

II. ROLL CALL

Members Present:	Mayor Bob Andrews Bart Rierson	Denise Bacon Stephen McKinney	Ryan Howard Lesley Woodruff
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Members Absent: Mike Corey (excused)

Staff Present:	Lee Elliott, city manager pro tem Leah Griffith, library director Dave Brooks, IT director Jenn Nelson, deputy city recorder	Truman Stone, city attorney Janelle Nordyke, finance director Steve Olsen, interim planning & building director Nicole Tannler, minutes recorder
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Others Present: Luis Saavedra, Robert Soppe, Sheryl Kelsh, Lori Louis and Pierre Zreik

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Lee Elliott, city manager pro tem, reported tomorrow at 7:00 PM there will be a budget meeting. We are excited for our new city manager to start the end of June. Thursday, June 5, 2014, at 7:30 PM there will be a free concert at George Fox University by the Newberg Community Band and McMinnville Second Winds.

V. PUBLIC COMMENTS

Mayor Andrews opened and closed the public testimony; no citizens appeared

VI. COUNCIL APPOINTMENTS

1. Consider a motion appointing Barbara Doyle and Chuck Zickefoose with terms expiring December 31, 2016; George Edmonston, Jr. and Geary Linhart with terms expiring December 31, 2015; Rick Fieldhouse with a term expiring December 31, 2014; and, Isamar Ramirez as the historic preservation student commissioner for a term expiring May 31, 2015, to the Historic Preservation Commission.

MOTION: Rierson/Howard appointing Barbara Doyle and Chuck Zickefoose with terms expiring December 31, 2016; George Edmonston, Jr. and Geary Linhart with terms expiring December 31, 2015; Rick Fieldhouse with a term expiring December 31, 2014; and, Isamar Ramirez as the historic preservation student commissioner for a term expiring May 31, 2015, to the Historic Preservation Commission. Motion carried (6 Yes/0 No/1 Absent [Corey]).

2. Consider a motion appointing Luis Saavedra as the student member on the Planning Commission serving a term expiring May 31, 2015.

MOTION: Howard/Woodruff appointing Luis Saavedra as the student member on the Planning Commission serving a term expiring May 31, 2015. Motion carried (6 Yes/0 No/1 Absent [Corey]).

3. Consider a motion appointing Sarah Ferguson as the student member on the Traffic Safety Commission serving a term expiring May 31, 2015.

MOTION: Bacon/Howard appointing Sarah Ferguson as the student member on the Traffic Safety Commission serving a term expiring May 31, 2015. Motion carried (6 Yes/0 No/1 Absent [Corey]).

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2014-3128** approving the six-month evaluation of the city attorney.
2. Consider a motion adopting **Resolution No. 2014-3136** approving an increase in the Emergency Medical Service Rates, effective July 1, 2014.
3. Consider a motion adopting **Resolution No. 2014-3137** authorizing the city manager pro tem to purchase mobile data terminal computers for the police and fire department.
4. Consider a motion adopting **Resolution No. 2014-3138** appointing Bryan Jones to the fleet maintenance lead/crew chief position in the public works maintenance department.
5. Consider a motion adopting **Resolution No. 2014-3140** approving an increase in the Permit Center Fee Schedule, effective July 1, 2014.

Items 3 and 5 were pulled from consent calendar and discussed under new business.

MOTION: Howard/Bacon adopting Resolution No. 2014-3128 approving the six-month evaluation of the city attorney, Resolution No. 2014-3136 approving an increase in the Emergency Medical Service Rates, effective July 1, 2014, and Resolution No. 2014-3138 appointing Bryan Jones to the fleet maintenance lead/crew chief position in the public works maintenance department. Motion carried (6 Yes/0 No/1 Absent [Corey]).

VIII. PUBLIC HEARING

Consider a motion adopting **Ordinance No. 2014-2771** approving an increase in the Transient Lodging Tax from 6% to 9%, effective July 1, 2014.

Mayor Andrews introduced the legislative hearing and called for any conflicts of interest or abstentions; none appeared.

Ms. Janelle Nordyke, finance director, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report). Staff recommends approval of Ordinance No. 2014-2771 approving an increase in the Transient Lodging Tax (TLT) from 6% to 9%, effective July 1, 2014.

Mr. Robert Soppe reported it is improper to call a 6% to 9% change as an increase of 3%. It should be called a 50% increase or an increase of 3 percentage points. The statement that the estimated annual revenue increase to the General Fund is \$130,400.00 is incorrect. That may be the net benefit to the City for non-tourism expenditures, but that is very different from revenue increase to the General Fund. I questioned why the contribution to the Visitors' Center was not included in the tourism expenditures. Councilor Ryan Howard pointed out that it was, in fact, included.

Ms. Sheryl Kelsh, chamber of commerce president/CEO, said it was not clear when reading the ordinance, but appreciated staff clarifying that. She request this be tabled because there are many partners that were not included in this and they ask that they can discuss this in advance. Councilor Howard asked which parties she was referring too. Ms. Kelsh replied the Allison and other lodging facilities.

Councilor Bart Rierson said we have discussed this multiple times throughout the year and I have asked every time to let our partners know. Councilor Stephen McKinney stated it is important that this get done, but this has been discussed under two budgetary years. I appreciate you coming and reminding us to keep our partners informed.

Ms. Lori Louis, director of sales at The Allison, said we have contracts signed with a lot of companies and will have to compensate for that ourselves and I do not think that is fair. We are partners and have been for five and a half years as a courtesy someone should have come and talked to us.

Councilor Denise Bacon stated I sincerely apologize and there is no excuse but with that being said part of that money will be going toward safety in our city. We are trying to provide a bunch of services with limited property taxes and transient taxes. Ms. Louis said the higher the taxes the less competitive we can be and from a competitive standpoint it is difficult.

Mr. Pierre Zreik testified we are booked months out and we have signed contracts for the 6% tax, which we will stick by. Councilor Rierson said there is probably going to be unforeseen price increases in anything, but I would not support doing this right now without having been good partners and giving some warning.

Councilor McKinney said there is no doubt in my mind that we are not the only city increasing transient lodging taxes. It does merit some conversations so that you can stay competitive, so possibly phasing it in could be an option. We do not want to impede in your progress and I think the partnership can be improved but we need to describe these packages to help mitigate some of the increase that will come. Your suggestions could be very helpful to us.

Councilor Howard said it is clear that our intent is to get revenue from the tourist not necessarily the Allison and imposing on the guests is an intended consequence. I do not see someone paying the amount for your rooms having trouble paying the additional 3%. It seems like a promising source of revenue for us. Ms. Louis replied when it is a group it compromises our ability to bring them to the area. They are out eating in our restaurants,

renting cars and buying gasoline. Mr. Zreik said because Newberg taxes are lower compared to Portland it is extremely important.

Councilor Bacon responded at least with this tax the money is being used locally and you will see the return on your money. Councilor Rierson said the good news about this whole thing is a lot of this increase will go to the tourism dollars. It is an investment when we give it to the chamber and it will help benefit tourism. Some of that will go toward public safety, which is important when you are visiting a place.

Mayor Andrews closed the public testimony, stated the second reading will be on June 16, 2014, and announced written testimony to remain open until close of business day on June 12, 2014.

Councilor Rierson said it is likely I would like to move the date out on adoption. Mayor Andrews asked if we can direct staff to change the date or negotiate some kind of package. Councilor Bacon asked if we can honor those that already have reservations. Mr. Lee Elliott replied staff did what the council told them to do and asked whom would you like us to contact so that we do not make the same mistake again.

Councilor Ryan Howard stated in defense of staff this is the proper time to make the outreach, which is why there is a first reading. I think that between now and the 16th should give us enough time. I prefer to make this decision before the end of the fiscal year.

Councilor Rierson stated I do not support honoring existing contracts because cost goes up and they understand that. It creates a lot of complication and I much prefer postponing the effective date.

Mr. Truman Stone said from a legal standpoint it would be hard to craft a resolution honoring existing contracts. Mayor Andrews stated we may be targeting an effective date further out. Ms. Janelle Nordyke reported postponing the resolution would estimate a loss of revenue of \$25,000.00 a quarter, which is the equivalent to the loss of a police officer.

Discussion commenced directing staff to prepare an ordinance providing a phased increase.

IX. NEW BUSINESS

1. Update to council on the status of the Cultural District Use Policy.

Ms. Leah Griffith, library director, and Mr. Truman Stone, city attorney, presented the staff report including a PowerPoint slideshow (see official meeting packet for full report).

2. Consider a motion adopting **Resolution No. 2014-3137** authorizing the city manager pro tem to purchase mobile data terminal computers for the police and fire department.

MOTION: Woodruff/Bacon adopting Resolution No. 2014-3137 authorizing the city manager pro tem to purchase mobile data terminal computers for the police and fire department. Motion carried (6 Yes/0 No/1 Absent [Corey]).

3. Consider a motion adopting **Resolution No. 2014-3140** approving an increase in the Permit Center Fee Schedule, effective July 1, 2014.

Councilor Howard said he has nothing to base these increases on and sees an overall increase of 7.5%. He asked about fees that are based on percentage and how those are increased. Mr. Steve Olsen, interim planning & building director, reported 90% or more of the fees are an increase of 7.5% and the application fee has no

increase, which is a down payment. Traditionally we have not increased overall percentage but the overall fee on planning review. When it comes to planning applications the fees do not add up to much.

Councilor Howard asked how they are typically adjusted. Mr. Steve Olsen responded 1-2% annually for inflation, and this would be on top of that.

Councilor Howard said one thing I am sure will come up in discussion is where we look to alleviate cost rather than raise cost.

Councilor McKinney stated it is important to correct the knowledge that it is expensive to build here, when we looked at comparisons it really was not. I am happy you provided us with information to compare.

MOTION: Howard/Rierson adopting Resolution No. 2014-3140 approving an increase in the Permit Center Fee Schedule, effective July 1, 2014. Motion carried (6 Yes/0 No/1 Absent [Corey]).

X. COUNCIL BUSINESS

MOTION: Howard/Rierson approve a cash-out of any unused administration leave and the floating holiday, approve three months of paid insurance, and three months of separation pay at the out-of-class rate.

Councilor McKinney stated he does not support this motion because it is inadequate for the job and transition period. It does not seem to be in keeping with the trend that we honor those that work for us.

Mayor Andrews stated he will support the motion and pledge myself as Mayor with a letter of recommendation on behalf of the council.

Councilor Rierson said I will be supporting this motion and I believe he provided outstanding service in a difficult time. I believe it is fair and thank you for your service.

Councilor Howard stated we all spoke extremely highly of you and all recognize you exceeded our expectations. I hope that we can support you through that interim time.

