

**Attached is an updated agenda and  
supplemental material for the August 19, 2013,  
City Council Meeting**

**Please include this in your packet:**

**Agenda  
(Replace)**

**Resolution No. 2013-3074  
(Add to Consent Calendar)**

**Resolution No. 2013-3075  
(Add to Consent Calendar)**

**Sound Permit for Oktoberfest  
(Add to Consent Calendar)**

**Ordinance No. 2013-2763  
(Add to Existing Material)**

**Resolution No. 2013-3069  
(Add to New Business)**

**Resolution No. 2013-3070  
(Add to New Business)**

# AGENDA



**UPDATED - CITY COUNCIL AGENDA**

**AUGUST 19, 2013**

**7:00 P.M. MEETING**

**PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

**IV. CITY MANAGER'S REPORT**

**V. COUNCIL APPOINTMENTS**

1. Consider a motion appointing Sulamita Barbiyeru to the Planning Commission as the Student Planning Commissioner for a term expiring May 30, 2014.
2. Consider a motion appointing David Venable to the Traffic Safety Commission for a term expiring December 31, 2015.

**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. 2013-3068** authorizing the city manager to negotiate and execute an Intergovernmental Agreement with the State of Oregon to upgrade and replace ADA ramps.
2. Consider a motion adopting **Resolution No. 2013-3071** authorizing the city manager to execute an amendment to the Intergovernmental Agreement with the State of Oregon to exchange federal funds for state funds.
3. Consider a motion adopting **Resolution No. 2013-3072** authorizing the city manager to execute an amendment to the Intergovernmental Agreement with ODOT for the sidewalk and bike lane improvements on N. College Street.
4. Consider a motion adopting **Resolution No. 2013-3073** initiating a Newberg Transportation System Plan amendment to reflect the Newberg-Dundee Bypass Phase I Alignment

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.

5. Consider a motion adopting **Resolution No. 2013-3074** authorizing a settlement with former employee, Tabrina McPherson, concerning employment claims due to her separation from employment with the City in the amount of \$44,280.00.
6. Consider a motion adopting **Resolution No. 2013-3075** approving the appointment of Jennifer Nelson as the Deputy City Recorder.
7. Consider a motion approving a sound permit for the Newberg Downtown Coalition for Oktoberfest to be held on September 20 and 21, 2013.
8. Consider a motion approving the July 15, 2013, City Council meeting minutes.

## VIII. PUBLIC HEARINGS

Consider a motion adopting **Ordinance No. 2013-2763** amending the Newberg Development Code adopting a new Zone Use Table.  
**(Legislative Hearing)**

## IX. NEW BUSINESS

1. Consider a motion adopting **Resolution No. 2013-3069** authorizing the city manager to enter into a construction contract for the Sheridan Street and Chehalem Cultural Center Forecourt Project.
2. Consider a motion adopting **Resolution No. 2013-3070** authorizing the city manager to execute an Intergovernmental Agreement with Chehalem Park and Recreation District (CPRD) for cost sharing of the Sheridan Street and Chehalem Cultural Center Forecourt Project.

## X. COUNCIL BUSINESS

Consider a motion directing staff to work with Debbie Headley to install a Peace Pole at Francis Square.

## XI. 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.**

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.

RESOLUTION NO.  
2013-3074

SETTLEMENT WITH  
TABRINA MCPHERSON

ADD TO CONSENT CALENDAR

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# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 19, 2013

|                  |                      |                                       |            |                 |
|------------------|----------------------|---------------------------------------|------------|-----------------|
| Order ___<br>No. | Ordinance ___<br>No. | Resolution <u>XX</u><br>No. 2013-3074 | Motion ___ | Information ___ |
|------------------|----------------------|---------------------------------------|------------|-----------------|

**SUBJECT: Authorizing settlement with former employee, Tabrina McPherson, concerning employment claims due to her separation from employment with the City in the amount of \$44,280.00, which is nine (9) months severance pay.**

Contact Person (Preparer) for this Motion: Terrence D. Mahr, City Attorney  
Dept.: Legal  
File No.:

## RECOMMENDATION:

Adopt Resolution No. 2013-3074 authorizing settlement with former employee, Tabrina McPherson, concerning employment claims due to her separation from employment with the City in the amount of \$44,280.00, which is nine (9) months severance pay.

**EXECUTIVE SUMMARY:** Ms. Tabrina McPherson was employed by the City from approximately August 1988 until April 2013. She held the position of Capital Project Program Administrator. Upon elimination of her position, Ms. McPherson was laid off. Ms. McPherson was offered a severance package when she separated from city employment. She had been employed by the City for approximately 25 years.

Ms. McPherson through her attorney, contacted the City indicating that the severance package was inadequate and there could be improper motives for her separation from employment. The City through the City Attorney's Office, discussed her allegations with Ms. McPherson's attorney, Mr. Kyle Busse. In light of the potential liability for the City, the City has reached an agreement with Ms. McPherson to settle all claims for nine (9) months severance pay (\$44,280.00).

**FISCAL IMPACT:** This cost the City for paying severance. However, the City is settling all potential liability associated with Ms. McPherson's separation.

**STRATEGIC ASSESSMENT:** The City is settling this claim and able to move forward. A lawsuit on this matter would tie up city personnel and resources.



## RESOLUTION No. 2013-3074

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**A RESOLUTION AUTHORIZING SETTLEMENT WITH FORMER EMPLOYEE, TABRINA MCPHERSON, CONCERNING EMPLOYMENT CLAIMS DUE TO HER SEPARATION FROM EMPLOYMENT WITH THE CITY IN THE AMOUNT OF \$44,280.00, WHICH IS NINE (9) MONTHS SEVERANCE PAY**

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### RECITALS:

1. Ms. McPherson was employed by the City from August 1988 until April 2013.
2. Due to the economy, the work done on improvement of infrastructures known as Capital Projects has been very little. Ms. McPherson held the position of Capital Projects Program Administrator. In re-organization of the Engineering Department, that position has been eliminated.
3. Ms. McPherson was laid off due to the elimination of her position and was offered a severance package which she rejected. Through her attorney she made certain allegations.
4. The City in order to settle all liability concerning those allegations has agreed to pay nine (9) months severance pay. She has agreed to accept this settlement.

### THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City shall pay Ms. Tabrina McPherson nine (9) months severance pay (\$44,280.00) and agree to settlement of all claims due to her separation from employment. She will relinquish any rights to re-employment.
2. The City is authorized through the City Attorney's Office to make payment to Ms. McPherson pursuant to agreement for settlement of all claims. The City Attorney shall approve and authorize the release and settlement documents.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: August 20, 2013.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 19<sup>th</sup> day of August, 2013.

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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 22<sup>nd</sup> day of August, 2013.

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Bob Andrews, Mayor

RESOLUTION NO.  
2013-3075

FILLING THE DEPUTY CITY  
RECORDER POSITION

ADD TO CONSENT CALENDAR

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# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 19, 2013

|                  |                      |                                       |            |                 |
|------------------|----------------------|---------------------------------------|------------|-----------------|
| Order ___<br>No. | Ordinance ___<br>No. | Resolution <u>XX</u><br>No. 2013-3075 | Motion ___ | Information ___ |
|------------------|----------------------|---------------------------------------|------------|-----------------|

**SUBJECT: Approving the appointment of Jennifer Nelson as a part-time Deputy City Recorder in the Administration Department.**

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder  
Dept.: Administration  
File No.:

## RECOMMENDATION:

Adopt Resolution No. 2013-3075 approving the appointment of Jennifer Nelson as a part-time Deputy City Recorder in the Administration Department.

## EXECUTIVE SUMMARY:

Administration has been without a Deputy City Recorder since, September, 2012. This position works with and under the supervision of the City Recorder. By filling this position it will allow the department to work at full capacity.

In accordance with Resolution No. 2013-3053, in the absence of the City Manager the Assistant City Manager is designated as Manager Pro Tem. The City Charter, Chapter VIII, Section 34 (h) provides that the Manager Pro Tem “has the authority and duties of manager, except that a Manager Pro Tem may appoint or remove employees only with council approval”.

The Assistant City Manager Lee Elliott and City Recorder Norma Alley have reviewed the material and approve the hire of Jennifer Nelson as the part-time Deputy City Recorder.

The appointment is submitted to the Council for their approval pursuant to the City Charter as stated above.

## FISCAL IMPACT:

Compensation for this position was budgeted in the 2013/2014 Budget under account # 31-1230.

## STRATEGIC ASSESSMENT:

Filling this position will allow the Administration Department resume its high level of service to the Council, staff, and citizens.



## RESOLUTION No. 2013-3075

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**A RESOLUTION APPROVING THE APPOINTMENT OF JENNIFER NELSON AS A PART-TIME DEPUTY CITY RECORDER WITH THE CITY RECORDER'S OFFICE IN THE ADMINISTRATION DEPARTMENT**

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### RECITALS:

1. Reason for Vacancy: The position has been vacant due to the resignation of an employee in September, 2012.
2. Posting: A job advertisement was posted on the City of Newberg website and the Oregon Association of Municipal Recorders. It opened June 26, 2013, and closed July 15, 2013.
3. Recommendation: The City Recorder recommends Jennifer Nelson for the position.
4. Funding: Position funding is within the budget.
5. Manager Pro Tem Appointment: The Assistant City Manager, Lee Elliott, in the absence of the City Manager, has reviewed the material and appoints Jennifer Nelson subject to Council approval.

In accordance with Resolution No. 2013-3053, in the absence of the City Manager the Assistant City Manager is designated as Manager Pro Tem. The City Charter, Chapter VIII, Section 34 (h) provides that the Manager Pro Tem “has the authority and duties of manager, except that a Manager Pro Tem may appoint or remove employees only with council approval”.

### THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council approves the appointment by the Assistant City Manager of Jennifer Nelson as a part-time Deputy City Recorder for Newberg Administration Department.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: August 20, 2013.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 19<sup>th</sup> day of August, 2013.

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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 22<sup>nd</sup> day of August, 2013.

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Bob Andrews, Mayor

SOUND PERMIT

OKTOBERFEST SOUND  
PERMIT

ADD TO CONSENT CALENDAR

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# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 19, 2013

Order \_\_\_      Ordinance \_\_\_      Resolution \_\_\_      Motion XX      Information \_\_\_  
No.              No.              No.

**SUBJECT: Consideration of a sound permit application for Newberg Downtown Coalition and Newberg Early Bird Rotary for the 2013 Newberg Oktoberfest Event**

Contact Person (Preparer) for this Motion: **Chris Bolek, Captain**  
Dept.: **Newberg-Dundee Police Department**  
File No.:

## RECOMMENDATION:

Approve a sound permit for the Newberg Downtown Coalition and Newberg Early Bird Rotary for the 2013 Newberg Oktoberfest Celebration to be held on September 20 and 21, 2013, in Memorial Park.

## EXECUTIVE SUMMARY:

This festival event will feature live bands. It is scheduled for Friday September 20, 2013, from 4 pm to 10 pm and Saturday September 21, 2013, from 12 pm (noon) to 10 pm at and in Memorial Park.

The City is authorized to approve sound permits for events where the sound will be kept at 200 feet or less (Title VIII: Health and Safety, Chapter 8.15.150 *Unnecessary Noise - permitted exceptions* of the Newberg City code). However, because sound from this event may travel **more than 200 feet**, we are seeking approval from the City Council.

The concert is sponsored by the Newberg Downtown Coalition and Newberg Early Bird Rotary. Attendance for any one session is estimated to be approximately 800 individuals. Admission will be charged via tokens for alcohol purchases, food vendors will be on site and alcohol will be served.