VOTE: approve a cash-out of any unused administration leave and the floating holiday, approve three months of paid insurance, and three months of separation pay at the out-of-class rate. Motion carried (5 Yes/1 No [McKinney]/1 Absent [Corey]).

XI. ADJOURNMENT

Meeting adjourned at 9:29 PM.

ADOPTED by the Newberg City Council this ____ day of _____, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this _____ day of _____, 2014.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 7, 2014

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2014-2773 No.

SUBJECT: An ordinance amending the city code noise ordinance to include a provision for a council approved variance for specific events or activities.

Contact Person (Preparer) for this
Motion: Truman A. Stone
Dept.: City Attorney's office
File No.:

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2014-2773 to add section four (4) to the city code § 8.15.150 (C).

EXECUTIVE SUMMARY:

Starting later in June, a contractor working for the Oregon Department of Transportation will begin a pavement preservation project on OR 99W between OR 240 (Main Street) in Newberg and OR 18 (McDougal Junction). Due to the high traffic volumes on OR 99W, the paving work will be done primarily at night, Sunday through Thursday, between 6 p.m. to 6 a.m.

ODOT approached the city to request a noise permit for nighttime paving. The current version of the Newberg Municipal Code (NMC) is not explicit in how such a request shall be handled. There is one provision in NMC §8.15.150 (A)(3)(j) that allows for a three-day permit for:

j. Construction or Repair of Buildings, or Excavation of Streets and Highways. The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays. In cases of emergency, construction or repair noises are exempt from this provision. In nonemergency situations, the city may issue a permit, upon application, if the city determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m. will not be impaired, and if the city further determines that loss or inconvenience would otherwise result. The permit shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.

In NMC §8.15.150 (F) there is a blanket exemption for: "8. Sounds produced by a public utility, its agents or contractors, in the act of construction, repair, or maintenance of a public improvement or utility." The term "public utility" is not defined in NMC Chapter 8, but were used elsewhere in the NMC it does not refer to roadways.

The city of Dundee has issued ODOT a variance for the paving project. The Dundee Municipal Code noise provision allows the council to grant a limited duration variance for specific events or activities. Under the code provision, the city manager monitors the variance to ensure compliance and protect public health and safety.

Adding this provision to the NMC would allow the council to address anticipated noise for both the paving project and noise related to upcoming construction of the Newberg-Dundee bypass. The council could grant permission for a period exceeding three days, impose conditions on the variance, yet allow the city to ensure that public welfare is maintained.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

This amendment will allow the city council to address specific events or activities that were not anticipated when the noise ordinance was adopted, without having to make frequent amendments to the NMC.



ORDINANCE No. 2014-2773

AN ORDINANCE AMENDING CITY CODE § 8.15.150 (C) BY ADDING SECTION FOUR (4) TO CREATE A COUNCIL APPROVED VARIANCE FROM THE NOISE ORDINANCE FOR SPECIFIC EVENTS OR ACTIVITIES OF LIMITED DURATION

RECITALS:

1. The city of Newberg first adopted an ordinance regulating noise in 1973. This consisted of identifying a non-exclusive list of loud, disturbing or unreasonable noises that were not permitted within the city. This list was amended twice in subsequent years, but otherwise the ordinance changed very little until 1997 when it was amended to set up a permit process for amplified sounds from special events, such as the Old Fashioned Festival and for celebrations of birthdays, graduations, retirements, etc.
2. The code was amended in 2007 to include an objective standard for the measurement of noise, the permissible noise levels within specific zoning districts, and appropriate exemptions for certain types of noise that have significant importance for the community.
3. The exemptions created in 2007 did not create general or catchall exemption, which restricts the city to those specifically, listed exemptions.
4. The city council wishes to create a flexible process to exempt specific events or activities from the noise ordinance to address matters of significant public concern, such as construction of the Newberg-Dundee Bypass.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Newberg city code § 8.15.150 (C) is hereby amended as follows by adding section four (4):

C. Permitted Exceptions.

1. Upon application to the city, a permit may be granted by the city for events held during the Old Fashioned Festival. Such permit may be exempt from the noise requirements of this chapter and any or all official event activities, provided they do not disrupt emergency service communications. **“Disruption of emergency service communications”** [bold original] is defined as any noise so loud as to be audible from within the public safety answering point (PSAP), and which is distracting or disrupting to emergency communications personnel. Further, all noise shall be restricted between the hours of 11:00 p.m. and 7:00 a.m. if such noise disturbs adjacent occupants in a residential area.

2. Upon application to the city council, permits may be granted by the city council to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as a part of a national, state or city event, public festivals, or outstanding events of a commercial or noncommercial nature, provided they do

not disrupt emergency service communications. “**Disruption of emergency service communications**” [bold original] is defined as any noise so loud as to be audible from within the public safety answering point (PSAP) and which is distracting or disrupting to emergency communications personnel. Further, all noise shall be restricted between the hours of 10:00 p.m. and 7:00 a.m. if such noise disturbs adjacent occupants in a residential area.

3. Upon application to the city, permits may be granted by the city to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as a part of a national, state or city event, public festivals, or outstanding events of a noncommercial nature. The broadcast or amplification shall not be audible for a distance of more than 200 feet from the instrument, speaker or amplifier; and in no event shall a permit be granted where an obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result. Further, such amplification or broadcast shall be restricted between the hours of 10:00 p.m. and 7:00 a.m. if such noise disturbs adjacent occupants in a residential area.

4. The city council may grant a variance of limited duration from the particular requirements of this chapter for a specific event or activity if the city council determines that not granting the variance would produce hardship without equal or greater benefit to the public. Any person requesting a variance shall make the request in writing to the city manager or designee and state in a concise manner the facts to show why such variance should be granted. The city manager or designee will place the application on the city council’s agenda for the next regular meeting after the date the city manager or designee receives the application. A variance granted may be revoked by the city manager or designee in the case of an emergency or safety hazard, or if the conditions of the variance granted are violated. The person whose variance is revoked may appeal the revocation to the city council. Nothing in this chapter affects the city’s ability to protect the public against harmful effects of noise under remedies supplied in other sections of this code or other applicable provisions of law.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 7, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of July, 2014, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 10th day of July, 2014.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 7, 2014

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2014-2774 & 2775 No.

SUBJECT: Legislative annexation of two properties: 1) 0.5 acre parcel located near 2525 Allison Lane, part of tax lot 3209-5800; 2) 3.3 acre parcel located at 2716 Wynooski Road, tax lot 3229-300.

Contact Person (Preparer) for this Motion: Steve Olson, AICP
Dept.: Planning & Building
File No.: ANX-14-001

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt **Ordinance No. 2014-2774**, approving the findings that the proposed annexation and concurrent zone change for the 0.5 acre parcel located at 2525 Allison Lane, part of tax lot 3209-5800, meets the applicable City of Newberg Development Code criteria, annexing the parcel subject to a public vote, and scheduling this item for the November 4, 2014 general election.

Adopt **Ordinance No. 2014-2775**, approving the findings that the proposed annexation and concurrent zone change for the 3.3 acre parcel located at 2716 Wynooski Road, tax lot 3229-300, meets the applicable City of Newberg Development Code criteria, annexing the parcel (part of tax lot 3209-5800) subject to a public vote, and scheduling this item for the November 4, 2014 general election.

EXECUTIVE SUMMARY:

The city council initiated a legislative annexation process through Resolution No. 2014-3118 for several “islands” of unincorporated land surrounded by the city along Springbrook Road, and for city-owned property at 2716 Wynooski Road. The resolution authorized staff to meet with the property owners, hold a public meeting to discuss the proposal, and then adjust the annexation proposal boundaries as needed. Staff met with some of the property owners on June 3, 2014 at a public meeting, and met with some others at their sites or at city hall. A few were interested in annexation, but most were opposed due to the expense of connecting to city utilities. Several of the properties in the “islands” along Springbrook Road already have connections to city water and have signed “consent to annex” agreements. These agreements say that the properties will someday annex into the city, but that the city cannot require them to annex unless the owners who signed the consent agreements sell the property or no longer reside on the property. In the long run, most of the island properties along Springbrook Road will annex into the city in order to connect to city utilities or to develop their properties; in the short run, the city cannot annex many of them without their consent. Under the island annexation process, the city cannot annex only part of an island; the annexation has to include the whole island or nothing at all. The annexation proposal was therefore reduced in scope by removing three islands along Springbrook Road. The properties that were removed from this proposal can still annex into the city in the future by applying individually for annexation.

From a policy standpoint, staff believes it would not be productive, in any case, to attempt to annex properties if the property owners are opposed to it. Newberg has only had one annexation proposal face public opposition in the last 10 years, and that annexation was the only one to fail at the public ballot. It seems unlikely that annexation proposals that are actively opposed by the property owners would be successful at the public ballot.

The remaining sites in the annexation proposal are the 0.5 acre site that is part of the Allison Inn & Spa's front yard, and the city-owned site at 2716 Wyooski Road.

The 0.5 acre site at the Allison is part of tax lot 3209-5800, and is currently part of the front yard landscaping at the Allison. If annexed, the zoning would change from county VLDR-1 (very low density residential) to city R-1 (low density residential). There are no plans to further develop the property.

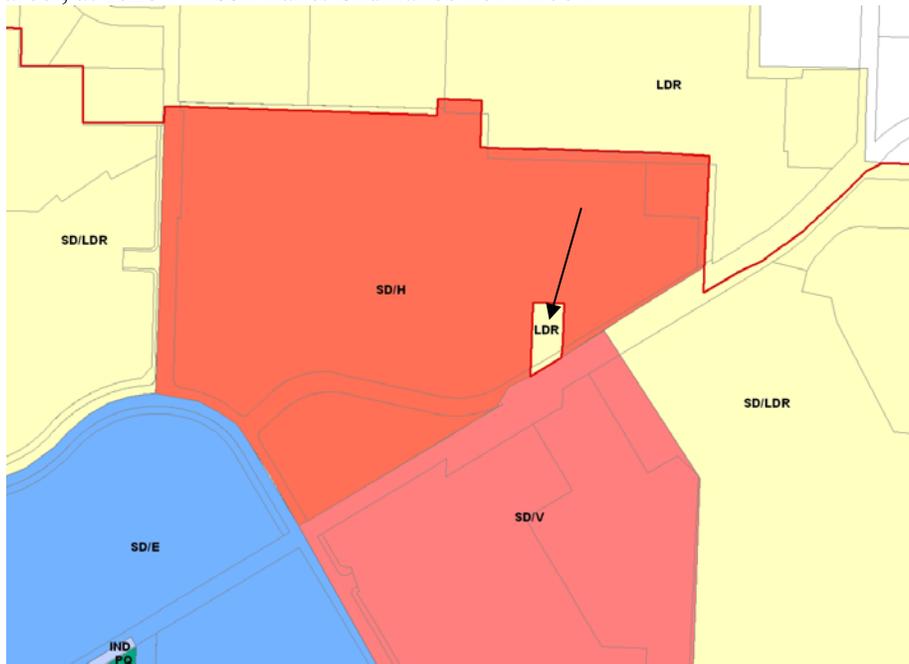
The city-owned 3.3 acre site at 2716 Wyooski Road, tax lot 3229-300, currently has a single-family home on the site. If annexed, the zoning would change from county LI (light industrial) to city M-3 (heavy industrial), with a stream corridor overlay zone on the southwest corner. The public works department has not yet determined how it will use this site.

City departments, county departments, state departments and franchise utilities were notified of the potential annexations. None had any concerns about the proposed sites. Public notice was mailed to property owners within 500 feet of the sites on June 16, 2014, and notice was posted in the Newberg Graphic on June 25th and July 2nd, 2014. As of the writing of this report, the city has not received any written public comments.

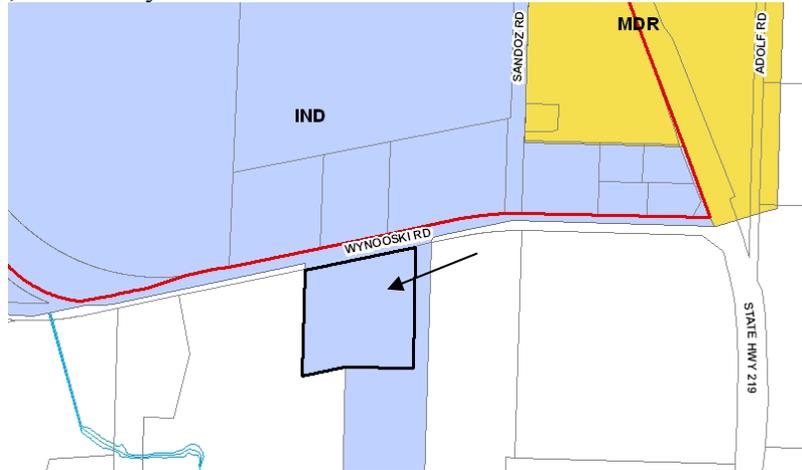
The annexations are a legislative process. The city council holds a hearing and renders a final decision on the matter. If the council approves the annexations then they must refer the matter to an election in order to be effective. The next general election is November 4, 2014.

Location:

1. 0.5 acre parcel, at 2525 Allison Lane. Ordinance 2014-2774



2. 3.3 acre parcel, at 2716 Wynooski Road. Ordinance 2014-2774.



FISCAL IMPACT: The proposed annexations would shift police and fire service responsibilities to the city. The properties are small, however, so the impact will be minimal. If the properties are annexed then the Springbrook property would result in a small increase in property taxes paid to the city.

STRATEGIC ASSESSMENT: Both properties are logical additions or extensions of the city limits. The Springbrook parcel near the Allison is an island, and already fully developed as a landscaped area. The city-owned property on Wynooski could be developed by the public works department or put to some other industrial use if annexed into the city. Overall, the annexations are in the best interests of the city and should be approved.

ATTACHMENTS:

Ordinance no. 2014-2774 with

- Exhibit A: Annexation map
- Exhibit B: Legal description
- Exhibit C: Comprehensive plan map
- Exhibit D: Findings

Ordinance no. 2014-2775 with

- Exhibit A: Annexation map
- Exhibit B: Legal description
- Exhibit C: Comprehensive plan map
- Exhibit D: Findings

1. Aerial photos
2. Zoning maps
3. Resolution 2014-3118
4. Public comments (none received as of the date of this report)
5. Newberg development code and comprehensive plan (by reference)



ORDINANCE No. 2014-2774

AN ORDINANCE FINDING A 0.5 ACRE PROPERTY LOCATED AT 2525 ALLISON LANE, PART OF TAX LOT 3209-5800, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY AND TO CHANGE THE ZONING DESIGNATION FROM YAMHILL COUNTY VLDR-1 TO CITY R-1, AND DECLARING THAT THIS PROPERTY BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF THE ANNEXATION OF THIS PROPERTY

RECITALS:

1. On March 17, 2014 the Newberg city council initiated a legislative island annexation proposal for this 0.5 acre property located at 2525 Allison Lane, part of tax lot 3209-5800, through resolution 2014-3118. The annexation would include a concurrent zone change from yamhill county VLDR-1 (very low density residential) to city R-1 (low density residential).
2. The property has a comprehensive plan designation of LDR (low density residential), which matches the proposed R-1 zone. The site is currently vacant, and part of the landscaped front yard at the Allison Inn & Spa.
3. After proper notice, the Newberg city council held a hearing on July 7, 2014 to consider the annexation and concurrent zone change. After the staff report and public testimony, the city council finds that the proposal has met the required criteria for an island annexation.
4. The City of Newberg charter requires that territory may be annexed into the city only upon approval by a majority vote among the electorate of the city. This matter may be placed before the voters at the November 4, 2014 general election.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The City Council finds that the annexation and concurrent zone change meets the Newberg Development Code criteria for an island annexation and adopts the findings in Exhibit D, which is hereby attached and by this reference adopted.
2. The question of annexing the property shown in Exhibit A and described in Exhibit B shall be submitted to the electorate of the city at the November 4, 2014 general election. Exhibits A and B are hereby attached and by this reference adopted.

3. The City Recorder is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Recorder is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.
4. The City Attorney is directed to have prepared and review the explanatory statement, which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Recorder and the City Recorder is further directed to certify this explanatory statement to the Yamhill County Clerk.
5. The City Recorder is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
6. Should this annexation request be approved by a majority of the electorate of the City of Newberg at the identified election date, the properties shown in Exhibit A and described in Exhibit B, shall be annexed and withdrawn from the Newberg Rural Fire Protection District, and the following events will occur:
 - A. The zoning of the property shown in Exhibit A and described in Exhibit B is changed to R-1 (Low Density Residential). This zoning designation corresponds with the Comprehensive Plan designation of LDR as shown in Exhibit C, which is hereby attached and by this reference adopted.
 - B. The City of Newberg land use inventory data will be updated to reflect the new additions.
 - C. The Newberg City Recorder is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of this ordinance.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 7, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of July, 2014, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 10th day of July, 2014.

Bob Andrews, Mayor

**EXHIBIT A TO ORDINANCE NO. 2014-2774
ANNEXATION MAP**

Annexation Map

For: City of Newberg

Location: THE SOUTHEAST 1/4 OF SECTION 9 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, PART OF THE "SPRINGBROOK DISTRICT" SUBDIVISION, CITY OF NEWBERG, YAMHILL COUNTY, OREGON.

Tax Lot: 3209-5800

Scale: 1"=40'

Date: 17 JUNE 2014

By : MAGNESS LAND SURVEYING

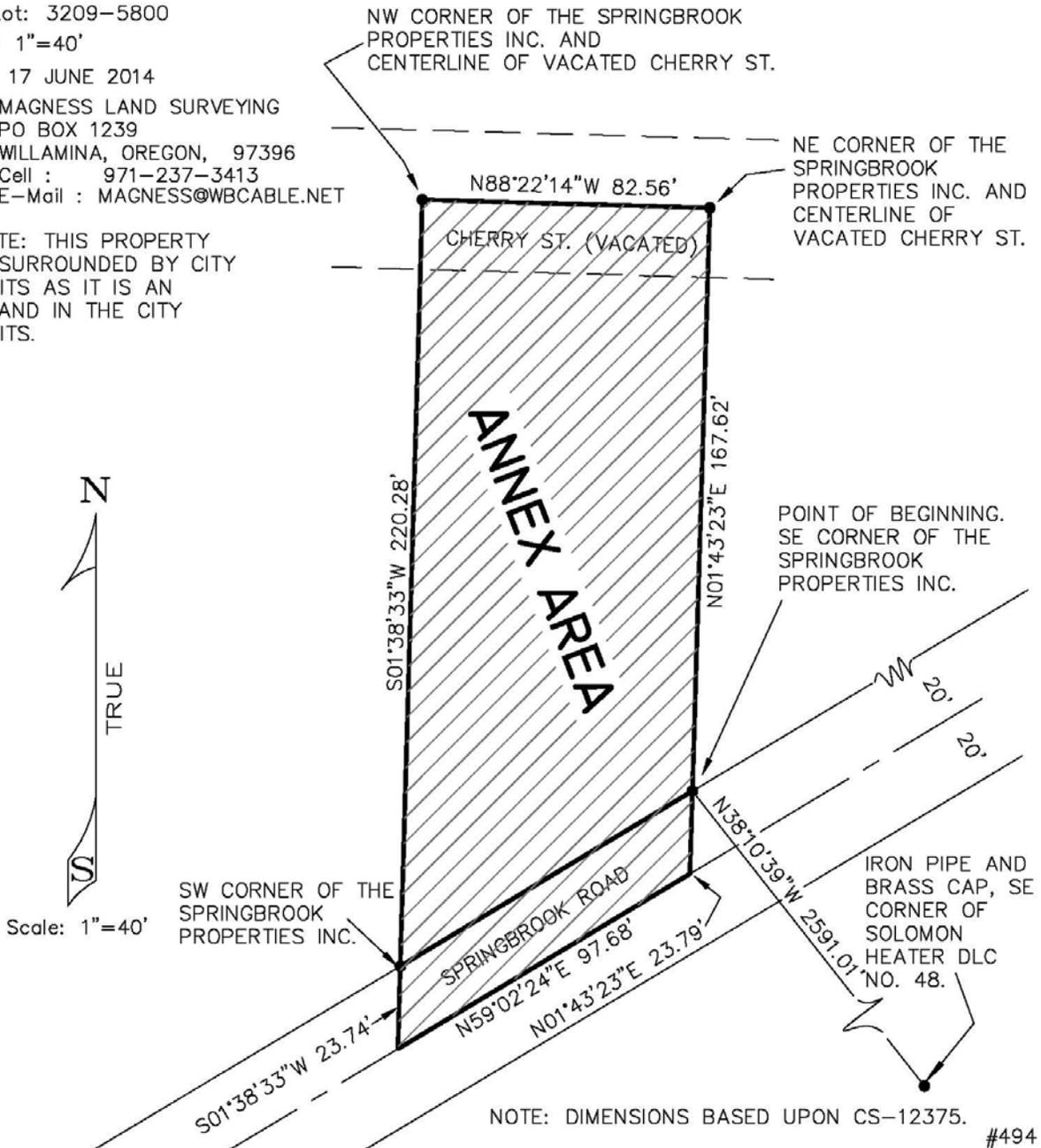
PO BOX 1239

WILLAMINA, OREGON, 97396

Cell : 971-237-3413

E-Mail : MAGNESS@WBCABLE.NET

NOTE: THIS PROPERTY IS SURROUNDED BY CITY LIMITS AS IT IS AN ISLAND IN THE CITY LIMITS.