Chehalem Park and Recreation District Representative Don Clements has given written consent for the requested use as evidenced by his signature on the Sound Application Permit as well as in a letter accompanied with the sound permit.

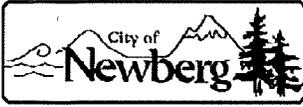
The Newberg Downtown Coalition and Newberg Early Bird Rotary has met all the requirements for a sound permit to include a Certificate of Liability Insurance for the event and OLCC permits as required. Seeing no reason to deny, the Newberg-Dundee Police Department recommends approval of the permit.

## FISCAL IMPACT:

None

## STRATEGIC ASSESSMENT:

None



Newberg-Dundee Police Department  
 401 E. 3<sup>rd</sup> Street  
 Newberg, Oregon 97132  
 (503) 537-1280

**DANCE PERMIT APPLICATION**   
**SOUND PERMIT APPLICATION**   
 (Allow a minimum of 10 working days to process)

Fee: \$10.00 per dance

APPLICANT: MIKE RAGSDALE DRIVERS LICENSE # ORE 810949 DATE: 4/30/13  
 ADDRESS (street, city, zip code): % NEWBERG DOWNTOWN COALITION, 518 E 1<sup>ST</sup>, NEWBERG  
 TELEPHONE: HOME 503.201.2916 BUSINESS: 503.537.1010  
 EVENT SPONSOR: NEWBERG EARLY BIRD ROTARY  
 ADDRESS (street, city, zip code): 1102 N. SPRINGBROOK 103, NEWBERG  
 EVENT LOCATION: MEMORIAL PARK  
 DATE OF EVENT: 4/20-21/13 DANCE: TIME: 4 PM to 10 PM FRIDAY to 10 PM SAT SOUND: TIME: SAFELY to \_\_\_\_\_  
 TYPE OR NATURE OF EVENT (please choose one of the following):

- Public Commercial or noncommercial even with audible sound OVER 200 ft. **(requires City Council approval allow 30 working day minimum to process)**
- Noncommercial event with audible sound of 200 ft. or less
- Public
- Private/Invitational

NUMBER OF PEOPLE EXPECTED: 800

**(All events are subject to Newberg Police Department Reserve personnel or other private security personnel)**

WILL A FEE BE CHARGED FOR ADMITTANCE TO THE EVENT? Yes  No   
 WILL ALCOHOLIC BEVERAGES BE PRESENT ON THE PREMISES? Yes  No

TYPE AND AMOUNT OF SECURITY PROVIDED FOR THE EVENT: RESERVES

DESCRIBE PROVISIONS FOR THE CONTROL AND DISPENSING OF ALCOHOLIC BEVERAGES  
 (Will a licensed OLCC server be on site or will alcohol be dispensed without consumption controls and oversight?)  
VOLUNTEER SERVERS

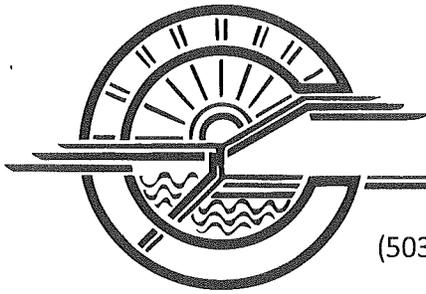
I have read and understand the rules contained on the back of this form. The statements and information provided above are in all respects true, complete and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations and procedures officially adopted by the City of Newberg.

Mike Ragdale  
 Applicant Signature

Wilson Clement  
 Property Owner Signature

**FOR CITY OF NEWBERG USE ONLY (comments & conditions)**

Police Services Request attached  Liquor Application attached  Insurance Certificate attached  OLCC Permit attached  
 Police OK - See Attachments - Below NOPD Date: 04/29/13  
 City Manager  approved  denied Signature N/A Date: N/A  
 City Council  approved  denied Mayor's Signature A Date: A



## Chehalem Park and Recreation District

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125 South Elliott Road • Newberg, Oregon 97132  
(503) 537-2909 • Fax (503) 538-9669 • [www.cprdnewberg.org](http://www.cprdnewberg.org)

June 4, 2013

To Whom It May Concern:

The Newberg Early Bird Rotary is authorized to have alcohol in Memorial Park at the October Feast on September 20<sup>th</sup> and 21<sup>st</sup> 2013.

Sincerely

A handwritten signature in cursive script that reads "W. Don Clements".

W. Don Clements, Superintendent

Cc: Board of Directors

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ORDINANCE NO.  
2013-2763

ZONING USE TABLE  
REVISION

ADD TO EXISTING MATERIAL UNDER  
PUBLIC HEARING

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RECEIVED

AUG 12 2013

8-8-13

Initial. \_\_\_\_\_

To: Newberg City Council

Re: adoption of ordinance NO. 2013-2763  
"Notice of Public Hearing" letter.

Dear Council,

I am very impressed with the content of the attached "notice of public hearing" description.

To me this points out the professionalism, character and quality of your planning staff.

The development code is truly a "living document" and requires constant monitoring, adjusting and improving.

I think your planning commission is very dedicated and alert to any problems. However, improvement to the code is practically impossible without an excellent (and properly paid) staff.