**EXHIBIT B TO ORDINANCE NO. 2014-2774
LEGAL DESCRIPTION**

MAGNESS LAND SURVEYING

PO BOX 1239
WILLAMINA, OREGON, 97396
CELL: 971-237-3413
EMAIL: MAGNESS@WBCABLE.NET

Date: 17 JUNE 2014

**CITY OF NEWBERG– Legal description of land to be annexed by the
City of Newberg as contained in Ordinance No. _____
(Known as Tax Lot 3209-5800)**

A tract of land located in the Southwest ¼ of Section 9, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon, being all of that tract of land described by deed to SPRINGBROOK PROPERTIES INC. and recorded in Instrument No. 2007-02619, Yamhill County Deed Records, and a 20 foot wide strip of Springbrook Road, being more particularly described as follows:

BEGINNING at an iron rod at the Southeast corner of said SPRINGBROOK PROPERTIES INC. tract, said point being on the north margin of Springbrook Road (20 feet from centerline) and said point bears North 38°10'39" West 2591.01 feet from an iron pipe and brass cap marking the Southeast corner of the Solomon Heater Donation Land Claim No 48; thence North 01°43'23" East 167.62 feet along the east line of said SRPINGBROOK PROPERTIES INC tract to an iron rod at the Northeast corner of SPRINGBROOK PROPERTIES INC, said point also being a point on the center line of vacated Cherry Street; thence North 88°22'14" West 82.56 feet along the centerline of vacated Cherry Street to an iron rod at the Northwest corner of said SPRINGBROOK PROPERTIES INC tract; thence South 01°38'33" West 220.28 feet along the west line of said SPRINGBROOK PROPERTIES INC tract to an iron rod at the Southwest corner of said SPRINGBROOK PROPERTIES INC tract, said point being on the north margin of Springbrook Road (20 feet from centerline); thence South 01°38'33" West 23.74 feet to the center line of Springbrook Road; thence North 59°02'24" East 97.68 feet along the south line of Springbrook Road to a point that bears South 1°43'23" West 23.79 from the Southeast corner of said SPRINGBROOK PROPERTES INC tract; thence North 01°43'23" East 23.79 feet to the POINT OF BEGINNING.

**EXHIBIT C TO ORDINANCE NO. 2014-2774
COMPREHENSIVE PLAN MAP**

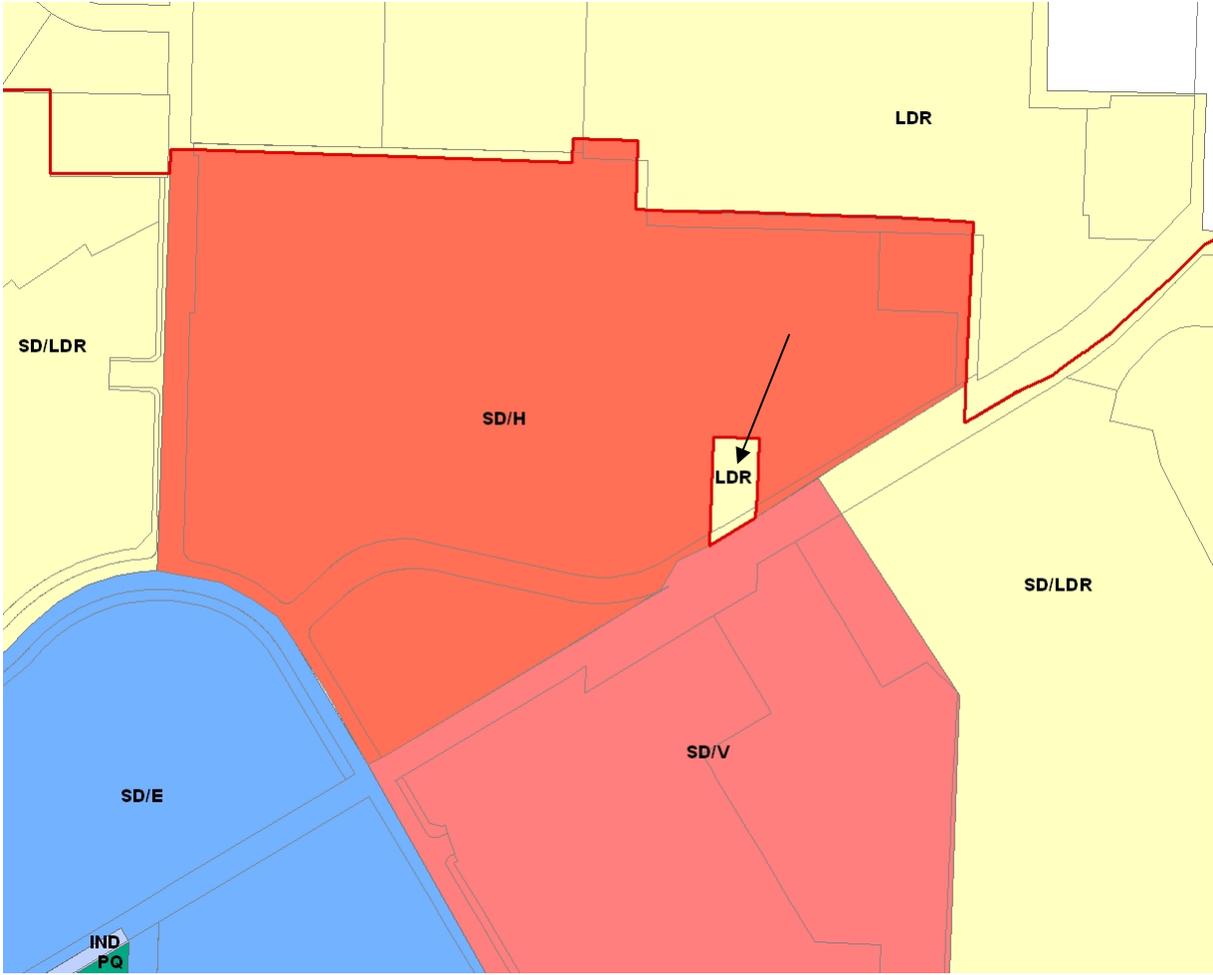


EXHIBIT D TO ORDINANCE NO. 2014-2774

FINDINGS

1. *15.250.020 Conditions for annexation.*

The following conditions must be met prior to or concurrent with city processing of any annexation request:

A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.

B. The subject site must be contiguous to the existing city limits.

Finding: The site, located at 2525 Allison Lane, is located within the Newberg urban growth boundary and is contiguous to the existing city limits on all sides.

2. *15.250.055 Legislative annexations.*

A. Purpose. Legislative annexations are those annexations that are initiated by the City of Newberg. Legislative annexations include health hazard annexations, island annexations, batch annexations, and other annexations initiated by the city council.

B. Process. Legislative annexations shall be processed as a Type IV legislative action, except as noted. The annexation request shall be reviewed directly by the city council. A planning commission hearing shall be required only if a comprehensive plan amendment is involved or city council refers the matter to the planning commission for a recommendation.

C. Notice. The director shall provide notice of hearings:

1. To the owner of the site proposed for annexation.

2. To owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.

3. To the Department of Land Conservation and Development per NMC 15.100.250.

4. Within a newspaper of general circulation within the city at least 10 days prior to the first public hearing on the action per NMC 15.100.270.

D. Approval. In approving any legislative annexation, the city council shall follow the applicable procedures of state law and the Newberg Charter. If the city council approves the annexation, where required by state law or city Charter the annexation shall be referred to an election at a date determined by the city council. If the annexation election is not approved, the city council, at its discretion, may refer the proposal to a future election with any modifications it determines are appropriate. If an election is not required by state law or city Charter, the city council shall by ordinance declare that the territory is annexed to the city. [Ord. 2745 § 1 (Exh. A), 7-18-11.]

Finding: The proposed island annexation was initiated by the City of Newberg and is a legislative annexation that was reviewed directly by the City Council. Notice was provided before the Council hearing per code section 15.250.055(C). If the annexation is approved by the Council then it shall be referred to the November 4, 2014 general election, as determined by the Council.

The property has a comprehensive plan designation of LDR. The proposed R-1 zoning corresponds with the LDR (low density residential) comprehensive plan designation.

State Transportation Planning Rule:

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding: The site is already fully developed as part of the landscaped front yard at the Allison Inn & Spa. No further development is anticipated, so the annexation should generate no additional trips and have no impact on existing or planned transportation facilities.

3. 15.250.070 Island annexation.

The following policies are adopted for island annexations:

A. The city shall attempt to not create islands of unincorporated territory within the corporate limits of the city. If such an island is created, the city council may set a time for a public hearing for the purpose of determining if the annexation should be submitted to the voters. The hearing shall be conducted in accordance with the policies and procedures contained in this code.

B. Written notice to property owners will be made prior to annexation to allow for property owner responses. Failure to receive notice shall not in any way invalidate the annexation procedure that may be subsequently undertaken by the city.

C. The island annexation shall follow the procedures required under ORS 222.750.

D. Annexation of an island shall be by ordinance, subject to approval by the voting majority. The city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the city council finds that a majority of the votes cast in the city and the territory combined favor annexation, the city council, by ordinance,

shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed.

Finding: The property is an island annexation and was considered for annexation at a public hearing. Written notice was sent to property owners regarding a public meeting for property owners on June 3, 2014 and the City Council hearing on July 7, 2014. The island annexation will follow the procedures required under ORS 222.750. If the potential annexation is sent to the ballot then the electors in the territory proposed to be annexed shall be allowed to vote and have their votes combined with city voters.

E. For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved.

Finding: The property is zoned for residential use in the county but is not in residential use. The effective date of annexation would be upon the conclusion of the election process. The Allison site is unusual since it is just a landscaped area, and does not need to connect to city water and sewer. The remainder of the Allison hotel site is within the city and already connected to city water and sewer.

4. 15.250.090 Coordination.

Annexation requests shall be coordinated with affected public and private agencies, including, but not limited to, Yamhill County, Chehalem Park and Recreation District, Newberg School District, Northwest Natural Gas, Portland General Electric, and, where appropriate, various state agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final city action to allow for reviews and recommendations to be incorporated into the city records. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2451, 12-2-96. Code 2001 § 151.268.]

Finding: The annexation application was coordinated with affected public and private agencies.

5. Oregon Statute on Island Annexations

222.750 Annexation of unincorporated territory surrounded by city. (1) As used in this section:

(a) "Creek" means a natural course of water that is smaller than, and often tributary to, a river, but is not shallow or intermittent.

(b) "River" means a large, continuous and natural stream of water that is fed along its course by converging tributaries and empties into an ocean, lake or other body of water.

(2) When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property in the territory proposed to be annexed.

(3) This section does not apply when the territory not within a city:

(a) Is surrounded entirely by water; or

(b) Is surrounded as provided in subsection (2) of this section, but a portion of the corporate boundaries of the city that consists only of a public right of way, other than Interstate Highway 5, constitutes more than 25 percent of the perimeter of the territory.

(4) Unless otherwise required by its charter, annexation by a city under this section must be by ordinance or resolution subject to referendum, with or without the consent of any owner of real property within the territory or resident in the territory.

(5) For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved. The city recorder or other officer performing the duties of the city recorder shall:

(a) Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved; and

(b) Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.

(6) Notwithstanding subsection (5) of this section, property that is subject to delayed annexation becomes part of the city immediately upon transfer of ownership.

(7) This section does not limit provisions of a city charter, ordinance or resolution that are more restrictive than the provisions of this section for creating or annexing territory that is surrounded as described in subsection (2) of this section.

(8) If a city charter, ordinance or resolution requires the city to conduct an election in the city, the city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the governing body of the city finds that a majority of the votes cast in the city and the territory combined favor annexation, the governing body, by ordinance or resolution, shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed. [Amended by 1963 c.444 §1; 1985 c.702 §16; 2007 c.654 §1; 2007 c.706 §1]

Finding: The property is an island of unincorporated land surrounded by the city. The city notified the property owner and held a public hearing to consider the annexation of the property. If the annexation is approved by the City Council then it will be sent to the ballot for a vote.

Conclusion: Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code for annexation.



ORDINANCE No. 2014-2775

AN ORDINANCE FINDING A 3.3 ACRE PROPERTY LOCATED AT 2716 WYNOOSKI ROAD, TAX LOT 3229-300, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY AND TO CHANGE THE ZONING DESIGNATION FROM YAMHILL COUNTY LI TO CITY M-3, AND DECLARING THAT THIS PROPERTY BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF THE ANNEXATION OF THIS PROPERTY

RECITALS:

1. On March 17, 2014 the Newberg city council initiated a legislative annexation proposal for this 3.3 acre property located at 2716 Wynooski Road, tax lot 3229-300, through resolution 2014-3118. The annexation would include a concurrent zone change from yamhill county LI (light industrial) to city M-3 (heavy industrial) with a stream corridor overlay zone on the southwest corner.
2. The property has a comprehensive plan designation of IND (industrial), which matches the proposed M-3 zoning. The site currently contains a single family home.
3. After proper notice, the Newberg city council held a hearing on July 7, 2014 to consider the annexation and concurrent zone change. After the staff report and public testimony, the city council finds that the proposal has met the required criteria for annexation.
4. The City of Newberg charter requires that territory may be annexed into the city only upon approval by a majority vote among the electorate of the city. This matter may be placed before the voters at the November 4, 2014 general election.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

5. The City Council finds that the annexation and concurrent zone change meets the Newberg Development Code criteria for a legislative annexation and adopts the findings, which is attached hereto as Exhibit D and by this reference adopted.
6. The question of annexing the property shown in Exhibit A and described in Exhibit B shall be submitted to the electorate of the city at the November 4, 2014 general election. Exhibits A and B are hereby attached and by this reference adopted.
7. The City Recorder is hereby authorized and directed to certify to the Yamhill County Clerk the

ballot title for the annexation measure to be placed before the voters. Further, the City Recorder is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.

8. The City Attorney is directed to have prepared and review the explanatory statement, which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Recorder and the City Recorder is further directed to certify this explanatory statement to the Yamhill County Clerk.
9. The City Recorder is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
10. Should this annexation request be approved by a majority of the electorate of the City of Newberg at the identified election date, the properties shown in Exhibit A and described in Exhibit B, shall be annexed and withdrawn from the Newberg Rural Fire Protection District, and the following events will occur:
 - A. The zoning of the property shown in Exhibit A and described in Exhibit B is changed to M-3 (heavy industrial) with a stream corridor overlay zone on the southwest corner. This zoning designation corresponds with the Comprehensive Plan designation of IND as shown in Exhibit C, which by this reference is hereby adopted.
 - B. The City of Newberg land use inventory data will be updated to reflect the new additions.
 - C. The Newberg City Recorder is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of this ordinance.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 7, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of July, 2014, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 10th day of July, 2014.

Bob Andrews, Mayor

**EXHIBIT A TO ORDINANCE NO. 2014-2775
ANNEXATION MAP**

Annexation Map

For: City of Newberg

Location: THE NORTHEAST 1/4 OF SECTION 29 AND
THE NORTHWEST 1/4 OF SECTION 28 OF
TOWNSHIP 3 SOUTH, RANGE 2 WEST,
WILLAMETTE MERIDIAN, PART OF THE SAMUEL
D. SNOWDEN DONATION LAND CLAIM NO. 68,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON.

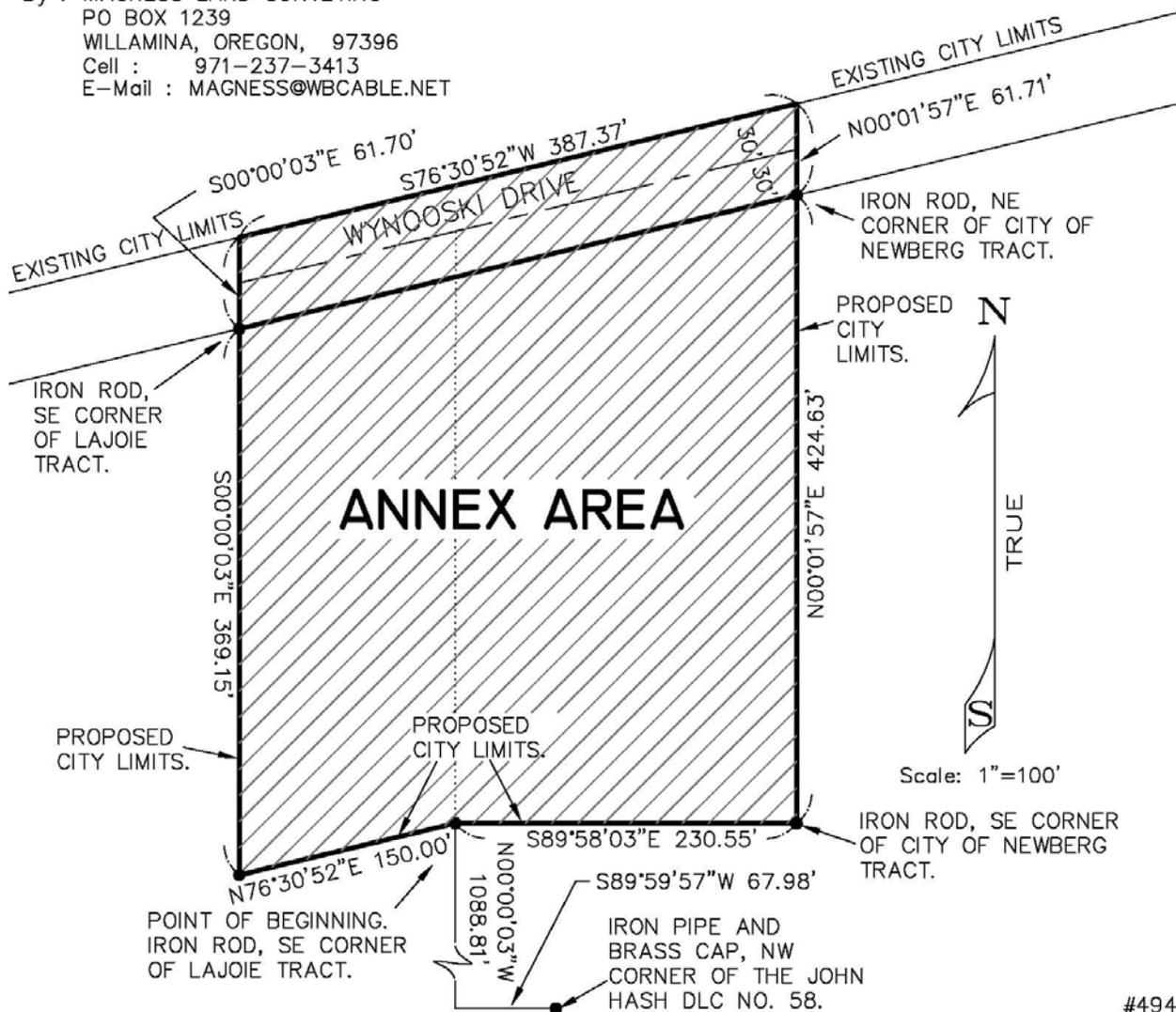
Tax Lot: 3229-300

Scale: 1"=100'

Date: 17 JUNE 2014

NOTE: DIMENSIONS BASED UPON CS-12657.

By : MAGNESS LAND SURVEYING
PO BOX 1239
WILLAMINA, OREGON, 97396
Cell : 971-237-3413
E-Mail : MAGNESS@WBCABLE.NET



#494

**EXHIBIT B TO ORDINANCE NO. 2014-2775
LEGAL DESCRIPTION**

MAGNESS LAND SURVEYING

PO BOX 1239
WILLAMINA, OREGON, 97396
CELL: 971-237-3413
EMAIL: MAGNESS@WBCABLE.NET

Date: 17 JUNE 2014

**CITY OF NEWBERG– Legal description of land to be annexed by the
City of Newberg as contained in Ordinance No. _____
(Known as Tax Lot 3229-300)**

A tract of land located in the Northeast ¼ of Section 29 and the Northwest ¼ of Section 28, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon, being all of tract of land described by deed to the CITY OF NEWBERG and recorded in instrument No. 2013-02493, Yamhill County Deed Records and a 60 foot wide strip of Wynooski Drive, being more particularly described as follows:

BEGINNING at an iron rod at the Southeast corner of that tract of land described by deed to MERLIN A. LAJOIE & SANDRA K. LAJOIE and recorded in Instrument No 1999-11073, said point bear South 89°59'57" West 67.98 feet and North 0°00'03" West 1088.81 feet from an iron pipe and brass cap marking the NW Corner of the John Hash Donation Land Claim No. 58; thence South 89°58'03" East 230.55 feet to an iron rod at the Southeast corner of said CITY OF NEWBERG tract; thence North 0°01'57" East 424.63 feet to an iron rod at the Northeast corner of said CITY OF NEWBERG tract; thence North 0°01'57" East 61.71 feet to a point on the north margin of Wynooski Drive and the existing city limits; thence South 76° 30'52" West 387.37 feet along the north margin of Wynooski Drive and existing city limits to a point that bears North 0°00'03" West 61.70 feet from the Northwest corner of said LAJOIE tract; thence South 0°00'03" East 61.70 feet to an iron rod the Northwest corner of said LAJOIE tract; thence South 0°00'03" East 369.15 feet to an iron rod at the southwest corner of said LAJOIE tract; thence North 76°30'52" East 150.00 feet to the POINT OF BEGINNING.