Matson Huang

1524 Hess Creek Court  
Newberg OR 97132  
Cell 503 850 6093

COMMENTS FOR PROPOSED

ZONING USE ~~FAT~~ REVISIONS  
HEARING AUGUST 19, 2013

John & Jane Greller  
Newberg - OR  
503.487.6390

RECEIVED

AUG 14 2013

Initial: 10:19

RECEIVED

AUG 14 2013

Initial: 10:19

COMMENTS ON THE PROPOSED ZONING USE TABLE UPDATES

City of Newberg, Oregon

Submitted by John and Jane Greller, residents of Newberg

August 15, 2013

14 JG

What is the actual density limit in the R-1 Low Density Residential district, as designated by the Comprehensive Plan? I am confused by the "planned densities" on page 69 of the Plan in Table IV 5. The R-1 density standard (standards were in place – see page 5, City of Newberg: Order No. 2008-0011, III. Applicable Zoning Map Amendment Regulations – Newberg Development Code 151.122(3), annexation document of the 7.67 parcel, now referred to as Terrace Estates:

"Proposed build-out of the property at 35 single-family dwellings (*according to R-1 density standards*)..."

This standard was based on a minimum lot size of 7500 square feet in January 2010, not an *average* lot size. The formula for the density standard is

$$\frac{32,670}{7500} = \frac{\text{net acre (43,560 - 25\% for infrastructure)}}{\text{minimum lot size}} = 4.4 \text{ units}$$

The 4.4 units will occupy one acre (gross acre 43,560 sq. ft.), or 33.7 units in the whole parcel (4.4 X 7.67 gross acres). The density does not change because of the 25% allowance for infrastructure. A minimum lot size automatically creates a density limit.

In October of 2010, the minimum R-1 lot size changed from 7500 square feet to 5000 square feet (City of Newberg Ordinance No. 2010-2730). This changed the actual density standard to 6.5.

$$\frac{32,670}{5000} = \frac{\text{net acre (43,560 - 25\% for infrastructure)}}{\text{minimum lot size}} = 6.5 \text{ units}$$

RECEIVED

AUG 14 2013

Revised Copy  
Initial: BM 2:10 pm

The 6.5 units will occupy one acre (gross acre 43,560 sq. ft.) and will be built on the buildable acre (net acre 32,670). The density does not change because of the 25% allowance for infrastructure.

The Comprehensive Plan states on page 8 Section I A. "This Plan is intended to guide the growing land use needs of the city *until* the year 2010." This would be January 1, 2010, when 7500 minimum square foot lot requirements were in place, per the Newberg Development Code Section 151.565 A (1). This creates a density limit of 4.4 units per gross acre, as well as 4.4 units per net acre.

The Comprehensive Plan also states on page 8 Section I B, "The Inventory was updated in 1990 and adjusted to meet future needs through the year 2010." The Plan states on page 78, VI Summary, "The Comprehensive Plan provides the basis for making land use decisions through the year 2010."

*Through* 2010 would be December 31, 2010, when 5000 square foot minimum lot size requirements were in place, per the Newberg Development Code Section 151.565 A (1). This creates a density limit of 6.5 units per gross acre, as well as 6.5 units per net acre.

The Plan states on page 60, Section III 2.b. Medium Density Residential (MDR), "The objective of this designation is to provide a wide range of housing types and styles while maintain an overall density of up to 8.8 units per acre."

Which density limit was used in making calculations for the land use projections? 4.4 or 6.5? The Comprehensive Plan uses language of "until 2010" and "through 2010" to include both densities.

It is important to determine the answer to this as the planning commission studies the proposed changes in the Zoning Use Table Ordinance 2013-2763.

**REPEAL:** page 2 of draft

## Chapter 15.304 R-1 LOW DENSITY RESIDENTIAL DISTRICT

### 15.304.010 Description and purpose.

The R-1 low density residential district is intended for low density, urban single-family residential and planned unit development uses. A stable and healthful environment, together with the full range of urban services, makes this the most important land use of the community. The R-1 district is intended to be consistent with the low density residential designation of the comprehensive plan. [Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.280.]

SECTION 4: The **following shall be added** as Newberg Development Code Section 15.302.032 (page 16 of draft)

15.302.032: Purposes of Each Zoning District

A. R-1 Low Density Residential District.

1. The purpose of this land use designation is to provide for low density urban single-family residential uses at an average overall density of 4.4 units per gross buildable acre in the district. It is intended to provide a stable and healthful environment together with the full range of urban services.

2. Typical housing types will include single-family dwellings and planned unit developments. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-1 district is intended to be consistent with the low density residential (LDR) designation of the comprehensive plan.

Why is the R-1 Low Density Residential District no longer the “most important land use of the community”?

It appears that the R-1 Low Density Residential District will maintain an *average* overall density of 4.4 units per gross buildable acre by *averaging* throughout the entire R-1 district.

How will this “averaging” be done? When will this “averaging” be done? Who will keep track of the “average”?

This seems like a cumbersome, labor intensive and confusing system to achieve a LDR (Low Density Residential) designation of the comprehensive plan. Subdistricts are provided in the Newberg Development Code 15.302.040 Section A. Suffix Numbers Noting Density:

**15.302.040 Subdistricts.**

Subdistricts of each of the use districts may be established. The parent residential district requirements shall apply to those respective subdistricts except those regulations pertaining to lot area per dwelling unit or density.

A. Suffix Numbers Noting Density. Suffix numbers, including but not limited to the following examples, shall be noted on the zoning map indicating the maximum number of dwelling units permitted per gross acre. The following are examples of suffixes for subdistricts and their density equivalents:

| <b>Suffix</b> | <b>Density Maximum</b>                |
|---------------|---------------------------------------|
| 5/A           | 5 dwelling units per gross acre       |
| 6/A           | 6 dwelling units per gross acre       |
| 7.5/A         | 7-1/2 dwelling units per gross acre   |
| .33/A         | 1 dwelling unit per three gross acres |

As further examples of subdistricts:

1. The subdistrict of an R-1 district which permits five dwelling units per gross acre is R-1-5/A.
2. The subdistrict of an R-1 district which permits one dwelling unit per five gross acres is R-1-.2/A.

These subdistricts are reflected in the Zoning Use Map. Their use would appear unnecessary with this proposed change in “averaging the overall density”.

Using such an “averaging” system further places a 50% greater density burden (4.4units vs 6.5 units) on some areas of the R-1 Low Density Residential district.