**EXHIBIT C TO ORDINANCE NO. 2014-2775
COMPREHENSIVE PLAN MAP**

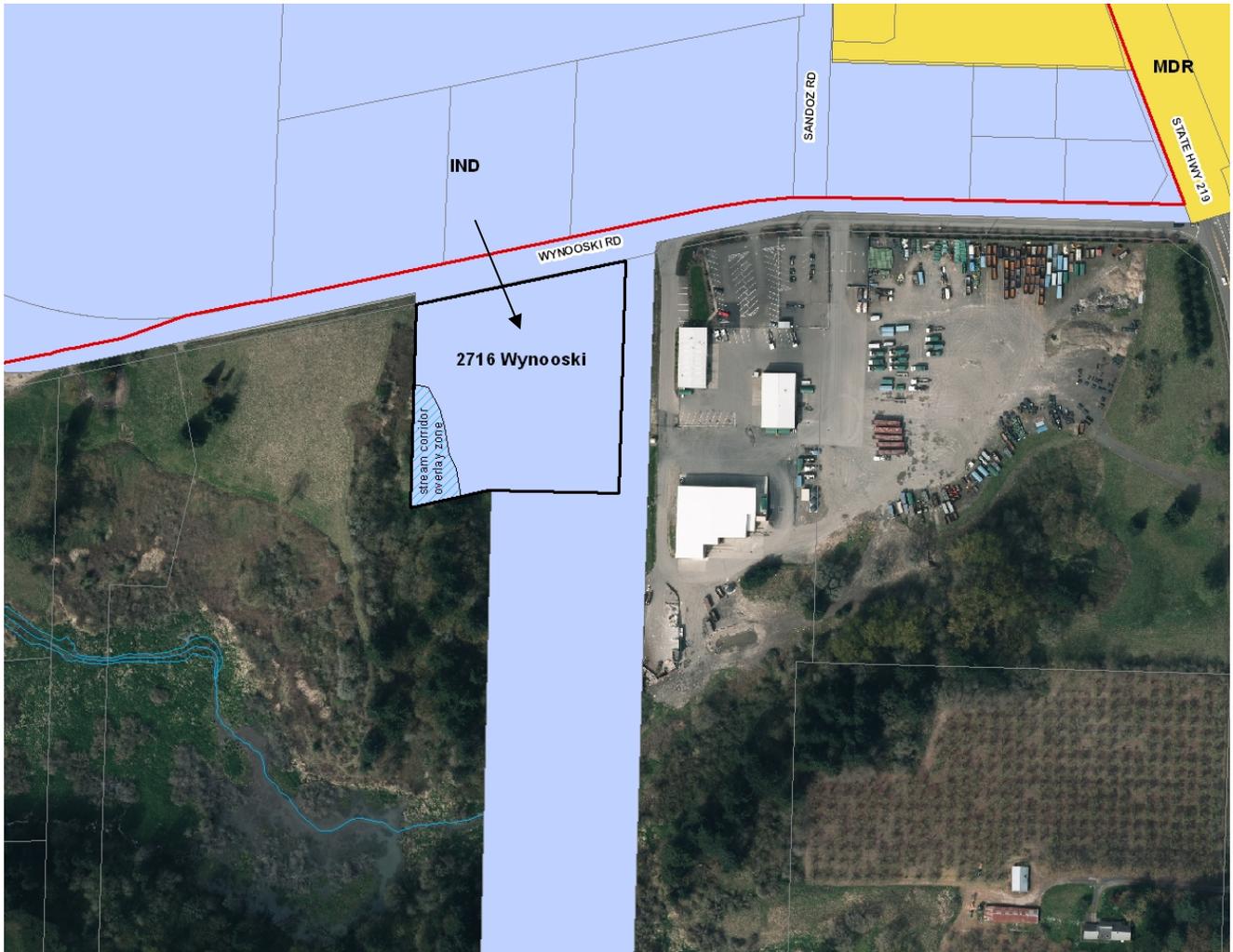


EXHIBIT D TO ORDINANCE NO. 2014-2775

FINDINGS

1. *15.250.020 Conditions for annexation.*

The following conditions must be met prior to or concurrent with city processing of any annexation request:

A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.

B. The subject site must be contiguous to the existing city limits.

Finding: The site, located at 2716 Wyooski Road, is located within the Newberg urban growth boundary and is contiguous to the existing city limits on its north side.

2. *15.250.055 Legislative annexations.*

A. Purpose. Legislative annexations are those annexations that are initiated by the City of Newberg. Legislative annexations include health hazard annexations, island annexations, batch annexations, and other annexations initiated by the city council.

B. Process. Legislative annexations shall be processed as a Type IV legislative action, except as noted. The annexation request shall be reviewed directly by the city council. A planning commission hearing shall be required only if a comprehensive plan amendment is involved or city council refers the matter to the planning commission for a recommendation.

C. Notice. The director shall provide notice of hearings:

1. To the owner of the site proposed for annexation.

2. To owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.

3. To the Department of Land Conservation and Development per NMC 15.100.250.

4. Within a newspaper of general circulation within the city at least 10 days prior to the first public hearing on the action per NMC 15.100.270.

D. Approval. In approving any legislative annexation, the city council shall follow the applicable procedures of state law and the Newberg Charter. If the city council approves the annexation, where required by state law or city Charter the annexation shall be referred to an election at a date determined by the city council. If the annexation election is not approved, the city council, at its discretion, may refer the proposal to a future election with any modifications it determines are appropriate. If an election is not required by state law or city Charter, the city council shall by ordinance declare that the territory is annexed to the city. [Ord. 2745 § 1 (Exh. A), 7-18-11.]

Finding: The proposed annexation was initiated by the City of Newberg and is a legislative annexation that was reviewed directly by the City Council. Notice was provided before the Council hearing per code section 15.250.055(C). If the annexation is approved by the Council then it shall be referred to the November 4, 2014 general election, as determined by the Council.

The property has a comprehensive plan designation of IND (industrial), with a small section of stream corridor overlay on the southwest corner. The proposed M-3 (heavy industrial) zoning with a small section of stream corridor overlay zone on the southwest corner corresponds with the comprehensive plan designation.

State Transportation Planning Rule:

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding: The site is fairly small (3.3 acres). If it is developed for heavy industrial use it is expected to generate approximately 7 trips during the PM peak hour, per the ITE Trip Generation Handbook. This level of development is not expected to have a significant impact on existing or planned transportation facilities.

E. For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved.

Finding: The property is not zoned for residential use, so if the annexation is approved then it would be effective at the conclusion of the election process.

3. 15.250.090 Coordination.

Annexation requests shall be coordinated with affected public and private agencies, including, but not limited to, Yamhill County, Chehalem Park and Recreation District, Newberg School District, Northwest Natural Gas, Portland General Electric, and, where appropriate, various state agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final city action to allow for reviews and recommendations to be

incorporated into the city records. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2451, 12-2-96. Code 2001 § 151.268.]

Finding: The annexation application was coordinated with affected public and private agencies.

Conclusion: Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code for annexation.

ATTACHMENT 1: AERIAL PHOTOS

1. 0.5 acre property, 2525 Allison Lane, part of tax lot 3209-5800. Ordinance no. 2014-2774.

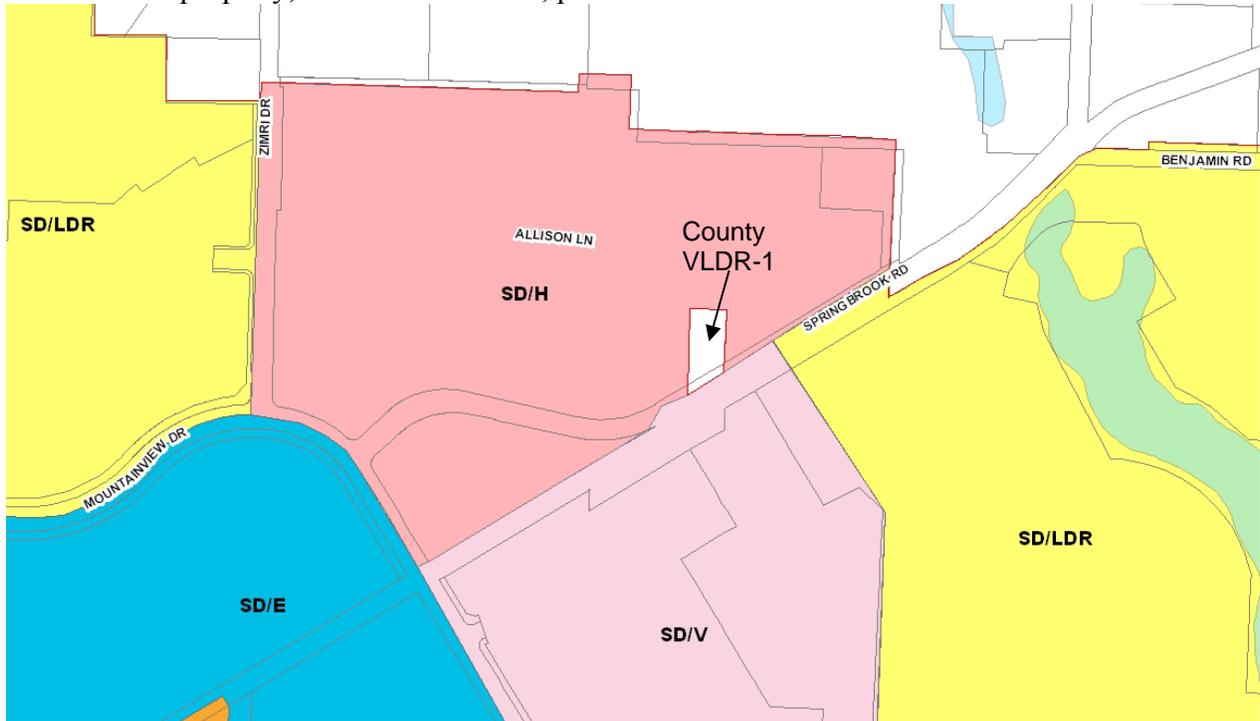


2. 3.3 acre property, 2716 Wynoski Road, tax lot 3229-300. Ordinance no. 2014-2775.