In the Newberg Development Code – Zoning Use Table Revision Section 200 RESIDENTIAL USES.

Line item for Dwelling, single-family detached notes : *Subject to density limits of 15.405.010(B)*

Line item for Dwelling, single-family attached notes: *Subject to density limits of 15.405.010(B)*

## **Chapter 15.405 LOT REQUIREMENTS**

Sections:

15.405.010 Lot area – Lot areas per dwelling unit.

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

B. Lot or Development Site Area per Dwelling Unit.

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

If the density limit is the highest number of dwelling units allowed on a certain area of land, that formula would be expressed in:

Net acre 32,670 square feet (43,560 sq ft less 25%) = 6.5 units

Minimum lot size 5000 square feet per code

The proposed changes in the Zoning Use Table Ordinance 2013-2763 for the R-2 Medium Residential District present similar questions about “averaging”. How will this “averaging” be done? When will this “averaging” be done? Who will keep track of the “average”?

SECTION 4: The following shall be added as Newberg Development Code Section 15.302.032

email thread attached).

**Oregon's Statewide Planning Goals & Guidelines**  
**GOAL 2: LAND USE PLANNING**  
OAR 660-015-0000(2)

**PART I -- PLANNING**

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

I think it is reasonable to have a comprehensive plan, zoning use maps, and building codes that are consistent and understandable. It is reasonable to expect a clear, consistent and understandable density limit number and formula from the Director's office. The State of Oregon mandates that land use shall be consistent with the city comprehensive plan. Since there are inconsistencies and confusion in the plan, as documented, I ask that the Planning Commission withhold approval of these changes until those questions can be answered.

ATTACHMENTS TO COMMENTS  
from John and Jane Greller

1. page 5, City of Newberg: Order No. 2008-0011
2. page 8, City of Newberg, Comprehensive Plan
3. page 78, City of Newberg, Comprehensive Plan
4. page 60, City of Newberg, Comprehensive Plan
5. Page 69, City of Newberg, Comprehensive Plan
6. Email conversation, Jane Greller and Barton Brierley,  
Planning and Building Director, City of Newberg

**Finding:** The applicant has provided written findings for this section.

*(E) The City Council may annex properties where urban services are not and cannot practically be made available within the three year time frame noted in division (B) above, but where annexation is needed to address a health hazard, to annex an island, to address sewer or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the Council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available.*

**Finding:** This criterion is not applicable to this property.

### III. APPLICABLE ZONING MAP AMENDMENT REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.122(3) AMENDMENT CRITERIA

*(a) The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;*

**Finding:** The proposed zone change from County AF-10 to City R-1 (low density residential) is consistent with the comprehensive plan designation of the site. See the finding for § 151.262(A) above for a more in depth discussion of compliance with the Newberg comprehensive plan.

*(b) Public facilities and services are or can be reasonable made available to support the uses allowed by the proposed change.*

**Finding:** Adequate water, sewer, storm water, and transportation infrastructure is, or will be, available to support the proposed new uses of the site. See the findings for § 151.262(B) and (C) above that further discusses the availability of public facilities and services to this site.

*(c) Compliance with the State Transportation Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.*

**Finding:** The zone change in itself is in compliance with the State Transportation Rule and does not significantly affect transportation facilities. Proposed build-out of the property at 35 single-family dwellings (according to R-1 density standards) would only create approximately 35 new trips in the PM peak hour. This is a relatively small number, and would not have a significant impact on operating conditions of the surrounding streets and intersections. A traffic safety issue was identified at the Terrace Drive/College Street intersection during review of the Terrace Heights subdivision to the south. That subdivision has been required to mitigate that safety issue prior to final approval, and mitigation must be completed prior to any development on this property. Additional review and mitigation of the intersection may be required at the time of subdivision review for this property.

## **I. INTRODUCTION AND BACKGROUND**

### **A. INTRODUCTION**

Newberg is a small but growing community. Attracted by the high quality of life, increasing numbers of people have chosen to live in Newberg while commuting to other areas for employment. Adding to the population has been the expansion and diversification of the City's economic base. Population growth in Newberg has meant new housing, expanding commercial areas, additional parks and recreational facilities, and the expansion of a variety of other uses. The result has been a changing land use pattern.

This Plan is intended to guide the growing land use needs of the City until the year 2010. As required by State Senate Bill 100, the Plan addresses and is consistent with established statewide goals and guidelines. At the same time, the goals and policies included within the Plan reflect primarily local concerns. Newberg residents and their representatives have produced this plan based upon community needs and expectations for the future.

### **B. BACKGROUND**

In preparing the Plan, the first step was a land use inventory and a general analysis of needs through the year 2000. Based upon findings, an urban growth boundary was proposed and, after numerous public hearings and several revisions, was formally adopted by the City Council. The Plan was updated in 1990.

With the adoption of the Urban Growth Boundary (UGB) in August, 1977 (amended June, 1979), the planning area was defined. Work was begun on a detailed inventory report to provide background material for the comprehensive plan. The inventory was prepared in draft form and sent out to interested agencies, public officials and citizens for review and comment. The final report, entitled Inventory of Natural and Cultural Resources, was completed and made available in January, 1978.

The initial Inventory examined existing resources in the Newberg area and projects future needs for these resources through the year 2000. The Inventory was updated in 1990 and adjusted to meet future needs through the year 2010. Resources described include agricultural and forest lands, mineral and aggregate resources, housing, public facilities, transportation, and other areas of public concern.

Following completion of the initial Inventory report, the Newberg Citizen Involvement Advisory Committee (CIAC) held public meetings on goals and policies for the different resource areas. Based upon the recommendations of the CIAC, the information included in the Inventory report, and the considerations of existing plan designations, staff prepared

## VI. SUMMARY

The Comprehensive Plan provides the basis for making land use decisions through the year 2010. The goals included in the Plan describe long-range community objectives, while related policies clarify the intent of the Plan and directions for future planning decisions and activities. The Plan map with its related text indicates the geographic locations of different land uses and densities. In order for the Comprehensive Plan to continue to provide reliable guidance, the Plan, its subsections and implementing ordinances will be reviewed and revised as needed. A periodic review will take place every five to seven years, based upon an examination of local concerns and other planning information, to determine whether revisions will be necessary.

The Comprehensive Plan is intended to be flexible enough to meet changing needs. At the same time, it must be stable enough to provide reliable guidance. Overall, the Plan will provide for a continued development of Newberg as a healthy, well-balanced community offering a high quality of life.



will be primarily multi-plexes and low or medium rise multi-family dwellings. Light industrial uses which are compatible with the general character of the area may also be permitted.

Due to the area's location, development should not be limited to a single type of use. Instead, this designation provides flexibility and recognizes that certain commercial, residential and industrial activities can be located together without conflicts. Proposals for the mixed use area shall be consistent with the availability of services and should not adversely impact existing or potential development of adjacent lands.

## **2. Residential Land Use**

Residential land is divided into three categories. Density rather than housing type is generally the most important development criteria used to classify residential areas. Manufactured dwelling parks, mobile home parks and manufactured home subdivisions are permitted outright in the medium density residential zone. Manufactured homes on individual single family lots are permitted. (As amended by Ord. 2380, 6-6-94, Ord. 2011-2747).

The following is a summary of the three residential land use categories:

### **a. Low Density Residential (LDR)**

The objective of this designation is to provide a wide range of housing types and styles, while allowing for an overall density of up to 4.4 units per acre.

Typical housing types will include single-family attached and detached housing. Clustered housing areas within Planned Unit Developments or condominiums must include adequate open areas to maintain the low overall density of this classification.

Services shall include improved streets, underground utilities (except electrical transmission lines), street lighting, sidewalks, and in some cases, bikeways.

### **b. Medium Density Residential (MDR)**

The objective of this designation is to provide a wide range of housing types and styles while maintaining an overall density of up to 8.8 units per acre.

|                      |     |     |     |     |         |                       |
|----------------------|-----|-----|-----|-----|---------|-----------------------|
| 80% LDR<br>20% MDR   | MDR | MDR | HDR | MDR | LDR MDR | COM                   |
| 80% R-1<br>20% R-2 1 | R-2 | R-2 | R-3 | R-2 | R-2 1   | C-1, C-2,<br>C-3, R-P |

Source: Johnson Gardner

Table IV-4 presents the 2010-2030 and 2031-2040 housing unit need by comprehensive plan designation.

**Table IV-4. Adjusted Housing Unit Need**

| Plan Designation | Units Needed 2010-2030 | Units Needed 2031-2040 |
|------------------|------------------------|------------------------|
| LDR              | 3,037                  | 1,752                  |
| MDR              | 2,733                  | 1,577                  |
| HDR              | 1,746                  | 1,007                  |
| COM              | 76                     | 44                     |
| <b>TOTAL</b>     | <b>7,592</b>           | <b>4,380</b>           |

**2. Planned Residential Densities**

Table IV-5 below shows the recent trends for residential density, as reported by the Ad Hoc Committee on Newberg's Future (2005). The Table shows the planned residential densities per the Newberg Comprehensive Plan housing element. The plan is for a 25% increase in residential densities from recent trends.

**Table IV-5. Planned Residential Densities**

|                           |                  | Recent Trends                     | Planned Density                     |
|---------------------------|------------------|-----------------------------------|-------------------------------------|
| Single Family             | Units/Gross Acre | 3.6                               | 4.4                                 |
|                           | Average Lot Size | 9,800 sf                          | 7,500 sf                            |
| Med Density Multi-Family  | Units/Gross Acre | 5.8                               | 9                                   |
|                           | Type             | Single Family                     | Townhouses and Duplexes             |
| High Density Multi-Family | Units/Gross Acre | 15.4                              | 16.5                                |
|                           | Type             | 2 story apts with surface parking | 2-3 story apts with surface parking |
| Average                   | Units/Gross Acre | 5.4                               | 6.8                                 |
|                           | Units/Net Acre   | 6.8                               | 8.5                                 |



**From:** jane greller [mailto:janeogrell@hotmail.com] **Sent:** Tuesday, August 13, 2013 12:57 PM **To:** Barton Brierley **Cc:** Jessica Nunley **Subject:** Density limits in revised zoning use table

Hello, Barton,

On the proposed revised zoning use table (draft of the Zoning Use Table Ordinance 2013-2763), section 200 RESIDENTIAL USES: line item for Dwelling, single-family detached notes:

Subject to density limits of 15.405.010(B)

What is that limit?

What is the formula used to determine that limit?

Thanks,

Jane

**From:** barton.brierley@newbergoregon.gov **To:** janeogrell@hotmail.com **Subject:** RE: Density limits in revised zoning use table **Date:** Tue, 13 Aug 2013 22:06:30 +0000

Here is that section. These were established by the City Council by ordinance.

*15.405.010 Lot area – Lot areas per dwelling unit.*

(Note: I have not included the entire sections of code that was in this email for purposes of space)

*Barton Brierley, AICP*

*Planning and Building Director*

**From:** jane greller [mailto:janeogrell@hotmail.com] **Sent:** Tuesday, August 13, 2013 3:11 PM **To:** Barton Brierley **Subject:** RE: Density limits in revised zoning use table

I am asking you specifically what that number is for the R-1 district. I am also asking what the

formula is for determining that number.

Jane

From: barton.brierley@newbergoregon.gov  
To: janeogrell@hotmail.com  
CC: jessica.nunley@newbergoregon.gov  
Subject: RE: Density limits in revised zoning use table  
Date: Wed, 14 Aug 2013 15:59:48 +0000

As stated below:

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

This was determined by the City Council by ordinance and not by a particular formula, though in a previous e-mail I shared with you some of the logic in choosing that number. Also note, the proposed revisions to the zoning table do not change this section or the density allowed in R-1.