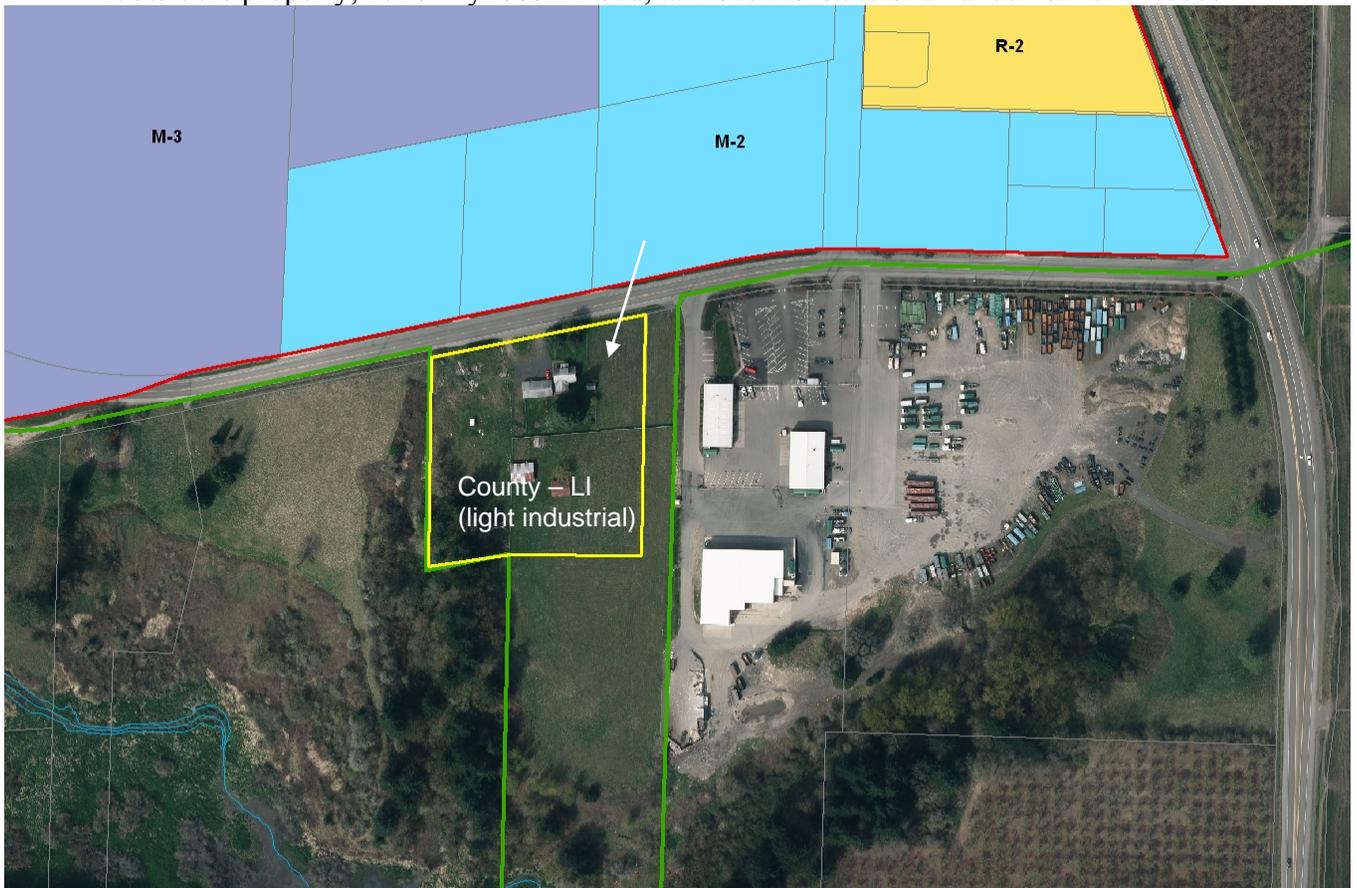


ATTACHMENT 2: ZONING MAPS

1. 0.5 acre property, 2525 Allison Lane, part of tax lot 3209-5800. Ordinance no. 2014-2774.



2. 3.3 acre property, 2716 Wynooski Road, tax lot 3229-300. Ordinance no. 2014-2775.





RESOLUTION No. 2014-3118

A RESOLUTION INITIATING ANNEXATION PROCEEDINGS FOR FOUR ISLANDS OF UNINCORPORATED LAND ALONG SPRINGBROOK ROAD AND FOR THE CITY OWNED PROPERTY AT 2716 WYNOOSKI ROAD

RECITALS:

1. There are currently four islands of unincorporated land surrounded by city limits along Springbrook Road.
2. Oregon law allows a city to annex such islands of unincorporated land after holding a public hearing and other provisions. The Newberg charter requires that annexations be submitted to a public vote. Residents in the island are permitted to vote in said election.
3. Newberg owns property at 2716 Wynooski Road, which is currently outside city limits.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The city council hereby initiates annexation proceedings for the four islands of islands of unincorporated land along Springbrook Road and the city owned property at 2716 Wynooski Road. The properties are generally depicted on Exhibits A, B, C, and D, which is hereby adopted and by this reference incorporated.
2. The city council authorizes staff to make proposals to adjust the boundaries shown in these exhibits to include more or less land or to make related changes to the comprehensive plan related to this annexation.
3. By so doing, the council does not commit to taking any particular action on the annexation. It only desires that the proposal be given due consideration at a public hearing.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: March 18, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of March, 2014.



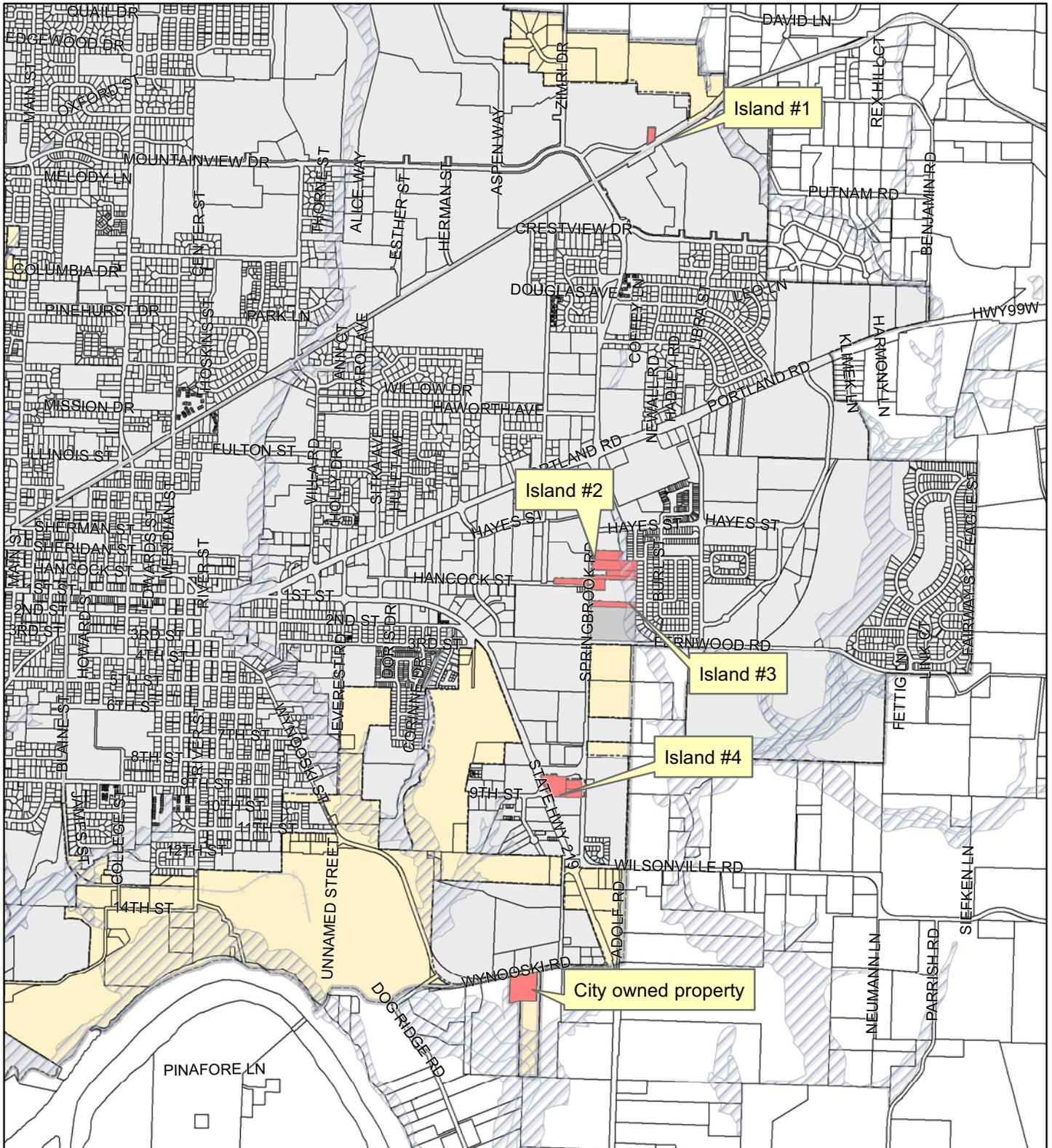
 Jennifer L. Nelson, Acting City Recorder

ATTEST by the Mayor this 20th day of March, 2014.