*Barton Brierley, AICP*

To: barton.brierley@newbergoregon.gov  
Cc: jessica.nunley@newbergoregon.gov

I understand that. So how many 5000 square foot lots could be built out on one acre?

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

This is the question I have been asking you since July 26, Barton. What is the formula that the city uses to determine the density **limit** in the R-1 district? I am not asking for the philosophy of density calculations. It is your responsibility, as Director of City Planning to provide that information to any citizen in a timely and understandable manner. To date, that has not been my experience.

I am still waiting for an answer.

Jane

RESOLUTION NO.  
2013-3069

CONSTRUCTION  
CONTRACT FOR  
CULTURAL CENTER  
FORECOURT PROJECT

ADD TO NEW BUSINESS

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# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 19, 2013

Order \_\_\_      Ordinance \_\_\_      Resolution XX      Motion \_\_\_      Information \_\_\_  
No.              No.              No. 2013-3069

**SUBJECT: Authorizing the city manager to enter into a construction contract with Kodiak Pacific Construction for the Sheridan St & Chehalem Cultural Center Forecourt Project in the amount of \$847,043.01**

Contact Person (Preparer) for this Motion: Jay Harris, City Engineer  
Dept.: Engineering Services Department  
File No.:

## RECOMMENDATION:

Due to the construction bids coming in over budget, Staff recommends one of three options:

1. Adopt Resolution No. 2013-3069.
2. Deny Resolution No. 2013-3069.
3. Postpone Resolution No. 2013-3069 to a later date.

## EXECUTIVE SUMMARY:

In February, 2013, the City entered into a contract with Mayer/Reed for the design of the Sheridan Street Project. This design was done in coordination with the design of the Chehalem Park and Recreation District's (CPRD) Cultural Center Forecourt.

The design was completed and was advertised for bid on Friday, July 26, 2013. The engineer's estimate is as follows:

|                                     |              |
|-------------------------------------|--------------|
| Sheridan Street (City).....         | \$537,796.93 |
| Cultural Center Forecourt (CPRD)... | \$306,340.16 |
| TOTAL PROJECT.....                  | \$844,137.09 |

Two bids were received on August 15, 2013. The two bid results are listed below:

|                             |                |
|-----------------------------|----------------|
| Kodiak Pacific Construction | \$847,043.01   |
| R&R General Contractors...  | \$1,051,005.30 |

The bid from Kodiak Pacific Construction submitted the lowest qualified bid with a price of \$847,043.01 (\$553,972.63 CITY / \$293,070.38 CPRD). Construction is anticipated to begin in September, 2013.

## FISCAL IMPACT:

The project cost will be funded through the street Federal Fund Exchange Program. The approved total budget for fiscal year 2013/2014 is \$530,000.00 in account number 18-5150-702157. This budget is for both design and construction. The design contract has already been allocated and is \$49,790.00. Approval of this resolution will require approximately an additional \$75,000.00 to be allocated to this account.

## STRATEGIC ASSESSMENT:

These improvements will enhance the Cultural District, allowing it to become a multi-use destination for residents and visitors to our community. The improvements in this project are part of the overall Cultural District master plan which was adopted by resolution #2012-2998 on April 2, 2013.



## *RESOLUTION No. 2013-3069*

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**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO  
A CONSTRUCTION CONTRACT WITH KODIAK PACIFIC  
CONSTRUCTION FOR THE SHERIDAN ST & CHEHALEM CULTURAL  
CENTER FORECOURT PROJECT IN THE AMOUNT OF \$847,043.01**

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### **RECITALS:**

1. The City of Newberg advertised the Sheridan St & Chehalem Cultural Center Forecourt Project and received two qualified bid(s) on August 15, 2013.
2. The engineer's estimate for this project is \$844,137.09. The lowest responsive bidder was Kodiak Pacific with a bid in the amount of \$847,043.01.
3. Construction for this project will begin in September, 2013, and will end in November, 2013.

### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

The City Council, acting as Contract Review Board for the City, authorizes the city manager to enter into a contract with Kodiak Pacific Construction for an amount of \$847,043.01.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: August 20, 2013.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 19<sup>th</sup> day of August 2013.

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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 22<sup>th</sup> day of August 2013.

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Bob Andrews, Mayor

RESOLUTION NO.  
2013-3070

IGA WITH CPRD FOR  
CULTURAL CENTER  
FORECOURT PROJECT

ADD TO NEW BUSINESS

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# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 19, 2013

Order \_\_\_      Ordinance \_\_\_      Resolution XX      Motion \_\_\_      Information \_\_\_  
No.              No.              No. 2013-3070

**SUBJECT: Authorizing the city manager to negotiate and execute an intergovernmental agreement with the Chehalem Park and Recreation District for the cost sharing of the Sheridan Street & Chehalem Cultural Center Forecourt Project.**

Contact Person (Preparer) for this Motion: Jay Harris, City Engineer  
Dept.: Engineering Services Department  
File No.:

## RECOMMENDATION:

Due to the construction bids coming in over budget, Staff recommends one of three options:

1. Adopt Resolution No. 2013-3070.
2. Deny Resolution No. 2013-3070.
3. Postpone Resolution No. 2013-3070 to a later date.

## EXECUTIVE SUMMARY:

In February, 2013, the City entered into a contract with Mayer/Reed for the design of the Sheridan Street Project. This design was done in coordination with the design of the Chehalem Park and Recreation District's (CPRD) Cultural Center Forecourt.

In an effort to reduce costs and provide a seamless project between the Sheridan Street improvements and the Chehalem Cultural Center Forecourt improvements, there will only be one contract for construction of both scopes of work.