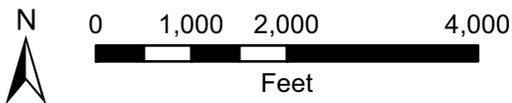
 Bob Andrews, Mayor

Potential Annexations

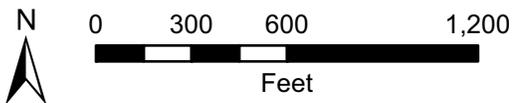
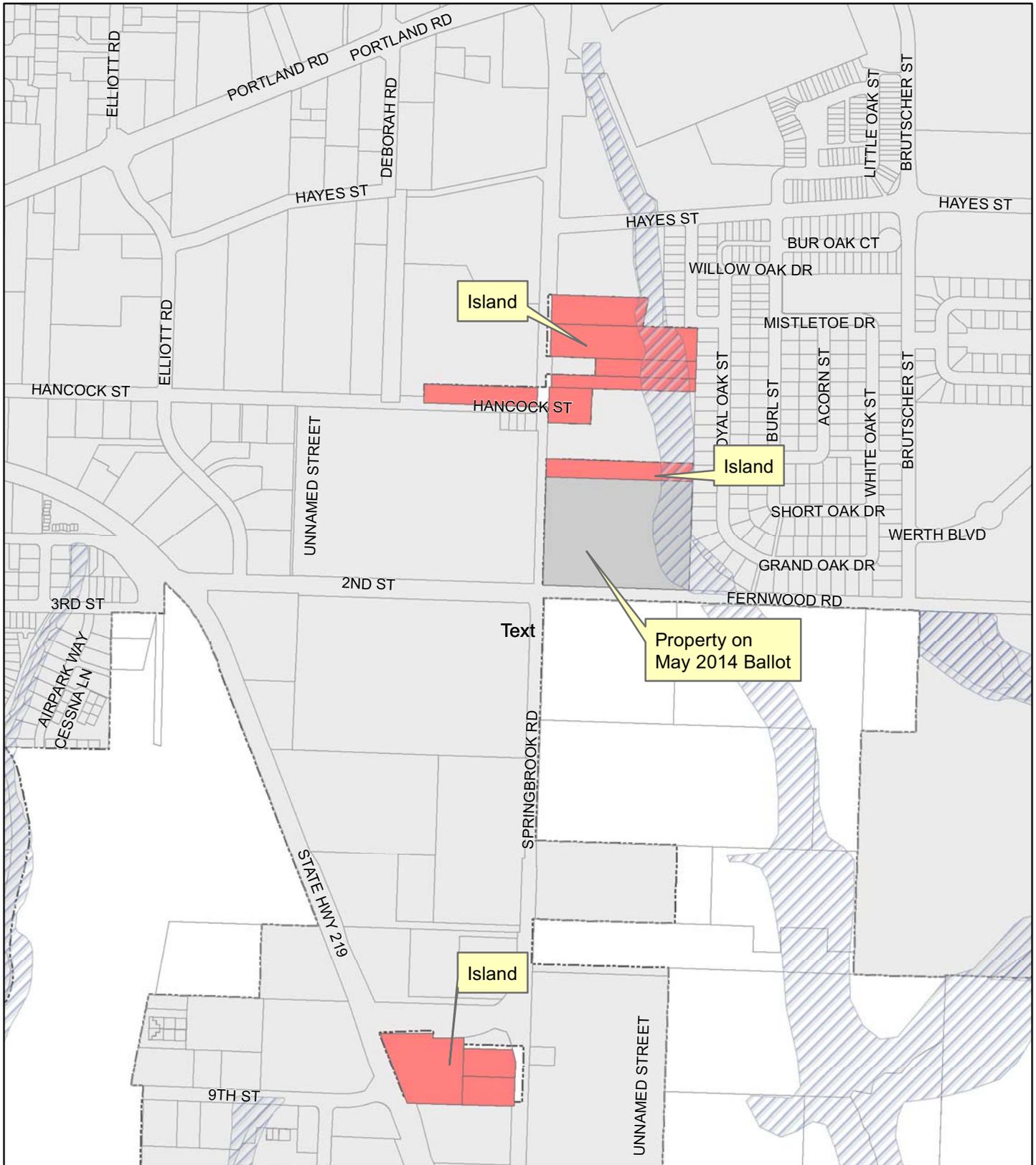


Legend

- Potential Areas of Annexation
- City Limits
- UGB



Potential Island Annexations

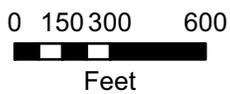
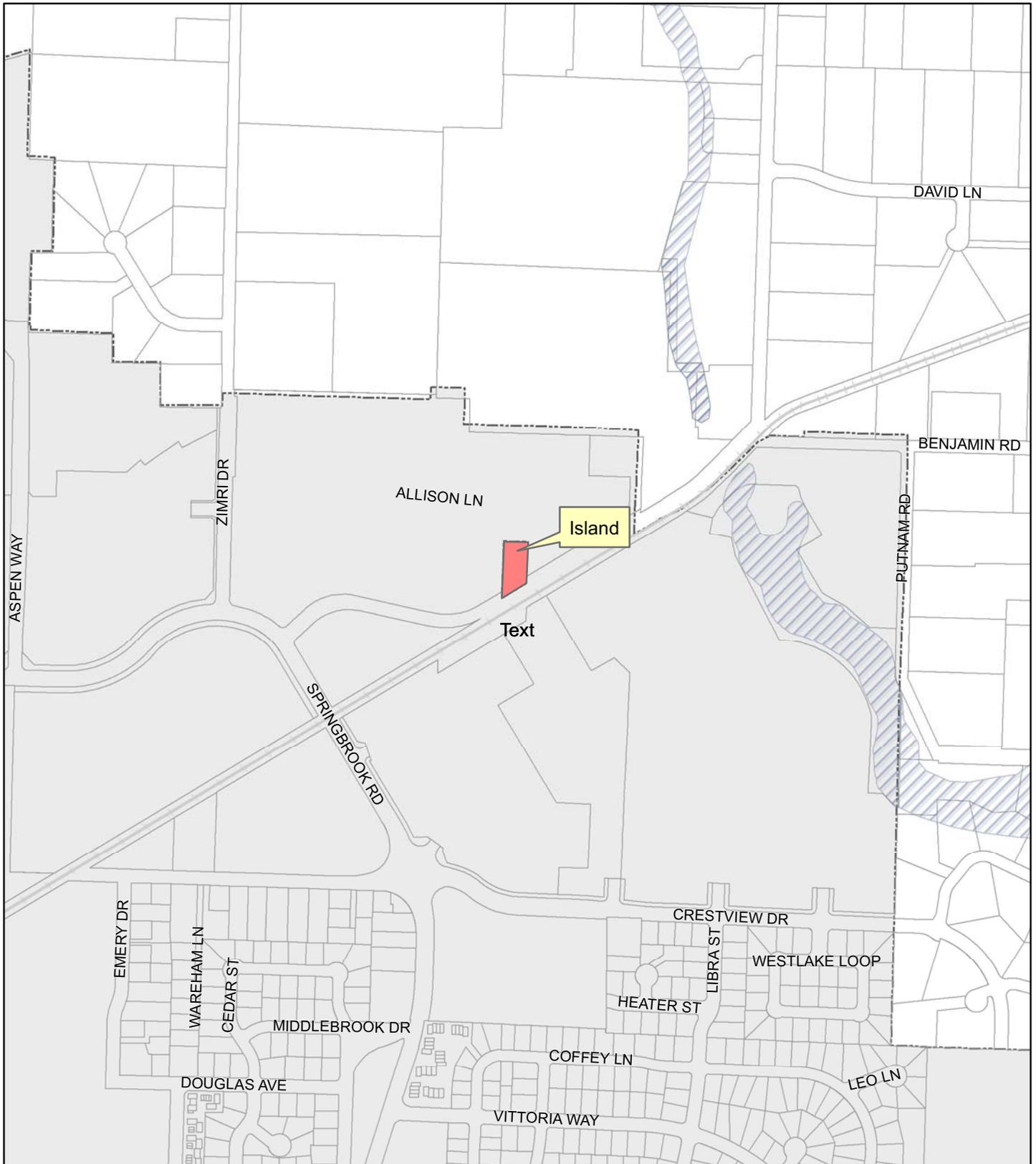


Legend

-  Springbrook Islands
-  City Limits



Potential Island Annexations

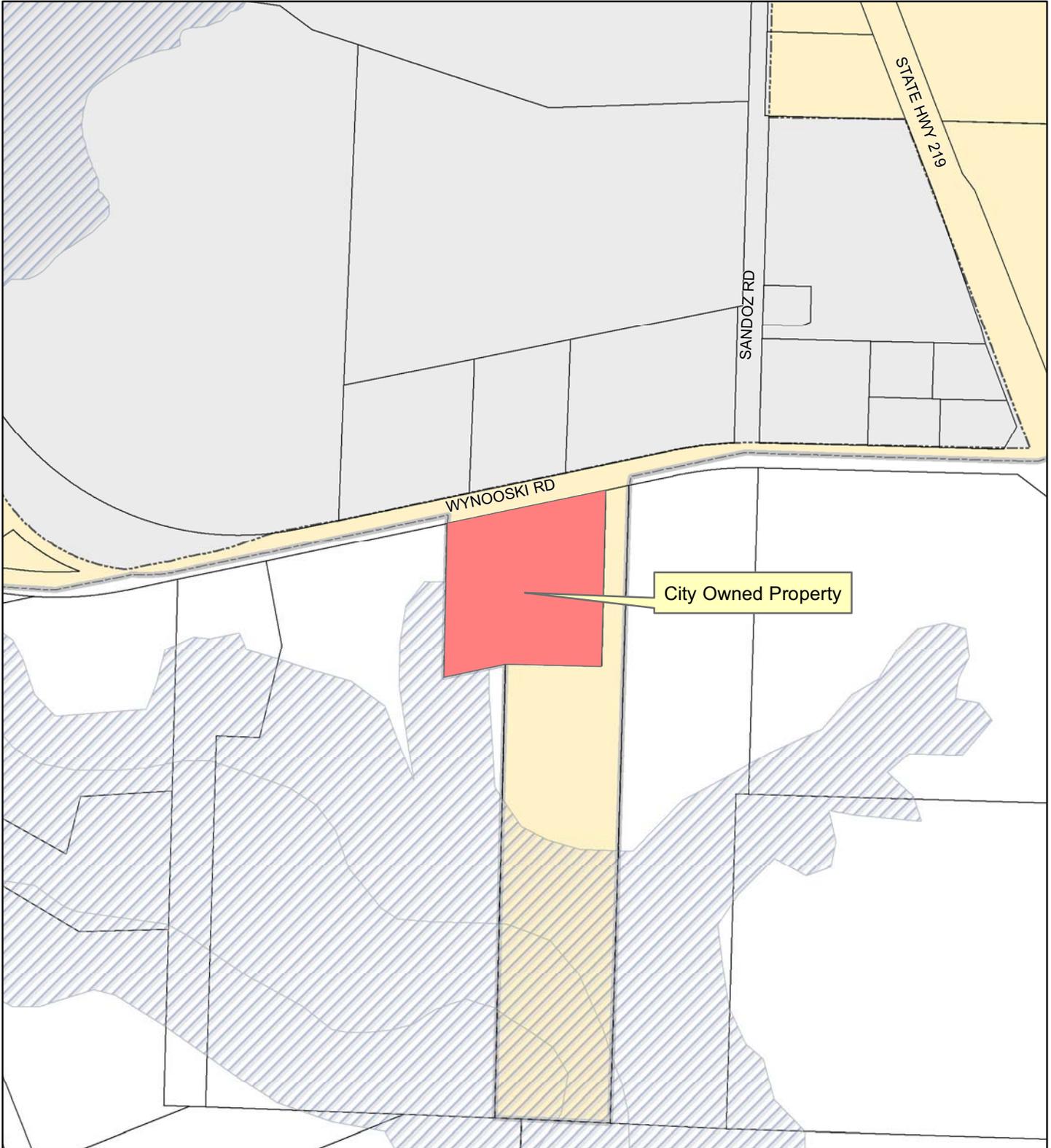


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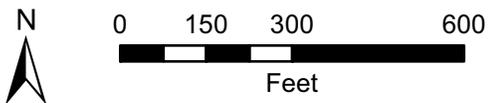
-  Springbrook Islands
-  City Limits



2716 Wynooki Annexation



Legend



-  2716 Wynooki
-  City Limits
-  UGB