The City will manage the construction contract in coordination with CPRD and CPRD will reimburse the City for all work done on the Forecourt as prescribed in the Bid Documents.

## FISCAL IMPACT:

All expenses associated with the Chehalem Cultural Center Forecourt Project will be reimbursed by CPRD.

## STRATEGIC ASSESSMENT:

These improvements will enhance the Cultural District, allowing it to become a multi-use destination for residents and visitors to our community. The improvements in this project are part of the overall Cultural District master plan which was adopted by resolution #2012-2998 on April 2, 2013. Coordination with CPRD will lower costs and provide for a better end product.



## **RESOLUTION No. 2013-3070**

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**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CHEHALEM PARK AND RECREATION DISTRICT FOR THE COST SHARING OF THE SHERIDAN STREET & CHEHALEM CULTURAL CENTER FORECOURT PROJECT.**

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### **RECITALS:**

1. The City of Newberg advertised the Sheridan St & Chehalem Cultural Center Forecourt Project and received two qualified bid on August 15, 2013.
2. The engineer's estimate for this project is was \$537,796.93 for Sheridan Street (CITY) and \$306,340.16 for the Chehalem Cultural Center Forecourt (CPRD). The lowest responsive bidder submitted a bid of \$553,972.63 for Sheridan Street (CITY) and \$293,070.38 for the Chehalem Cultural Center Forecourt (CPRD).
3. Combining these two scopes of work into one construction contract will reduce construction costs and provide for a higher quality end product.
4. Construction for this project will begin in September, 2013, and will end in November, 2013.

### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

The City Council does hereby authorize the city manager to negotiate and execute the proposed intergovernmental agreement with CPRD that provides CPRD funds for the Forecourt portion of work as part of the Sheridan Street & Chehalem Cultural Center Forecourt Project. This proposed IGA is shown in Exhibit "A", which is attached and by this reference hereby adopted.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: August 20, 2013.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 19<sup>th</sup> day of August 2013.

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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 22<sup>th</sup> day of August 2013.

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Bob Andrews, Mayor

**INTERGOVERNMENTAL AGREEMENT  
FOR NEWBERG CULTURAL DISTRICT**

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between CHEHALEM PARKS AND RECREATION DISTRICT, hereinafter referred to as "CPRD," and the CITY OF NEWBERG, a municipal corporation of the State of Oregon, hereinafter referred to as "CITY."

Parties:

|                         |                                       |
|-------------------------|---------------------------------------|
| City of Newberg         | Chehalem Park and Recreation District |
| a municipal corporation | a special district                    |
| 414 East First Street   | 125 South Elliott Road                |
| P.O. Box 970            |                                       |
| Newberg, OR 97132       | Newberg, OR 97132                     |
| (503) 538-9421          | (503) 538-7454                        |

**RECITALS:**

1. This Intergovernmental Agreement is entered into this pursuant to authority of Chapter 190 of the Oregon Revised Statutes.
2. CPRD will construct a forecourt in between the Chehalem Cultural Center and E. Sheridan Street.
3. The City will reconstruct E. Sheridan Street from Blaine to School Street.
4. The City and CPRD desire to have the reconstruction of E. Sheridan Street from Blaine to School Street and construction of the forecourt in front of the Chehalem Cultural Center done at the same time.
5. The City will Bid out the projects and CPRD will reimburse the City for all work done on the Forecourt as prescribed in the Bid documents.

**NOW, THEREFORE, in consideration of mutual promises and covenants contained herein, the parties agree as follows:**

1. **TERM.** The Term of this Agreement shall commence on acceptance of bid to do work on E. Sheridan Street and Forecourt, and shall end at the completion of the projects.
2. **Compensation.** The City shall charge CPRD and CPRD shall pay for work done by contractor on the forecourt project as billed by contractor and agreed to by CPRD and the City.
3. **City's Obligation.**
  - A) To bill CPRD Monthly for work done on the forecourt.
  - B) To make CPRD aware of any Change Orders on the forecourt and get CPRD's approval.
4. **CPRD's Obligation.**
  - A) Payment: Pay in accordance with the regular billing and payment practices for all charges responsible to CPRD, as billed by the City within 15 days from receiving bill.
5. **Contract Disputes.** Should any provisions of this Agreement or the application thereof, be held invalid or unenforceable, the remainder of this Agreement and the application thereof other than those provisions as to which it shall have been held invalid or unenforceable, shall not be permitted by law or equity. The parties agree that any disagreements regarding the interpretation, meaning, or effect of any provision of this Agreement shall be settled by arbitration if so requested by any party in writing. In case of such a written request, the parties agree that within sixty (60) days binding arbitration will be entered into, with the parties jointly selecting an arbitrator. The cost of the arbitrator shall be borne equally by both parties.
6. **Laws and Regulations.** During the entire term of this Agreement, both parties shall comply in every respect with the other party's policies, all laws, rules and regulations of the State affecting or regulating local government.
7. **Indemnification.** Each party is a public entity. Each government entity shall indemnify and defend the other party from any claims, loss, or liability arising out of or relating to the sole negligence of that party and/or that party's agents, officers, or employees.
8. **Entire Agreement.** This Agreement sets forth the entire agreement between CPRD and the City Concerning the subject matter thereof. There are no representations, either oral or written, between the parties other than those contained in this Agreement. All modifications shall be in writing and signed by the parties

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year herein above written

**CITY OF NEWBERG**

**CHEHALEM PARK AND  
RECREATION DISTRICT**

by: \_\_\_\_\_

**Dan Danici  
City Manager**

by: \_\_\_\_\_

**Don Clements  
Superintendent**

**APPROVED AS TO FORM AND CONTENT:**

\_\_\_\_\_

**Terrence D. Mahr      date  
City Attorney**

\_\_\_\_\_

**Allyn Brown      date  
CPRD Attorney**